

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 236**

Short Title: Low-Performing Charter Schools. (Public)

Sponsors: Representatives Glazier, Harrison, Jeffus, Lucas (Primary Sponsors);  
Bordsen, Farmer-Butterfield, Goodwin, Luebke, Pierce, Sutton,  
Wainwright, Weiss, Wray, and Yongue.

Referred to: Education.

February 19, 2007

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO TERMINATE  
THE CHARTER OF A CHARTER SCHOOL THAT FAILS TO MEET  
EXPECTED GROWTH FOR SEVEN CONSECUTIVE YEARS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-238.29G reads as rewritten:

**"§ 115C-238.29G. Causes for nonrenewal or termination; charter schools on probationary status; disputes.**

(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a charter upon any of the following grounds:

- (1) Failure to meet the requirements for student performance contained in the charter;
- (2) Failure to meet generally accepted standards of fiscal management;
- (3) Violations of law;
- (4) Material violation of any of the conditions, standards, or procedures set forth in the charter;
- (5) Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed; or
- (6) Other good cause identified.

(a1) The State Board of Education shall place on probationary status a charter school that fails for five consecutive years to achieve the level of expected growth determined by the State Board of Education for the school under the ABCs of Public Education Program. If a charter school on probationary status fails for two additional consecutive years to achieve the level of expected growth, the State Board of Education shall terminate the charter of that school.

1 (b) The State Board of Education shall develop and implement a process to  
2 address contractual and other grievances between a charter school and its chartering  
3 entity or the local board of education during the time of its charter.

4 (c) The State Board and the charter school are encouraged to make a good-faith  
5 attempt to resolve the differences that may arise between them. They may agree to  
6 jointly select a mediator. The mediator shall act as a neutral facilitator of disclosures of  
7 factual information, statements of positions and contentions, and efforts to negotiate an  
8 agreement settling the differences. The mediator shall, at the request of either the State  
9 Board or a charter school, commence a mediation immediately or within a reasonable  
10 period of time. The mediation shall be held in accordance with rules and standards of  
11 conduct adopted under Chapter 7A of the General Statutes governing mediated  
12 settlement conferences but modified as appropriate and suitable to the resolution of the  
13 particular issues in disagreement.

14 Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation  
15 proceedings shall be conducted in private. Evidence of statements made and conduct  
16 occurring in a mediation are not subject to discovery and are inadmissible in any court  
17 action. However, no evidence otherwise discoverable is inadmissible merely because it  
18 is presented or discussed in a mediation. The mediator shall not be compelled to testify  
19 or produce evidence concerning statements made and conduct occurring in a mediation  
20 in any civil proceeding for any purpose, except disciplinary hearings before the State  
21 Bar or any agency established to enforce standards of conduct for mediators. The  
22 mediator may determine that an impasse exists and discontinue the mediation at any  
23 time. The mediator shall not make any recommendations or public statement of findings  
24 or conclusions. The State Board and the charter school shall share equally the mediator's  
25 compensation and expenses. The mediator's compensation shall be determined  
26 according to rules adopted under Chapter 7A of the General Statutes."

27 **SECTION 2.** This act is effective when it becomes law.