



**NORTH CAROLINA**  
State Board of Education  
Department of Public Instruction

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# Report to the North Carolina General Assembly

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## Report on Waivers of State Laws or Rules G.S. 115C-105.26(h)

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**Date Due: October 15, 2025**  
DPI Chronological Schedule, 2025-2026

## STATE BOARD OF EDUCATION

### STATE BOARD OF EDUCATION VISION

Every public school student in North Carolina will be empowered to accept academic challenges, prepared to pursue their chosen path after graduating high school, and encouraged to become lifelong learners with the capacity to engage in a globally-collaborative society.

### STATE BOARD OF EDUCATION MISSION

The mission of the North Carolina State Board of Education is to use its constitutional authority to guard and maintain the right of a sound, basic education for every child in North Carolina Public Schools.

**ERIC DAVIS, Chair**  
Charlotte – At-Large

**JILL CAMNITZ**  
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**JOHN BLACKBURN**  
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The above State Board of Education information is a record of the board members at the time of this document's approval for publication. For the current list of State Board Members, Vision and Mission Statements, go to [www.dpi.nc.gov/about-dpi/state-board-education](http://www.dpi.nc.gov/about-dpi/state-board-education).

## NC DEPARTMENT OF PUBLIC INSTRUCTION

**Maurice "Mo" Green, State Superintendent / 301 N. Wilmington Street, Raleigh, North Carolina 27601**

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**Inquiries or complaints regarding discrimination issues should be directed to:**

Thomas Tomberlin, Senior Director, Educator Preparation, Licensure, and Performance, NCDPI  
6301 Mail Service Center, Raleigh, NC 27699-6301 / Phone: (984) 236-2114

# REPORT TO JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

## G.S. 115C-105.26(H) WAIVERS OF STATE LAWS OR RULES

### A. LEGISLATED REQUIREMENT

Pursuant to G.S. 115C-105.26 (h), the State Board of Education shall report to the Joint Legislative Education Oversight Committee by October 15 of each year a list of specific waivers granted to each local board of education under this section.

### B. WAIVERS

#### 1. K-3 Class Size Requirements under G.S. 115C-301 (g)

At the end of the second school month and for the remainder of the school year, the teacher-to-student ratio of an individual class may not exceed the following:

Kindergarten	1 to 18
Grade 1	1 to 16
Grade 2	1 to 17
Grade 3	1 to 17

#### *Exemptions*

(1) **The following school types are exempt from legislated K-3 class size requirements:**

- (a) *Charter schools*
- (b) *Regional schools*
- (c) *Laboratory schools*
- (d) *Residential schools for deaf and blind students*
- (e) *Hospital schools*
- (f) *Restart schools and renewal school system*
- (g) *The R3 Career Pathways Program in Pitt County Schools*

(2) **The following classroom types are exempt from legislated K-3 class size requirements:**

- (a) *Dual Language Immersion Classes in which at least one-third of the students' dominant language is English and instruction involves both English and a target foreign language with a minimum of 50% of core content taught in the target foreign language*

(b) *Program Enhancement Classes, defined as arts disciplines, including dance, music, theater, and visual arts; physical education and health programs; world languages;*

***Waivers for Exceeding Individual Class Size Requirements***

If an individual class size exceeds 21 in grades K, 1, 2, or 3 at the end of the second school month and at any time for the remainder of the school year, the local board has the responsibility to follow the steps set forth in G.S. 115C-301(g) and G.S.115C-47(10).

Under the provisions, local boards of education are responsible for assuring the class size requirements set forth in G.S. 115C-301 are met. Any teacher who believes the requirements of G.S. 115C-301 have not been met shall make a report to the principal and superintendent. The superintendent shall immediately determine whether the requirements have in fact not been met. If the superintendent determines the requirements have not been met, he or she shall make a report at the next local board of education meeting. The local board of education shall take action to meet the requirements of the statute.

If the local board cannot organizationally correct the exception and if any of the conditions set out below are met, the board shall immediately apply to the State Board of Education for a waiver from the standards set above. The Superintendent of Public Instruction has delegated authority by the State Board of Education to review and respond to a system's request for a waiver of class size requirements for individual classes.

