

Frequently Asked Questions for Charter School Administrators

Attendance

Where do I go for questions about student attendance and accounting?

Seek guidance from the School Attendance and Student Accounting Manual located here:

<http://www.ncpublicschools.org/docs/fbs/accounting/manuals/sasa.pdf>. Among other things, it includes guidelines for early admission to Kindergarten, rules and regulations regarding compulsory attendance, and information related to school calendars.

Charter Application Changes

What is the process for making changes to my original application, including changes to the mission of the school, the location of the school, name of the school or enrollment?

According to the charter agreement, any substantial change must be approved by the State Board of Education. The State Board's *Policy Regarding Charter Amendments for Existing Public Charter Schools (TCS-U-014)* provides guidance for this question. Some modifications may be approved by the Office of Charter Schools (i.e., class size changes), but most must be presented to the State Board of Education.

Charter School Board of Directors

What are the primary functions of each school's board of directors?

Each public charter school is governed by the board of directors of the non-profit organization that holds the charter. The board governs through its adopted policies and clear evaluative metrics. Its primary duties are to ensure that:

- a. the academic programs are successful;
- b. the school's operational programs comply with all terms of its charter;
- c. the school is compliant in all statutory and regulatory requirements;
- d. the school is financially solvent; and
- e. a competent, professional staff is hired to carry out the operational plan.

Are charter school Board of Directors' meetings subject to the Open Meetings Law?

Yes. According to the signed charter agreement, charter school Board of Directors must follow all provisions of the NC Open Meetings Law, G.S. 143-318.9-18. This includes posting the date, time, and location of all Board meetings on the school's website prior to the scheduled time of the meeting in accordance with the statute. Open meetings may be attended by any member of the public, including all school stakeholders: students, parents, teachers, administration, and the media. Official meetings held by telephone conference call or other electronic means are also open meetings and must include a way for the public to listen while the meeting is being held.

All meetings must be recorded by the taking of minutes. The Office of Charter Schools encourages the board to post its approved meeting minutes after each meeting, preferably on the school's website. Meeting minutes should be maintained in an accessible and consistent place as they are public records and fall under the Public Records Law. Meeting minutes must be provided to anyone who requests them.

The Office of Charter Schools recommends that an ethics statement or a conflict of interest statement be read at every official board meeting. The purpose of reading this statement is to remind board members to help each other be ethical under the law. If there are questions that arise regarding Conflict of Interest, they should be discussed with the Board attorney.

The board may only meet in closed session when a motion is made in the open meeting. The reason and rationale for going into closed session **must** be stated. If the closed session is taking place because the board is discussing confidential information, the motion to go to closed session must reference which law makes the information confidential. If the closed session is taking place because of a lawsuit, the motion to move to closed session must reference the names of the parties in that lawsuit. Additional guidance about Open Meetings Law may be found [here](#). Please consult your board's attorney with regard to the board's compliance with the Open Meetings Law.

Compliance (Financial and Academic)

What happens if my school is noncompliant with financial and governance regulations?

Please review the State Board of Education *Policy for Charter Schools on Financial and Governance Noncompliance* ([TCS-U-006](#)).

What are the minimum academic performance standards for my school to prevent revocation of the charter?

According to Policy [TCS-U-010](#), "The State Board of Education shall revoke the charter of any charter school when, for two of three consecutive school years, the charter school does not meet or exceed expected growth and has a Performance Composite below 60%." Language was added into the charter statute in August 2011 that gives the State Board authority to terminate schools that fall below this standard.

Enrollment and Lottery

Who is eligible to attend a charter school?

If a child is qualified to attend a NC public school, then he or she is eligible to attend a charter school. Charter schools are not permitted to selectively admit students. Enrollment for a charter school is limited by the space available for student enrollment. Should the school have more students apply than seats available, the charter school must hold a public lottery to determine admission. *Read this letter for additional guidance on the enrollment and lottery process.* ([pdf, 128kb](#))

How does a school get permission to increase enrollment or add a grade?

According to G.S. 115C-238.29D(f), a charter school may, without the prior approval of the State Board of Education:

- a. Increase enrollment during the school's second year of operation and annually thereafter by up to 20% of the school's previous year's enrollment;
- b. Increase enrollment during the school's second year of operation and annually thereafter in accordance with planned growth authorized in its charter;
- c. Expand to offer one grade higher than the charter school currently offers if the school has operated at least three years and has not been identified as having inadequate performance.

