

16 NCAC 06G .0508 CHARTER SCHOOLS APPLICATION AND REVIEW PROCESS

(a) Applicants shall complete and submit the charter application at <https://www.dpi.nc.gov/students-families/alternative-choices/charter-schools/applications> and deliver the nonrefundable one thousand dollar (\$1,000) fee to the Office of Charter Schools no later than 5:00 p.m. on the last Friday in April. The fee shall be in the form of a certified check or money order payable to NC DPI Office of Charter Schools. Applicants may mail the certified check or money order to the Office of Charter Schools, 6307 Mail Service Center Raleigh, NC 27699-6307; or deliver it to the Office of Charter Schools, Department of Public Instruction, 301 N. Wilmington Street, Raleigh, NC. Applicants are responsible for submitting applications and delivering fees to the Office of Charter School by the deadline.

(b) Applications and fees received after the deadline specified in Paragraph (a) of this Rule will not be considered. The Office of Charter Schools shall send written notice to the applicant and signatories of any statement required in G.S. 115C-218.1(a) informing them that the SBE will not consider the application because the applicant did not submit the application or deliver the fee to the Office of Charter School by the deadline.

(c) When determining whether to award a charter, the SBE shall consider any factors relevant to the applicant's academic, financial, and governance plans for the school, including the extent to which the application:

- (1) reflects the applicant's commitment to the purposes of the charter school law stated in G.S. 115C-218(a);
- (2) describes how the applicant will promote the use of different and innovative teaching methods;
- (3) reflects the applicant's understanding of, research into, and planning for educational issues, particularly budgeting, financing, and accounting issues;
- (4) describes a board whose size, diversity, and regional affiliations represent the community and are likely to promote community support for the school;
- (5) contains articles of incorporation and by-laws;
- (6) contains a budget that reflects anticipated revenues and costs, including costs associated with maintenance of the school facilities and projected growth;
- (7) contains a plan for acquisition and utilization of a facility consistent with the proposed budget and timeline for opening school;
- (8) describes a five year marketing plan that promotes a diverse student population; and
- (9) describes other factors that will promote the purposes of the Charter School Act, G.S. 115C-218 et seq.

*History Note: Authority G.S. 115C-12; 115C-218; 115C-218.1; 115C-218.5;
Emergency Adoption Eff. August 20, 2019;
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Policy CHTR-012: Charter School Application and Review Process

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**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Item	Description
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Statutory Reference	G.S. 115C-128
NC Administrative Code	16 NCAC.06G.0508 CHARTER SCHOOLS APPLICATION AND REVIEW PROCESS

a. Deadline for Filing Charter School Applications.

1. Prior to each application round, the State Board of Education shall approve the application process, timeline, and non-refundable fee.
2. Applications for charters, and the nonrefundable - fee, must be received by the Office of Charter Schools no later than the date and time specified for the charter application round that year.
3. Applications and fees received after the deadline specified by the Office of Charter Schools will not be considered, and any affected applicant groups will be notified in writing.

b. Rejection of Incomplete Applications. The Charter School Advisory Board and Office of Charter Schools shall review all timely applications and shall reject all incomplete applications.

Charter School Advisory Board Responsibilities

1. The Charter School Advisory Board, with the assistance of the Office of Charter Schools, will review applications and formulate recommendations to the State Board of Education.
2. The Charter School Advisory Board, with the assistance of the Office of Charter Schools, shall review each complete application and determine whether the application:
 - i. Meets all the requirements of the Charter School Act, G.S. 115C-218 *et seq.*;
 - ii. Would achieve one or more of the purposes set forth in G.S. 115C218(a);
 - iii. Contains viable governance, business, and education plans; and
 - iv. Satisfies any other requirements adopted by the SBE.
3. Of the applications which meet the requirements in (c)(2), the Charter School Advisory Board shall forward to the SBE those applications which warrant SBE review by its April meeting each year.
4. The Charter Schools Advisory Board will present its recommendations to the SBE at the May SBE meeting for discussion.

