



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

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

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**Date Due:** - October 15, 2019

Report # 115

DPI Chronological Schedule, 2018-2019

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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 2018-19 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 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, 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 in class	Over By
910 - Vance County Schools	340 - New Hope Elementary School	K	24	1
730 - Person County Schools	332 - Helena Elementary School	3	24	1
	332 - Helena Elementary School	3	24	1
	332 - Helena Elementary School	3	24	1
220 - Clay County Schools	308 - Hayesville Elementary	K	24	1
	308 - Hayesville Elementary	K	24	1
	308 - Hayesville Elementary	K	24	1
670 - Onslow County Schools	314 - Dixon Elementary School	1	24	1
100 - Brunswick	334 - Waccamaw	2	25	2
710 - Pender County Schools	350 - Surf City Elementary School	3	24	1
	350 - Surf City Elementary School	3	24	1
	350 - Surf City Elementary School	3	24	1
	350 - Surf City Elementary School	3	24	1
920 - Wake County Schools	457 - Holly Grove Elementary School	3	24	1
	548 - Root Elementary	3	24	1
	470 - Lead Mine Elementary School	3	24	1
	327 - Ballentine Elementary School	3	24	1
	327 - Ballentine Elementary School	3	24	1
	327 - Ballentine Elementary School	3	24	1
410 - Guilford County Schools	541 - Shadybrook Elementary	2	24	1
840 - Stanly County School	312 - Endy Elementary School	3	24	1
	312 - Endy Elementary School	3	24	1
340 -Winston-Salem/Forsyth County Schools	403 - Jefferson Elementary School	K	24	1
	403 - Jefferson Elementary School	K	24	1
	432 - Lewisville Elementary School	3	24	1

The following are Individual Class Waivers granted for the 2018-2019 school year for all K-3 classes in a school pursuant to G.S. 115C-301(g)(1)- Emergencies or acts of God that impact the availability of classroom space or facilities that had full or partial school damage due to Hurricane Florence.

Local Education Agency	School	Grade	Number of Classes Waived
310 - Duplin County	384 - Rose Hill Magnolia Elementary	K	6
		1	6
		2	6
		3	6
	336 - Warsaw Elementary	K	5
		1	5
		2	4
		3	4
	356 - Kenansville Elementary	K	4
		1	3
		2	4
		3	4
	304 - BF Grady Elementary	K	5
		1	5
		2	6
		3	6
	308 - Beulaville Elementary	K	5
		1	5
		2	5
		3	4
	330 - Chinquapin Elementary	K	3
		1	3
		2	3
		3	2
	388 - Wallace Elementary	K	6
		1	6
		2	6
		3	6
	360 - North Duplin Elementary	K	5
		1	5
		2	5
		3	5
520 - Jones County	328 - Maysville Elementary	K	1
		1	1
	304 - Pollocksville Elementary	1	1
		2	1
		3	1
	308 - Comfort Elementary	2	1
		3	1

Local Education Agency	School	Grade	Number of Classes Waived
650- New Hanover County	316 – College Park Elementary	K	3
		1	4
		2	2
		3	4
	362 - Pine Valley Elementary	1	5
		2	3
		3	4
	309 - Castle Hayne Elementary	3	1
250 - Craven County	380 - Walter L Parsley Elementary	2	6
		3	4
	304 - Albert H Bangert Elementary	K	4
		1	4
		2	4
		3	4
	380 - Arthur W Edwards Elementary	K	5
		1	6
		2	5
		3	6
	306 - Ben D Quinn Elementary	K	4
		1	4
		2	4
		3	4
	308 - Bridgeton Elementary	K	3
		1	3
		2	4
		3	3
	312 - Brinson Memorial Elementary	K	6
		1	6
		2	7
		3	6
	316 - Creekside Elementary	K	4
		1	5
		2	5
		3	5
	328 - Graham A Barden Elementary	K	2
		1	3
		2	3
		3	3
	336 - Havelock Elementary	K	3
		1	3
		2	3
		3	3
	350 - James W Smith Elementary	K	3
		1	4

Local Education Agency	School	Grade	Number of Classes Waived
250 - Craven County	350 - James W Smith Elementary	2	4
		3	4
	348 - JT Barber Elementary	K	3
		1	3
		2	3
		3	2
	360 - Oaks Road Academy	K	4
		1	4
		2	3
		3	4
	362- Roger Bell New Tech Academy	K	3
		1	3
		2	3
		3	4
	364 - Trent Park Elementary	K	4
		1	5
		2	4
		3	4
	320-Vanceboro Farm Life Elem	K	5
		1	5
		2	5
		3	6
	378 - WJ Gurganus Elementary	K	3
		1	3
		2	3
		3	4

## **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 2018-2019 school year.

<b>Local Education Agency</b>		<b>Start Date</b>
030	Alleghany County	08/19/2019
050	Ashe County	08/19/2019
060	Avery County	08/19/2019
110	Buncombe County	08/19/2019
111	Asheville City Schools <sup>(1)</sup> in Buncombe county	8/19/2019
220	Clay County	08/19/2019
291	Lexington City Schools <sup>(1)</sup> in Davidson County	08/19/2019
380	Graham County	08/19/2019
440	Haywood County	08/19/2019
500	Jackson County	08/19/2019
570	Madison County	08/19/2019
610	Mitchell County	08/19/2019
870	Swain County	08/19/2019
880	Transylvania County	08/19/2019
950	Watauga County	08/19/2019
990	Yadkin County	08/19/2019
995	Yancey County	08/19/2019

(1) Eligible based on being located within a county local education agency that is eligible.