

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

Item	Description
Policy Title	Appeals Process for Charter Schools Review Board Decisions
Policy Category	Public School Employee Charter Schools Administration (CHTR)
Policy ID	CHTR-023
Policy Date	10/04/2023
Previous Policy Dates	
Statutory Reference	G.S. 115C-218.9
Administrative Procedures Act (APA)	16 NCAC 06G .0507, .0508, .0510, .0511

Pursuant to G.S. § 115C-218.9, an applicant for a charter school, a charter school, or the State Superintendent of Public Instruction may appeal to the State Board of Education from a final decision by the Charter Schools Review Board (CSRB) on whether to grant, renew, revoke, or amend a charter. The following procedures apply to these appeals:

1. Appellants must complete the notice of appeal form found on the Department of Public Instruction’s website and submit it to the Chair of the State Board within ten (10) calendar days of the CSRB’s final decision, with a copy of the notice to be provided to the Office of Charter Schools and to the Office of General Counsel for the State Board of Education.
2. The Chair of the State Board will designate a panel of three State Board members to conduct a review of the information provided by the parties, hold a hearing, and make a written recommendation to the full State Board of Education.
3. Within ten (10) calendar days of the submission of a request for appeal, the CSRB shall provide the panel with all documentation and other information submitted to or considered by the CSRB in the matter being appealed.
4. The panel shall hold a hearing within forty-five (45) days of the receipt of the request for an appeal unless the parties agree to extend the time for the hearing.
 - a) An appeals hearing before the panel will be duly noticed to the public and open to the public unless a closed session is permitted by law and necessary to protect confidential information. The panel will make the final determination of whether the entirety, or a portion, of a hearing will be held in open or closed session.
 - b) The panel will provide the parties at least five business days’ notice of the time and place for the hearing.

- c) Hearings under this policy may be held either in-person or virtually at the discretion of the panel.
 - d) Prior to the hearing, each party may provide additional information for the panel's consideration and may submit written statements no later than three business days before the hearing.
 - e) The State Board shall review appeals under this policy de novo. The State Board's review of a final decision from the CSRB shall be consistent with the requirements of Article 14A in Chapter 115C of the North Carolina General Statutes.
 - f) Parties will be given the opportunity to address the panel orally at the hearing. Each side will have thirty (30) minutes to present their case and respond to the panelists' questions. The panel may extend the time for oral presentation in its discretion.
 - g) Any party anticipating to be represented by legal counsel must notify the panel at least three business days before the hearing. If necessary, the hearing may be rescheduled to enable the other party to secure legal counsel for the hearing.
 - h) All hearings under this policy will be recorded.
5. Following the hearing, the panel will submit a written recommendation and all materials submitted to the panel by the parties to the State Board no later than five business days before the Board meeting at which the appeal will be considered by the full State Board.
 6. At the next regularly scheduled meeting of the State Board, or at a specially called meeting of the State Board, the Board shall vote to either accept, reject, or amend the panel's recommended decision.
 7. The State Board shall issue its written decision in any matter appealed under this policy within sixty (60) days from the date the notice of appeal was submitted.