



Public Schools of North Carolina
State Board of Education
Department of Public Instruction

Report to the Joint Legislative Education Oversight Committee

Final Report on Virtual Charter School
Enrollment

SL 2020-97 (HB 1105)

Date Due: November 15, 2022
DPI Chronological Schedule, 2022-2023

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Background

North Carolina Session Law 2014-100¹ (SB 744) required the State Board of Education (SBE) to establish a pilot program to authorize the operation of two virtual charter schools serving grades K-12. The legislation authorized the pilot program to begin with the 2015-2016 school year and continue for a period of four years, ending with the 2018-2019 school year. Prior to the end of the four-year pilot, Session Law 2018-5² (SB 99) extended the pilot program for an additional four years. Session Law 2022-74³ (HB 103) again extended the pilot through the 2024-2025 school year. At the conclusion of the pilot program, the schools are eligible to apply for renewal from the SBE.

Student enrollment at both virtual charter schools has steadily increased since operations began in the 2015-2016 school year. The pilot legislation caps enrollment at 2,592 students. Section 8.35(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 SBE the authority to waive the maximum student enrollment threshold beginning with the 2018-2019 school year. The SBE granted an enrollment increase request from North Carolina Virtual Academy in July 2019. The approval allowed North Carolina Virtual Academy to increase enrollment up to 20% for the 2019-2020 school year. On June 4, 2020, the SBE approved North Carolina Virtual Academy’s request to maintain enrollment above the statutory maximum for the 2020-2021 school year. The approval allowed maximum enrollment to remain at 2,945 students. The SBE also included a stipulation that any enrollment requests above the statutory maximum, following the 2020-2021 school year, will be subject to the school meeting academic growth.

Session Law 2020-97 (HB 1105)⁴, related to Coronavirus Relief Funds and Disaster Recovery, was approved by Governor Cooper on September 4, 2020. As part of this legislation, the two virtual charter schools participating in the Virtual Charter Schools Pilot Program were given allowances to increase enrollment. This allowance was specific to the 2020-2021 school year and contained a reporting requirement.

The original 2020 enrollment allowance was rewritten as part of Session Law 2021-3 (HB 196)⁵, an act modifying COVID-19 relief legislation, and reads as follows:

“EXTEND VIRTUAL CHARTER SCHOOL ENROLLMENT AUTHORITY

¹ <https://www.ncleg.gov/Sessions/2013/Bills/Senate/PDF/S744v9.pdf>

² <https://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2017-2018/SL2018-5.pdf>

³ <https://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2021-2022/SL2022-74.pdf>

⁴ <https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2019-2020/SL2020-97.html>

⁵ <https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H196v8.pdf>

SECTION 3.2.(a) Notwithstanding Section 8.35(b) of S.L. 2014-100, as amended by Section 7.13 of S.L. 2018-5, the two virtual charter schools participating in the pilot program pursuant to Section 8.35 of S.L. 2014-100, as amended, shall be permitted to increase student enrollment for the 2020-2021 school year and 2021-2022 school year only as follows:

- (i) North Carolina Cyber Academy shall be permitted to increase its enrollment by 1,000 students and*
- (ii) North Carolina Virtual Academy shall be permitted to increase its enrollment by 2,800 students.*

A virtual charter school permitted an increase in student enrollment pursuant to this section shall give enrollment priority to students for the 2022-2023 school year who were enrolled in the school for the 2020-2021 school year prior to the date this act became law.

