

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 793*

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S793-ARQ-63 [v.5]

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Comm. Sub. [NO]
Amends Title [YES]
Second Edition

Date _____, 2014

Senator Tillman

1
2 moves to amend the bill on page 1, lines 2-9 by rewriting the lines to read:

3
4 " AN ACT TO PROVIDE THAT A TEACHER EMPLOYED BY A CHARTER SCHOOL
5 MAY SERVE AS A NONVOTING MEMBER OF THE BOARD OF DIRECTORS FOR
6 THE CHARTER SCHOOL; TO AMEND THE DATE BY WHICH THE STATE BOARD
7 OF EDUCATION SHALL MAKE DECISIONS ON CHARTER SCHOOL
8 APPLICATIONS; TO PROVIDE PRIORITY ENROLLMENT FOR THE CHILDREN OF
9 MEMBERS OF THE BOARD OF DIRECTORS OF CHARTER SCHOOLS BEYOND
10 THE INITIAL YEAR; TO MAKE CHARTER SCHOOLS SUBJECT TO
11 REQUIREMENTS OF THE OPEN MEETINGS AND PUBLIC RECORDS LAWS; TO
12 ALLOW CHARTER SCHOOLS TO ASK FOR ADDITIONAL INFORMATION
13 REGARDING THE TRANSFER OF THE PER PUPIL SHARE OF THE LOCAL
14 CURRENT EXPENSE FUND; TO SHORTEN THE TIME PERIOD FOR PAYMENT OF
15 DELINQUENT FUNDS; TO CLARIFY THE BIDDING PROCESS FOR THE
16 ASSUMPTION OF CHARTER SCHOOLS; AND TO DIRECT THE STATE BOARD OF
17 EDUCATION TO DEVELOP A FAST TRACK APPROVAL PROCESS.";

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19
20 And on page 1, lines 20-21 by inserting the following between those lines:

21
22 "SECTION 1.5. G.S. 115C-238.29D(a) reads as rewritten:

- 23 "(a) The State Board may grant final approval of an application if it finds the following:
24 (i)(1) ~~that the~~ The application meets the requirements set out in this Part and such
25 other requirements as may be adopted by the State Board of
26 ~~Education, Education.~~
27 (ii)(2) ~~that the~~ The applicant has the ability to operate the school and would be
28 likely to operate the school in an educationally and economically sound
29 ~~manner, and manner.~~
30 (iii)(3) ~~that granting~~ Granting the application would achieve one or more of the
31 purposes set out in G.S. 115C-238.29A.



* S 7 9 3 - A R Q - 6 3 - V - 5 *

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1 ~~The State Board shall act by January 15 of a calendar year on all applications and appeals it~~
2 ~~receives prior to a date established by the Office of Charter Schools for receipt of applications~~
3 ~~in the prior calendar year. In reviewing applications for the establishment of charter schools~~
4 ~~within a local school administrative unit, the State Board is encouraged to give preference to~~
5 ~~applications that demonstrate the capability to provide comprehensive learning experiences to~~
6 ~~students identified by the applicants as at risk of academic failure.~~

7 (a1) The State Board shall make final decisions on the approval or denial of applications
8 by August 15 of a calendar year on all applications it receives prior to a date established by the
9 Office of Charter Schools for receipt of applications in that application cycle. The State Board
10 may make the final decision for approval contingent upon the successful completion of a
11 planning period prior to enrollment of students."";

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13
14 And on page 1, lines 30-31 by inserting the following between those lines:

15
16 "(3) The charter school is not in compliance with State law, federal law, the
17 school's own bylaws, or the provisions set forth in its charter granted by the
18 State Board of Education."";

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21 And on page 2, lines 16-17 by inserting the following between those lines:

22
23 "**SECTION 4.5.** G.S. 115C-238.29F(g)(5a) reads as rewritten:

24 "(5a) The charter school may give enrollment priority to any of the following:

