

ORANGE COUNTY
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: June 20, 2011

AGENDA ITEM No. 11-06-(2)-19

ACTION ITEM: (Y/N) N

SUBJECT: State Legislative Update

INFO. CONTACT: G. Patrick Rhodes PHONE: 919-732-8126

ATTACHMENTS: 1. Legislative Update – June 10, 2011 (provided by the State Board of Education)
2. General Assembly N.C. Senate Bill 8-No Cap on Number of Charter Schools.

PURPOSE: The purpose of this item is to provide an opportunity for the Board of Education to discuss education-related legislation.

BACKGROUND: In terms of school related legislative activity, the 2011 session of the General Assembly has seen numerous bills and provisions which will impact the public schools. Some highlights include:

1. Final charter school bill which will allow charters to increase in numbers and enrollment.
2. Revisions to the student discipline laws (pending).
3. Increase in the number of school days from 180 to 185.
4. Elimination of required school technology plans, school improvement plans, and safe school plans.
5. Reduction in the number of required renewal credits for licensed employees from 15 to 7.5.
6. Places some limitations on the ABC transfer process.

FINANCIAL IMPACT: Unknown at this time.

RECOMMENDATION: The Superintendent recommends the Board receive and discuss pending education-related legislation.

LEGISLATIVE UPDATE

June 10, 2011

Meetings June 13 - 16

Monday Committee Meetings

4:30 p.m. – 6:30 p.m.

Senate Committee on Education/Higher Education, 643 LOB

HB 342 High School Association

HB 344 Tax Credits for Children with Disabilities

Tuesday Committee Meetings

10:00 a.m.

House Education Committee, 643 LOB

SB 125 Regional Schools

SB 243 Public-Private Partnerships for Schools

SB 243 Educ. Oversight Comm. Study of Teacher Tenure

SB 466 Modify Teacher Career Statue Law

SB 479 Testing in the Public Schools

SB 726 Multiple Birth Sibling Classroom Placement.

House Judiciary II Committee, 1124 LB

HB 650 Amend Various Gun Laws/Castle Doctrine

Wednesday Committee Meetings

10:00 a.m.

Senate Committee on Education/Higher Education, 544 LOB (possible – not yet scheduled)

This week at the General Assembly has been marked by sessions going past midnight, supplemental calendars tacked on to the earlier posted calendars, and committee meetings being added to the schedule. While some bills had lengthy debate – such as voter identification on the House floor - others passed with little or no comment. The goal this week was to move as many bills as possible through committees and to the floor for a vote in order to meet the crossover deadline. The deadline had been set for yesterday – June 9. The Senate passed SB 782 to give the House until Sunday, June 12 to send bills over and for the Senate to vote on them through Monday, June 13.

In this weekly update, we will identify below the bills that have crossed over. Next week should be an equally busy week as both chambers work to vote on bills that have made the crossover deadline.

The surprise bill this week was the charter school bill. After almost a two-month hiatus from public debate, it emerged from the conference committee, cut from over twenty pages down to less than three

full pages. This bill entirely lifts the cap, allows charter schools to increase enrollment by 20% over what is provided in the charter without further approval, sets some standards and processes for taking action on low student achievement, and requires the State Board to report back to the General Assembly. It also leaves authority with the State Board. All other aspects of current law on charter schools remain in force. The bill received a 45-0 support in the Senate and 108-5 in the House. A copy of the bill is available on our website and is included as an attachment with this update.

The State Board intends to begin addressing charter school legislation at its July meeting, including the consideration of the advisory council. Removing the cap also will allow the Department to seek grants that will provide for evaluation of the state process and funds for new charter schools in their beginning years

The following bills have made crossover as of June 10, 2011

(bills listed in **BOLD** had action during June 6 - 9)

HOUSE BILLS

Note: "Passed first reading" is the language used on the General Assembly website to describe when the bill has been introduced; it does not reflect a vote on the bill.

HB 15 Opt. out of Fed'l Loan Program/Comm. Colleges (McElraft)

An Act to provide that Certain North Carolina Community Colleges may opt out of participation in the William D. Ford Federal Direct Loan Program.