c. SBE Review of Applications and Award of Charters

1. The SBE may request information from applicants, their officers, agents or employees or other persons having information regarding the charter application reviewed by the Charter School Advisory Board.
 2. When awarding charters, the SBE may give priority consideration to applications that demonstrate the capability to provide comprehensive learning experiences to students identified as at risk of academic failure.
 3. When determining whether to award a charter, the SBE may consider any factor that it determines will promote the purposes of the Charter School Act, G.S. 115C-218 et seq., including but not limited to the extent to which the application:
 - i. Reflects the applicants commitment to the purposes of the charter school law stated in G. S. 115C-218(a);
 - ii. Promotes innovation through charter schools;
 - iii. Reflects the applicants planning, research and understanding of educational issues, including budgeting, financing and accounting;
 - iv. Demonstrates the applicants commitment to strong governance, including active participation of a large, diverse and locally-based board;
 - v. Contains proper articles of incorporation and by-laws;
 - vi. Contains a sound budget that accurately reflects anticipated revenues and costs; including costs associated with maintenance of the school facilities and projected growth;
 - vii. Describes student admission requirements and lottery system that comply with G.S. 115C;
 - viii. Describes a sound plan for acquisition and utilization of an adequate facility;
 - ix. Describes a sound five (5) year marketing plan that promotes a diverse learning environment; and
 - x. Any other factor that it determines will promote the purposes of the Charter School Act, G.S. 115C-218 et seq.
 4. The SBE may award a charter to any applicant that submits an application that meets the requirements set forth in the statute and adopted by the SBE and when awarding the charter would achieve one or more of the purposes set forth in G.S. 115C218(a). The initial charter awarded to any new school will not exceed five (5) years.
 5. Prior to denying any charter school application that received a majority vote to approve by the CSAB, the SBE will return the application to the CSAB for further review before denial on second reading.
 6. The SBE will approve or deny all charter school applications by its June meeting each year, except those applications returned to the CSAB for further consideration under part one of this recommendation, which the SBE will approve or deny by its August meeting each year.
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16 NCAC 06G .0509 PLANNING YEAR FOR NEW PRELIMINARY CHARTER SCHOOLS

(a) All nonprofit boards eligible to receive a charter for the first time shall participate in a year-long planning program prior to the charter school's opening for students. During this planning year, directors from nonprofit boards holding charters shall attend meetings conducted by consultants from the Office of Charter Schools regarding the following topics: school opening plans, staff development, finance, governance, board training, marketing, statutes and rules governing operation of the school, securing a school site, and hiring a school administrator. Final approval of the charter shall be contingent upon the nonprofit board attending the planning meetings, acquisition of a facility, and commitments from parents or guardians to enroll students that comprise at least 75 percent of the projected enrollment.

(b) The State Board of Education may accelerate the mandatory planning year for a charter applicant that meets the following requirements:

- (1) agrees to participate in the planning year while the charter application is being reviewed without any guarantee of charter award; and
- (2) demonstrates that there is a facility identified by the applicant that is feasible for opening on an accelerated schedule.

(c) The State Board shall also consider the presence or absence of evidence of the following factors in making its determination of whether to accelerate a planning year:

- (1) whether the mission and educational program outlined in the nonprofit board's application will provide parents and students with different educational opportunities than are currently available in the area;
- (2) whether local, state, or national nonprofit partnerships have committed to assisting the school;
- (3) whether the school will contribute to potential for economic and educational development of the region;
- (4) whether an organization that has experience in creating public schools is mentoring the applicant;
- (5) whether obstacles to educational reform efforts leave chartering as an available option;
- (6) whether an existing charter school board has agreed to mentor the applicant;
- (7) whether the nonprofit corporation has existed for more than two years; and
- (8) whether the proposed board has previously operated or currently operates a public charter school.

(d) An applicant requesting acceleration shall submit the request to the State Board of Education prior to the application due date for consideration.