Forms for enrollment/grade expansion are distributed in September by the Office of Charter Schools to the lead administrator. (Note: Schools should be strategic in their requests for the enrollment and grade expansion. They should not just check "grow 20%" if they do not intend to do so. Here is an example of what has happened in the past: schools select 20% growth but do not grow as indicated. Then years later, they want to grow beyond 20% and cannot because they are not within 10% of their approved ADM max (as stipulated in charter law). So, it is important for schools to properly plan and actually implement what they request.)

Flags and the Pledge of Allegiance

Are charter schools required to display NC and US flags and recite the Pledge of Allegiance?

As stated in the charter school law, a charter school shall:

- display the US and NC flags in each classroom when available (when donated or otherwise available);
- require the recitation of the Pledge of Allegiance daily (but not compel any person to stand, salute the flag, or recite the Pledge); and
- provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance.

Health and Safety Standards

What health and safety information should be provided to parents at the beginning of each school year?

According to G.S. 115C-238.29F(a), charter schools should provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children. Parents of children entering grades five through twelve should be provided with information about cervical cancer, cervical dysplasia, human papillomavirus, and the vaccines available to prevent these diseases. This information shall include the causes and symptoms of these diseases, how they are transmitted, how they may be prevented vaccination, including the benefits and possible side effects of vaccination, and the places where parents and guardians may obtain additional information and vaccinations for their children.

What health and safety information must be provided to students annually?

According to G.S. 115C-238.29F(a), charter schools must provide students in grades seven through twelve with information on the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illicit drugs, and inadequate prenatal care. Students in grades nine

through twelve should be provided with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person.

Are charter schools required to have an emergency response plan?

A charter school, in conjunction with local law enforcement agencies, is encouraged to adopt an emergency response plan relating to incidents of school violence. Charter schools are also encouraged to provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies. At least once per year, each school is encouraged to hold a full school wide school safety and lockdown exercise with local law enforcement agencies. Schools are also encouraged to place one or more crisis kits throughout the school that include, at a minimum, basic first aid supplies and communication devices.

Where can I go for assistance in learning and staying in compliance with OSHA Standards?

Refer to the training and guidance offered by the NC Department of Labor located here:

<http://www.nclabor.com/osha/etta/outreach/outreachprocedure.htm>.

NC Charter Schools Advisory Board**Who are the current members of the Charter Schools Advisory Board?**

You can find the list of members here: www.ncpublicschools.org/docs/charterschools/board/contacts.pdf.

What are the powers and duties of the Advisory Board?

According to G.S.115-238.29A(b)(10), the duties of the Charter Schools Advisory Board are as follows:

1. 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;
2. Review applications and make recommendations to the State Board for final approval of charter applications;
3. Make recommendations to the State Board on actions regarding a charter school, including renewals or charters, and revocations of charters;
4. Undertake any other duties and responsibilities as assigned by the State Board.

Reading Proficiency**What are the special reading proficiency and promotion requirements at third grade?**

According to G.S. 115C-238.29F(d1)(1), "students in the third grade shall be retained if the student fails to demonstrate reading proficiency by reading at or above the third grade level as demonstrated by the results of the State-approved standardized test of reading comprehension administered to third grade students. The charter school shall provide reading interventions to retained students to remediate reading deficiency, which may include 90 minutes of daily, uninterrupted, evidence-based reading instruction, accelerated reading classes, transition classes containing third and fourth grade students, and summer reading camps."

Is it possible for students to be exempt from mandatory retention in third grade (see question above)?

According to G.S. 115C-238.29F(d1)(2), students may be exempted for good cause, but shall continue to receive instructional supports and services and reading interventions appropriate for their age and reading level. Good cause exemptions shall be limited to the following:

- a. Limited English Proficient students with less than two years of instruction in an English as a Second Language (ESL) program;
- b. Students with disabilities, whose Individualized Education Program (IEP) indicates the use of alternative assessments and reading interventions;
- c. Students who demonstrate reading proficiency appropriate for third grade students on an alternate assessment of reading comprehension (The charter school must notify the State Board of Education of the alternative assessment used to demonstrate reading proficiency.);
- d. Students who demonstrate, through a student reading portfolio, reading proficiency appropriate for third grade students.
- e. Students who have (i) received reading intervention and (ii) previously been retained more than once in kindergarten, first, second, or third grades.

What must be posted on each charter school's website regarding Read to Achieve?

According to G.S. 115C-238.29F(d1)(4), "The charter school shall annually publish on the charter school's website and report in writing to the State Board of Education by September 1 of each year the following information on the prior year:

- a. The number and percentage of third grade students demonstrating and not demonstrating reading proficiency on the State-approved standardized test of reading comprehension administered to third grade students.
- b. The number and percentage of third grade students not demonstrating reading proficiency and who do not return to the charter school for the following school year.
- c. The number and percentage of third grade students who take and pass the alternative assessment of reading comprehension.
- d. The number and percentage of third grade students retained for not demonstrating reading proficiency.
- e. The number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed [above]."