*SECTION 3.2.(b) The virtual charter schools shall provide an interim report by March 15, 2021, and March 15, 2022, and a **final report by November 15, 2022**, to the Joint Legislative Education Oversight Committee, on the impact of the increase in student enrollment permitted by subsection (a) of this section, including data on where students had been previously enrolled by local school administrative unit, charter school, or nonpublic school, the grade level of students, the withdrawal rate of students after enrollment, and any student performance and accountability data."*

The pandemic-related enrollment expansions were not extended past the 2021-2022 school year. On August 4, 2022, at its regular meeting, the SBE adopted a motion allowing the pilot schools to increase enrollment for the 2022-2023 school year only to the amount of their respective student enrollments as of July 29th, 2022. North Carolina Cyber Academy was permitted up to 2,705 students and North Carolina Virtual Academy was permitted up to 3,425 students. The motion included the condition that no new students may be enrolled during the 2022-2023 school year to replace withdrawals, unless and until the enrollment at either school drops to the statutory cap of 2,592.

This report fulfills the final November 15, 2022, report requirement referenced above in Section 3.2(b).

North Carolina Cyber Academy

North Carolina Cyber Academy (NCCA) enrolled 1,007 students above the cap of 2,592 during the 2021-2022 school year. Average Daily Membership (“ADM”) for the 2021-2022 school year was 2,715 with the largest monthly ADM in Month 5 with 3,026 students.⁶ The following data pertains to the 1007 expansion students enrolled during the 2021-2022 school year.

I. Month of Enrollment

This chart shows the number of students enrolled during each month after NCCA reached the initial cap of 2592 in mid-August.

Month of Enrollment	# of Students
August 2021	116
September 2021	353
October 2021	30
November 2021	4
December 2021	0
January 2022	496
February 2022	8
TOTAL	1007

II. Grade Levels

Elementary School	# of Students	Middle School	# of Students	High School	# of Students
Kindergarten	46	6th	84	9th	120
1st	48	7th	80	10th	139
2nd	52	8th	83	11th	92
3rd	66	Total MS	247	12th	66
4th	59			Total HS	417
5th	72				
Total ES	343			TOTAL	1007

⁶ [Average Daily Membership](#): The total number of school days within a given term - usually a school month or school year - that a student's name is on the current roll of a class, regardless of his/her being present or absent, is the "number of days in membership" for that student. ADM for each school month is based on the sum of the number of days in membership for all non-violating (NVIO) students in individual LEAs/Charters, divided by the number of days in the school month (ADM = Member Days (NVIO) / # of days in the school month rounded to nearest whole number). The final ADM is the total days in membership (NVIO) for all students over the school year divided by the number of days school was in session. ADM is a more accurate count of the number of students in school than enrollment.

III. Gender

NCCA expansion enrollment included 479 male students (48%) and 528 female students (52%).

IV. Previous School Type

- Public Charter – 9%
- Home School – 5%
- Private School – 3%
- District Public – 69%
- Virtual School – 4%
- Not in School/No Data – 10%

V. Student Ethnicity

Ethnicity	Percentage of new enrollments
American Indian or Alaska Native	1%
Asian	5%
Black	35%
Hispanic	15%
Two or more Races	8%
Native Hawaiian or Pacific Islander	0%
White	36%

VI. Economically Disadvantaged Students

Over half of the NCCA expansion students (60%) qualify for free or reduced lunch.

VII. District of Residence

District of Residence	#	District of Residence	#	District of Residence	#
Alamance-Burlington Schools	20	Duplin County Schools	1	Nash-Rocky Mount Schools	12
Alexander County Schools	2	Durham Public Schools	25	New Hanover County Schools	16
Anson County Schools	2	Edenton-Chowan Schools	1	Newton Conover City Schools	1
Asheboro City Schools	4	Elizabeth City-Pasquotank Public Schools	5	Onslow County Schools	27
Asheville City Schools	2	Franklin County Schools	21	Orange County Schools	5
Avery County Schools	1	Gaston County Schools	29	Pamlico County Schools	3
Beaufort County Schools	4	Granville County Schools	5	Pender County Schools	2
Bladen County Schools	4	Guilford County Schools	50	Perquimans County Schools	1
Brunswick County Schools	23	Halifax County Schools	1	Person County Schools	1
Buncombe County Schools	19	Harnett County Schools	19	Pitt County Schools	15
Burke County Schools	2	Haywood County Schools	1	Public Schools of Robeson County	25

