

# Applications, Accelerated Timeline, and Fast-Track Replication

*A review of policy, statute, and rules*

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CSRB April 2026*



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# Legal Hierarchy | Overview



**Statute** is law enacted by the General Assembly defining rights, duties, and authority. They're the primary source of law and can only be changed by the legislature.

**Administrative Code / Rules** are regulations created by state agencies under authority *delegated* by a statute. Found in the NC Administrative Code (NCAC), they carry the force of law but must stay within the boundaries the enabling statute sets. Agencies follow a formal rulemaking process (notice, comment, etc.) overseen by the Rules Review Commission.

**Policy** generally refers to internal agency guidance — directives, manuals, or procedures that govern how an agency operates or interprets its rules. Unlike statutes or rules, policies do *not* go through formal rulemaking and do *not* have the force of law. They bind agency staff but can't impose new legal obligations on the public. **\*\*This is why so many DPI policies were written into rules**

# Why this matters ...

Significant recent legal change is found in the amended G.S. 115C-218. Previously, the State Board of Education held sole authority to create rules and policies for charter schools. SL 2025-80 restructured that by requiring CSRB approval before any rule or policy affecting charter schools can take effect.

Specifically, under the new law:

- **Rules:** Any rule or policy adopted by the State Board regarding charter schools *must first be approved* by the Charter Schools Review Board. Previously it was an advisory role only.
- **Policies too, not just rules:** The law requires CSRB approval for any rule *or policy* impacting charter schools.
- **Broader authority shift:** The review board now *approves* rules, policies, and charter agreements — State board *adopts* the rules or policies.
- **Summary:** Statutory changes must go through the General Assembly. Rule and policy changes should originate at your board and in alignment with statute.

# Legal Overview

## Application Process

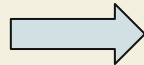
Rules and policies are all outdated following creation of Charter Schools Review Board ...

§ 115C-218.1. Eligible applicants; contents of applications; submission of applications for approval



Who can apply, what the application must include, fee established

§ 115C-218.2. Opportunity to correct applications; opportunity to address Review Board.



Five business days to correct; opportunity to address CSRB

§ 115C-218.5. Final approval of applications for charter schools.



“May grant if it finds ...” “Planning period”

16 NCAC 06G .0508 Charter Schools Application and Review Process



Establishes fee, directions to submit application and fee by last Friday in April

CHTR-012 Charter School Application and Review Process

# Legal Overview

## Acceleration

§ 115C-218.5. Final approval of applications for charter schools. (b) references “planning period”

CHTR-013 appears to be original source of “acceleration”

16 NCAC 06G .0509 Planning Year for New Preliminary Charter Schools “may accelerate”

Both policy and rule require: agree to participate in planning year while being reviewed and “a facility identified by the applicant that is feasible for opening on an accelerated schedule”

## Fast-track replication

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

CHTR-016

16 NCAC 06G .0512-15

# Accelerated v. Fast-Track Replication

- Accelerated is NOT in statute.
- Appears to have originated in planning year policy.
- This means there is greater opportunity for CSRB input.

- Fast-track is laid out with clear requirements in NC General Statute and rules.
- § 115C-218.3. Fast-track replication of high-quality charter schools.
- Less opportunity for input.

# Accelerated Applications

# Acceleration

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# **Policy CHTR-013: Planning Year for New Preliminary Charter Schools**

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.

# Acceleration in Rules: 16 NCAC 06G .0509

(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.

# Acceleration

## QUESTIONS GOING FORWARD >>

- Both policy and rule are outdated in that SBE is the authorizing board referenced. This needs to be updated, but in doing so, would the CSRB also like to reconsider requirements?
- Do you want to consider adding interview requirements?
- Guidelines for relocations or delays?
- Reconsider overall criteria for approving?

# Fast-Track Replication Applications

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

**Fast-Track Replication Process** – The State Board of Education, advised by the Office of Charter Schools and the Charter Schools Review Board, will establish a streamlined process for replicating high-quality charter schools already operating in the state.

**Must meet strict criteria** – Applicants approved through the fast-track process must demonstrate qualifying criteria via their board of directors to be eligible.

**No Planning Year Required** – Applicants selected through the fast-track process are exempt from the standard planning year requirement, but must participate in a one-day workshop.

## § 115C-218.3. Fast-track TIMELINE

Decisions by the CSRB on whether to grant a charter through replication must be completed in less than 120 days from the application submission date.

- Decision no later than October 15
- Appeal (if applicable) decision no later than December 1
- Thus, these applications are always heard first

*\*\*Of note, an applicant can “replicate” a school’s model on a standard timeline and not utilize the “fast-track” process. This statute is specific to applicants wanting the quicker timeline and meeting the strict requirements.*

# § 115C-218.3. Fast-track CRITERIA

**Option 1** – The board currently operates a charter school itself and must prove it can handle replication by demonstrating:

- Academic Performance – The majority of its charter schools have had student outcomes equal to or better than their local school district for the past 3 years
- Financial Health – Three years of clean, financially sound audits across all schools it governs

**Option 2** – Instead of the board proving its own track record, it contracts with an experienced Education or Charter Management Organization (EMO/CMO) that must demonstrate:

- Academic Performance – The majority of the schools it manages in NC have had student outcomes equal to or better than their local school district for the past 3 years
- Financial Health – Three years of clean, financially sound audits across all schools it manages

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

In short, a board can either **prove its own strong track record** (Option 1) or **partner with an outside organization that has a strong track record** (Option 2) — but either way, both academic performance and financial stability must be demonstrated over a three-year period.

This is statutory requirement. Therefore, the NC Charter Application requires and is aligned with the criteria listed in statute.

# Opportunities ...

- Rules are outdated as they have not been revised following the major changes to CSRB's duties.
- Policies are likewise outdated; believe that CHTR-007 (Renewals) is the only policy approved by CSRB, adopted by SBE.

## ***Suggested next steps >>***

1. OCS will begin coordination with DPI Rules Coordinator
2. CSRB to review and begin considering if any revisions desired (aside from necessary SBE/CSRB structure changes) to acceleration or fast-track rules.

# Word of caution

- Rules process often take a minimum of 8 months. It is not a quick and easy process and therefore revisions should be carefully considered.