

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 379\*

Short Title: Amend Charter Sch. Laws.

(Public)

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Sponsors: Representatives Wood; and Sexton.

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Referred to: Education, if favorable, Judiciary II.

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March 3, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. 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 within a local school administrative unit may apply to establish a charter school on behalf of a private nonprofit ~~corporation~~ corporation or through creation of a charter school authority. 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.

- 1 (3) The governance structure of the school including the process to be  
2 followed by the school to ensure parental involvement. If the applicant  
3 seeks to establish a charter school through creation of a charter school  
4 authority, this information shall include the names of the proposed  
5 initial members of the authority, the terms of office of those members if  
6 less than the proposed duration of the charter school authority's  
7 existence as set forth in subdivision (9) of this subsection, and the  
8 proposed method for filling vacancies in the membership of the  
9 authority.
- 10 (3a) The local school administrative unit in which the school will be located.
- 11 (4) Admission policies and procedures.
- 12 (5) A proposed budget for the school and evidence that the plan for the  
13 school is economically sound.
- 14 (6) Requirements and procedures for program and financial audits.
- 15 (7) A description of how the school will comply with G.S. 115C-238.29F.
- 16 (8) Types and amounts of insurance coverage, including bonding insurance  
17 for the principal officers of the school, to be obtained by the charter  
18 school.
- 19 (9) The term of the ~~contract.~~ contract or, in the case of a charter school  
20 operated by a charter school authority, the duration of the charter school  
21 authority's existence.
- 22 (10) The qualifications required for individuals employed by the school.
- 23 (11) The procedures by which students can be excluded from the charter  
24 school and returned to a public school. Notwithstanding any law to the  
25 contrary, any local board may refuse to admit any student who is  
26 suspended or expelled from a charter school due to actions that would  
27 lead to suspension or expulsion from a public school under G.S. 115C-  
28 391 until the period of suspension or expulsion has expired.
- 29 (12) The number of students to be served, which number shall be at least 65,  
30 and the minimum number of teachers to be employed at the school,  
31 which number shall be at least three. However, the charter school may  
32 serve fewer than 65 students or employ fewer than three teachers if the  
33 application contains a compelling reason, such as the school would  
34 serve a geographically remote and small student population.
- 35 (13) Information regarding the facilities to be used by the school and the  
36 manner in which administrative services of the school are to be  
37 provided.
- 38 (14) ~~A description of whether the school will operate independently of the~~  
39 ~~local board of education or whether it agrees to be subject to some~~  
40 ~~supervision and control of its administrative operations by the local~~  
41 ~~board of education. In the event the charter school elects to operate~~  
42 ~~independently of the local board of education, A statement of whether~~  
43 ~~the school will be operated by a nonprofit, tax-exempt corporation or by~~

1 a charter school authority. In the event a nonprofit, tax-exempt  
2 corporation will operate the charter school, the application must specify  
3 which employee benefits will be offered to its employees and how the  
4 benefits will be funded.

5 (c) An applicant shall submit the application to a chartering entity for preliminary  
6 approval. A chartering entity for a charter school to be operated by a nonprofit, tax-  
7 exempt corporation may be:

- 8 (1) The local board of education of the local school administrative unit in  
9 which the charter school will be located;  
10 (2) The board of trustees of a constituent institution of The University of  
11 North Carolina, so long as the constituent institution is involved in the  
12 planning, operation, or evaluation of the charter school; or  
13 (3) The State Board of Education.

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

16 Only the State Board of Education may approve an application for a charter school  
17 that will be operated by a charter school authority.

18 (c1) Unless an applicant submits its application under subsection (c) of this section  
19 to the local board of education of the local school administrative unit in which the charter  
20 school will be located, the applicant shall submit a copy of its application to that local  
21 board by November 10. The local board may offer any information or comment  
22 concerning the application it considers appropriate to the chartering entity. The local  
23 board shall deliver this information to the chartering entity no later than January 1 of the  
24 next calendar year. The applicant shall not be required to obtain or deliver this  
25 information to the chartering entity on behalf of the local board."