*History Note: Authority G.S. 115C-12; 115C-218; 115C-218.1; 115C-218.5(b);
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Policy CHTR-013: Planning Year for New Preliminary Charter Schools

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NORTH CAROLINA STATE BOARD OF EDUCATION

Policy Manual

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NC Administrative Code	16 NCAC 06G .0509 PLANNING YEAR FOR NEW PRELIMINARY CHARTER SCHOOLS

I. Planning Year for New Charter School

All new nonprofit boards receiving a charter must participate in a year-long planning program prior to the charter school's opening for students. The planning year provides an applicant time to prepare for the implementation of the school's curricular, financial, marketing, and facility plans. During this planning year, regular meetings are held with the Board of Directors and consultants from the Office of Charter Schools to provide information on the following topics: school opening plans, staff development, finance, governance, board training, marketing, policies and procedures, securing a school site, and hiring a school administrator.

Final approval of the charter will be contingent upon successfully completing all of the planning program requirements.

II. Acceleration

A. The State Board of Education, in its discretion, may accelerate the mandatory planning year to increase the number of high quality charter schools. In considering whether to accelerate the planning year, the applicant must meet the following requirements:

1. Demonstrate a clear and compelling need for the accelerated planning year;
2. Demonstrate an exceptional need for the charter school in the proposed location;
3. Agree to participate in the planning year while the charter application is being reviewed without any guarantee of charter award; and
4. Demonstrate that there is a facility identified by the applicant that is feasible for opening on an accelerated schedule.

B. Once evidence for the requirements has been verified, the State Board will also consider the presence or absence of the following factors in making its determination:

1. Unique mission and educational program.
2. Local, state, and national nonprofit partnerships committed to assisting the school.
3. Potential for economic and educational development of the region.
4. Mentoring by a successful organization that has experience in creating public schools.
5. Obstacles to educational reform efforts that leave chartering as an available option.
6. Commitment to work with a successful charter school board as a guiding mentor.
7. The length of time the nonprofit corporation has existed.
8. Whether the proposed board has previously or currently operates a successful public charter school.

C. The above list is not exclusive or controlling and is intended to guide the exercise of the State Board's discretion. An applicant requesting acceleration must submit the request to the State Board of Education prior to the application due date for consideration.

§ 115C-218.3. Fast-track replication of high-quality charter schools.

Upon recommendations by the Office of Charter Schools and the Charter Schools Review Board, the State Board of Education shall adopt a process and rules for fast-track replication of high-quality charter schools currently operating in the State. The State Board of Education shall not require a planning year for applicants selected through the fast-track replication process. In addition to the requirements for charter applicants set forth in this Article, the fast-track replication process adopted by the State Board of Education shall, at a minimum, require a board of directors of a charter school to demonstrate one of the following in order to qualify for fast-track replication:

- (1) The board of directors operates charter schools and can demonstrate both of the following:
 - a. The majority of charter schools in this State governed by the board of directors has student academic outcomes from the three prior school years that are equal to or greater than the student academic outcomes in the local school administrative unit in which each charter school is located.
 - b. The board of directors can provide three years of financially sound audits for each school it governs.
- (2) The board of directors agrees to contract with an education management organization or charter management organization that can demonstrate both of the following:
 - a. The majority of the charter schools in this State managed by the organization has student academic outcomes from the three prior school years that are equal to or greater than the student academic outcomes in the local school administrative unit in which each charter school is located.
 - b. The organization can provide three years of financially sound audits for each school it governs.

The State Board of Education shall ensure that the rules for a fast-track replication process provide that decisions by the Review Board on whether to grant a charter through the replication process are completed in less than 120 days from the application submission date. The Review Board shall provide a decision no later than October 15 of the year immediately preceding the year of the proposed school opening, and any appeal of the Review Board's decision shall be heard and decided no later than December 1 of the same year. (2014-101, s. 6.5; 2016-79, s. 2; 2017-173, s. 2(a); 2021-180, s. 7.33(a); 2023-110, s. 1(c); 2023-134, s. 7.26(c).)

16 NCAC 06G .0512 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – PURPOSE AND DEFINITIONS

(a) The State Board of Education (SBE) may grant permission for a non-profit corporation board of directors (board) to replicate either its own successful model, or to employ an educational management company (EMO) or a charter management organization (CMO) as defined Rule .0523 of this Section to replicate a successful model currently being operated under the management of the EMO or CMO. The SBE may also grant permission for a non-profit corporation board to "fast-track" such a replication by foregoing the planning year normally required for approved charter applicants. Rules .0512 through .0515 of this Section outline the criteria and process by which the SBE may authorize fast-track replication.