- **Recent Action:**

6/9/2011 Referred to the Senate Committee on Education/Higher Education.

HB 17 Wayne County Board of Education Vacancies (Sager, LaRoque)

An Act to allow the Wayne County Board of Education to fill its own vacancies.

- **Recent Action:**

4/21/2011 Ch. SL 2011-49

HB 48 No Standardized Testing Unless Req'd by Feds (Holloway, Blackwell, Hilton, Cotham)

An Act to reduce spending by eliminating statewide standardized testing in the public schools, except as required by federal law or as a condition of a federal grant.

- **Recent Action:**

3/21/2011 Ch. SL 2011-8

HB 58 Comm. Colleges/Opt out of Fed'l Loan Program (Burr, Holloway, Guice, Johnson)

An Act to provide that certain North Carolina Community Colleges may opt out of participation in the William D. Ford Federal Direct Loan Program.

- **Recent Action:**

6/9/2011 Referred to the Senate Committee on Education/Higher Education.

HB 67 Wilson County School Board (Tolson, Farmer-Butterfield)

An Act to change the date that members of the Wilson County Board of Education take office and to fix an error in a 1987 local act relating to that board.

- Recent Action:
2/24/11 Passed 1st reading in the Senate, referred to the Committee on Rules, Operations of the Senate.

HB 134 Comm. Colleges/Opt. out of Fed'l Loan Program. (McElraft)

An Act to provide that certain North Carolina Community Colleges may opt out of participation in the William D. Ford Federal Direct Loan Program.

- Recent Action:
6/9/2011 Referred to the Senate Committee on Education/Higher Education.

HB 181 Add Supt. to NC Econ. Dev. Bd. (Glazier)

An Act to add the State Superintendent of Public Instruction to the Economic Development Board, as recommended by the Joint Legislative Joining Our Businesses and Schools (Jobs) Study Commission.

- Recent Action:
6/8/2011 Ratified

HB 197 School Calendar Flexibility/Inclement Weather (Frye, Jordan, Rapp, West)

An Act to give certain local boards of education additional flexibility with regard to instructional time lost due to inclement weather.

- Recent Action:
5/26/2011 Ch. SL 2011-93

HB 200 Appropriations Act of 2011 (Brubaker)

An Act to make base budget appropriations for current operations of state departments, institutions, and agencies, and for other purposes.

- Recent Action:
6/4/2011 Presented to the Governor.

HB 218 Legislative Task Force on Childhood Obesity (Insko, L. Brown, Johnson, and Weiss)

An Act to establish the Legislative Task Force on Childhood Obesity.

- Recent Action:
6/8/2011 paced on Senate calendar for 6/14/2011.

HB 244 State Health Plan/Add Sterling Montessori (Stein)

An Act to authorize Sterling Montessori Academy and charter school to elect to participate in the State Health Plan for Teachers and State Employees.

- Recent Action:
6/9/2011 Referred to the Senate Committee on Insurance.

HB 278 School Calendar/Onslow County (Hastings)

An Act to give the Onslow County Schools Board of Education additional flexibility with regard to instructional time lost in certain schools due to a declared state of emergency.

- Recent Action:
4/06/2011 Passed 1st reading in the Senate, referred to the Committee on Rules and Operations of the Senate.

HB 320 Continue P3 Study (McGee, Ross, McComas, Carney)

An Act to continue the study of public-private partnerships by a Legislative Study Commission.

- **Recent Action:**

- **6/8/2011 Ref. to the Committee on Rules and Operations of the Senate.**

HB 322 Haywood School Board Filing Period (Rapp, Haire)

An Act to allow the Haywood County Board of Elections to extend the filing period if no person files for a seat on the Haywood County Board of Education.

- **Recent Action**

- **4/4/2011 Passed 2nd and 3rd reading in the House.**

- **4/5/2011 Passed 1st Reading in the Senate, referred to the Committee on State and Local Government.**

HB 334 Report on Fitness Testing in Schools (Insko, Bell, Harrison, LaRoque)

An Act to require the State Board of Education to report on the results of fitness testing in each local school administrative unit.

