

Article 14A.

Charter Schools.

Part 1. Governance and Applications for Charter Schools.

§ 115C-218. Purpose of charter schools; role of State Board of Education; establishment of North Carolina Charter Schools Review Board and North Carolina Office of Charter Schools.

(a) Purpose of Charter Schools. – The purpose of this Article is to authorize a system of charter schools to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently of existing schools, as a method to accomplish all of the following:

- (1) Improve student learning;
- (2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as at risk of academic failure or academically gifted;
- (3) Encourage the use of different and innovative teaching methods;
- (4) Create new professional opportunities for teachers, including the opportunities to be responsible for the learning program at the school site;
- (5) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and
- (6) Hold the schools established under this Article accountable for meeting measurable student achievement results, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(a1) State Board of Education. – The State Board of Education shall have the following duties regarding charter schools:

- (1) Rulemaking. – To establish all rules for the operation and approval of charter schools. Any rule adopted by the State Board shall first be recommended by the Charter Schools Review Board.
- (2) Funding. – To allocate funds to charter schools.
- (3) Appeals. – To hear appeals from decisions of the Charter Schools Review Board under G.S. 115C-218.9.
- (4) Accountability. – To ensure accountability from charter schools for school finances and student performance.

(b) North Carolina Charter Schools Review Board. –

- (1) Review Board. – There is created the North Carolina Charter Schools Review Board, hereinafter referred to in this Article as the Review Board. The Review Board shall be located administratively within the Department of Public Instruction and shall report to the State Board of Education.
- (2) Membership. – The State Superintendent of Public Instruction, or the Superintendent's designee, shall be the secretary of the Review Board and a nonvoting member. The Review Board shall consist of the following 11 voting members:
 - a. Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 17, effective January 1, 2017.
 - b. Four members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.

- c. Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, in accordance with G.S. 120-121.
 - d. Two members appointed by the State Board of Education who are not current members of the State Board of Education and who are charter school advocates in North Carolina.
 - e. The Lieutenant Governor or the Lieutenant Governor's designee.
- (3) Covered board. – The Review Board shall be treated as a board for purposes of Chapter 138A of the General Statutes.
 - (4) Qualifications of members. – Members appointed to the Review Board shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, assessment, curriculum and instruction, public charter schools, and public education law. All appointed members of the Review Board shall have demonstrated an understanding of and a commitment to charter schools as a strategy for strengthening public education.
 - (5) Terms of office and vacancy appointments. – Appointed members shall serve four-year terms of office beginning on July 1. No appointed member shall serve more than eight consecutive years. Vacancy appointments shall be made by the appointing authority for the remainder of the term of office.
 - (6) Presiding officers and quorum. – The Review Board shall annually elect a chair and a vice-chair from among its membership. The chair shall preside over the Review Board's meetings. In the absence of the chair, the vice-chair shall preside over the Review Board's meetings. A majority of the Review Board constitutes a quorum.
 - (7) Meetings. – Meetings of the Review Board shall be held upon the call of the chair or the vice-chair with the approval of the chair.
 - (8) Expenses. – Members of the Review Board shall be reimbursed for travel and subsistence expenses at the rates allowed to State officers and employees by G.S. 138-6(a).
 - (9) Removal. – Any appointed member of the Review Board may be removed by a vote of at least two-thirds of the members of the Review Board at any duly held meeting for any cause that renders the member incapable or unfit to discharge the duties of the office.
 - (10) Powers and duties. – The Review Board shall have the following duties:
 - a. To make recommendations to the State Board of Education on the adoption of rules regarding all aspects of charter school operation, including time lines, standards, and criteria for acceptance and approval of applications, monitoring of charter schools, and grounds for revocation of charters.
 - b. To review and approve or deny charter applications, renewals, and revocations.
 - c. To make recommendations to the State Board on actions before the State Board on appeal under G.S. 115C-218.9.
 - d. To undertake any other duties and responsibilities as assigned by the State Board.
 - (11) Duties of the chair of the Review Board. – In addition to any other duties prescribed in this Article, the chair of the Review Board, or the chair's designee, shall advocate for the recommendations of the Review Board at meetings of the State Board.

- (c) North Carolina Office of Charter Schools. –
- (1) Establishment of the North Carolina Office of Charter Schools. – There is established the North Carolina Office of Charter Schools, hereinafter referred to in this Article as the Office of Charter Schools. The Office of Charter Schools shall be administratively located in the Department of Public Instruction. The Office of Charter Schools shall consist of an executive director appointed by the Superintendent of Public Instruction and such other professional, administrative, technical, and clerical personnel as may be necessary to assist the Office of Charter Schools in carrying out its powers and duties.
 - (2) Executive Director. – The Executive Director shall report to and serve at the pleasure of the Superintendent of Public Instruction at a salary established by the Superintendent within the funds appropriated for this purpose. The duties of the Executive Director shall include presenting the recommendations and decisions of the Review Board at meetings of the State Board.
 - (3) Powers and duties. – The Office of Charter Schools shall have the following powers and duties:
 - a. Serve as staff to the Review Board and fulfill any task and duties assigned to it by the Review Board.
 - b. Provide technical assistance and guidance to charter schools operating within the State.
 - c. Provide technical assistance and guidance to nonprofit corporations seeking to operate charter schools within the State.
 - d. Provide or arrange for training for charter schools that have received preliminary approval from the Review Board.
 - e. Assist approved charter schools and charter schools seeking approval from the Review Board in coordinating services with the Department of Public Instruction.
 - e1. Assist certain charter schools seeking to participate in the NC prekindergarten program in accordance with G.S. 115C-218.115.
 - f. Other duties as assigned by the State Board.
 - (4) Agency cooperation. – All State agencies and departments shall cooperate with the Office of Charter Schools in carrying out its powers and duties as necessary in accordance with this Article. (1995 (Reg. Sess., 1996), c. 731, s. 2; 2013-355, s. 1(a); 2014-101, s. 7; 2015-248, s. 1(a); 2016-126, 4th Ex. Sess., s. 17; 2017-6, s. 3; 2017-173, s. 5(a); 2018-146, ss. 3.1(a), (b), 6.1; 2023-110, s. 1(a); 2023-134, s. 7.26(c).)