

EXECUTIVE SUMMARY

Title : Request to Increase Enrollment Above Statutory Maximum & Allow for Fluid & Open Enrollment Growth During the 2020/21 School Year and COVID19 Pandemic for North Carolina's Two Virtual Charters

Presenters:

- Dr. David Stegall (Deputy Superintendent of Innovation)
- Mr. Dave Machado (Director, Office of Charter Schools) **
- Mr. Alex Quigley (Chair, Charter Schools Advisory Board)

Strategic Priorities (Goals/Objectives):

- Goal 1: Eliminate opportunity gaps by 2025
 - Objective 7: Increase the number of charter schools providing equitable access to economically disadvantaged students or reflecting the LEA in which they are located.
- Goal 2: Improve school and district performance by 2025
 - Objective 8: Increase the number of charter schools meeting or exceeding academic, operational, and financial goals.

Board Action Needed (Choose One):

- Action on First Reading
- Action
- Discussion
- Consent
- New Business
- Issues Session

Detailed Item Description:

- The COVID19 pandemic has created a surge in families and students searching for quality virtual education options;
- During this pandemic, few LEAs have been able to afford a robust **virtual academy only** option (only larger LEAs like Wake County & Charlotte Mecklenburg have been able to do so) and many communities and families are left with few, of unsatisfactory, options;
- For many of our NC families who are not living in our most wealthy counties, this option for virtual learning is the only chance of getting a reasonable and dependable education;
- Our two North Carolina virtual charter schools, NC Cyber Academy and NC Virtual Academy, both have significant waitlists and family interest due (combined the pandemic and would like to be able to offer the families of North Carolina fluid and open enrollment, over and above the statutory cap;
- We do not want to penalize the virtual charters for taking on more students and offering this service, as many of these parents are only looking at this as a short term/one-year option.
- NC Virtual Academy and NC Cyber Academy are the State's two virtual charter schools, authorized by the General Assembly in Session Law 2014-100 for a four-year pilot program ending with the 2017-18 school year;

- The pilot was extended for another four years in Senate Bill 99, and now extends through the 2022-23 school year. The pilot legislation caps enrollment at 2,592 students. Section 8.25(b)(1) of the legislation reads, “The maximum student enrollment in any participating school shall be no greater than 1,500 in its first year of operation and may increase by twenty percent (20%) for each participating school up to a maximum student enrollment of 2,592 in the fourth year of the pilot. The State Board of Education may waive this maximum student enrollment threshold, **beginning in the fourth year of the school's operation**, if the State Board determines that doing so would be in the best interest of North Carolina students.”;
- *Therefore, the legislation gives the State Board of Education the authority to waive the maximum student enrollment threshold;*
- On June 28, 2019, the SBE heard NC Virtual Academy’s request to increase enrollment by up to 20% and approved the request for the 2019-2020 school year. As a result, NC Virtual Academy increased enrollment to 2,945 students;

General Statute 115C-218.7 sets parameters for charter school growth. Per the statute, low-performing charter schools may grow annually up to 20%. NC Virtual Academy and NC Cyber Academy believe that they should be entitled to grow above and beyond the 20% annual growth limit allowed for all charter schools currently identified as low-performing per GS 115C-218.7(b) **due to the unprecedented need and demand for quality virtual options in the state it is being proposed to the SBE that there be a fluid and open enrollment growth with the following stipulations for only the 2020-21 school year:**

- NCVA & NCCA would be granted fluid and open enrollment privileges during the pendency of the pandemic year only (restricted to the upcoming 2020-2021SY school year);
- NCVA & NCCA would continue to be held accountable for the currently enrolled students under the state’s accountability framework and the Office of Charter School’s Performance Framework. Each year, all eligible students must take state-required assessments. All charter schools shall comply with North Carolina’s Accountability Model, unless otherwise approved by the State Board of Education;
- A new cohort of students, enrolling for the pandemic 2020-2021 school year, would be held accountable separate and apart from the currently enrolled students;
- For students enrolling in the pandemic 2020-2021 school year, NCVA and NCCA would be granted a cohort waiver for:
 - NC State Testing & Accountability grades; however, testing would be administered for the 2020-2021 entering cohort for purposes of the students’ records;
 - Any withdrawal rates;
 - Participation rates of less than 95% for NC state tests (Participation Requirements Under the ESSA To ensure that all students are included in the academic assessment accountability measures, schools are held accountable for testing at least 95% of eligible students on assessments.;
 - Relief from the high school drop-out rate.
- If a student were to drop out or leave NCCA or NCVA, then the remaining ADM would be returned to the state/district the student originated from after the 2020-2021 school year, or, in the event the student left in at any point during the 2020-2021 school year.

Resources:

- SL2014-100; <https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2013-2014/SL2014-100.html>
- SB99

Enacted Legislation Session Laws

NC Legislative Session Bills Senate

Input Process:

Stakeholders:

Timeline for Action:

This item is presented for **Discussion** at the August 2020 meeting of the State Board of Education.

Recommendation(s):

The Office of Charter Schools recommends that the State Board of Education approve the motion for amendment to allow NC Virtual Academy and NC Charter Academy to allow for fluid and open enrollment, above the statutory cap, limited to the 2020-2021 school year, with the stipulations outlined hereinabove.

Statute/Policy Implication(s): (Choose all that apply)

- Constitution _____
- General Statute #115C-218.7(b); 115C-105.35; # 115C-47
- SBE Policy #CHTR-014, #CHTR-018, #CHTR-006, #ACCT-039; #DROP-000
- SBE Policy Amendment
- SBE Policy (New)
- APA # _____
- APA Amendment
- APA (New)
- Other SL 2014-100