- **Recent Action**

- **6/7/2011 Referred to the Committee on Rules and Operations of the Senate.**

HB 338 Burke School Board Recall (Blackwell)

An Act to allow recall of members of the Burke County Board of Education.

- **Recent Action**

- **4/05/2011 Passed 1st reading in the Senate, referred to the Committee on State and Local Government.**

HB 342 High School Accreditation (Blackwell, Holloway)

An Act prohibiting any public institution of higher education from soliciting or using information regarding the accreditation of a secondary school attended by a student as a factor affecting admissions, loans, scholarships, or other educational activity at the public institution, unless the accreditation was conducted by a state agency; authorizing the State Board of Education to accredit schools in a local school administrative unit at the request of and at the expense of that unit; and modifying the budget of the Department of Public Instruction accordingly.

- **Recent Action**

- **6/7/2011 Referred to the Senate Committee on Education/Higher Education.**

HB 344 Tax Credits for Children with Disabilities (Stam, Randleman, Jordan, Jones)

An Act to allow an individual income tax credit for children with disabilities who require special education and to create a fund for special education and related services.

- **Recent Action**

- **6/8/2011 Referred to the Senate Committee on Education/Higher Education. If favorable, re-referred to the Appropriations/Base Budget.**

HB 376 Retirement Technical Corrections (Mcgee)

An Act to make technical corrections to the statutes governing the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System.

- **Recent Action**

- **6/9/2011 Passed 3rd reading.**

HB 394 Flexible Work Option for All State Employees (Hurley)

An Act providing for voluntary flexible work schedules for state employees during the 2011-2013 fiscal biennium.

- Recent Action
4/19/2011 Passed 1st reading in the Senate, referred to the Committee on Pensions & Retirement and Aging.

HB 427 Run and You're Done (Faircloth, Folwell, H. Warren, Shepard)

An Act to provide for the seizure, forfeiture, and sale of motor vehicles used by defendants in felony cases involving speeding to elude arrest.

- Recent Action
6/9/2011 Placed on Senate calendar for 6/13/2011.

HB 451 DWLR Penalties Increased/Vehicle Seizures (Starnes)

An Act to increase the penalties for driving while license revoked by setting minimum fines for the initial and subsequent convictions and by requiring the vehicle being operated by a driver whose license or driving privileges are revoked after two prior convictions for driving while license revoked to be seized and forfeited to the state.

- Recent Action
5/16/2011 Referred to the Senate Judiciary II Committee. If favorable, re-referred to Appropriations/Base Budget.

HB 480 Stanley County School Board Filing Period (Burr)

An Act to change the candidate filing period for the Stanley County Board of Education.

- Recent Action
4/19/2011 Referred to the Senate Committee on State and Local Government.

HB 498 Wake County School Board Presiding Officer Voting (Dollar)

An Act to allow the presiding officer of the Wake County Board of Education to vote in all cases.

- Recent Action
4/14/2011 Referred to the Senate Committee on State and Local Government.

HB 503 Nutrition Stds./All Foods Sold at School (Insko, LaRoque)

An Act directing the State Board of Education to annually review nutrition standards for foods and beverages administered by the Department of Public Instruction and child nutrition programs of local school administrative units and to require other food sale operations on the school campus during the instructional day to meet certain standards by the 2011-2012 school year.

- Recent Action
6/6/2011 Referred to the Senate Committee on Education.

HB 536 Lincoln School Board Districts (Rhyne)

An Act requiring the Lincoln County Board of Education to revise its residency districts after each census as if they were electoral districts.

- Recent Action
4/19/2011 Referred to the Committee on Rules and Operations of the Senate.

HB 541 Comm. Colleges/Opt out of Fed'l Loan Program (Hurley)

An Act to provide that certain North Carolina Community Colleges may opt out of participation in the William D. Ford Federal Direct Loan Program.

- Recent Action:
6/9/2011 Referred to the Senate Committee on Education/Higher Education.