Cabarrus County Schools	35	Henderson County Schools	3	Randolph County Schools	4
Caldwell County Schools	4	Hertford County Schools	1	Richmond County Schools	13
Camden County Schools	2	Hickory City Schools	1	Rockingham County Schools	12
Carteret County Public Schools	5	Hoke County Schools	12	Rowan-Salisbury Schools	5
Caswell County Schools	3	Iredell-Statesville Schools	6	Rutherford County Schools	7
Catawba County Schools	3	Jackson County Schools	1	Sampson County Schools	1
Chapel Hill-Carrboro City Schools	3	Johnston County Schools	20	Scotland County Schools	4
Charlotte-Mecklenburg Schools	159	Jones County Schools	3	Stanly County Schools	2
Chatham County Schools	2	Kannapolis City Schools	2	Stokes County Schools	3
Cherokee County Schools	2	Lee County Schools	8	Surry County Schools	1
Clay County Schools	1	Lenoir County Public Schools	10	Thomasville City Schools	2
Cleveland County Schools	5	Lexington City Schools	7	Union County Public Schools	35
Columbus County Schools	2	Lincoln County Schools	10	Vance County Schools	7
Craven County Schools	9	Macon County Schools	1	Wake County Schools	89
Cumberland County Schools	48	Martin County Schools	3	Warren County Schools	2
Currituck County Schools	8	McDowell County Schools	1	Wayne County Public Schools	12
Dare County Schools	2	Mitchell County Schools	2	Whiteville City Schools	1
Davidson County Schools	12	Moore County Schools	6	Wilkes County Schools	8
Davie County Schools	5	Mooresville Graded School District	8	Wilson County Schools	10
				Winston Salem/Forsyth County Schools	24
				Yadkin County Schools	1

VIII. Academic Data: 2021-2022

Of the expansion students in grades 3-8, 83% were enrolled at the time of End of Grade (EOG) testing. The data below shows the proficiency levels of the expansion students who attended EOG testing.

Participation	3 rd		4 th		5 th		6 th		
86%	Reading	Math	Reading	Math	Reading	Math	Science	Reading	Math
	44%	29%	41%	32%	40%	20%	42%	37%	23%
	7 th		8 th		Science				
	Reading	Math	Reading	Math	Science				
	40%	20%	53%	10%	62%				

This table shows the proficiency levels of the high school expansion students who took an EOC assessment or the ACT test. ACT proficiency scores are calculated as a composite score of 19 or above.

High School					
Math 1	English 2	Biology	Math 3	ACT	Graduation Rate
20%	46%	21%	43%	33%	83%

IX. Withdrawal Percentage

Of the 1,007 expansion students, 131 withdrew after enrollment at NCCA (13%).

# of Days between Enrollment and Withdrawal	# of Students
0-20	27
21-40	19
41-60	9
61-80	9
81-100	11
100+	56

North Carolina Virtual Academy

NC Virtual Academy (“NCVA”) chose to cap enrollment at 3,439 students for the 2021-2022 year although Session Law 2021-3 allowed a much greater expansion. Average Daily Membership (“ADM”) for the 2021-2022 school year was 3,285 with the largest monthly ADM in Month 2 with 3,390 students. The following data pertains to the 693 expansion students enrolled during the 2021-2022 school year.

I. Month of Enrollment

Month of Enrollment	# of Students
August 2021	471
September 2021	48
October 2021	17
November 2021	10
December 2021	0
January 2022	146
February	1
TOTAL	693

II. Grade Levels

Elementary School	# of Students	Middle School	# of Students	High School	# of Students
Kindergarten	131	6th	82	9th	26
1st	73	7th	38	10th	45
2nd	65	8th	46	11th	22
3rd	54	Total MS	166	12th	0
4th	56			Total HS	93
5th	55				
Total ES	434			Total	693

III. Gender

NCVA’s expansion enrollment included 335 male students (48%) and 358 female students (52%).

