

the
CENTER FOR EDUCATION REFORM



North Carolina Bill SB 337 – Analysis of Changes to Charter School Law	
SB 337 Language	CER’s Comments
<p>Charter Authorizing</p> <p>Page 1 – 2, Lines 26 – 12 - (b) <u>North Carolina Charter Schools Advisory Board, hereinafter referred to in this Part as the Advisory Board. The Advisory Board shall be located administratively within the Department of Public Instruction and shall report to the State Board of Education. (1) Membership. – The State Superintendent of Public Instruction, or the Superintendent's designee, shall be the secretary of the Advisory Board and a non-voting member. The Advisory Board shall consist of the following 11 voting members:</u></p>	<p>While some make the claim that codifying the Charter School Advisory Board in law allows its “advisory” nature to be preserved, its permanence surely gives it the power to serve as the State Board of Education’s “surrogate authorizer.” Combined with the proposed elimination of the state’s only other alternative authorizers (see next item below), this results in complete control of all chartering by the Department of Education.</p> <p><i>POSITION: This proposed change puts in law exactly what is the current practice in NC. More effective and efficient routes to charter authorization exist in other states, and could be adopted here instead of codifying the Advisory Board. Combined with the elimination of other authorizers, however, this proposal becomes more troubling.</i></p>
<p>Charter Authorizing</p> <p>Page 3, Lines 42 – 49 – (c) An applicant shall submit the application to a chartering entity for preliminary approval. A chartering entity may be:</p> <ol style="list-style-type: none"> 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. <p>Regardless of which chartering entity receives the application for preliminary approval, the State Board of Education shall have final approval of the charter school.</p>	<p>Eliminates all other potential “preliminary” charter authorizers in state, including the University of NC. Although UNC has not yet made use of this limited authority, eliminating completely alternative independent charter authorizers – as the strike-out provisions do – sends the message that North Carolina doesn’t even want the opportunity to join these states as national reform leaders. States which lead the national rankings for having successful charters have alternative, multiple authorizers, almost all with universities as part of their portfolio. Constraining chartering authority to solely one entity is a fundamental step backwards.</p> <p><i>POSITION: Strongly oppose the elimination from current law of UNC as a charter authorizer.</i></p>

<p>Charter Applications</p> <p>Page 4, Lines 23 – 27 - The State 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 EducationEducation, (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,</p>	<p>Language added to allow unlimited additional requirements by the state board as well as to require the state board to determine “that the applicant has the ability to operate the school and would be likely to operate the school in an educationally...sound manner” invites the state board to impose its educational views and beliefs on the design of charter schools and second guess the academic judgment of the preliminary chartering entities. New language provides overly broad discretion to the state board. POSITION: Current law is adequate. If strengthening is desired, the language could be modified.</p>
<p>Leasing</p> <p>Page 6, Lines 1 – 5 - If a charter school has requested to lease available buildings or land and is unable to reach an agreement with the local board of education, the charter school shall have the right to appeal to the board of county commissioners in which the building or land is located. The board of county commissioners shall have the final decision-making authority on the leasing of the available building or land.</p>	<p>The proposed change provides an additional route for charter schools to secure facilities. Providing that the county commissioners have the “final decision-making authority” should also include recognition that charter schools can seek legal remedies as well. POSITION: Support, with a preference to ensure that court action could trump a bad local administrative ruling.</p>
<p>Enrollment Priority</p> <p>Page 10 – 11, Lines 35 – 16 - The charter school may give enrollment priority to any of the following:</p> <ol style="list-style-type: none"> siblingsSiblings of currently enrolled students who were admitted to the charter school in a previous year and year. For the purposes of this subsection, the term "siblings" includes half siblings, stepsiblings, and children residing in a family foster home. to childrenChildren of the school's principal, teachers, and teacher assistants.assistants. Children of all school employees. In addition, and only for For its first three year years 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.less.... 	<p>Very specific (and unnecessary) priorities and definitions spelled out for siblings, and specific regulations on how to handle twins in lotteries. Additional preferences to children of all employees would leave very few available lottery slots, and call into question the very definition of a charter school in North Carolina. POSITION: Oppose these additional regulations.</p>

<p>Charter Funding</p> <p>Page 14, Lines 6 – 36 - (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 fund of to the local school administrative unit for the fiscal year. <u>The per pupil share of the local current expense fund shall be transferred to the charter school within 30 days of the receipt of monies into the local current expense fund. If the local school administrative unit fails to timely comply with the requirements of this subsection, interest at the legal rate as provided in G.S. 24-1 on the amount required to be transferred to the charter school shall accrue from the date of delinquency until that amount, together with any interest, is transferred to the charter school. If the charter school is transferred a greater share of funds than required by this subsection and fails to return those funds within 30 days, unless the charter school and local school administrative unit otherwise have an agreement on overpayment of funds, interest at the legal rate as provided in G.S. 24-1 on the overpayment of funds shall accrue from the date of delinquency until that amount, together with interest, is transferred to the local school administrative unit.</u></p>	<p>The attempt to clarify a portion of local funding for charter schools and to allow charters greater ability to hold districts accountable if they don't receive payment are good fixes. However, charter schools should not be forced to pay interest on overpayments received and being attempted to be resolves with local districts.</p> <p><i>POSITION: Support, if provision is eliminated that requires charter schools to pay interest on overpayments while trying to resolve the issue with the district.</i></p>
<p>Charter Authorizing</p> <p>Page 15, Lines 8 – 16 - (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.</p>	<p>Removes original language that allowed the creation of the Charter School Advisory Board. This is replaced by the codification of the Advisory Board, changing it from an option of the State Board of Education to create to a permanent body in law (see above).</p> <p><i>POSITION: Current law is adequate.</i></p>

<p>Charter Funding</p> <p>Page 16, Lines 6 – 9 - <u>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 share of the local current expense fund transferred to a charter school pursuant to G.S. 115C-238.29H(b).</u>"</p>	<p>Removing additional funds, here "Special funds," from the local school funding that serves as a basis for determining charter school aid lowers the level of funding for charter schools, creating a greater inequity.</p> <p><i>POSITION: Oppose.</i></p>
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