(b) Nothing in these Rules shall be construed to prohibit a North Carolina non-profit corporation board from applying to replicate another charter school through the regular application process in Rule .0508 of this Section and, upon approval, receive the planning year trainings from NCDPI.

(c) Definitions for terms used in Rules .0512 through .0515 of this Section.

- (1) "Charter school model" or "model" mean the mission as defined in the charter application and function of a charter school, including its governance, its curriculum, its organizational structure, its targeted population, and other key characteristics of the school, such as small class size, thematic academics, and extended day.
- (2) "Successful model" means a charter school model that meets the eligibility requirements in Rule .0513 of this Section.
- (3) "Replication" means the act of copying, recreating, or repeating, a successful charter school model. A "replication" requires the utilization of one charter school "model" to form the creation of a new charter school.
- (4) "Fast-Track Replication" is a special form of replication in which the approved applicant foregoes the planning year required of new charter school applicants.

(d) The "fast-track" applicant shall participate in a one-day basic training workshop that will be provided by the Department of Public Instruction. The State Board of Education shall make final decisions regarding "fast-track" replication applications in less than 120 days from the application submission.

*History Note: Authority G.S. 115C-218.3;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

16 NCAC 06G .0513 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – ELIGIBILITY

(a) A non-profit corporation board that operates a charter school in North Carolina is eligible to apply to fast-track replicate its existing model only if the non-profit corporation board's current school or schools demonstrate a consistent track record of academic, financial, and operational success. If the board operates more than one school, each school shall meet this standard. To meet this standard, the non-profit corporation board shall meet each of the following conditions at all times while its application is pending:

- (1) Each school operated by the non-profit corporation shall:
 - (A) have academic outcomes comparable to or better than those of the students enrolled in the LEAs in which the charter schools are located; or
 - (B) meet or exceed growth for the three years preceding the application at issue, by measures contemplated by G.S. 115C-83.15;
- (2) Each school operated by the non-profit corporation shall have unqualified audits for the three years preceding the application.
- (3) Each school operated by the non-profit corporation shall have resolved any failures to comply with obligations in statute, rules, or the charter agreement cited by the Department of Public Instruction during the three years preceding the application.
- (4) A majority of the non-profit corporation board members and a majority of the board officers shall be North Carolina residents.

(b) A non-profit corporation board that does not operate a charter school in North Carolina is eligible to apply to replicate through fast-track replication an existing model operated by an EMO or CMO. The non-profit corporation board is eligible to apply only if the schools operated by the EMO or CMO have a consistent track record of academic, financial, and operational success. The non-profit corporation board is eligible to replicate an existing model operated by the EMO or CMO only if the non-profit corporation board shows that each of the following conditions at all times while its application is pending:

- (1) The non-profit corporation board shall demonstrate that each school managed by the EMO or CMO:
 - (A) have academic outcomes at least comparable to or better than those of the students enrolled in the LEAs in which the charter schools are located; or
 - (B) meets or exceeds growth for the three years preceding the application at issue based on the growth scores calculated using NC Accountability data.
- (2) The non-profit corporation board shall demonstrate that the schools operated in other states by the EMO or CMO meet similarly rigorous standards for academic performance through the presentation of academic performance data from the respective state board of education.
- (3) The non-profit corporation board shall demonstrate that each school managed by the EMO or CMO have unqualified audits for three years immediately preceding the application.
- (4) The non-profit corporation board shall demonstrate that the schools operated in other states by the EMO or CMO meet similarly rigorous standards for financial performance through the presentation of annual audit data.
- (5) A majority of the non-profit corporation board members and at least 50 percent of the board officers shall be North Carolina residents.

(c) "Comparable" means a proficiency score that is no more than five points below the LEA's Grade-Level Proficiency (GLP) score based on NC Accountability data as described in G.S. 115C-83.15, 83.16 and 83.17.