IV. Previous School Type

Public Charter – less than 1%
Home School – 6%
Private School – 4%
District Public – 73%
Virtual School – less than 1%
Not in Schools/Other – 16%

V. Student Ethnicity

Ethnicity	Percentage of new enrollments
American Indian or Alaska Native	1%
Asian	4%
Black	37%
Hispanic	8%
Multi-racial	10%
Native Hawaiian or Pacific Islander	Less than 1%
White	39%

VI. Economically Disadvantaged Students

Nearly half of the NCVA expansion students (44%) qualify for free or reduced lunch.

VII. District of Residence

District of Residence	Count of DISTRICT OF RESIDENCE
ALAMANCE-BURLINGTON SCHOOLS (3700030)	9
ALEXANDER COUNTY SCHOOLS (3700090)	1
ALPHA ACADEMY (3700103)	1
ANSON COUNTY SCHOOLS (3700180)	7
ASHEVILLE CITY SCHOOLS (3700270)	2
AVERY COUNTY SCHOOLS (3700300)	1
BEAUFORT COUNTY SCHOOLS (3700330)	1
BERTIE COUNTY SCHOOLS (3700360)	2
BLADEN COUNTY SCHOOLS (3700390)	6
BRUNSWICK COUNTY SCHOOLS (3700420)	19
BUNCOMBE COUNTY SCHOOLS (3700450)	8
BURKE COUNTY SCHOOLS (3700480)	1
CABARRUS COUNTY SCHOOLS (3700530)	13
CALDWELL COUNTY SCHOOLS (3700580)	4
CAMDEN COUNTY SCHOOLS (3700600)	1
CARTERET COUNTY PUBLIC SCHOOLS (3700630)	5
CATAWBA COUNTY SCHOOLS (3700690)	5
CHAPEL HILL-CARRBORO SCHOOLS (3700720)	2
CHARLOTTE-MECKLENBURG SCHOOLS (3702970)	96
CHATHAM COUNTY SCHOOLS (3700750)	7
CLAY COUNTY SCHOOLS (3700870)	1
CLEVELAND COUNTY SCHOOLS (3700900)	3
CRAVEN COUNTY SCHOOLS (3703310)	5
CUMBERLAND COUNTY SCHOOLS (3700011)	40
CURRITUCK COUNTY SCHOOLS (3701080)	3
DARE COUNTY SCHOOLS (3701110)	1
DAVIDSON COUNTY SCHOOLS (3701140)	6
DAVIE COUNTY SCHOOLS (3701170)	6
DUPLIN COUNTY SCHOOLS (3701200)	5
DURHAM PUBLIC SCHOOLS (3701260)	11
EDENTON/CHOWAN SCHOOLS (3700840)	1
EDGEcombe COUNTY SCHOOLS (3701320)	4
FORSYTH COUNTY SCHOOLS (3701500)	19
FRANKLIN COUNTY SCHOOLS (3701530)	8
GASTON COUNTY SCHOOLS (3701620)	18
GATES COUNTY SCHOOLS (3701680)	2
GRAHAM COUNTY SCHOOLS (3701770)	1

