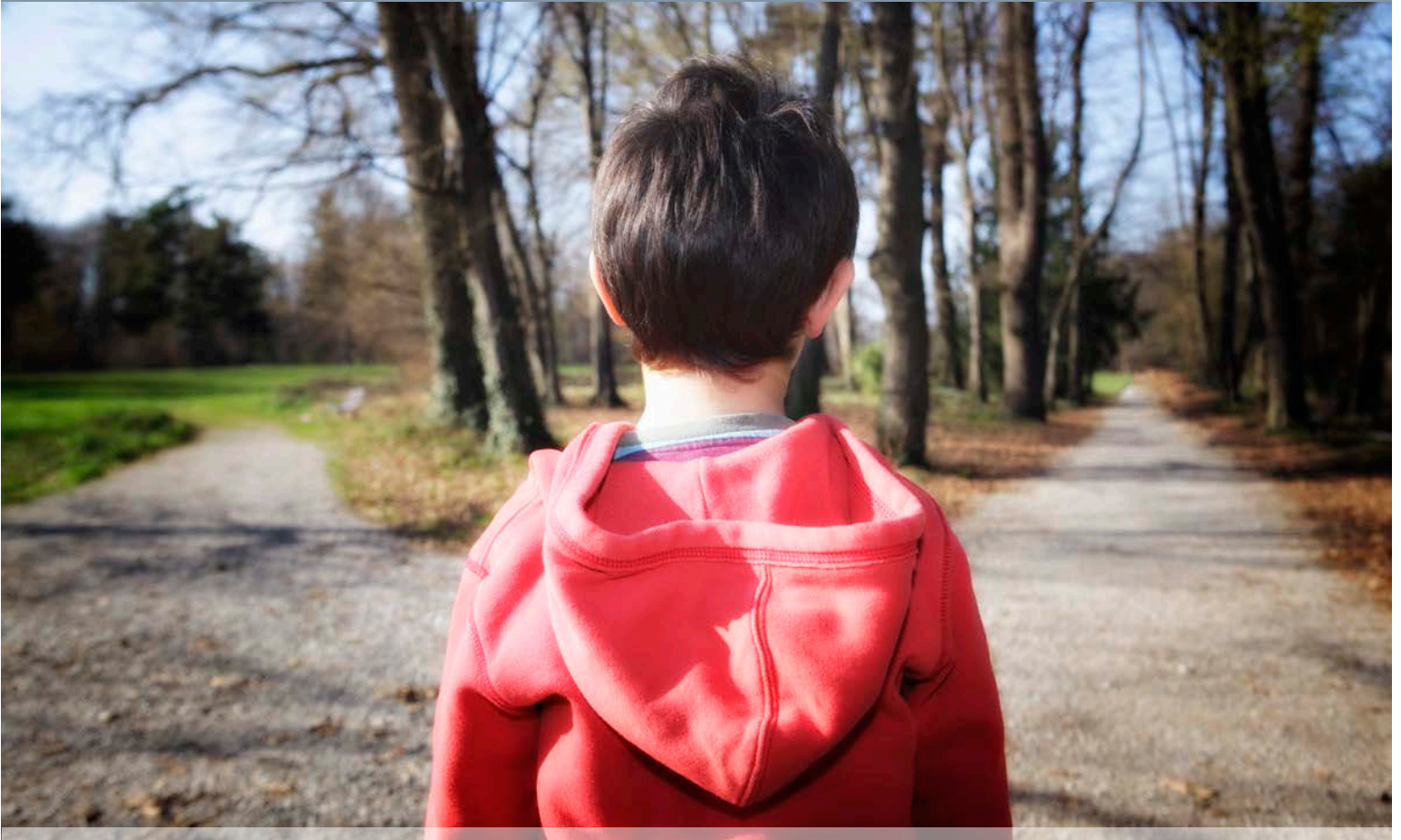


NC's CHARTER SCHOOL LAW

Creating Two Public Education Systems



In 2011, the North Carolina General Assembly voted to allow an unlimited number of charter schools in the state. However, the basic laws regarding how such schools operate while they were regarded as an "experiment" have not changed. This report contains a comparison of laws and facts regarding local school systems and charter schools. The list is not comprehensive because the original charter school act states the following: "Except as provided in [the Charter School Act] and pursuant to the provisions of its charter, a **charter school is exempt from statutes and rules applicable to a local board of education or local school administrative unit.**" G.S. 115C-238.29E(f)

The Facts on Charter Schools:

North Carolina has a separate system for publicly funded charter schools that are:

- governed by private, non-elected, unaccountable boards that can include out-of-state residents and individuals who profit from the school monetarily;
- operated by for-profit, often out-of-state corporations;
- exempt from the legal and ethical laws developed for public school governing boards over the past 55-plus years;
- exempt from public bidding laws designed to safeguard public taxpayer dollars;
- allowed to recruit for sports teams by immediately accepting students regardless of where they actually live;
- exempt from the requirement of having 100% licensed teachers; and
- exempt from providing transportation and meals, thus excluding many at-risk children from the practical ability to attend.

