

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:

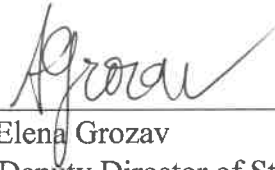
1. I am over 18 years of age, legally competent to give this declaration, and have personal knowledge of the facts set forth in it.
2. I am the Chief Deputy Director of State Budget for the North Carolina Office of State Budget and Management. I have been employed in this capacity since 1 November 2022.
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 19th day of December, 2022.

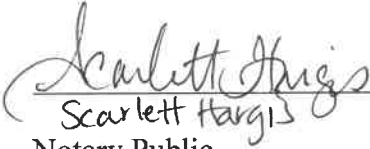


Anca Elena Grozav
Chief Deputy Director of State Budget
North Carolina Office of State Budget
and Management

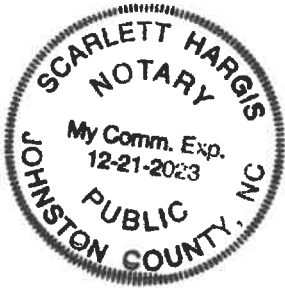
STATE OF NORTH CAROLINA

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 19th day of December, 2022.



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



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| 1 | Comprehensive Remedial Plan | | | | | | | 4/22 Court Conclusion on FY2021-23 Long Session Budget (SL 2021-180) | | | | | | | | 2022-23 State Budget (SL2022-74) | | | | December 2022 Status Analysis (4/22 Court Conclusion + SL2022-74) | | | | | | | | | | | |
|----|-----------------------------|--|---------------------|---------------|-----|---------------------|---------------|--|---------------------|-----------------------------------|--------------------------|--|---------------------|-------------|-----------------------------------|----------------------------------|--|-----|-------------|--|-----------------------------------|-----|-------------|---------------------|----------------------------------|----------------------------------|-------------|-------------------------------|----------------------------------|----------------------------------|-------------|
| | 2 | Action Steps | Year 2 (FY 2021-22) | | | Year 3 (FY 2022-23) | | | Year 2 (FY 2021-22) | | | | Year 3 (FY 2022-23) | | | | Year 3 (FY 2022-23) | | | | Year 2 (FY 2021-22) | | | Year 3 (FY 2022-23) | | | | | | | |
| | | | Agency | Requirements | FTE | Called R/NR | Requirements | FTE | Called R/NR | 2021-23 State Budget Requirements | Amount Credited by Court | Amount Underfunded in 2021-23 State Budget | FTE | Funded R/NR | 2021-23 State Budget Requirements | Amount Credited by Court | Amount Underfunded in 2021-23 State Budget | FTE | Funded R/NR | Notes | 2022-23 State Budget Requirements | FTE | Funded R/NR | Notes | Plan Amount Funded this Biennium | Amount Underfunded this Biennium | Funded R/NR | State Budget Act Requirements | Plan Amount Funded this Biennium | Amount Underfunded this Biennium | Funded R/NR |
| 3 | | Complete the final two years of funding of the enhancement teacher allotment. (III.C.ii.1.) | DPI | \$139,700,000 | | R | \$139,700,000 | | R | \$139,700,000 | \$139,700,000 | \$- | | R | \$139,700,000 | \$139,700,000 | \$- | | R | Statutory appropriation for Program Enhancement Teachers included in base budget | | | | | \$ 139,700,000 | \$ - | R | \$ 139,700,000 | \$ 139,700,000 | \$ - | R |
| 21 | | Increase professional development funding to provide districts with adequate funding for professional development and mentoring. (III.C.iii.1.) | DPI | \$10,000,000 | | R | \$20,000,000 | | R | \$10,000,000 | \$10,000,000 | \$- | | NR | \$27,500,000 | \$20,000,000 | \$- | | NR | Funded from ESSER III set-aside, SL 2021-180, Sec. 7.27 (a)(3.5 (a)(5)). Since funding satisfied, Court did not rule on NR funds for training in computer science to DPI for NCCAT. Funds split according to footnote 5 below. | | | | | \$ 10,000,000 | \$ - | NR | \$ 27,500,000 | \$ 20,000,000 | \$ - | NR |
| 22 | | Simplify teacher assistant formula and increase funding until funding will provide approximately one teacher assistant for every 27 K-3 students. (III.C.iii.2.) | DPI | \$20,000,000 | | R | \$30,000,000 | | R | | | \$20,000,000 | | R | | | \$30,000,000 | | R | | | | | \$ - | \$ 20,000,000 | R | \$ - | \$ - | \$ 30,000,000 | R | |