- 25 a. Siblings of currently enrolled students who were admitted to the
26 charter school in a previous year. For the purposes of this subsection,
27 the term "siblings" includes any of the following who reside in the
28 same household: half siblings, stepsiblings, and children residing in a
29 family foster home.
30 b. Siblings of students who have completed the highest grade level
31 offered by that school and who were enrolled in at least four grade
32 levels offered by the charter school or, if less than four grades are
33 offered, in the maximum number of grades offered by the charter
34 school.
35 c. Limited to no more than fifteen percent (15%) of the school's total
36 enrollment, unless granted a waiver by the State Board of Education,
37 the following:
38 1. Children of the school's full-time employees.
39 2. ~~For its first year of operation, children of the initial members~~
40 Children of the charter school's board of directors.
41 d. A student who was enrolled in the charter school within the two
42 previous school years but left the school (i) to participate in an
43 academic study abroad program or a competitive admission

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1 residential program or (ii) because of the vocational opportunities of
2 the student's parent."";
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5 And on page 2, lines 23-24 by inserting the following:
6

7 **"SECTION 5.2.** G.S. 115C-238.29H(c) reads as rewritten:

8 "(c) The local school administrative unit shall also provide each charter school to which
9 it transfers a per pupil share of its local current expense fund with all of the following
10 information within the 30-day time period provided in subsection (b) of this section:

- 11 (1) The total amount of monies the local school administrative unit has in each
- 12 of the funds listed in G.S. 115C-426(c).
- 13 (2) The student membership numbers used to calculate the per pupil share of the
- 14 local current expense fund.
- 15 (3) How the per pupil share of the local current expense fund was calculated.
- 16 (4) Any additional information requested by a charter school from the local
- 17 school administrative unit in order for the charter school to audit and verify
- 18 the calculation and transfer of the per pupil share of the local current
- 19 expense fund."

20 **SECTION 5.6.** G.S. 115C-238.29H(d) reads as rewritten:

21 "(d) Prior to commencing an action under subsection (b) of this section, the complaining
22 party shall give the other party 15 days' written notice of the alleged violation. The court shall
23 award the prevailing party reasonable attorneys' fees and costs incurred in an action under
24 subsection (b) of this section. The court shall order any delinquent funds, costs, fees, and
25 interest to be paid in equal monthly installments and shall establish a time for payment in full
26 that shall be no later than ~~three years~~ one year from the entry of any judgment."";
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29 And on page 2, line 29 by changing "a." to "(1)";
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31 And on page 2, line 29 by changing "five" to "three";
32

33 And on page 2, line 30 by changing "b." to "(2)";
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35 And on page 2, line 32, by changing "c." to "(3)";
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38 And on page 2, lines 37-38 by inserting the following:
39

40 **"SECTION 6.5.** Upon recommendations by the Office of Charter Schools and the
41 Charter Schools Advisory Board, the State Board of Education shall adopt a process and rules
42 for fast track replication of high quality charter schools currently operating in the State. The
43 fast track replication process adopted by the State Board of Education shall, at a minimum,

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1 require existing charter schools to demonstrate one of the following in order to qualify for fast
2 track replication:

3 (1) Has student academic outcomes that are comparable to the academic
4 outcomes of students in the local school administrative unit in which the
5 charter school is located and can provide three years of financially sound
6 audits.

7 (2) Agrees to contract with an education management organization or charter
8 management organization that can demonstrate that it can replicate high
9 quality charter schools in the State that have proven student academic
10 success and financial soundness.

11 The State Board of Education shall ensure that the rules for a fast track replication process
12 provide that decisions by the State Board of Education on whether to grant a charter through
13 the replication process are completed in less than 120 days. The State Board of Education shall
14 adopt rules and procedures required by this section by December 15, 2014, and report to the
15 Joint Legislative Education Oversight Committee by February 15, 2015.";

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And on page 2, lines 40-41 by rewriting the lines to read:

"SECTION 8. This act is effective when it becomes law and applies beginning
with the 2014-2015 school year. Section 5.6 of this act applies to actions filed on or after the
effective date of this act."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**