26 Section 2. Part 6A of Article 16 of Chapter 115C of the General Statutes is  
27 amended by adding the following new section to read:

28 "**§ 115C-238.29C1. Criminal history checks.**

29 (a) As used in this section:

- 30 (1) 'Criminal history' means a county, state, or federal criminal history of  
31 conviction of a crime, whether a misdemeanor or a felony, that indicates  
32 an individual (i) poses a threat to the physical safety of students or  
33 personnel, or (ii) has demonstrated that he or she does not have the  
34 integrity or honesty to fulfill his or her duties as the operator of a charter  
35 school. These crimes include the following North Carolina crimes  
36 contained in any of the following Articles of Chapter 14 of the General  
37 Statutes: Article 5A, Endangering Executive and Legislative Officers;  
38 Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8,  
39 Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious  
40 Injury or Damage by Use of Explosive or Incendiary Device or  
41 Material; Article 14, Burglary and Other Housebreakings; Article 15,  
42 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery;  
43 Article 18, Embezzlement; Article 19, False Pretense and Cheats;

1 Article 19A, Obtaining Property or Services by False or Fraudulent Use  
2 of Credit Device or Other Means; Article 20, Frauds; Article 21,  
3 Forgery; Article 26, Offenses Against Public Morality and Decency;  
4 Article 26A, Adult Establishments; Article 27, Prostitution; Article 28,  
5 Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office;  
6 Article 35, Offenses Against the Public Peace; Article 36A, Riots and  
7 Civil Disorders; Article 39, Protection of Minors; and Article 60,  
8 Computer-Related Crime. These crimes also include possession or sale  
9 of drugs in violation of the North Carolina Controlled Substances Act,  
10 Article 5 of Chapter 90 of the General Statutes, and alcohol-related  
11 offenses such as sale to underage persons in violation of G.S. 18B-302  
12 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-  
13 138.5. In addition to the North Carolina crimes listed in this  
14 subdivision, such crimes also include similar crimes under federal law  
15 or under the laws of other states.

16 (2) 'School personnel' means any:

- 17 a. Operator of a charter school,  
18 b. Employee of a charter school, or  
19 c. Independent contractor or employee of independent contractor of  
20 a charter school if the independent contractor carries out duties  
21 customarily performed by school personnel,  
22 whether paid with federal, State, local, or other funds, who has  
23 significant access to students or who has responsibility for the fiscal  
24 management of a charter school.

25 (b) The State Board of Education shall adopt a policy on whether and under what  
26 circumstances school personnel shall be required to be checked for a criminal history  
27 after preliminary approval has been granted but before the Board grants final approval of  
28 an application under G.S. 115C-238.29D. The Board shall apply its policy uniformly in  
29 requiring school personnel to be checked for a criminal history. The Board may grant  
30 conditional approval of an application while the Board is checking a person's criminal  
31 history and making a decision based on the results of the check.

32 The State Board shall not require school personnel to pay for the criminal history  
33 check authorized under this section.

34 (c) The Department of Justice shall provide to the State Board of Education the  
35 criminal history from the State and National Repositories of Criminal Histories of any  
36 school personnel for which the Board requires a criminal history check. The Board of  
37 Education shall require the person to be checked by the Department of Justice to (i) be  
38 fingerprinted and to provide any additional information required by the Department of  
39 Justice to a person designated by the local board, or to the local sheriff or the municipal  
40 police, whichever is more convenient for the person, and (ii) sign a form consenting to  
41 the check of the criminal record and to the use of fingerprints and other identifying  
42 information required by the repositories. The State Board shall consider refusal to

1 consent when deciding whether to grant final approval of an application under G.S.  
2 115C-238.29D.

3 The State Board shall not require school personnel to pay for being fingerprinted as  
4 authorized under this section.

5 (d) The State Board shall review the criminal history it receives on an individual.  
6 The State Board shall determine whether the results of the review indicate that the  
7 individual (i) poses a threat to the physical safety of students or personnel, or (ii) has  
8 demonstrated that he or she does not have the integrity or honesty to fulfill his or her  
9 duties as school personnel and shall use the information when deciding whether to grant  
10 final approval under G.S. 115C-238.29D. The State Board shall make written findings  
11 with regard to how it used the information when deciding whether to grant final approval  
12 under G.S. 115C-238.29D.