| 23 | | Provide funding for SISP to meet national guidelines. (III.D.ii.1.) | DPI | \$40,000,000 | | R | \$80,000,000 | | R | \$25,451,551 | \$25,451,551 | \$12,848,449 | | R | \$25,451,551 | \$25,451,551 | \$54,548,449 | | R | Includes NR ESSER III funds for psychologist recruitment program and R funds for salary increases for certain ISP (SL2021-180 CR p. B-26 #55-56) | | | | | \$ 27,151,551 | \$ 12,848,449 | R | \$ 25,451,551 | \$ 25,451,551 | \$ 54,548,449 | R |
| 24 | | | DPI | | | | | | | \$1,700,000 | \$1,700,000 | \$- | | NR | | | | | | | | | | | | | | | | | |
| 25 | | Increase salaries for teachers and instructional support staff by 5 percent in FY 2022 and incrementally after that based on study findings. (III.E.ii.2.) | DPI | \$232,200,000 | | R | \$354,100,000 | | R | \$182,776,979 | \$182,776,979 | \$49,423,021 | | R | \$266,504,825 | \$266,504,825 | \$87,595,175 | | R | Includes Teacher and ISP raises and Supplemental Allotment | \$178,870,326 | | R | | \$ 182,776,979 | \$ 49,423,021 | R | \$ 445,375,151 | \$ 354,100,000 | \$ - | R |
| 26 | | Increase principal and assistant principal pay consistent with teacher salary increases. (III.E.ii.3.) | DPI | \$19,000,000 | | R | \$29,700,000 | | R | \$8,950,813 | \$8,950,813 | \$10,049,187 | | R | \$17,926,579 | \$17,926,579 | \$11,773,421 | | R | | \$6,809,366 | | R | | \$ 8,950,813 | \$ 10,049,187 | R | \$ 24,735,945 | \$ 24,735,945 | \$ 4,964,055 | R |
| 27 | | District and Regional Support model to provide direct and comprehensive assistance for the improvement of low performing and high poverty schools and districts (V.A.iii.1.) | DPI | \$10,000,000 | | R | \$19,000,000 | | R | \$10,000,000 | \$10,000,000 | \$- | | NR | \$8,000,000 | \$8,000,000 | \$11,000,000 | | NR | Funded NR in ESSER III set-aside, SL 2021-180, Sec. 7.27 (a)(3.5 (a)(24)). Split according to footnote 5 below | | | | | \$ 10,000,000 | \$ - | NR | \$ 8,000,000 | \$ 8,000,000 | \$ 11,000,000 | NR |
| 28 | | Provide resources and support to high poverty schools to adopt a community schools or other evidence-based model to address out of school barriers (V.C.i.1.) | DPI | \$1,500,000 | | R | \$6,000,000 | | R | | | \$1,500,000 | | R | | | \$6,000,000 | | R | | | | | \$ - | \$ 1,500,000 | R | \$ - | \$ - | \$ 6,000,000 | R | |
| 29 | | Provide funding to cover the reduced-price lunch copays for all students who qualify for reduced-price meals so that those students would receive free lunches. (V.C.iii.1.) | DPI | | | | \$3,900,000 | | R | | | \$- | | R | | | \$3,900,000 | | R | | \$3,900,000 | | NR | | \$ - | \$ - | | \$ 3,900,000 | \$ 3,900,000 | \$ - | NR |
| 30 | | Provide funding for an independent alignment study of all NC dual credit courses and basic graduation requirements (VII.A.ii.3) | DPI | \$50,000 | | NR | | | NR | \$50,000 | \$50,000 | \$- | | NR | | | \$- | | NR | 4/22 Court doc includes VII.B.iv.1. Overcounts Y2 by \$50k, but 2-year total is still correct. | | | | | \$ 50,000 | \$ - | NR | \$ - | \$ - | \$ - | |
| 31 | | Ensure students graduate prepared for college-level coursework at the NC Community Colleges through the Career and College Ready Graduate program (VII.A.ii.4) | DPI | \$546,500 | 1 | R | \$546,500 | 1 | R | \$546,500 | \$546,500 | \$- | 1 | R | \$546,500 | \$546,500 | \$- | 1 | R | | | | | \$ 546,500 | \$ - | R | \$ 546,500 | \$ 546,500 | \$ - | R | |
| 32 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Action Steps | Comprehensive Remedial Plan | | | | | | 4/22 Court Conclusion on FY2021-23 Long Session Budget (SL 2021-180) | | | | | | | | | | 2022-23 State Budget (SL2022-74) | | | | December 2022 Status Analysis (4/22 Court Conclusion + SL2022-74) | | | | | | | | | |
|---|-----------------------------|-----------------------|-----|---------------------|-----------------------|-----|--|-----------------------------------|--------------------------|--|-----|---------------------|-----------------------------------|--------------------------|--|-----|----------------------------------|---|-----------------------------------|-----|---|-------|----------------------------------|----------------------------------|-------------|-------------------------------|----------------------------------|----------------------------------|-------------|----|
