

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.