13 (e) All the information received by the State Board of Education through the  
14 checking of the criminal history is privileged information and is not a public record but is  
15 for the exclusive use of the State Board of Education. The State Board of Education may  
16 destroy the information after it is used for the purposes authorized by this section after  
17 one calendar year.

18 (f) There shall be no liability for negligence on the part of the State Board of  
19 Education, or its employees, arising from any act taken or omission by any of them in  
20 carrying out the provisions of this section. The immunity established by this subsection  
21 shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that  
22 would otherwise be actionable. The immunity established by this subsection shall be  
23 deemed to have been waived to the extent of indemnification by insurance,  
24 indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and  
25 to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in  
26 Article 31 of Chapter 143 of the General Statutes."

27 Section 3. G.S. 115C-238.29D(d) reads as rewritten:

28 "(d) The State Board of Education may grant a charter for a period not to exceed  
29 five years and may renew the charter upon the request of the chartering entity for  
30 subsequent periods not to exceed five years each. A material revision of the provisions of  
31 a charter application shall be made only upon the approval of the State Board of  
32 Education. Nonrenewal of a charter to a charter school authority shall constitute  
33 revocation of the resolution creating the authority."

34 Section 4. G.S. 115C-238.29E reads as rewritten:

35 "**§ 115C-238.29E. Charter school operation.**

36 (a) A charter school that is approved by the State shall be a public school within  
37 the local school administrative unit in which it is located. It shall be accountable to the  
38 ~~local board of education~~ State Board of Education for purposes of ensuring compliance  
39 with applicable laws and the provisions of its charter.

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

1           (1) By a private nonprofit corporation that receives federal tax-exempt  
2 status no later than 24 months after final approval of the application.

3           (2) By a charter school authority created by resolution of the State Board of  
4 Education. The resolution creating the charter school authority shall  
5 incorporate at a minimum the information provided in the application,  
6 as modified during the charter approval process, and any other terms  
7 and conditions imposed on the charter school by the State Board. A  
8 charter school authority shall have all powers necessary or convenient to  
9 carry out and effectuate the purposes and provisions of this Part as well  
10 as the obligations and duties imposed on it by the State Board's creating  
11 resolution.

12           (c) A charter school that is operated by a nonprofit, tax-exempt corporation shall  
13 operate under a written contract signed by the ~~local board of education~~ State Board of  
14 Education and the applicant. The contract shall incorporate at a minimum the  
15 information provided in the application, as modified during the charter approval process,  
16 and any terms and conditions imposed on the charter school by the State Board of  
17 Education.

18           ~~If the local board of education does not sign the contract, the State Board may sign on~~  
19 ~~behalf of the local board.~~

20           (d) The board of directors of ~~the~~ a charter school operated by a nonprofit, tax-  
21 exempt corporation or the charter school authority, as applicable, shall decide matters  
22 related to the operation of the school, including budgeting, curriculum, and operating  
23 procedures.

24           ~~(e) A charter school shall be located in the local school administrative unit with which it~~  
25 ~~signed the contract. Its~~ A charter school's specific location shall not be prescribed or  
26 limited by a local board or other authority except a zoning authority. The school may  
27 lease space from a local board of education, from a public or private nonsectarian  
28 organization, or as is otherwise lawful in the local school administrative unit in which the  
29 charter school is located. At the request of the charter school, the local board of  
30 education of the local school administrative unit in which the charter school will be  
31 located shall lease any available space to the charter school unless the board demonstrates  
32 that the lease is not economically or practically feasible.

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

36           Section 5. G.S. 115C-238.29F reads as rewritten:

37 **"§ 115C-238.29F. General requirements.**

38           (a) Health and Safety Standards. – A charter school shall meet the same health and  
39 safety requirements required of a local school administrative unit.

40           (b) School Nonsectarian. – A charter school shall be nonsectarian in its programs,  
41 admission policies, employment practices, and all other operations and shall not charge  
42 tuition. A charter school shall not be affiliated with a nonpublic sectarian school or a  
43 religious institution.