(1) ***Per G.S. 115C-301(g), the class-size overage must be caused by one of the reasons below:***

(a) *Emergencies, or acts of God that impact the physical availability of classroom space or facilities.*

(b) *An unanticipated increase of more than 2% in the average daily membership of an individual school. The school's PMR 1 for the prior and current school years should be used for this comparison.*

(c) *Organizational issues in geographically isolated PSUs in which the average daily membership is less than 1.5 per square mile. In recent years, only Hyde and Tyrell Counties met the requirements for geographic isolation.*

(d) *Classes organized for a solitary curricular area.*

(e) *A charter school closure in the prior or current school year.*

(2) ***The State Board of Education limits individual class size waivers if:***

- (a) *An individual class size waiver has been requested for the specific school and grade during the previous school year, and*
- (b) *The request is for more than two students above the legislated class size maximums, and*
- (c) *The local board of education can organizationally correct the exception*
- (d) *The LEA is not in compliance with the LEA-wide average for all grades.*

The State Board requires the local board of education to pursue all options to rectify the exception prior to requesting a waiver.

**The following Helene-related LEA-wide class size waivers were granted for the prior 2024–25 school year** under 115C-301(g)(1), emergencies or acts of God that impact the availability of classroom space or facilities. LEAs in Helene-affected counties were permitted to apply for LEA-wide waivers due to facility damage and enrollment of displaced students. Schools in the following counties were eligible to apply:

Alexander County, Alleghany County, Ashe County, Avery County, Buncombe County, Burke County, Caldwell County, Catawba County, Cherokee County, Clay County, Cleveland County, Gaston County, Graham County, Haywood County, Henderson County, Jackson County, Lincoln County, Macon County, Madison County, McDowell County, Mitchell County, Polk County, Rutherford County, Swain County, Transylvania County, Watauga County, Wilkes County, Yancey County

**The following are the Individual Class Size Waivers granted for the prior 2024–25 school year** under 115C-301(g)(2), an unanticipated increase in student population of an individual school in excess of two percent of the average daily membership of that school.

LEA	School	Grade	Number of Students in Class	Over by
410 Guilford County Schools	Jamestown Elementary	K	22	1
410 Guilford County Schools	Jamestown Elementary	K	22	1
410 Guilford County Schools	Jamestown Elementary	K	22	1
410 Guilford County Schools	Jamestown Elementary	K	22	1
410 Guilford County Schools	Irving Park Elementary	2	21	1
410 Guilford County Schools	Irving Park Elementary	2	21	1
410 Guilford County Schools	Irving Park Elementary	2	21	1
410 Guilford County Schools	Pleasant Garden Elementary	1	20	1
410 Guilford County Schools	Southwest Guilford Elementary	2	21	1
410 Guilford County Schools	Southwest Guilford Elementary	3	21	1
410 Guilford County Schools	Southwest Guilford Elementary	3	21	1

## 2. Good Cause Calendar Waivers

Per G.S.115C-84.2(d), the State Board of Education may waive the school opening date for showing of good cause and allow the local education agency to set an opening date no earlier than the Monday closest to August 19.

"Good cause" is defined as schools in any local education agency in the county that have been closed for severe weather conditions, energy shortages, power

failures or other emergency situations for eight or more days during any four of the last ten years. Partial-day closures are not included.

**The following are the good cause calendar waivers granted by the State Board of Education under G.S. 115C- 84.2(d) for the current 2025–2026 school year.**

LEA	Region	Start Date
030 Alleghany County	Northwest	8/11/2025 (Waiver-approved start date 8/18/2025)
050 Ashe County	Northwest	8/18/2025
060 Avery County	Northwest	8/20/2025
440 Haywood County	West	8/18/2025
500 Jackson County	West	8/13/2025 (Waiver-approved start date 8/18/2025)
570 Madison County	West	8/18/2025
610 Mitchell County	Northwest	8/18/2025
870 Swain County	West	8/18/2025
950 Watauga County	Northwest	8/18/2025
995 Yancey County	Northwest	8/18/2025