



# HOUSE BILL 618: Charter School Review Board.

2023-2024 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 3, 2023
<b>Introduced by:</b>	Reps. Cotham, Moore, D. Hall, Willis	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	Second Edition		Staff Attorney

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**OVERVIEW:** *The 2nd edition of House Bill 618 would convert the Charter Schools Advisory Board into the Charter Schools Review Board and shift authority to approve charters from the State Board of Education to the Review Board, with a right of appeal to the State Board of Education.*

**CURRENT LAW:** G.S. 115C-218(b) establishes the North Carolina Charter Schools Advisory Board (Advisory Board), which consists of 11 voting members as follows:

- Four members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate.
- Four members appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives.
- Two members appointed by the State Board of Education (SBE) who are not current members of the SBE and are charter school advocates.
- The Lt. Governor or the Lt. Governor's designee.

The Superintendent of Public Instruction (Superintendent) is the secretary of the Advisory Board and a nonvoting member.

The Advisory Board has the following duties:

- Make recommendations to the SBE on the adoption of rules regarding all aspects of charter school operation.
- Review applications and make recommendations to the SBE for final approval of charter applications.
- Make recommendations to the SBE on actions regarding a charter school, including renewals of charters, nonrenewals of charters, and revocations of charters.
- Undertake any other duties and responsibilities as assigned by the SBE.

**BILL ANALYSIS:** The bill would require the SBE to have the following duties with respect to charter schools:

- Establish all rules for the operation and approval of charter schools following the rule's approval by the Charter Schools Review Board (Review Board).
- Allocate funds to charter schools.
- Hear appeals from decisions of the Review Board.
- Ensure accountability for charter school finances and student performance.

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The Advisory Board would be converted into the Review Board, which would approve or deny charter applications, renewals, and revocations independent of the SBE. Additionally, the Review Board would make recommendations to the SBE on actions before the SBE on appeal.

The Superintendent or the Superintendent's designee would become a voting member of the Review Board.

The Review Board would be required to make a decision on fast-track replication applications no later than October 15 of the year immediately preceding the year of the proposed school opening. Any appeal of the Review Board's decision would be required to be heard and decided by December 1 of the same year.

Either an applicant, charter school, or the Superintendent could appeal to the SBE a final decision of the Review Board to grant, renew, revoke, or amend a charter within 10 days of the Review Board's decision. The party submitting the appeal and the applicant or charter school affected could provide information to the SBE the party believes relevant. The SBE would be required to issue a written decision within 60 days of the submission of the notice of appeal. The SBE would have final decision-making authority on the approval of charter applications, renewals, revocations, and amendments.

The bill would make additional conforming changes throughout Article 14A of Chapter 115C to reflect the new roles of the Review Board and the SBE.

The current members of the Advisory Board would serve as initial members of the Review board. For one term expiring in 2023, the General Assembly would make the appointment upon the recommendation of the Speaker of the House of Representatives. For two additional terms expiring in 2023, the General Assembly would make the appointments upon the recommendation of the President Pro Tempore of the Senate. These terms would last two years, but as those terms expire in 2025, members of the Review Board would be appointed in accordance with law.

Charter schools that received a decision on an application, charter amendment, renewal, or termination from the SBE after July 1, 2022, that differed from the recommendation of the Advisory Board, could apply for reconsideration by the Review Board within 60 days of the effective date.

**EFFECTIVE DATE:** The bill would be effective when it becomes law.