HB 546 Alternative Salary Plans/ Charlotte-Meck. Sch. (Samuelson, Killian, M. Alexander)

An Act authorizing the Charlotte-Mecklenburg Schools to develop and implement alternative salary plans for instructional personnel and school administrators.

- Recent Action

5/2/2011 Passed 1st reading in the Senate, referred to the Committee on Rules and Operations of the Senate.

HB 578 State Health Plan/Additional Changes (Murry, Dockham, Barnhart)

An Act (1) to allow the State Health Plan For Teachers And State Employees to provide the basic plan premium-free using available cash balance reserves, (2) to delay implementation of certain changes to the State Health Plan until September 2011, (3) to comply with the federal affordable care act, (4) to clarify the State Health Plan's subrogation rights, (5) to grant the state treasurer immediate access to confidential state health plan documents to plan for the transfer, and (6) to clarify the board composition and stagger initial appointments.

- Recent Action:

5/26/2011 Signed by the Governor.

HB 588 The Founding Principles Act (Brubaker)

An Act to enact the Founding Principles Act.

- Recent Action:

6/9/2011 Referred to the Senate Committee on Education/Higher Education.

HB 595 Reorganization/Legislative Oversight Comms. (Barnhart, Burr)

An Act changing the structure of certain legislative committees and commissions, transferring the duties

of certain committees and commissions to other committees and commissions, changing the composition

of various legislative committees and commissions, and making conforming changes.

- Recent Action:

6/9/2011 Passed 3rd reading in the Senate.

HB 623 Eliminate Agency Final Decision Authority (McCormick, Stevens, Cleveland, Glazier)

An Act to modify the procedures concerning final administrative decisions in contested cases heard by the office of administrative hearings.

- Recent Action:

5/31/2011 Referred to the Senate Committee on Judiciary I.

HB 625 Bill of Rights/Deaf/Hearing Impaired (Blackwell, Farmer-Butterfield)

An Act establishing a bill of rights for children who are deaf or hearing impaired.

- Recent Action:

6/8/2011 Re-referred Committee on Rules, Calendar, and Operations of the Senate.

HB 627 Study Efficiency and Cost Savings/State Govt. (Blackwell, Crawford)

An Act to establish the Joint Legislative Efficiency and Cost-Savings in State Government Study Commission.

- Recent Action:

6/6/2011 Referred to the Committee on Local and Local Government.

HB 650 Amend Various Gun Laws/Castle Doctrine (Hilton, LaRoque, Cleveland, Hastings)
An Act to amend various laws regarding the right to own, possess, or carry a firearm in North Carolina.

- **Recent Action**
6/8/2011 Referred to the Committee on Judiciary II.

HB 719 Suspension Removed When Eligibility Met (Brawley)
An Act to require the division of Motor Vehicles to expunge suspensions and revocations entered on a limited permittee or provisional licensee's driving record if the student provides the required documentation to the division that the student meets the eligibility requirements and if the limited permittee or provisional licensee has never had a prior expunction from the permittee's driving record.

- **Recent Action:**
4/27/2011 Referred to the Senate Committee on Judiciary II.

HB 720 School & Teacher Paperwork Reduction Act (Murry, Blust, Brandon)
An Act to enact the School and Teacher Paperwork Reduction Act.

- **Recent Action:**
6/8/2011 Ordered engrossed in the House.

HB 727 Amend Dropout Prevention Grants (Parmon, Hamilton, Fisher)
An Act to amend the criteria used by the Committee on Dropout Prevention to award the dropout prevention grants, to direct the Committee on Dropout Prevention to use evaluations from prior grant cycles to identify evidence-based programmatic elements that are effective and replicable, and to allocate funds to study high schools that have significantly reduced their dropout rate to identify programs that merit replication and assess the progress of programs that are no longer receiving dropout prevention grants.

- **Recent Action:**
6/8/2011 Passed 2nd and 3rd reading, sent to the Governor.

HB 730 Local Bds of Education/403(b) Option (Fisher)
An Act to authorize the Department of State Treasurer to create a centralized 403 (b) retirement annuity plan as an option for employees of local board of education.

- **Recent Action:**
6/9/2011 Engrossed in the House.

