16 NCAC 06G .0510 CHARTER AMENDMENTS FOR EXISTING PUBLIC CHARTER SCHOOLS - APPROVAL PROCESS

(a) The following constitute material charter amendments that require the State Board of Education's ("SBE") approval prior to implementation:

(1) Grade expansion beyond increases contemplated in G.S. 115C-218.8(3);
(2) Relocation outside a 5-mile radius or outside of the Local Education Agency (LEA) identified in the charter;
(3) Transferring the charter to another non-profit entity;
(4) Altering the mission or targeted student population;
(5) Employing or terminating a management company;
(6) Change to the charter application with respect to the National School Lunch program;
(7) Enrollment growth, consistent with requirements in G.S. 115C-218.7.

(b) In determining whether to approve a material charter amendment, the SBE shall consider:

(1) Demonstrated need for the amendment by the charter school;
(2) Impact of the amendment on the student population, governing board of directors, and staff; and
(3) Impact on the LEA.

(c) The following constitute charter amendments that require Department of Public Instruction staff approval prior to implementation, but do not require further approval from the SBE:

(1) Bylaws;
(2) The name of the charter school;
(3) The Articles of Incorporation;
(4) Relocation within a 5-mile radius or outside of the Local Education Agency (LEA) identified in the approved charter application;
(5) Class sizes as stated in the approved charter application;
(6) Length of school day;
(7) Length of academic year;
(8) Curriculum changes;
(9) Change to the charter application with respect to student transportation;
(10) Change to the charter application with respect to changing its food service plan;
(11) Requests to delay the opening of the school by one year; and
(12) Enrollment changes due to an approved one year delay.

(d) In determining whether to approve a material charter amendment, Office of Charter Schools staff shall consider:

(1) Demonstrated need for the amendment by the charter school;
(2) Impact of the amendment on the student population, governing board of directors, and staff; and
(3) Impact on the LEA.

(e) Notwithstanding the foregoing, the Department of Public Instruction may submit any proposed amendment to the SBE for its review and approval or denial.

History Note: *Authority G.S. 115C-12; 115C-218.5; 115C-218.7; 115C-218.8;*
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.