

**TRANSYLVANIA COUNTY BOARD OF EDUCATION
RESOLUTION**

WHEREAS, the Cabarrus County Board of Education granted preliminary approval to an application filed by North Carolina Learns, Inc. (hereafter "N.C. Learns") to establish a virtual charter school; and

WHEREAS, according to the application, N.C. Learns projects that its virtual charter school will serve 2,750 students from across North Carolina beginning in August 2012 and will double its initial enrollment within seven years; and

WHEREAS, prior to the submission of N.C. Learns' charter application to the Cabarrus County Board of Education, the State Board of Education asked the E-Learning Commission to study virtual charter schools and develop standards and recommendations for the State Board to apply in evaluating charter school applications; and

WHEREAS, in March 2012 the E-Learning Commission had not completed its study of the issues surrounding virtual charter schools, including funding, oversight, and academic achievement; and

WHEREAS, in light of the E-Learning Commission's continued study of the impact of virtual charter schools, the State Board of Education took no action on N.C. Learns' charter application in March 2012;

WHEREAS, on May 18, 2012, an Administrative Law Judge ruled that because the State Board failed to take action, N.C. Learns' charter application is granted and its virtual charter school will begin operating in August 2012; and

WHEREAS, although a virtual charter school has lower operating costs than a traditional charter school, the statutory funding formula requires N.C. Learns' virtual school to be funded under the same per-pupil formula as brick and mortar charter schools; and

WHEREAS, the Transylvania County Board of Education will be obligated to transfer a per-pupil share of local funds for each Transylvania County student who enrolls in the virtual charter school, including students who previously have been home schooled and who therefore are not provided for in state and local budget appropriations; and

WHEREAS, the Transylvania County Board of Education submitted a proposed budget to the Board of County Commissioners by May 15, as required by state law; and

WHEREAS, in developing the proposed budget, the Board of Education considered and planned for a certain percentage of its local funds being allocated to charter schools attended by students domiciled in Transylvania County; and

WHEREAS, the Board of Education did not have the opportunity to consider and plan for local students enrolled in a virtual charter school; and

WHEREAS, local education budgets are already under significant strain due to cutbacks in state and local funding during the previous four years and the elimination of significant federal funding in the upcoming fiscal year; and

WHEREAS, early data on student achievement at virtual charter schools in other states reflects significantly low student performance and graduation rates; and

WHEREAS, as a result of the Administrative Law Judge's ruling, the virtual charter school could begin operating within three months with no review by the State Board of Education, the body charged in the state constitution with oversight of the public school system, of the virtual charter school's operating costs, the quality of the education it will provide, and its impact on school districts across the state; and

WHEREAS, the Board of Education does not believe that a single local board of education, accountable only to the people of Cabarrus County, should be in a position to make a decision that impacts students and school districts across the state; and

NOW, THEREFORE, BE IT RESOLVED, the Transylvania County Board of Education hereby agrees to seek intervention as a party in the pending litigation captioned *North Carolina Learns, Inc. v. State Board of Education* and authorizes Tharrington Smith, LLP, to represent the Board of Education in the litigation, with the litigation costs to be borne by the N.C. School Boards Association Legal Assistance Fund.

Adopted this 4th day of June, 2012.

Superintendent

Chairperson