HB 736 Amend Law Re: School Discipline (Langdon, Luebke, Daughtry, Lucas)An Act to reorganize the general statutes relating to school discipline; prevent litigation by adding definitions to and clarifying ambiguities in the current law; codify existing case law; and increase local control and flexibility regarding discipline.

- **Recent Action:**
6/8/2011 Conference Committee appointed.

HB 744 Safe Students Act (Folwell, R. Brown, Hastings, Torbett)
An Act to enact the Safe Students Act.

- **Recent Action:**
6/8/2011 Ordered engrossed in the House.

HB 758 Establish Arts Education Commission (Carney, Glazier, Adams, Johnson)
An Act to establish the Arts Education Commission.

- **Recent Action:**
6/7/2011 Placed on the Senate Calendar for 6/13/2011.

HB 765 Study Length of School Year (Lewis)

An Act to establish a blue ribbon commission to study the current length of the school year in North Carolina and to determine how long the school year should be.

- **Recent Action:**
6/9/2011 Referred to the Senate Committee on Education/Higher Education.

HB 766 Testing in Public Schools (Cotham, Holloway, Keever, Graham)

An Act to provide for the assessment of career and college readiness with nationally and internationally benchmarked tests; the continuation of North Carolina's participation in the development and implementation of tests related to common core state standards adopted by a majority of states; and diagnostic tools to assist in teaching and student learning.

- **Recent Action:**
4/19/2011 Received in the Senate, passed 1st reading in the Senate, referred to the Committee on Education/Higher Education.

HB 769 High School Work Partnership (Cotham, Lewis, Holloway, Hall)

An Act directing local boards of education to adopt and implement policies that encourage high school to work partnerships.

- **Recent Action:**
5/26/2011 Ch SL 2011-91.

HB 773 Studies Act of 2011 (Rules, Calendar, and Operations of the House)

An Act to provide for studies by the House of Representatives and the Senate, statutory oversight committees and commissions, and other agencies, committees, and commissions.

- **Recent Action:**
6/8/2011 Referred to the Committee on Rules and Operations of the Senate.

HB 792 Gfeller-Waller Concussion Awareness Act (Folwell, Cook, McGrady, and Glazier)

An Act to enact the Gfeller-Waller Concussion Awareness Act.

- **Recent Action:**
6/9/2011 House concurred with the Senate Committee Substitute.

HB 822 Dropout Recovery Pilot Program (Holloway, Hilton, Blackwell, Langdon)

An Act directing the State Board of Education to implement a Dropout Prevention Pilot Program.

- **Recent Action:**
6/9/2011 Referred to the Senate Committee on Education/Higher Education.

HB 823 Governance of the Dep't of Public Instruction (Holloway, Hilton, Brubaker, Blackwell)

An Act to amend the North Carolina Constitution to make the Superintendent of Public Instruction the head of the Department of Public Instruction, to make the State Board of Education an advisory body, to modify the membership of the State Board of Education, and to make conforming changes to the general statutes.

- **Recent Action:**
6/9/2011 Re-referred to the Committee on Rules and Operations of the Senate.

HB 829 Streamline Education Planning Responsibility (Cotham, Glazier, Holloway, Blackwell)

An Act to streamline public school planning responsibilities.

- **Recent Action:**
5/2/2011 Passed 1st reading in the Senate, referred to the Committee on Education/Higher Education.

HB 836 Compensation Study /State Bds. and Comms. (McElraft)

An Act creating the study committee on the compensation of state board and commission employees.

- **Recent Action:**

- **6/9/2011 Re-referred to the Committee on Rules and Operations of the Senate.**

HB 855 Personal Learning Plan for Each Child (Brandon)

An Act to require the public schools to provide a personal education plan for every student.

- **Recent Action:**

- **6/2/2011 Received in the Senate, passed 1st reading, referred to the Senate Committee on Education/Higher Education.**

HB 914 AED's in State Buildings (Carney, E. Warren, Hackney, Brubaker)

An Act to place automatic external defibrillators (AEDS) in all buildings and facilities that house state services, agencies, and institutions and provide training for state employees in those facilities.

