



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) and G.S. 115C-
84.2(d)*

Date Due: October 15, 2024
DPI Chronological Schedule, 2024–2025

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.

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NC DEPARTMENT OF PUBLIC INSTRUCTION

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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 21
Grade 1	1 to 19
Grade 2	1 to 20
Grade 3	1 to 20

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 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.

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 Size Waivers granted for the prior 2023–2024 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.

	Local Education Agency	School	Grade	Number of Students in Class	Over By
010	Alamance-Burlington School System	Audrey Garrett Elementary	2	21	1
		Audrey Garrett Elementary	2	21	1
		Audrey Garrett Elementary	2	21	1
		Audrey Garrett Elementary	2	21	1
		Audrey Garrett Elementary	2	21	1
		Marvin B Smith Elementary	K	22	2
		Marvin B Smith Elementary	K	22	2
		Marvin B Smith Elementary	1	21	2
		Marvin B Smith Elementary	1	20	1
		R Homer Andrews Elementary	1	20	1
		R Homer Andrews Elementary	1	20	1
030	Alleghany County Schools	Piney Creek Elementary	K	23	2
		Piney Creek Elementary	2	22	2
250	Craven County Schools	Bridgeton Elementary School	K	22	1
		Bridgeton Elementary School	K	22	1
		Bridgeton Elementary School	K	22	1
		Bridgeton Elementary School	3	22	2
		Creekside Elementary School	1	21	2
270	Currituck County Schools	WT Griggs Elementary School	1	20	1
		WT Griggs Elementary School	1	20	1
290	Davidson County Schools	Friedberg Elementary School	3	21	1
		Friedberg Elementary School	3	21	1
		Friedberg Elementary School	3	21	1
		Hasty Elementary School	3	21	1
		Hasty Elementary School	3	21	1
		Reeds Elementary School	1	20	1
340	Winston-Salem/Forsyth County Schools	Julian Gibson Elementary	1	20	1
390	Granville County Schools	Tar River Elementary School	1	20	1
410	Guilford County Schools	Clara J Peck Elementary	K	22	1
		Parkview Village Elementary	1	20	1
520	Jones County Public Schools	Comfort Elementary	K	22	1
		Comfort Elementary	K	22	1
		Comfort Elementary	K	22	1
		Comfort Elementary	K	22	1

The following is an Individual Class Waiver granted for the prior 2023–2024 school year under 115C-301(g)(4), Classes organized for a solitary curricular area

	Local Education Agency	School	Grade	Number of Students in Class	Over By
340	Winston-Salem/Forsyth County Schools	Caleb's Creek	3	21	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.

Definition of "good cause"

"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.

Following are the calendar waivers granted by the State Board of Education under G.S. 115C- 84.2(d) for the current 2024–2025 school year.

Local Education Agency		Region	2024-25 Start Date
030	Alleghany County	Northwest	8/19/2024
050	Ashe County	Northwest	8/19/2024
060	Avery County	Northwest	8/19/2024
380	Graham County	Western	8/19/2024
440	Haywood County	Western	8/19/2024
500	Jackson County	Western	8/19/2024
570	Madison County	Western	8/19/2024
610	Mitchell County	Northwest	8/19/2024
870	Swain County	Western	8/12/2024
950	Watauga County	Northwest	8/19/2024
995	Yancey County	Northwest	8/19/2024