16 NCAC 06G .0524 is proposed for adoption as follows:

**INADEQUATELY PERFORMING CHARTER SCHOOLS**

(a) Upon determination by the State Board of Education (SBE) that grounds exist to terminate or not renew a charter (hereinafter referred to as the "Existing School"), the SBE, in lieu of terminating the charter may allow a different non-profit entity to assume the charter.

(b) In determining whether a different non-profit entity may assume a charter the SBE shall complying with the provisions of Section 6 of Session Law 2014-101 and consider all factors, including:

1. Factors relevant to the existing school whose charter may be eligible for assumption:
   - Academic performance,
   - Financial status of the existing school, including outstanding debts;
   - Compliance with all applicable laws and policies;
   - Status of the school facility;
   - Feedback from the school community, including the parents, staff and students; and
   - Any other relevant factor.

2. Factors relevant to the non-profit entity seeking to assume a charter:
   - Overall financial viability;
   - Academic performance;
   - Geographic location;
   - Existence of any financial and governance compliance issues;
   - Ability of the assuming school to retain existing students; and
   - Any other relevant factor.

(c) No single factor is given any weight or is, by itself, determinative.

**History Note:** Authority G.S. 115C-12; 115C-218.95;

Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);