- **Recent Action:**

- **6/6/2011 Referred to the Senate Committee on Health Care,. If favorable, re-referred to the Appropriations/Base Budget.**

SENATE BILLS

SB 8 No Cap on the Number of Charter Schools (Stevens)

An Act to remove the cap on the number of charter schools.

- **Recent Action:**

- **6/9/2011 Conference Committee report adopted.**

SB 13 Balanced Budget Act of 2011 (Stevens, Brunstetter, Hunt)

An Act to enact the Balanced Budget Act of 2011.

- **Recent Action:**

- **3/9/2011 Withdrawn from Committee, placed on Senate Calendar for 3/9/2011**

- **3/9/2011 Veto Overridden, sent to the House, received and read.**

SB 49 Increase Fine for Speeding/School Zones (Allran)

An Act to increase the fine for speeding in a school zone from twenty-five dollars to two hundred fifty dollars.

- **Recent Action:**

- **5/3/2011 Signed by the Governor, Ch. SL 2011-64.**

SB 83 Wilson County School Board (Newton)

An Act to change the date that members of the Wilson County Board of Education take office and to fix an error in a 1987 local act relating to that board.

- **Recent Action:**

- **4/26/2011 Ch. SL 2011-53**

SB 125 Regional Schools (Brown, Hartsell)

An Act to permit local boards of education to jointly establish regional schools.

- **Recent Action:**

- **5/17/2011 Senate to the House Committee on Education.**

SB 137 Establish a Forgivable Loan Fund (Stevens/Vaughn)

An Act to establish the Forgivable Education Loans for Service Program and the Forgivable Education Loans For Service Fund as recommended by the Joint Select Committee on State Funded Student Financial Aid.

- Recent Action:
5/12/2011 Ch. SL 2011-74

SB 243 Public-Private Partnerships for Schools (Stevens)

An Act to extend the sunset on the law allowing capital lease financing for public schools

- Recent Action:
6/8/2011 Referred to the House Committee on Education.

SB 260 Pitt County School Board of Education (Pate)

An Act to reduce the size of the Pitt County Board of Education from twelve members to seven, to provide for four-year terms rather than six-year terms and to add an at-large member.

- Recent Action:
6/8/2011 Referred to the House Committee on Government.

SB 265 Transfer State Health Plan to State Treasurer (Apodaca, Brunstetter, Hartsell)

An Act to transfer the North Carolina State Health Plan for Teachers and State Employees to the Department of State Treasurer.

- Recent Action:
4/14/2011 Read

SB 339 Modify Driver's Education Program (Hartsell)

An Act to require the Department of Public Instruction to provide additional fiscal and technical oversight of the driver education program, as recommended by the Joint Legislative Program Evaluation Oversight Committee.

- Recent Action:
4/7/2011 Passed 1st reading in the House, referred to the Committee on Rules, Calendar and Operations of the House.

SB 394 Clarify Process/Reportable Offenses in School (Newton, Tillman, Preston)

An Act to clarify the requirement that school principals report certain acts to law enforcement.

- Recent Action:
4/18/2011 Referred to the House Committee on Judiciary Subcommittee B.

SB 415 Eliminate Cost of Reduced Price School Meals (Purcell)

An Act to eliminate the cost of reduced price lunches for school children who qualify for reduced price meals.

- Recent Action:
6/9/2011 Referred to the House Committee on Finance.

SB 416 School Buses/State Vehicles/Tires (Harrington, Rabon, Forrester)

An Act providing that the state and local boards of education shall use the most cost-efficient tire retreads on and preserve critical tire information for state vehicles and school buses, respectively.

- Recent Action:
4/5/2011 Passed 1st reading in the House, referred to the Committee on Rules, Calendar and Operations of the House.

SB 423 Educ. Oversight Comm. Study of Teacher Tenure (Fisher, Cotham, Gill, Keever)

An Act directing the Joint Legislative Education Oversight Committee to study the teacher tenure law.

- Recent Action:
4/12/2011 Passed 1st reading in the House, referred to the House Committee on Education.