Students with Disabilities**What is the obligation of the charter school to serve children with disabilities?**

The North Carolina Policies Governing Services for Children with Disabilities are applicable for all public school administrators and staff. You may access this document [here](#). Pursuant to charter school law and the general statutes governing the education of children with disabilities, a charter school is considered an LEA for purposes of providing special education and related services to children with disabilities. Contact members of the Exceptional Children Department at DPI for additional guidance. Click [here](#) for their directory.

Are charter schools required to follow a student's IEP from the previous school?

When a child enrolls in a charter school with an IEP from a previous school, the charter school must provide comparable services until the charter school IEP team meets to review and revise the IEP or develop a new IEP. A school cannot modify an IEP for reasons of "administrative convenience" for the school.

Can a charter school only offer special education services after the school day has concluded?

No, except in rare circumstances where exceptional student needs, as stated in the IEP, require otherwise. Special education must be delivered within the typical hours of the school day and school calendar. Special education is part of the student's educational program - not an add-on such as tutoring, homework club, etc.

Is a charter school responsible for identifying children who may need special education and related services?

Yes. Charter schools are obligated to identify, locate, and evaluate all students who are in need of or suspected of being in need of special education and related services. This includes, but is not limited to, children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade.

Should I expect that the special education program at my school is fully funded by the state and federal dollars earmarked for special education?

According to the *Charter School Authorizer Rubrics for Assessing Special Education*, "federal and state special education reimbursements will not cover 100 percent of the cost of providing special education and related services, and the proposed budget should reflect awareness of this reality (i.e., allocation of funds from general budget to support special education)."

Who can I contact for additional information and resources?

You can access additional information and resources on the following link for the Exceptional Children's Department: <http://ec.ncpublicschools.gov/>.

Teachers**Are charter school employees state employees?**

No. Charter school employees are employed by and contracted with the charter school's board of directors, and therefore, not considered state employees.

Are charter school teachers certified?

Yes, but with more leeway. The state requires 50% of charter school teachers to be certified. However, charter schools must follow federal policy as outlined in the No Child Left Behind (NCLB) Act for highly qualified staff. All teachers who are teaching in the core academic areas of English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts (visual and music), history, and geography must be highly qualified in those core academic areas. In North Carolina, pathways to acquire highly qualified status include the following:

- a. NC Standard Professional I or Standard Professional II Teaching License
- b. Hold a minimum of a Bachelor's Degree

- c. Demonstrate core content mastery (through passing the respective Praxis test and/or successfully completing 24 hours of related coursework)

Exceptional Children (EC) teachers must also meet the highly qualified requirement for North Carolina in the EC content area which matches the exceptionalities of at least one student in the class.

When a teacher transfers from a traditional public school to a charter school, do their leave balances transfer with them?

According to the NC Public Schools Benefits and Employment Policy Manual (revised April 2013), policy 3.1.6 and policy 4.1.9 state: "There is no provision for public school employees to transfer leave to or from charter schools." This is at the discretion of the charter school board. The board may elect to honor teachers' leave balances from their former traditional public school system, but it is not required to do so.

When a teacher transfers from a traditional public school to a charter school, do their retirement funds and health insurance transfer with them?

The board may elect to participate in the State Health Plan and the State Retirement System, but it is not required to do so. If the charter school board has elected to participate in the State Health Plan and the State Retirement System, then teachers will continue participation in both plans.

Transportation

Is a charter school required to offer transportation for its students?

According to G.S. 115C-238.29F(h), "The charter school may provide transportation for students enrolled at the school. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and one-half miles of the charter school. A local board may charge the charter school a reasonable charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local board may refuse to provide transportation under this subsection if it demonstrates there is no available space on buses it intends to operate during the term of the contract or it would not be practically feasible to provide this transportation."

If my school does not offer transportation for all students, does my school have to provide it for students who have transportation listed as a related service in their IEP?

Yes. Transportation can be identified as a related service required to ensure that a student can access the school. In that case, charter schools must develop a plan to accommodate these students.

If a student becomes homeless while he or she is attending my school, is my school required to provide transportation for him or her?

Under the McKinney-Vento Homeless Education Assistance Act, any student who becomes homeless after the time of enrollment has the right to continue to attend their current school or, a new school of choice proximate

to their temporary residence. If the child wishes to continue enrollment, the current school is responsible for securing the student's transportation to their school. For more information, please visit www.ncpublicschools.org/program-monitoring/homeless/.

Note: Many responses are taken directly from G.S. 115C-238.29.