



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, 2018

Report # 19

DPI Chronological Schedule, 2017-2018

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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 of 2017-18 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 23
Grade 1	1 to 23
Grade 2	1 to 23
Grade 3	1 to 23

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, restart schools, and dual language immersion classes are exempt from class size requirements.

Waivers Due to Excess 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, and
- 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)(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	Over by
080 - Bertie County	362 - Windsor Elementary	K	25	2
	362 - Windsor Elementary	K	24	1
470 - Hoke County	340 - Rockfish Hoke Elementary	K	24	1
	340 - Rockfish Hoke Elementary	K	24	1
	340 - Rockfish Hoke Elementary	K	24	1
	340 - Rockfish Hoke Elementary	K	24	1
	340 - Rockfish Hoke Elementary	K	24	1
	340 - Rockfish Hoke Elementary	K	24	1
	340 - Rockfish Hoke Elementary	2	24	1
	340 - Rockfish Hoke Elementary	2	24	1
	340 - Rockfish Hoke Elementary	2	24	1
	340 - Rockfish Hoke Elementary	2	24	1
	340 - Rockfish Hoke Elementary	2	24	1
820 - Sampson County	350 - Midway Elementary	2	24	1
	350 - Midway Elementary	2	24	1
	350 - Midway Elementary	2	24	1
	350 - Midway Elementary	2	24	1
862 - Mount Airy City Schools	308 - B. H. Tharrington Primary	2	24	1
	308 - B. H. Tharrington Primary	2	24	1
	308 - B. H. Tharrington Primary	2	24	1
	308 - B. H. Tharrington Primary	2	24	1
	308 - B. H. Tharrington Primary	2	24	1
	308 - B. H. Tharrington Primary	2	24	1
	308 - B. H. Tharrington Primary	2	24	1
	308 - B. H. Tharrington Primary	2	24	1
920 - Wake County	454 - Heritage Elementary	3	24	1
	454 - Heritage Elementary	3	24	1
	522 - Oak Grove Elementary	3	24	1
	453 - Jones Dairy Elementary	3	24	1

The following are the waivers granted under 115C301(g)(4), classes organized for a solitary curricular area. The solitary curricular area related to program enhancement classes, defined as arts, physical education, health programs and world languages. The approved waiver for the LEA applies to all schools within the LEA for the 2017-18 school year.

Session Law 2018-2 Section 3(c), ratified on February 13, 2018, and effective when it became law, exempts program enhancement classes from class size maximums.

Local Education Agency	Program Enhancement Classes
010 - Alamance-Burlington	Visual Arts, General Music, Health and Physical Education, Media, Computer Skills, Creative Dramatics
080 - Bertie County	Art and Music
100 - Brunswick County	Art, Music, Physical Education
110 - Buncombe County	Physical Education, Art and Music
130 - Cabarrus County	All Program Enhancement Classes as defined by GS 115C-301(f)(2)(a)
160 - Carteret County	Music, Art and Physical Education
180 - Catawba County	Physical Education, Art, Music, Drama, Dance, World Language
182 - Newton-Conover City	Physical Education, Art, Music, Discovery Arts
230 - Cleveland County	Physical Education
270 - Currituck County	Physical Education, Visual Arts, Music
300 - Davie County	Physical Education, Music, Art, Local Elective
320 - Durham County	Art Disciplines, Physical and Health Programs, and World Languages
360 - Gaston County	Art Disciplines, Dance, Music, Theatre, Visual Arts, Physical and Health Education, World Languages
400 - Greene County	Music, Visual Arts, Physical Education and Media
450 - Henderson County	Physical Education and Arts Education Disciplines
470 - Hoke County	Art, Physical Education, and Music
490 - Iredell-Statesville	General Music, Visual Arts, Physical Education
500 - Jackson County	Physical Education, Visual Arts, General Music
520 - Jones County	Music, Art, Physical Education
530 - Lee County	Visual Arts, Physical Education, Music
600 - Charlotte-Mecklenburg	Art, Music, Physical Education, Exploratory Language, Health Education
620 - Montgomery County	Visual Arts
630 - Moore County	General Music, Health and Physical Education, Local Elective, Visual Arts
640 - Nash-Rocky Mount	Art, Music, Physical Education

Local Education Agency	Program Enhancement Classes
660 - Northampton County	Art, Music, Physical Education, and Computer Lab
670 - Onslow County	Arts Disciplines, Dance, Music, Theatre, Visual Arts
700 - Elizabeth City-Pasquotank	Art, Music, Health and Physical Education
730 - Person County	Physical Education
760 - Randolph County	Art, Music, Physical Education
780 - Robeson County	Local Elective, Visual Arts, General Music, Physical and Health Education
820 - Sampson	Music, Art, Physical Education
821 - Clinton City	World Languages, Music, Local Electives, Visual Arts
850 - Stokes County	Art, Music, Physical Education
862 - Mount Airy City	Art, Music, Physical Education, Local Electives, World Languages
870 - Swain County	Physical Education
880 - Transylvania County	Physical Education, Visual Arts, Music
900 - Union County	Physical Education, Art, Music, Drama
910 - Vance County	All Enhancement Areas
920 - Wake County	Art Disciplines, Physical and Health Programs, and World Languages
950 - Watauga County	Physical Education, Art, Music

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.

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 2017-2018 school year.

Local Education Agency		Start Date
030	Alleghany County	08/21/2017
050	Ashe County	08/21/2017
060	Avery County	08/21/2017
220	Clay County	08/21/2017
380	Graham County	08/21/2017
440	Haywood County	08/21/2017
500	Jackson County	08/21/2017
570	Madison County	08/21/2017
610	Mitchell County	08/21/2017
870	Swain County	08/21/2017
880	Transylvania County	08/21/2017
950	Watauga County	08/21/2017
990	Yadkin County	08/21/2017
995	Yancey County	08/21/2017