1 (c) Civil Liability and Insurance. –

2 (1) The board of directors of a charter school operated by a nonprofit, tax-  
3 exempt corporation or the charter school authority may sue and be sued.  
4 The board of directors or charter school authority shall obtain at least  
5 the amount of and types of insurance required by the ~~contract.~~ contract  
6 or creating resolution.

7 (2) No civil liability shall attach to any chartering entity, to the State Board  
8 of Education, or to any of their members or employees, individually or  
9 collectively, for any acts or omissions of the charter school. ~~In the event~~  
10 ~~a charter school has not elected total independence from the local board of~~  
11 ~~education under subsection (e) of this section.~~ In the case of a charter  
12 school operated by a charter school authority, the immunity established  
13 by this subsection shall be deemed to have been waived to the extent of  
14 indemnification by insurance, indemnification under Articles 31A and  
15 31B of Chapter 143 of the General Statutes, and to the extent sovereign  
16 immunity is waived under the Tort Claims Act, as set forth in Article 31  
17 of Chapter 143 of the General Statutes.

18 (d) Instructional Program. –

19 (1) The school shall provide instruction each year for at least 180 days.

20 (2) The school shall design its programs to at least meet the student  
21 performance standards adopted by the State Board of Education and the  
22 student performance standards contained in the contract ~~with the local~~  
23 ~~board of education.~~ or creating resolution.

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

26 (4) The school shall comply with policies adopted by the State Board of  
27 Education for charter schools relating to the education of children with  
28 special needs.

29 (5) The school is subject to and shall comply with Article 27 of Chapter  
30 115C of the General ~~Statutes.~~ Statutes, except that a charter school may  
31 also exclude a student from the charter school and return that student to  
32 another school in the local school administrative unit in accordance with  
33 the terms of its ~~contract.~~ contract or creating resolution.

34 (e) Employees. –

35 (1) An employee of a charter school is not an employee of the local school  
36 administrative unit in which the charter school is located. The charter  
37 school's board of directors or the charter school authority, as applicable,  
38 shall employ and contract with necessary teachers to perform the  
39 particular service for which they are employed in the school; at least  
40 seventy-five percent (75%) of these teachers in grades kindergarten  
41 through five, at least fifty percent (50%) of these teachers in grades six  
42 through eight, and at least fifty percent (50%) of these teachers in grades  
43 nine through 12 shall hold teacher certificates. The board or authority

1 also may employ necessary employees who are not required to hold  
2 teacher certificates to perform duties other than teaching and may  
3 contract for other services. The board or authority may discharge  
4 teachers and noncertificated employees.

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

7 (3) If a teacher employed by a local school administrative unit makes a  
8 written request for an extended leave of absence to teach at a charter  
9 school, the local school administrative unit shall grant the leave. The  
10 local school administrative unit shall grant a leave for any number of  
11 years requested by the teacher, shall extend the leave for any number of  
12 years requested by the teacher, and shall extend the leave at the teacher's  
13 request. The local school administrative unit may require that the  
14 request for a leave or extension of leave be made up to 90 days before  
15 the teacher would otherwise have to report for duty. A teacher who has  
16 career status under G.S. 115C-325 prior to receiving an extended leave  
17 of absence to teach at a charter school may return to a public school in  
18 the local school administrative unit with career status at the end of the  
19 leave of absence or upon the end of employment at the charter school if  
20 an appropriate position is available. If an appropriate position is  
21 unavailable, the teacher's name shall be placed on a list of available  
22 teachers and that teacher shall have priority on all positions for which  
23 that teacher is qualified in accordance with G.S. 115C-325(e)(2).

