



PUBLIC SCHOOLS OF NORTH CAROLINA

State Board of Education | Department of Public Instruction

Office of Charter Schools

GUIDANCE for QUALITY

Volume 1, Article 7

February 2015

Charter Amendments

Charter schools are dynamic institutions and, over the years of operation, often evolve in a manner that would require an amendment to the original State Board of Education approved charter application. The Office of Charter Schools serves as a catalyst to assist schools in following the appropriate process for making amendments to the charter application. NC G.S. 115C-218.5 (e) stipulates that a material revision of the provisions of a charter application shall be made only upon the approval of the SBE. State Board Policy TCS-U-014 further clarifies the statute and categorizes the types of amendments schools may make and divides them into two processes: those that require SBE approval and those that can be approved by OCS. Any change to the charter application requires a submission for a charter amendment.

GUIDANCE RESOURCES

[G.S. 218.5\(e\)](#)

[SBE Policy TCS-U-0014](#)

OCS Process for Submitting Charter Amendments

The Office of Charter Schools processes all requests for amendment. A request requiring SBE approval is submitted in accordance with SBE timelines. To make an amendment request, the school shall

1. Submit a letter of request;
2. A copy of board minutes that reflect the board's approval to amend;
3. An underline/strikethrough version of the amendment;
4. A clean copy of the amendment with changes.

Effective October 1, 2014, charter amendments requests are to be received the first week of every month and processed no later than the last working day of that month. If the amendment is a SBE item, OCS will process according to the SBE submission schedule.

For more information or to submit a charter amendment, contact Darrell Johnson at (919)807-3916 or darrell.johnson@dpi.nc.gov.

Charter Amendments that May Be Approved By OCS

SBE Policy TCS-U-014 allows the Office of Charter Schools to approve certain amendments without SBE action. The charter school must seek approval prior to implementation of the change. OCS must notify the SBE of any approved amendments in the following areas:

- A. Bylaws;
- B. The name of the charter school;
- C. The Articles of Incorporation;
- D. Class sizes as stated in the application;
- E. Length of the school day and/or academic year; and
- F. Curriculum changes.

The charter school shall follow the established OCS process for submitting charter amendments. The school may not implement any amendments until official notification is received from OCS approving the amendment request.

Amendments that Require State Board of Education Approval

In accordance with SBE Policy TCS-U-014, the following amendments must receive SBE approval prior to implementation:

- A. Enrollment growth beyond 20% or grade expansion not in the approved charter;
- B. Relocation; (specifically stated in charter agreement: **15.3** Relocation into a different county and/or LEA shall constitute a material revision to this Charter and requires approval of the SBE.)
- C. Transferring the charter to another non-profit entity;
- D. Altering the mission or targeted student population;
- E. Employing or terminating a management company;
- F. Change to the application with respect to the National School Lunch Program; and
- G. Change to the application with respect to student transportation.

Any proposed amendment not contained specifically stated the may be approved by the Office of Charter Schools must be reviewed and approved by the SBE. OCS may carry any proposed amendment to the SBE for its review.

Amendment Example

- o (a) The State Board may grant final approval of an application if it finds that the application meets the requirements set out in this Part or adopted by the State Board of Education and that granting the application would achieve one or more of the purposes set out in G.S. 115C-238.29A.
- o ~~(b) The State Board shall authorize no more than five charter schools per year in one local school administrative unit. The State Board shall authorize no more than 100 charter schools statewide. If more than five charter schools in one local school administrative unit or more than 100 schools statewide meet the standards for final approval, the State Board shall give priority to applications that are most likely to further State education policies and to strengthen the educational program offered in the local school administrative units in which they are located.~~
- o (b) The State Board of Education may grant the initial charter for a period not to exceed 10 years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed 10 years each. The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.