16 NCAC 06G .0510 is proposed for adoption as follows:

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) The following constitute charter amendments that must be approved by the Department of Public Instruction staff 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 charter;
   (5) Class sizes as stated in the 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) Using second year enrollment as outlined in the approved charter.

(c) Notwithstanding the foregoing, the Department of Public Instruction may carry any proposed amendment to the SBE for its review.

History Note:  Authority G.S. 115C-12; 115C-218.7, 115C-218.8;
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);