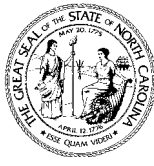


TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 219

AMENDMENT NO. A3
(to be filled in by
Principal Clerk)

H219-ATC-72 [v.5]

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Amends Title [NO]
Fourth Edition

Date _____, 2023

Senator Marcus

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moves to amend the bill on page 1, line 6, through page 2, line 3, by rewriting those lines to read:

"PART I. CLARIFY REQUIREMENTS OF CHARTER RENEWAL

SECTION 1. G.S. 115C-218.6(b)(2) reads as rewritten:";

on page 2, line 13 through page 4, line 25, by rewriting those lines to read:

"PART II. MODIFY ENROLLMENT CAPS

SECTION 2.(a) If House Bill 618, 2023 Regular Session, does not become law, G.S. 115C-218.7 reads as rewritten:

"§ 115C-218.7. Material revisions of charters.

(a) A material revision of the provisions of a charter shall be made only upon the approval of the State Board of Education.

(b) Enrollment growth of greater than twenty percent (20%) shall be considered a material revision of the charter if the charter is currently identified as low-performing. The State Board shall not approve a material revision for enrollment growth of greater than twenty percent (20%) for a charter that is currently identified as low-performing. ~~Enrollment growth of greater than thirty percent (30%) shall be considered a material revision of the charter for any charter school that is not identified as low-performing. The State Board may approve such additional enrollment growth of greater than thirty percent (30%) only if it finds all of the following:~~

- ~~(1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.~~
- ~~(2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.~~
- ~~(3) The charter school is not currently identified as low-performing.~~
- ~~(4) The charter school meets generally accepted standards of fiscal management.~~
- ~~(5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's~~



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1 own bylaws, and the provisions set forth in its charter granted by the State
2 Board.

3 (c) For the purposes of calculating actual enrollment and maximum authorized
4 enrollment under subdivision (1) of subsection (b) of this section, if a charter school is pursuing
5 a material revision of enrollment growth based on a proposed capital expansion of the charter
6 school, but fails to meet the requirements of subdivision (1) of subsection (b) of this section, the
7 State Board shall have the discretion to investigate and determine whether subdivision (1) of
8 subsection (b) of this section may be waived to grant the school's material revision request to
9 allow the capital expansion to move forward. In making such a determination, the charter school
10 shall provide the State Board with documentation to show evidence that demonstrates sufficiently
11 in the State Board's discretion all of the following:

- 12 (1) The requested increase in enrollment growth is within a reasonable margin of
13 the threshold necessary to support the requested material revision.
14 (2) The charter school has secured financing for its proposed capital expansion
15 conditioned on its obtaining the requested material revision of enrollment
16 growth.

17 (d) If a charter school presents evidence of a proposed capital expansion as part of a
18 request for a material revision of enrollment growth under this section that is granted by the State
19 Board, and the charter school is not able to realize that capital expansion within two years of the
20 grant of the material revision, the charter shall reflect the maximum authorized enrollment
21 immediately preceding that material revision."

22 **SECTION 2.(b)** If House Bill 618, 2023 Regular Session, becomes law,
23 G.S. 115C-218.7, as amended by House Bill 618, 2023 Regular Session, reads as rewritten:
24 "**§ 115C-218.7. Material revisions of charters.**

25 (a) A material revision of the provisions of a charter shall be made only upon the approval
26 of the Review Board.

27 (b) Enrollment growth of greater than twenty percent (20%) shall be considered a
28 material revision of the charter if the charter is currently identified as low-performing. The
29 Review Board shall not approve a material revision for enrollment growth of greater than twenty
30 percent (20%) for a charter that is currently identified as low-performing. Enrollment growth of
31 greater than thirty percent (30%) shall be considered a material revision of the charter for any
32 charter school that is not identified as low-performing. The Review Board may approve such
33 additional enrollment growth of greater than thirty percent (30%) only if it finds all of the
34 following:

- 35 (1) The actual enrollment of the charter school is within ten percent (10%) of its
36 maximum authorized enrollment.
37 (2) The charter school has commitments for ninety percent (90%) of the requested
38 maximum growth.
39 (3) The charter school is not currently identified as low-performing.
40 (4) The charter school meets generally accepted standards of fiscal management.
41 (5) The charter school is, at the time of the request for the enrollment increase,
42 substantially in compliance with State law, federal law, the charter school's

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1 own bylaws, and the provisions set forth in its charter granted by the Review
2 Board.

3 ~~(c) For the purposes of calculating actual enrollment and maximum authorized~~
4 ~~enrollment under subdivision (1) of subsection (b) of this section, if a charter school is pursuing~~
5 ~~a material revision of enrollment growth based on a proposed capital expansion of the charter~~
6 ~~school, but fails to meet the requirements of subdivision (1) of subsection (b) of this section, the~~
7 ~~Review Board shall have the discretion to investigate and determine whether subdivision (1) of~~
8 ~~subsection (b) of this section may be waived to grant the school's material revision request to~~
9 ~~allow the capital expansion to move forward. In making such a determination, the charter school~~
10 ~~shall provide the Review Board with documentation to show evidence that demonstrates~~
11 ~~sufficiently in the Review Board's discretion all of the following:~~

12 (1) ~~The requested increase in enrollment growth is within a reasonable margin of~~
13 ~~the threshold necessary to support the requested material revision.~~

14 (2) ~~The charter school has secured financing for its proposed capital expansion~~
15 ~~conditioned on its obtaining the requested material revision of enrollment~~
16 ~~growth.~~

17 ~~(d) If a charter school presents evidence of a proposed capital expansion as part of a~~
18 ~~request for a material revision of enrollment growth under this section that is granted by the~~
19 ~~Review Board, and the charter school is not able to realize that capital expansion within two~~
20 ~~years of the grant of the material revision, the charter shall reflect the maximum authorized~~
21 ~~enrollment immediately preceding that material revision."~~

22 **SECTION 2.(c)** G.S. 115C-218.8 reads as rewritten:

23 **"§ 115C-218.8. Nonmaterial revisions of charters.**

24 It shall not be considered a material revision of a charter and shall not require prior approval
25 of the State Board for a charter school to do any of the following:

26 (1) Increase its maximum authorized enrollment during the charter school's
27 second year of operation and annually thereafter in accordance with
28 G.S. 115C-218.7(b). The maximum authorized enrollment is the target
29 enrollment number identified in a school's charter. The maximum authorized
30 enrollment may only be updated once per year and shall not decrease based
31 on actual enrollment.

32 ~~(2) Increase its enrollment during the charter school's second year of operation~~
33 ~~and annually thereafter in accordance with planned growth as authorized in its~~
34 ~~charter.~~

35 (3) Expand to offer one grade higher or lower than the charter school currently
36 offers if the charter school has (i) operated for at least three years, (ii) has not
37 been identified as continually low-performing as provided in
38 G.S. 115C-218.94, and (iii) has been in financial compliance as required by
39 the State Board.";

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41 and on page 5, lines 10-20, by rewriting those lines to read:

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1 **"PART IV. ADD ADMISSIONS PREFERENCES FOR CHILDREN OF MILITARY**
2 **FAMILIES**
3 **SECTION 4.** G.S. 115C-218.45(f) is amended by adding a new subdivision to read:
4 **"(8) A student whose parent or legal guardian is on active military duty."**

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____