SB 466 Modify Teacher Career Status Law (Hartsell, Tillman)

An Act to modify the law relating to career status for public school teachers.

- Recent Action:
4/21/2011 Referred to the House Committee on Education.

SB 479 Testing in Public Schools (Tillman, Preston, Soucek)

An Act to provide for the assessment of career and college readiness with nationally and internationally benchmarked tests; the continuation of North Carolina's participation in the development and implementation of tests related to common core state standards adopted by a majority of states; a pilot study of a new assessment of U.S. History based on the revised curriculum and that assesses critical thinking and writing skills; and diagnostic tools to assist in teaching and student learning.

- Recent Action:
5/2/2011 Passed 1st reading in the House, referred to the Committee on Education.

SB 498 Modify Law Re: Corporal Punishment (Pate, Purcell)

An Act to require the involvement of a parent or guardian before school officials may administer corporal punishment on a student.

- Recent Action:
5/12/2011 Passed 1st reading in the House, referred to the Committee on Education.

SB 593 Government Reduction Act (Clary, Brock, Soucek)

An Act reducing state government by abolishing certain state boards, commissions, and committees.

- Recent Action:
6/9/2011 Engrossed in the Senate.

SB 617 LRC Study Food Allergy & Anaphylaxis Mgmt (Atwater)

An Act to require the Legislative Research Commission to study implementation of federal food allergy and anaphylaxis management guidelines in public schools.

- Recent Action:
6/8/2011 Referred to the Health Committee on Health and Human Services.

SB 648 Amend Law Re: School Discipline (Preston, Tillman, Hartsell)

An Act to amend the law regarding school discipline.

- Recent Action:
5/16/2011 Referred to the Health Committee on Education.

SB 724 An Act to Improve Public Education (Stein, Tillman)

An Act to implement various education reforms.

- Recent Action:
5/12/2011 Passed 1st reading in the House, referred to the Committee on Education.

SB 726 Multiple Birth Sibling Classroom Placement (Hise)

An Act to allow parents or guardians to make the decision regarding classroom placement for multiple birth siblings.

- **Recent Action**
6/8/2011 Referred to House Committee on Education.

SB 727 No Due Checkoff for School Employees (Hise)

An Act to eliminate the dues checkoff option for active and retired public school employees.

- **Recent Action**
6/9/2011 Ratified

SB 755 Ed. Employees Ass'n/Equal Access Act (Tucker)

An Act to enact the equal access act.

- **Recent Action**
6/8/2011 Engrossed in the Senate.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 8
Education/Higher Education Committee Substitute Adopted 2/16/11
Third Edition Engrossed 2/22/11
Fourth Edition Engrossed 2/24/11
House Committee Substitute Favorable 3/16/11
House Committee Substitute #2 Favorable 4/7/11
Proposed Conference Committee Substitute S8-CCSTC-1 [v.6]

6/8/2011 6:17:25 PM

Short Title: No Cap on Number of Charter Schools.

(Public)

Sponsors:

Referred to:

January 31, 2011

A BILL TO BE ENTITLED

1 AN ACT TO REMOVE THE CAP ON CHARTER SCHOOLS; TO ALLOW STATE BOARD
2 OF EDUCATION DISCRETION IN GRANTING FINAL APPROVAL OF CHARTER
3 SCHOOL APPLICATIONS; TO RAISE THE ENROLLMENT GROWTH CAP TO
4 TWENTY PERCENT; TO PERMIT CHARTER SCHOOLS TO CHARGE FEES
5 CHARGED BY THE LOCAL SCHOOL ADMINISTRATIVE UNIT; TO STRENGTHEN
6 THE STANDARDS FOR RETAINING A CHARTER FOR A CHARTER SCHOOL;
7 AND TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT TO THE
8 GENERAL ASSEMBLY ON CHARTER SCHOOLS.
9

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 115C-238.29D(a) reads as rewritten:

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

17 **SECTION 2.(a)** G.S. 115C-238.29D(b) is repealed.