*History Note: Authority G.S. 115C-218.3;
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16 NCAC 06G .0514 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – GENERAL REQUIREMENTS

(a) In addition to the specific requirements set forth in Rules .0512 and .0513 of this Section, the State Board of Education ("SBE") may impose additional requirements in the review, application, and approval process as allowed by G.S. 115C-218(c) to assure that a "fast-tracked" charter school has at least the same probability of success as a charter that completes the planning process in Rule .0509 of this Section.

(b) In addition to considering evidence of student growth, proficiency, and financial audits in the applicant's other schools, the SBE may consider any other relevant factors in determining whether to grant a fast-track replication request, including the following:

- (1) the needs of the particular geographical area proposed to be served by the replicated model;
- (2) the ability of the non-profit corporation board to manage additional schools;
- (3) the abilities and strengths of the non-profit corporation board that seeks to employ the EMO or CMO; and
- (4) the community support for the replicated model.

(c) In determining the needs of the particular geographical area, the SBE shall consider whether there are similar charter school options in the geographical area and capacity data for the county's public schools. In determining the community support of the replicated model, the SBE shall consider community survey data, community letters of support, and any other evidence the applicant chooses to present.

*History Note: Authority G.S. 115C-218.3;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.*

**16 NCAC 06G .0515 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS –
ACCOUNTABILITY**

- (a) A "network" means one or more charter schools operated by a single non-profit corporation board or a single EMO or CMO."
- (b) Each school within a network of schools operated by a single non-profit corporation board or a single EMO or CMO is a separate and distinct charter school and shall be assessed based upon its own separate academic, financial, and operational performance.
- (c) The strengths or weaknesses of other schools are not factors in determining whether the State Board of Education ("SBE") shall take action against an individual school; however, the strengths and weaknesses of all schools in a network may influence the SBE's decision regarding whether or not to allow fast track replication of a school in that network.
- (d) Replicated charter schools shall be subject to the same requirements as other charter schools.

*History Note: Authority G.S. 115C-12; 115C-218.3;
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Policy CHTR-016: Fast Track Replication of High Quality Charter Schools

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NORTH CAROLINA STATE BOARD OF EDUCATION

Policy Manual

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NC Administrative Code	16 NCAC 06G .0512 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – PURPOSE AND DEFINITIONS 16 NCAC 06G .0513 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – ELIGIBILITY 16 NCAC 06G .0514 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – GENERAL REQUIREMENTS 16 NCAC 06G .0515 FAST TRACK REPLICATION OF HIGH QUALITY CHARTER SCHOOLS – ACCOUNTABILITY

Formerly TCS-U-016

**This policy only applies to Fast Track Replication. The definitions of Replication and Model outlined below are applicable to applicants seeking to replicate an operating or current charter school model.*

A. Purpose and Definitions

1. Overview

A charter school model that has been successfully implemented in North Carolina or elsewhere should serve as a platform on which additional schools could and should operate. Accordingly, the State Board of Education (SBE) may, in certain well-defined instances, grant permission for a non-profit corporation board of directors (board) to replicate either its own successful model, or to employ an educational management company (EMO) or a charter management organization (CMO) to replicate a successful model currently being operated under the management of the EMO or CMO. The SBE may also, in certain well-defined instances, grant permission for a non-profit corporation board to “fast track” such a replication by foregoing the planning year normally required for newly-approved charter applicants. This Policy outlines the criteria and process by

which the SBE may authorize fast-track replication.

Nothing in this policy shall be construed to prohibit a North Carolina non-profit corporation board that seeks to replicate another charter school from doing so through the regular application process and, upon approval, receiving the planning year trainings from NCDPI.

