



2023-2024 General Assembly

# HOUSE BILL 219: Charter School Omnibus, Sec. 2: Limit Enrollment Caps to Low-Performing Schools

**Committee:**  
**Introduced by:**  
**Analysis of:** Sec. 2 of S.L. 2023-107

**Date:** December 7, 2023  
**Prepared by:** Brian Gwyn  
Staff Attorney

**OVERVIEW:** Section 2 of S.L. 2023-107 revises the requirements related to increasing enrollment at charter schools. This section allows charter schools that are not low-performing to set their enrollment each year, rather than requiring supervision or approval by the State Board of Education (SBE). Charter schools that are low-performing can seek approval from the SBE to grow more than 20%.

This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

**CURRENT LAW:** Charter schools are allowed to increase enrollment as follows:

- For all charters, any planned growth approved in the charter.
- For charters that are not low-performing, up to 30% each year. Growth over 30% must be approved by the SBE after considering certain factors, including legal and financial compliance, level of commitment and enrollment, and capital expansions.
- For charters that are low-performing, up to 20% each year. Low-performing charters are not eligible for additional growth.

**BILL ANALYSIS:** This section revises the enrollment requirements to allow charter schools to increase enrollment as follows:

- Charters that are not low-performing can set their enrollment each year, with no supervision by the SBE.
- Charters that are low-performing can ask the SBE for approval to grow more than 20%.

This section also makes conforming changes that were contingent upon S.L. 2023-110 becoming law.

**EFFECTIVE DATE:** This bill was vetoed by the Governor on July 21, 2023, and that veto was overridden by the General Assembly on August 16, 2023. This section of the act became effective August 16, 2023, and applies beginning with the 2023-2024 school year.

Jeffrey Hudson  
Director



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