GRANVILLE COUNTY SCHOOLS (3701800)	2
GUILFORD COUNTY SCHOOLS (3701920)	29
HALIFAX COUNTY SCHOOLS (3701950)	3
HARNETT COUNTY SCHOOLS (3702010)	8
HAYWOOD COUNTY SCHOOLS (3702040)	2
HENDERSON COUNTY SCHOOLS (3702100)	6
HERTFORD COUNTY SCHOOLS (3702160)	3
HOKE COUNTY SCHOOLS (3702250)	13
IREDELL-STATESVILLE SCHOOLS (3702310)	9
JACKSON COUNTY SCHOOLS (3702340)	1
JOHNSTON COUNTY SCHOOLS (3702370)	15
K12 NC District	1
LEE COUNTY SCHOOLS (3702560)	12
LENOIR COUNTY PUBLIC SCHOOLS (3702610)	4
LEXINGTON CITY SCHOOLS (3702640)	1
LINCOLN COUNTY SCHOOLS (3702680)	7
MACON COUNTY SCHOOLS (3702760)	1
MADISON COUNTY SCHOOLS (3702820)	1
MARTIN COUNTY SCHOOLS (3702880)	1
MCDOWELL COUNTY SCHOOLS (3702940)	2
MITCHELL COUNTY SCHOOLS (3703000)	1
MOORE COUNTY SCHOOLS (3703090)	5
MOORESVILLE CITY SCHOOLS (3703120)	1
Nash County Public Schools	7
NASH-ROCKY MOUNT SCHOOLS (3703270)	2
NEW HANOVER COUNTY SCHOOLS (3703330)	8
NORTHAMPTON COUNTY SCHOOLS (3703420)	4
ONSLow COUNTY SCHOOLS (3703450)	18
ORANGE COUNTY SCHOOLS (3703480)	2
PAMLICO COUNTY SCHOOLS (3703510)	1
PASQUOTANK COUNTY SCHOOLS (3703540)	5
PENDER COUNTY SCHOOLS (3703570)	5
PERSON COUNTY SCHOOLS (3703630)	3
PITT COUNTY SCHOOLS (3700012)	21
Pleasant Valley Elementary	1
RANDOLPH COUNTY SCHOOLS (3703780)	3
Richland County School District 02 (4503390)	1
RICHMOND COUNTY SCHOOLS (3703870)	6
RIVER MILL ACADEMY (3700050)	1
ROANOKE RAPIDS CITY SCHOOLS (3703900)	1
ROBESON COUNTY SCHOOLS (3703930)	10
ROCKINGHAM COUNTY SCHOOLS (3703990)	6
ROWAN-SALISBURY SCHOOLS (3704050)	2

RUTHERFORD COUNTY SCHOOLS (3704080)	5
SAMPSON COUNTY SCHOOLS (3704140)	2
SCOTLAND COUNTY SCHOOLS (3704200)	1
STOKES COUNTY SCHOOLS (3704380)	1
Stroudsburg Area SD	1
UNION COUNTY PUBLIC SCHOOLS (3704620)	34
VANCE COUNTY SCHOOLS (3704650)	5
WAKE COUNTY SCHOOLS (3704720)	53
WARREN COUNTY SCHOOLS (3704740)	1
WASHINGTON COUNTY SCHOOLS (3704800)	3
WATAUGA COUNTY SCHOOLS (3704830)	2
WAYNE COUNTY PUBLIC SCHOOLS (3704880)	10
WILKES COUNTY SCHOOLS (3704950)	3
WILSON COUNTY SCHOOLS (3705020)	9
YADKIN COUNTY SCHOOLS (3705040)	2
YANCEY COUNTY SCHOOLS (3705070)	1
Grand Total	693

VIII. Academic Data: 2021-2022

The data below shows the proficiency levels of the expansion students who attended EOG testing.

Participation	3 rd		4 th		5 th		6 th		
96%	Reading	Math	Reading	Math	Reading	Math	Science	Reading	Math
	47%	43%	50%	31%	53%	37%	78%	44%	32%
	7 th		8 th						
	Reading	Math	Reading	Math	Science				
	62%	29%	49%	29%	64%				

This table shows the proficiency levels of the high school expansion students who took an EOC assessment or the ACT test. ACT proficiency scores are calculated as a 19+ composite score.

High School					
Math 1	English 2	Biology	Math 3	ACT	Graduation Rate
37%	60%	54%	52%	50%	Not Applicable

IX. Withdrawal Percentage

Of the 693 expansion students, 187 withdrew after enrollment at NCVA (26.9%).