



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

---

# **Report to the North Carolina General Assembly**

---

State Board of Education Waivers  
of State Laws or Rules Granted to  
Local Education Agencies

*G.S. 115C-105.26(h)*

---

**Date Due:** - October 15, 2020

Report # 115

DPI Chronological Schedule, 2019-2020

## 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**

Greenville – Northeast Region

**TODD CHASTEEN**

Blowing Rock – Northwest Region

**ALAN DUNCAN**

Vice Chair: Greensboro – Piedmont-Triad Region

**REGINALD KENAN**

Rose Hill – Southeast Region

**DONNA TIPTON-ROGERS**

Brasstown – Western Region

**DAN FOREST**

Lieutenant Governor: Raleigh – Ex Officio

**AMY WHITE**

Garner – North Central Region

**J. WENDELL HALL**

Ahoskie – At-Large

**DALE FOLWELL**

State Treasurer: Raleigh – Ex Officio

**OLIVIA OXENDINE**

Lumberton – Sandhills Region

**VACANT**

At-Large

**MARK JOHNSON**

Superintendent & Secretary to the Board: Raleigh

**JAMES FORD**

Charlotte – Southwest Region

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 <https://stateboard.ncpublicschools.gov>.

## NC DEPARTMENT OF PUBLIC INSTRUCTION

**Mark Johnson, State Superintendent / 301 N. Wilmington Street / Raleigh, North Carolina 27601-2825**

In compliance with federal law, the NC Department of Public Instruction administers all state-operated educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law.

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

Joe Maimone, Chief of Staff

6307 Mail Service Center, Raleigh, NC 27699-6307 / Phone: (984) 236-2206 / Fax: (984) 236-2349

**Visit us on the Web:** [www.dpi.nc.gov](http://www.dpi.nc.gov)

## **Report to Joint Legislative Education Oversight Committee**

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

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.

#### **A. Waivers for Class Size Requirements under G.S. 115C-301 (g)**

At the end of the second school month of 2019-20 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 22
Grade 1	1 to 22
Grade 2	1 to 22
Grade 3	1 to 22

Per 115C-301(c), in grades 4-12, local school administrative units shall have the maximum flexibility to use allotted teacher positions to maximize student achievement.

The Renewal School System, charter schools, restart schools, and dual language immersion classes are exempt from class size requirements.

#### **Waivers for Exceeding Individual Class Size**

If an individual class size exceeds 23 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.

G.S.115C-301 (g) outlines the permissible criteria to grant an individual class size maximum waiver. These are as follows:

- i. Emergencies or acts of God that impact the availability of classroom space or facilities

- ii. An unanticipated increase in student population of an individual school in excess of two percent (2%) of the average daily membership of that school
- iii. Organizational problems in geographically isolated local school administrative units in which the average daily membership is less than one and one-half per square mile
- iv. Classes organized for a solitary curricular area
- v. A charter school closure

In addition, the State Board of Education limits individual class size waivers if:

- i. A waiver has been requested for that specific school and grade during the previous school year.
- ii. The waiver is for more than two students above the established class size maximums.
- iii. The local board of education can organizationally correct the exception.
- iv. 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 are the individual class waivers granted under 115C-301(g)(1), emergencies or acts of God that impact the availability of classroom space or facilities.

Local Education Agency	School	Grade	Number of Students in class	Over by
250 - Craven County Schools	304 - Albert H Bangert Elementary	3	23	1
	304 - Albert H Bangert Elementary	3	23	1
	308 - Bridgeton Elementary	1	23	1
	378 - W Jesse Gurganus Elementary	2	23	1
	378 - W Jesse Gurganus Elementary	2	23	1
710 - Pender County	312 - Burgaw Elementary	K	23	1
	312 - Burgaw Elementary	K	23	1
	312 - Burgaw Elementary	K	23	1
	328 - Penderlea Elementary	2	23	1

The following are the individual class waivers granted under 115C-301(g)(4), classes organized for a solitary curricular area.

Local Education Agency	School	Grade	Number of Students in class	Over by
920 - Wake County Public Schools	307 - Alston Ridge Elementary	3	24	2
	459 - Hortons Creek Elementary	3	24	2
	468 - Lacy Elementary	3	23	1

The following are the individual class waivers granted 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.

Local Education Agency	School	Grade	Number of Students in class	Over by
030 - Alleghany County	316 - Piney Creek Elementary	K	23	1
	316 - Piney Creek Elementary	K	23	1
	316 - Piney Creek Elementary	K	23	1
	316 - Piney Creek Elementary	K	23	1
100 - Brunswick County Schools	304 - Bolivia Elementary	1	23	1
	304 - Bolivia Elementary	1	23	1
	304 - Bolivia Elementary	1	23	1
	304 - Bolivia Elementary	1	23	1
	304 - Bolivia Elementary	3	23	1
	304 - Bolivia Elementary	3	23	1
	304 - Bolivia Elementary	3	23	1
	304 - Bolivia Elementary	3	23	1
	304 - Bolivia Elementary	3	23	1
	304 - Bolivia Elementary	3	23	1
100 - Brunswick County Schools	310 - Jessie Mae Monroe Elementary	K	23	1
	310 - Jessie Mae Monroe Elementary	K	23	1
	310 - Jessie Mae Monroe Elementary	K	23	1

Local Education Agency	School	Grade	Number of Students in class	Over by
	310 - Jessie Mae Monroe Elementary	K	23	1
	310 - Jessie Mae Monroe Elementary	K	23	1
	310 - Jessie Mae Monroe Elementary	K	23	1
	310 - Jessie Mae Monroe Elementary	K	23	1
	310 - Jessie Mae Monroe Elementary	K	23	1
	310 - Jessie Mae Monroe Elementary	K	23	1
	310 - Jessie Mae Monroe Elementary	K	23	1
780 - Robeson County	360 - Parkton Elementary	2	23	1
	360 - Parkton Elementary	2	23	1
930 - Warren County Schools	348 - Vaughan Elementary School	3	23	1
	348 - Vaughan Elementary School	3	23	1

**B. Waivers from Calendar Requirements under G.S.115C-84.2(d)**

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 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.

Following are the calendar waivers granted by the State Board of Education under G.S. 115C-84.2(d) for the 2019-2020 school year.

LOCAL EDUCATION AGENCY		DISTRICT
030	Alleghany County	Northwest
050	Ashe County	Northwest
060	Avery County	Northwest
110	Buncombe County	Western
111	Asheville City <sup>(1)</sup> (Buncombe)	Western
220	Clay County	Western
291	Lexington City <sup>(1)</sup> (Davidson)	Piedmont Triad
380	Graham County	Western
440	Haywood County	Western
500	Jackson County	Western
570	Madison County	Western
610	Mitchell County	Northwest
870	Swain County	Western
880	Transylvania County	Western
950	Watauga County	Northwest
990	Yadkin County	Piedmont Triad
995	Yancey County	Northwest

(1) City LEA is eligible based on being located within a county LEA that is eligible.