



# north carolina JUSTICE CENTER

## Senate Bill 337 – NC Public Charter Schools Board

### **SB 337 creates an unconstitutional board**

- SB 337 makes the Public Charter Schools Board independent of the State Board of Education. The North Carolina Constitution, in Article IX, Section 5, gives the State Board of Education the power to “supervise and administer the free public school system and the educational funds provided for its support.” Since charter schools are public schools, they should be supervised by the State Board of Education.
- SB 337 allows the Public Charter Schools Board to “adopt rules...regarding all aspects of charter school operation...”, however, Article IX, Section 5 requires that the State Board of Education make all rules and regulations regarding public schools.
- Article IX, Section 6 of the North Carolina Constitution requires that all money for public education should be “faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.” Charter schools are public schools and should be part of the general and uniform system if they are to receive money from the public education budget.
- The purpose of the proposed board is to “authorize and oversee” charter schools and “exercise authority for approval of any charter applicant. Since charter schools are public schools any responsibility to authorize, oversee or approve them belongs to the State Board as the constitutional authority over public schools.
- SB 337 requires that in order for the State Board of Education to override any action made by the Charter Board it must do so with a three fourths vote. Any requirement to have the State Board of Education unable to exercise its constitutional authority without restrictions violates the state’s constitution.

### **SB 337 makes charter schools even less accountable**

- The Public Charter Schools Board replaces the Charter School Advisory Committee and the State Board of Education’s Public Charter School Advisory Council which sought a balanced membership. The Council reviewed applications and the State Board of Education served as a gatekeeper reviewing these recommendations so bad schools would not be chartered.
- Under the current system, an unprecedented number of charter schools have already been approved in the last year, including the imposition of a fast-track process that actually expedited the already limited requirements for opening a charter school in the state. There are currently 70 charter school applications awaiting review to open in the fall of 2014. SB 337 only serves to ensure less accountability in the application process.



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- Members of the Public Charter Schools Board are required to demonstrate “an understanding and commitment to charter schools as a strategy for strengthening public education.” It is unlikely that people, who see charter schools as a strategy to strengthen public education, even though the evidence shows they do not improve student achievement, can effectively serve in a gatekeeper function.
- The bill allows a failing charter school to be taken over by another entity rather than closing it.
- It does not require the money left from the failing charter to go to the state but it gives it to the new charter operator.
- With all of the for-profit charter management organizations, “chain school franchise owners” and a board that is designed to approve the maximum number of charter schools, it is likely that these organizations will identify the lax standards to open a charter school in North Carolina and target the state and swoop in like vultures to profit from our children.

## **SB 337 will segregate charter schools even further**

- Duke University’s Sanford School of Public Policy released an updated study that showed charter schools are often racially unbalanced which has a negative effect for students.
- SB 337 eliminates the requirement that charter schools “reasonably reflect the racial and ethnic composition” in the area where the school is located.
- SB 337 only requires schools to “make efforts” to match the demographics of the school’s location.

## **SB 337 eliminates the already paltry regulations that charter schools were required to follow**

- The bill does away with the even minimal requirements for teacher certification and college graduation for teachers in core classes.
- The Duke study showed that schools that serve minority students were likely to have teachers with less experience. If schools do not even have a requirement to have certified teachers minority students in racially isolated charter schools are unlikely to receive their constitutional right to a sound basic education.