24 (4) ~~In the event a charter school, in its application, elects total independence~~  
25 ~~from the local board of education, its employees shall not be deemed to~~  
26 ~~be employees of the local school administrative unit and shall not be~~  
27 ~~entitled to any State funded employee benefits, including membership~~  
28 ~~in the North Carolina Teachers' and State Employees' Retirement~~  
29 ~~System or the Teachers' and State Employees' Comprehensive Major~~  
30 ~~Medical Plan. In the event a charter school, in its application, agrees to~~  
31 ~~be subject to some supervision and control of its administrative~~  
32 ~~operations by the local board of education, the employees of the charter~~  
33 ~~school will be deemed employees of the local school administrative unit~~  
34 ~~for purposes of providing certain State funded employee benefits,~~  
35 ~~including membership in the Teachers' and State Employees' Retirement~~  
36 ~~System and the Teachers' and State Employees' Comprehensive Major~~  
37 ~~Medical Plan. The Board of Trustees of the Teachers' and State~~  
38 ~~Employees' Retirement System, in consultation with the State Board of~~  
39 ~~Education, shall determine the degree of supervision and control~~  
40 ~~necessary to qualify the employees of the applicant for membership in~~  
41 ~~the Retirement System. In no event shall anything contained in this Part~~  
42 ~~require the North Carolina Teachers' and State Employees' Retirement~~



- 1                   System to accept employees of a private employer as members or  
2                   participants of the System.
- 3           (5)   Employees of a charter school operated by a charter school authority  
4           created by resolution of the State Board are public employees and are  
5           'teachers' within the meaning of G.S. 135-5(25) to the same extent as if  
6           they were employees of a local school administrative unit. The charter  
7           school shall remit all retirement contributions required by G.S. 135-8  
8           with the retirement contributions of the local school administrative unit  
9           in which the school is located, and the employees of the school shall be  
10           reported for purposes of the Teachers' and State Employees' Retirement  
11           System of North Carolina only, as employees of that local school  
12           administrative unit. Employees of a charter school operated by a  
13           nonprofit, tax-exempt corporation are not public employees and are not  
14           'teachers' within the meaning of G.S. 135-5(25).
- 15   (f)   Accountability. –
- 16       (1)   The school is subject to the financial audits, the audit procedures, and  
17       the audit requirements adopted by the State Board of Education for  
18       charter schools.
- 19       (2)   The school shall comply with the reporting requirements established by  
20       the State Board of Education in the Uniform Education Reporting  
21       System.
- 22       (3)   The school shall report at least annually to the chartering entity and the  
23       State Board of Education the information required by the chartering  
24       entity or the State Board.
- 25   (g)   Admission Requirements. –
- 26       (1)   Any child who is qualified under the laws of this State for admission to  
27       a public school is qualified for admission to a charter school.
- 28       (2)   No local board of education shall require any student enrolled in the  
29       local school administrative unit to attend a charter school.
- 30       (3)   Admission to a charter school shall not be determined according to the  
31       school attendance area in which a student resides, except that any local  
32       school administrative unit in which a public school converts to a charter  
33       school shall give admission preference to students who reside within the  
34       former attendance area of that school.
- 35       (4)   Admission to a charter school shall not be determined according to the  
36       local school administrative unit in which a student resides, except that  
37       the provisions of G.S. 115C-366(d) shall apply to a student who wishes  
38       to attend a charter school in a county other than the county in which the  
39       student resides.
- 40       (5)   A charter school shall not discriminate against any student on the basis  
41       of ethnicity, national origin, gender, or disability. Except as otherwise  
42       provided by law or the mission of the school as set out in the ~~contract,~~  
43       contract or creating resolution, the school shall not limit admission to

1 students on the basis of intellectual ability, measures of achievement or  
2 aptitude, athletic ability, disability, race, creed, gender, national origin,  
3 religion, or ancestry. Within one year after the charter school begins  
4 operation, the population of the school shall reasonably reflect the racial  
5 and ethnic composition of the general population residing within the  
6 local school administrative unit in which the school is located or the  
7 racial and ethnic composition of the special population that the school  
8 seeks to serve residing within the local school administrative unit in  
9 which the school is located. The school shall be subject to any court-  
10 ordered desegregation plan in effect for the local school administrative  
11 unit.

12 (6) The school shall enroll an eligible student who submits a timely  
13 application, unless the number of applications exceeds the capacity of a  
14 program, class, grade level, or building. In this case, students shall be  
15 accepted by lot.

