

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS85129-LE-139 (2/27)

Short Title: Raise Cap on Number of Charter Schools. (Public)

Sponsors: Senators Berger of Franklin, Goodall and Shaw.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RAISE THE CAP ON CERTAIN CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

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

"§ 115C-238.29D. Final approval of applications for charter schools.

(a) The State Board shall grant final approval of an application if it finds that the application meets the requirements set out in this Part or adopted by the State Board of Education and that granting the application would achieve one or more of the purposes set out in G.S. 115C-238.29A. The State Board shall act by March 15 of a calendar year on all applications and appeals it receives prior to February 15 of that calendar year.

(b) The State Board shall authorize no more than five charter schools per year in one local school administrative unit. ~~The~~ Except as provided in subsection (b1) of this section, the State Board shall authorize no more than 100 charter schools statewide. If more than five charter schools in one local school administrative unit or more than 100 schools statewide meet the standards for final approval, the State Board shall give priority to applications that are most likely to further State education policies and to strengthen the educational program offered in the local school administrative units in which they are located.

(b1) The State Board may authorize an additional 25 charter schools if at least thirty percent (30%) of the students at those schools qualify for free or reduced-price lunches. If the percentage of students qualifying for free or reduced-price lunches at a charter school authorized under this subsection falls below thirty percent (30%), the school's charter is automatically terminated.

(c) The State Board of Education may authorize a school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. The State Board shall not allocate any funds to the school until the school has obtained space.

1 (d) The State Board of Education may grant the initial charter for a period not to
2 exceed 10 years and may renew the charter upon the request of the chartering entity for
3 subsequent periods not to exceed 10 years each. The State Board of Education shall
4 review the operations of each charter school at least once every five years to ensure that
5 the school is meeting the expected academic, financial, and governance standards.

6 A material revision of the provisions of a charter application shall be made only
7 upon the approval of the State Board of Education.

8 It shall not be considered a material revision of a charter application and shall not
9 require the prior approval of the State Board for a charter school to increase its
10 enrollment during the charter school's second year of operation and annually thereafter
11 (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in
12 accordance with planned growth as authorized in the charter. Other enrollment growth
13 shall be considered a material revision of the charter application, and the State Board
14 may approve such additional enrollment growth of greater than ten percent (10%) only
15 if the State Board finds that:

- 16 (1) The actual enrollment of the charter school is within ten percent (10%)
17 of its maximum authorized enrollment;
- 18 (2) The charter school has commitments for ninety percent (90%) of the
19 requested maximum growth;
- 20 (3) The board of education of the local school administrative unit in which
21 the charter school is located has had an opportunity to be heard by the
22 State Board of Education on any adverse impact the proposed growth
23 would have on the unit's ability to provide a sound basic education to
24 its students;
- 25 (4) The charter school is not currently identified as low-performing;
- 26 (5) The charter school meets generally accepted standards of fiscal
27 management; and
- 28 (6) It is otherwise appropriate to approve the enrollment growth."

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