| | Year 2 (FY 2021-22) | | | Year 3 (FY 2022-23) | | | Year 2 (FY 2021-22) | | | | | Year 3 (FY 2022-23) | | | | | Year 3 (FY 2022-23) | | | | Year 2 (FY 2021-22) | | | Year 3 (FY 2022-23) | | | | | | |
| | Agency | Requirements | FTE | Called R/NR | Requirements | FTE | Called R/NR | 2021-23 State Budget Requirements | Amount Credited by Court | Amount Underfunded in 2021-23 State Budget | FTE | Funded R/NR | 2021-23 State Budget Requirements | Amount Credited by Court | Amount Underfunded in 2021-23 State Budget | FTE | Funded R/NR | Notes | 2022-23 State Budget Requirements | FTE | Funded R/NR | Notes | Plan Amount Funded this Biennium | Amount Underfunded this Biennium | Funded R/NR | State Budget Act Requirements | Plan Amount Funded this Biennium | Amount Underfunded this Biennium | Funded R/NR | |
| Provide funds to examine barriers and supports impacting all students' ability to complete dual enrollment courses (VII.B.iv.1) | DPI | | | | \$50,000 | | NR | \$50,000 | | \$- | | | \$50,000 | | \$- | | NR | 4/22 Court doc includes in VII.A.ii.3. in Y2. 2-year total is still correct | | | | | \$ - | \$ - | | \$- | \$ 50,000 | | - | NR |
| Revise the funding approach for NCVPS to remove barriers that prevent students in low-wealth districts from participating (VII.B.iii.1) | DPI | \$1,500,000 | | R | \$3,000,000 | | R | | | \$1,500,000 | | R | | | \$3,000,000 | | R | | | | | | \$ - | \$ 1,500,000 | R | \$- | \$ - | 3,000,000 | R | |
| Expand funds for credentials and certifications for Career and Technical Education students (VII.B.iii.2) | DPI | \$6,500,000 | | R | \$6,500,000 | | R | \$6,500,000 | \$6,500,000 | \$- | | R | \$6,500,000 | \$6,500,000 | \$- | | R | | | | | | \$ 6,500,000 | \$ - | R | \$ 6,500,000 | \$ 6,500,000 | | - | R |
| Provide recurring funding for Cooperative Innovative High Schools approved to open from 2018-2021 (VII.B.ii.1) | DPI | \$1,880,000 | | R | \$1,880,000 | | R | \$1,880,000 | \$1,880,000 | \$- | | R | \$1,880,000 | \$1,880,000 | \$- | | R | | | | | | \$ 1,880,000 | \$ - | R | \$ 1,880,000 | \$ 1,880,000 | | - | R |
| Provide funds for a Career and Postsecondary Planning Director at NCDPI and Career Development Coordinators in grades 6-12 across state (VII.C.iii.2) | DPI | \$100,000 | | R | \$10,000,000 | | R | | | \$100,000 | | R | | | \$10,000,000 | | R | | | | | | \$ - | \$ 100,000 | R | \$- | \$ - | 10,000,000 | R | |
| Total R | | \$ 597,226,500 | | | \$ 924,426,500 | | | \$ - | \$ 384,021,570 | \$ 189,104,930 | | \$ - | \$ 478,025,182 | \$ 405,001,318 | | | | | \$ 185,679,692 | | | | \$ 385,721,570 | \$ 189,104,930 | | \$ 664,684,874 | \$ 572,929,723 | \$ 306,696,777 | | |
| Total NR | | \$ 325,000 | | | \$ 75,000 | | | \$ - | \$ 23,450,000 | \$ 975,000 | | \$ - | \$ 28,550,000 | \$ 12,925,000 | | | | | \$ 3,900,000 | | | | \$ 21,750,000 | \$ 975,000 | | \$ 39,400,000 | \$ 31,950,000 | \$ 12,925,000 | | |
| DPI Subtotal | | \$ 597,551,500 | | | \$ 924,501,500 | | | \$ 408,001,570 | \$ 407,471,570 | \$ 190,079,930 | | 68% | \$ 514,505,182 | \$ 506,575,182 | \$ 417,926,318 | | 55% | | | | | | \$ 407,471,570 | \$ 190,079,930 | 68% | | \$ 604,879,723 | \$ 319,621,777 | 65% | |

Notes:

1. Comprehensive Remedial Plan (CRP) Items with no funding required (policy only) are omitted here.

2. Parentheticals at the end of each plan step refer to the action in the full Comprehensive Remedial Plan

3. "2021-23 State Budget" refers to the Current Operations Appropriations Act of 2021 (SL2021-180) and the two relevant technical corrections laws, SL2021-189 and SL2022-6.

4. "Underfunded" is defined as receiving new appropriations less than the plan's specification.

5. ESSER III funds are available beyond the biennium, through Sept. 2024. The Court's April 2022 order "split such that it is allocated first to year 2, with any excess funding allocated to year 3."

6. Items "overfunded" show full appropriation in Funded columns, but \$0 in Underfunded columns since these funds make no progress toward funding other plan items, and therefore don't decrease the net remaining funding requirement. For this reason, Funding percentage is calculated based on Amount Underfunded rather than Amount Funded, to avoid incorrectly skewing funding percentage up.

