

RESOLUTION REGARDING SENATE BILL 8

Whereas, we are elected by the citizens of Rutherford County to provide for the education of the students of the Rutherford County School System (currently numbering approximately 9000, over ninety percent of the school students in our county);

Whereas, leadership of this school system charges us with the responsibility for securing and appropriately using funding for the education program from multiple sources including federal, state, and local governments as well as private donations, additional grants, and various fees and fundraisers;

Whereas, Rutherford County Schools have voluntarily chosen to provide elective programs for its students, including, but not limited to prekindergarten programs (i.e., Head Start and More-at-Four) and JROTC, believing that these programs provide significant benefits for its students beyond the basic education requirements;

Whereas, the North Carolina General Assembly has provided for charter schools in North Carolina and currently is considering legislation that would expand these schools and redefine their funding through Senate Bill 8;

Whereas, Senate Bill 8 would allow charter schools a percentage of all funds that flow through public school systems, including: donations, reimbursement of expenses (such as activity bus fees and gymnasium rental fees that simply cover expenses of these activities), revenues for governmental programs that charter schools choose not to offer (such as Head Start, More-at-Four, JROTC and Free and Reduced Lunch), fund balance allocation (after those funds have already been shared with charter schools upon initial attainment prior to becoming fund balance) and child nutrition funds (which include fees paid by parents and governmental subsidies even when the charter school does not serve lunch); and

Whereas, Senate Bill 8 only allows separate accounting for funds (i.e., not sharing with charter schools) in the case of donor specifications that said funds be accounted for in a particular way; yet in reality, grantors and donors restrict the use

of these funds but do not specify the manner of accounting. When governmental revenues are obtained for specific programs (i.e., JROTC, Head Start, etc.), the revenues must solely be used for those programs. Thus, to provide the charter schools with the percentage of revenues Senate Bill 8 would require, local school systems would have to use funds from their local budgets, cutting services and/ or positions otherwise funded by these budgets;

Whereas, under Senate Bill 8, charter schools may apply for and secure governmental revenues for specific programs at their schools with no obligation to share such monies or donations with the traditional public schools;

Whereas, if Senate Bill 8 is enacted as proposed, a significant inequity of per pupil funding (hundreds to thousands of dollars per student) between traditional public school students and charter school students will result;

Whereas, Senate Bill 8 removes the minimum number of students necessary to form a charter school thereby diverting public funds for education to small groups of private individuals; and

Whereas, Senate Bill 8 also provides for consideration of capital funding for charter schools which are owned by private in-state and out-of-state corporations at a time that billions of dollars of capital needs are going unmet in our traditional public school system.

Be it therefore resolved, the Rutherford County Board of Education respectfully requests the members of the North Carolina General Assembly to reconsider Senate Bill 8 and provide changes to reflect the above concerns, specifically:

- Provide a mechanism for accounting for funds not appropriate to share with charter schools.
- Allow for monies to follow the students involved, not requiring sharing of funds when charter schools don't provide specific programs.
- Remove the provision requiring donor specified accounting and replace it with restrictions of use of funds as stated in the grants.

- Allow for reimbursement of funds (such as activity bus fees, facility rental fees) to be accounted for in such a way as not to create a surcharge for charter schools.
- Reinstate a reasonable minimum of students necessary to form a charter school.
- Reconsider the capital funding provision.
- Create a bill that is truly fair to all public school students in North Carolina and is not subject to ambiguities which potentially lead to years of litigation at the expense of our school students.

At a minimum, revise the proposed legislation so that traditional public schools: 1) are not required to share in self-sustaining, fee-based programs such as child nutrition; 2) are not required to share preschool and other federal funds (such as JROTC and Free and Reduced Lunch) with charter schools that do not provide these programs; 3) are not required to share fund balance revenues; and 4) are not required to share reimbursements (such as facility rental fees and activity bus fees) to which charter schools have no legitimate claim.

If the General Assembly passes Senate Bill 8 without revisions reflecting the above considerations, we respectfully request that the Governor veto this legislation.

Adopted: February 23, 2011

Rutherford County Board of Education


John Mark Bennett, Chair