18 **SECTION 2.(b)** G.S. 115C-105.37B(a)(2) reads as rewritten:

19 "(a) Notwithstanding any other provision of this Article, the State Board of Education is
20 authorized to approve a local board of education's request to reform any school in its
21 administrative unit which the State Board of Education has identified as one of the continually
22 low-performing schools in North Carolina.

23 If the State Board of Education approves a local board of education's request to reform a
24 school, the State Board of Education may authorize the local board of education to adopt one of
25 the following models in accordance with State Board of Education requirements:

26 ...

27 (2) Restart model, in which the State Board of Education would authorize the
28 local board of education to operate the school with the same exemptions
29 from statutes and rules as a charter school authorized under Part 6A of



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1 Article 16 of this Chapter, or under the management of an educational
2 management organization that has been selected through a rigorous review
3 process. A school operated under this subdivision remains under the control
4 of the local board of education, and employees assigned to the school are
5 employees of the local school administrative unit with the protections
6 provided by G.S. 115C-325. ~~This subdivision shall not be interpreted to
7 increase the maximum number of charter schools provided in
8 G.S. 115C-238.29D(b). No school authorized under this subsection shall
9 count against the limit provided for charter schools in
10 G.S. 115C-238.29D(b).~~"

11 **SECTION 3.** G.S. 115C-238.29D(d) reads as rewritten:

12 "(d) The State Board of Education may grant the initial charter for a period not to exceed
13 10 years and may renew the charter upon the request of the chartering entity for subsequent
14 periods not to exceed 10 years each.

15 The State Board of Education shall review the operations of each charter school at least
16 once every five years to ensure that the school is meeting the expected academic, financial, and
17 governance standards.

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

20 It shall not be considered a material revision of a charter application and shall not require
21 the prior approval of the State Board for a charter school to increase its enrollment during the
22 charter school's second year of operation and annually thereafter (i) by up to ~~ten~~twenty percent
23 ~~(10%)-(20%)~~ of the school's previous year's enrollment or (ii) in accordance with planned
24 growth as authorized in the charter. Other enrollment growth shall be considered a material
25 revision of the charter application, and the State Board may approve such additional enrollment
26 growth of greater than ~~ten~~twenty percent ~~(10%)-(20%)~~ only if the State Board finds that:

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

39 **SECTION 4.** G.S. 115C-238.29F(b) reads as rewritten:

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 tuition
42 or ~~fees, fees,~~ except that a charter school may charge any fees that are charged by the local
43 school administrative unit in which the charter school is located. A charter school shall not be
44 affiliated with a nonpublic sectarian school or a religious institution."

45 **SECTION 5.** G.S. 115C-238.29G is amended by adding a new subsection to read:

46 "(a1) The State Board shall adopt criteria for adequate performance by a charter school
47 and shall identify charter schools with inadequate performance. The criteria shall include a
48 requirement that a charter school which demonstrates no growth in student performance and
49 has annual performance composites below sixty percent (60%) in any two years in a three-year
50 period is inadequate.

1 (1) If a charter school is inadequate in the first five years of the charter, the
2 charter school shall develop a strategic plan to meet specific goals for
3 student performance that are consistent with State Board criteria and the
4 mission approved in the charter school. The strategic plan shall be reviewed
5 and approved by the State Board. The State Board is authorized to terminate
6 or not renew a charter for failure to demonstrate improvement under the
7 strategic plan.

8 (2) If a charter school is inadequate and has had a charter for more than five
9 years, the State Board is authorized to terminate or not renew the charter."

10 **SECTION 6.** The State Board of Education shall submit a preliminary report and a
11 final report to the General Assembly on the implementation of this act including: (i) the
12 creation, composition, and function of an advisory committee; (ii) the charter school
13 application process; (iii) a profile of applicants and the basis for acceptance or rejection; and
14 (iv) resources required at the State level for implementation of the charter school laws in Part
15 6A of Article 16 of Chapter 115C of the North Carolina General Statutes. The preliminary
16 report shall be submitted by May 10, 2012 and the final report shall be submitted by June 11,
17 2012.

18 **SECTION 7.** This act becomes effective July 1, 2011.