16 (7) Notwithstanding any law to the contrary, a charter school may refuse  
17 admission to any student who has been expelled or suspended from a  
18 public school under G.S. 115C-391 until the period of suspension or  
19 expulsion has expired.

20 (h) Transportation. – The charter school ~~shall provide transportation for students~~  
21 ~~enrolled at the school who reside in the local school administrative unit in which the~~  
22 ~~school is located. The charter school may provide transportation for students enrolled at~~  
23 ~~the school who reside in different local school administrative units.~~ school. The charter  
24 school shall develop a transportation plan so that transportation is not a barrier to any  
25 student who resides in the local school administrative unit in which the school is located.  
26 The charter school is not required to provide transportation to any student who lives  
27 within one and one-half miles of the school. The local board of the local school  
28 administrative unit in which the charter school is located shall contract with the charter  
29 school for the provision of transportation if the board operates a school bus transportation  
30 system. However, the local board may refuse to provide transportation if it demonstrates  
31 there is no available space or it would not be practically feasible.

32 (i) Assets. – Upon dissolution of the charter school or upon the nonrenewal of the  
33 charter, all assets of the charter school shall be deemed the property of the local school  
34 administrative unit in which the charter school is located."

35 Section 6. G.S. 115C-238.29G reads as rewritten:

36 "**§ 115C-238.29G. Causes for nonrenewal or termination.**

37 The State Board of Education, or a chartering entity subject to the approval of the  
38 State Board of Education, may terminate or not renew a contract or may revoke or not  
39 renew a resolution creating a charter school authority upon any of the following grounds:

40 (1) Failure to meet the requirements for student performance contained in  
41 the ~~contract;~~ contract or creating resolution;

42 (2) Failure to meet generally accepted standards of fiscal management;

43 (3) Violations of law;

- 1           (4)    Material violation of any of the conditions, standards, or procedures set  
2            forth in the ~~contract~~; contract or creating resolution;
- 3           (5)    Two-thirds of the faculty and instructional support personnel at the  
4            school request that the contract be terminated or not renewed or that the  
5            creating resolution be revoked or not renewed; or
- 6           (6)    Other good cause identified.

7           The State Board of Education shall develop and implement a process to address  
8           contractual and other grievances between a charter school and its chartering entity during  
9           the time of its charter. Only the State Board may revoke a resolution creating a charter  
10          school authority."

11          Section 7. G.S. 115C-238.29H(a) reads as rewritten:

12          "(a)   The State Board of Education shall allocate to each charter school (i) an  
13          amount equal to the average per pupil allocation for average daily membership from the  
14          local school administrative unit allotments in which the charter school is located for each  
15          child attending the charter school except for the allocation for children with special needs  
16          and (ii) an additional amount for each child attending the charter school who is a child  
17          with special needs.

18          Funds allocated by the State Board of Education ~~shall not be used to purchase land or~~  
19          ~~buildings.~~ may be used to enter into operational leases for real property or mobile  
20          classroom units for use as school facilities for charter schools. However, funds allocated  
21          by the State Board of Education shall not be used to obtain any other interest in real  
22          property or mobile classroom units. As used in this subsection, the term 'operational  
23          leases' is defined according to generally accepted accounting principles. The school may  
24          own land and buildings it ~~obtained~~ obtains through non-State sources."

25          Section 8. G.S. 115C-238.29I(d) reads as rewritten:

26          "(d)   The State Board of Education may establish a Charter School Advisory  
27          Committee to assist with the implementation of this Part. The Charter School Advisory  
28          Committee may (i) provide technical assistance to chartering entities or to potential  
29          applicants, (ii) review applications for preliminary approval, (iii) make recommendations  
30          as to whether the State Board should approve applications for charter schools, (iv) make  
31          recommendations as to whether the State Board should terminate or not renew a ~~contract~~,  
32          contract or revoke or not renew a creating resolution, (v) make recommendations  
33          concerning grievances between a charter school and its chartering entity, (vi) assist with  
34          the review under subsection (c) of this section, and (vii) provide any other assistance as  
35          may be required by the State Board."

36          Section 9. This act is effective when it becomes law.