

**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.*