Charter School Questions for Our Elected Officials and Every Citizen:

1. Shouldn't these taxpayer-funded schools operate within the same legal standards as other public schools?
2. Shouldn't the people and private companies running these taxpayer-funded schools be subject to the same conflicts of interest laws as public employees?
3. If "no", whom are we trying to benefit because it's not the children or the taxpayer?

LOCAL SCHOOLS OPERATED BY A BOARD OF EDUCATION

Students Served

- All children have a right to attend
- During 2010 – 11, approximately 55% of the students in the traditional public schools qualified as Economically Disadvantaged under No Child Left Behind
- Students cannot be suspended or expelled without hearings
- Students cannot be asked to leave
- Students must "reside" (i.e. be domiciled) in the school district to play sports. Many families must move if they want their children to play sports at a particular school.



CHARTER BOARDS OPERATED BY A PRIVATE BOARD OF DIRECTORS

Students Served

- Lottery system determines admission of "eligible" students
- "Eligible student" = Charter School Act allows the school's charter to limit enrollment by intellectual ability, measures of achievement or aptitude, and athletic ability
- During 2010 – 11, approximately 30% of the students in charter schools qualified as Economically Disadvantaged under No Child Left Behind
- Of the 99 charter schools at that time, 33 had less than 15% of their students qualify as Economically Disadvantaged and 27 of 33 had less than 10%
- Students can be suspended or expelled without hearings
- Charter school does not have to consider alternative educational services for suspended children
- Students can be asked to leave due to academic or behavior problems
- Students can play sports regardless of residency

CHARTER BOARDS OPERATED BY A PRIVATE BOARD OF DIRECTORS

Governance and Accountability

- Private board of directors runs the school and is not accountable to the public despite being publicly funded
- Members of the board of directors do not need to live in the county or in the State of North Carolina
- Ethics laws do not apply to Board members (for example: the accountant for the charter school can also serve as its Board Chair)
- Board members do not have to receive any legal or ethics training
- No limit on what the private company or its employees can be paid
- Employees can be fired by Board without any hearing rights
- 50% of middle and high school teachers can be unlicensed
- 25% of elementary school teachers can be unlicensed
- No restrictions or accountability on how public dollars are spent
- School is not required to participate in the Teacher and State Employees Retirement System
- School is not required to participate in the State Health Plan
- Are not required to have any teacher workdays
- Are not bound by specified start/end dates
- Not subject to public bidding laws

Curriculum/Educational Requirements

- No restriction on class sizes
- No standard curriculum requirement
- Students take End-of-Grade and End-of-Course Tests
- Are not required to provide transportation
- Are not required to provide a free and reduced lunch program or any other meal program

Funding

- State funds do not revert to the State at the end of the fiscal year

LOCAL SCHOOLS OPERATED BY A BOARD OF EDUCATION

Governance and Accountability

- Board of Education is publicly elected and must live in the school district (except for 3 city boards whose members are appointed by public officials)
- Board members are subject to numerous State Ethics Laws
- Board members must receive a minimum number of hours of legal and ethics training
- All employees are public employees
- 100% of all teachers must be licensed
- Teachers and other employees paid according to State salary limits
- All employees have hearing rights by statute if terminated
- Expenditures are limited by General Statutes and requirements of the Local Government Commission (LGC)
- Required to participate in the Teacher and State Employees Retirement System
- Required to participate in the State Health Plan
- Required to have teacher workdays
- Bound by specified start/end dates
- Subject to public bidding laws

Curriculum/Educational Requirements

- State mandates class size averages and maximums in grades K-3
- Curriculum follows the North Carolina Standard Course of Study and National Common Core
- Must transport all students
- Must provide lunch for all students including free-and-reduced lunch to all eligible students

Funding

- State funds do revert to the State at the end of the fiscal year