



2023-2024 General Assembly

# HOUSE BILL 219: Charter School Omnibus, Sec. 3: Allow Charter Schools to Admit Out-of-State Students and Foreign Exchange Students

**Committee:**  
**Introduced by:**  
**Analysis of:** Sec. 3 of S.L. 2023-107

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

**OVERVIEW:** Section 3 of S.L. 2023-107 allows a charter school to enroll out-of-state students who are not domiciliaries of North Carolina if the charter school has not filled its enrollment capacity. The charter school must charge the out-of-state students a tuition amount of at least 50% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year, but no more than 100% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year. The number of out-of-state students cannot exceed 10% of the total number of students enrolled in the charter school.

Additionally, this section allows charter schools to enroll foreign exchange students in grades 9-12 as follows:

- No more than 2 foreign exchange students per grade in high school (grades 9-12) can be enrolled in any given school year at the charter school.
- The charter school can charge the foreign exchange students a tuition amount of at least 50% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year, but no more than 100% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year.
- Foreign exchange students do not count towards the enrollment capacity or cap for any program, class, building or grade levels for grades 9-12 and are not subject to any lottery process used by the charter school for enrollment purposes.

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 2024-2025 school year.

**CURRENT LAW:** Any student who is qualified under the laws of this State for admission to a public school is qualified for admission to a charter school. Students are qualified for admission to North Carolina public schools if they are domiciled in this State. Local school administrative units (LEAs) have the authority to admit students who are not domiciliaries of the State and charge them tuition under G.S. 115C-366.1. LEAs cannot charge the out-of-State student more than the amount of the local per pupil funding.

**BILL ANALYSIS:** This section allows a charter school to enroll out-of-state students who are not domiciliaries of North Carolina if the charter school has not filled its enrollment capacity. The charter school must charge the out-of-state students a tuition amount of at least 50% of the total of the per pupil allocation of

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the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year but no more than 100% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year. The number of out-of-state students cannot exceed 10% of the total number of students enrolled in the charter school.

This section also allows charter schools to enroll foreign exchange students in grades 9-12 as follows:

- No more than 2 foreign exchange students per high school grades 9-12 can be enrolled in any given school year at the charter school.
- The charter school can charge the foreign exchange students a tuition amount of at least 50% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year but no more than 100% of the total of the per pupil allocation of the local appropriation for the county in which the charter school is located and the per pupil State appropriation for that school year.
- Foreign exchange students do not count towards the enrollment capacity or cap for any program, class, building or grade levels for grades 9-12 and are not subject to any lottery process used by the charter school for enrollment purposes.

**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 2024-2025 school year.