2. Definitions

- a. "Model" constitutes components such as the core mission and function of a charter school, including its governance, its curriculum, its organizational structure, its targeted population, and other characteristics of the school, such as small class size, thematic academics, extended day, etc.
- b. "Replication" is the act of copying, recreating, or repeating, in this case a successful charter school model. A "model" would include components such as the mission, curriculum, governance, policies and procedures inherent in the operation of the charter school. A "replication" would require the utilization of one charter school "model" to form the creation of a new charter school.
- c. "Fast-Track Replication" is a special form of replication in which the approved applicant foregoes the planning year normally required of new charter school applicants. The "fast-track" applicant will still be required to participate in a one-day basic training workshop that will be provided by the NCDPI. The State Board of Education shall make final decisions regarding "fast track" replication applications in less than 120 days from the application submission date.

B. Eligibility Criteria

1. A non-profit corporation board that currently operates a charter school in NC is eligible to apply to fast-track replicate its currently existing model only if the non-profit corporation board's current school or schools demonstrate a consistent track record of academic, financial, and operational success. If the board operates more than one school, each school must meet this standard. To meet this standard, the non-profit corporation board must meet each of the following conditions:
 - a. Each school operated by the non-profit corporation must (1) have academic outcomes at least comparable to those of the students enrolled in the LEAs in which they are located; or (2) meet or exceed growth for the three years immediately preceding the application at issue
 - b. Each school operated by the non-profit corporation must have unqualified audits for the three years immediately preceding the application and must maintain that fiscal standard throughout the application period.
 - c. Each school operated by the non-profit corporation must have resolved any noncompliance issues cited by NCDPI during the three years immediately preceding the application and must maintain this standard throughout the application period.
 - d. A majority of the non-profit corporation board members and 50% or greater of the board officers must be North Carolina residents.
2. A non-profit corporation board that does not currently operate a charter school in NC is eligible to apply to replicate through fast-track replication an existing model operated by an EMO/CMO. The non-profit corporation board is eligible to apply only if the schools operated by the EMO/CMO have a consistent track record of academic, financial, and operational success. The non-profit corporation board is eligible to replicate an existing model operated by the EMO/CMO only if the non-profit corporation board meets each of the following conditions:
 - a. The non-profit corporation board must demonstrate that each of the schools being managed by the EMO/CMO (1) have an academic proficiency comparable to the LEAs in which the current schools are located; or (2) meet or exceed growth for the three years immediately preceding the application at issue. The non-profit corporation board must demonstrate to the SBE that the schools operated in other states by the EMO/CMO meet similarly rigorous standards for academic performance. The EMO/CMO must continue to meet these standards throughout the application period.
 - b. The non-profit corporation board must demonstrate that each of the schools managed by the EMO/CMO have unqualified audits without fiscal compliance issues for three years immediately preceding the application. The non-profit corporation board must demonstrate to the SBE that the schools operated in other states by the EMO/CMO meet similarly rigorous standards for financial performance. The non-profit corporation board must maintain this standard throughout the application

period.

- c. A majority of the non-profit corporation board members and 50% or greater of the board officers must be North Carolina residents.

C. General Requirements

1. In addition to the specific requirements set forth above, the SBE may impose reasonable requirements both in the review and application stages as well as in the approval process. The SBE's obligation and responsibility to ensure quality charter schools supersedes an applicant's opportunity to apply for fast-track replication.
2. In addition to considering growth and proficiency and financial audits, the SBE may consider any other relevant factors in determining whether to grant a fast-track replication request, including the needs of the particular geographical area proposed to be served by the replicated model; the ability of the non-profit corporation board to manage additional schools; the abilities and strengths of the non-profit corporation board that seeks to employ the EMO/CMO; and the community support for the replicated model.

D. Accountability

1. For purposes of accountability, each school within a network of schools operated by a non-profit corporation board or an EMO/CMO is a separate and distinct charter school and will be assessed based upon its own separate academic, financial, and operational performance.
 2. The strengths or weaknesses of other schools are not factors in determining whether the SBE should take action against an individual school; however, the strengths and weaknesses of all schools in a network may influence the SBE's decision regarding whether or not to allow fast-track replication of a school in that network.
 3. The SBE, DPI, and the OCS will observe and evaluate schools that are replications to the same extent and in the same manner as the State monitors all charter schools.
 4. The non-profit corporation board shall ensure that, with respect to each of the schools in the EMO/CMO's network, the public will have open access to board members and meetings of the board.
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