



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, 2016

Report # 62

DPI Chronological Schedule, 2015-2016

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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 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 24
Grade 1	1 to 24
Grade 2	1 to 24
Grade 3	1 to 24
Grades 4-12	No Requirement

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.

Charter schools are exempt from class size requirements.

Waivers Due to Excess Individual Class Size

If individual class size exceeds 24 in grades K, 1, 2, or 3 at the end of the second school month and 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 a waiver from an individual class size maximum. 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. If the local board can organizationally correct the exception.

The following are the waivers granted for class size during the 2015-2016 school year. All classes were self-contained.

Local Education Agency	School	Grade	Number of Students	Over by	Reason for Request
Alexander County	Taylorsville Elementary	3	26	2	Significant growth in the school and grade population; Taylorsville Elementary witnessed a significant growth in student population during 2015-16 in excess of 2%.
Columbus County	Old Dock Elementary	3	25	1	Emergencies, or acts of God that impact that availability of classroom space or facilities; ODES suffered a fire on January 7, 2016.
Pender County	Topsail Elementary	1	25	1	Growth over 2%
	Topsail Elementary	1	25	1	Growth over 2%

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 and closing dates 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.

Definition of "good cause"

"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 2015-2016 school year.

Local Education Agency	Start Date
Alleghany County	08/17/2015
Ashe County	08/17/2015
Avery County	08/17/2015
Buncombe County	08/19/2015
Asheville City Schools	08/18/2015
Graham County	08/17/2015
Haywood County	08/17/2015
Madison County	08/17/2015
Mitchell County	08/17/2015
Swain County	08/17/2015
Watauga County	08/17/2015
Yancey County	08/17/2015