

STATE OF NORTH CAROLINA

WAKE COUNTY

HOKE COUNTY BOARD OF  
EDUCATION, et al.,

Plaintiffs,

and

CHARLOTTE-MECKLENBURG BOARD  
OF EDUCATION

Plaintiff-Intervenor,

and

RAFAEL PENN, et al.,

Plaintiff-Intervenors,

v.

STATE OF NORTH CAROLINA and the  
STATE BOARD OF EDUCATION,

Defendants,

and

CHARLOTTE-MECKLENBURG BOARD  
OF EDUCATION

Realigned Defendant,

and

PHILIP E. BERGER, in his official capacity  
as President *Pro Tempore* of the North  
Carolina Senate, and TIMOTHY K.  
MOORE, in his official capacity as Speaker  
of the North Carolina House of  
Representatives,

Intervenor-Defendants.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

No. 95 CVS 1158

**AFFIDAVIT OF  
ANCA ELENA GROZAV**

I, Anca Elena Grozav, having been duly sworn, depose and state as follows:

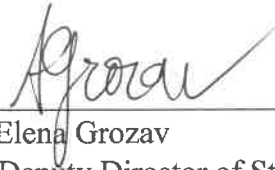
1. I am over 18 years of age, legally competent to give this declaration, and have personal knowledge of the facts set forth in it.
2. I am the Chief Deputy Director of State Budget for the North Carolina Office of State Budget and Management. I have been employed in this capacity since 1 November 2022.
3. On 4 November 2022, the North Carolina Supreme Court filed an opinion and order in this matter. Following issuance of the mandate, this Court subsequently filed the opinion and order on 30 November 2022. ECF No. 56
4. The North Carolina Supreme Court's opinion and order provides that the trial court's "November 2021 Order directing certain State officials to transfer available state funds to implement years two and three of the Comprehensive Remedial Plan" is reinstated. Case ECF No. 56, Page 137.
5. The opinion and order further directs the trial court to "recalculate the appropriate distributions in light of the State's 2022 Budget," and that upon recalculation, the trial court is instructed to "order the applicable State officials to transfer these funds as an appropriation under law." Case ECF No. 56, Page 137.
6. Consistent with the North Carolina Supreme Court's opinion and order, I, with the assistance of several budget analysts under my supervision, determined the overall funding requirements identified in the Comprehensive Remedial Plan for each action item, both by year and total. Those summary determinations are reflected in the attached **Exhibit 1**.
7. As part of that analysis, my staff and I compared how much funding each action item in the Comprehensive Remedial Plan for Year Two and Year Three was received through the Operations Appropriations Act of 2021 (S.L. 2021-180), and the Act to Modify The Current

Operations Appropriations Act of 2021 (S.L. 2022-74). Those figures are reflected in **Exhibit 1**.

8. With respect to the Comprehensive Remedial Plan for Year Two and Year Three, **Exhibit 1** also includes the total amounts of unfunded action item.
9. The analysis reveals that 63% of the Year Two Action Items of the Comprehensive Remedial Plan, and 60% of the Year Three Action Items of the Comprehensive Remedial Plan have been funded. This means that approximately \$257,679,390 of Year Two Action Items remain unfunded, while \$420,121,777 of Year Three Action Items remain unfunded.
10. **Exhibit 2**, attached, provides a detailed description of the funding requirements associated with the North Carolina Department of Public Instruction for Years Two and Three of the Comprehensive Remedial Plan. **Exhibit 2** provides the amounts that have been funded through S.L. 2021-180 and S.L. 2022-74, as well as those amounts that remain unfunded.
11. **Exhibit 3**, attached, provides a detailed breakdown of the funding requirements associated with the North Carolina Department of Health and Human Services for Years Two and Three of the Comprehensive Remedial Plan. **Exhibit 3** provides the amounts that have been funded through S.L. 2021-180 and S.L. 2022-74, as well as those amounts that remain unfunded.
12. **Exhibit 4**, attached, provides a detailed breakdown of the funding requirements associated with the University of North Carolina System for Years Two and Three of the Comprehensive Remedial Plan. **Exhibit 4** provides the amounts that have been funded through S.L. 2021-180 and S.L. 2022-74, as well as those amounts that remain unfunded.

I affirm, under penalty of perjury, that the foregoing statements are true to the best of my knowledge. This concludes my affidavit.

This the 19<sup>th</sup> day of December, 2022.



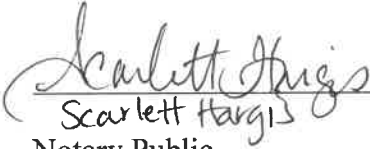
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Anca Elena Grozav  
Chief Deputy Director of State Budget  
North Carolina Office of State Budget  
and Management

STATE OF NORTH CAROLINA

WAKE COUNTY

Anca Elena Grozav, first duly sworn, deposes and says that she has read the foregoing Affidavit and knows the contents thereof that the same are true of her own knowledge except as to those matters and things stated therein upon information and belief, and as to those she believes them to be true. Subscribed and sworn to before me this 19<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
Scarlett Hargis  
Notary Public  
My commission expires: Dec. 21, 2023

