



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, 2023
DPI Chronological Schedule, 2023-2024

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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 2022-23 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.

Local Education Agency	School	Grade	Number of Students in class	Over by
410 Guilford County	Mills Road Elementary	1	20	1
	Mills Road Elementary	1	20	1
	Mills Road Elementary	1	20	1
	Mills Road Elementary	1	20	1
	Mills Road Elementary	1	20	1
	Mills Road Elementary	1	20	1
	Mills Road Elementary	1	20	1
	Mills Road Elementary	1	20	1
	Oak Ridge Elementary	K	22	1
	Oak Ridge Elementary	K	22	1
	Oak Ridge Elementary	K	22	1
	Oak Ridge Elementary	K	22	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Oak Ridge Elementary	1	20	1
	Reedy Fork Elementary	K	22	1
	Reedy Fork Elementary	K	22	1
	Reedy Fork Elementary	K	22	1
	Reedy Fork Elementary	K	22	1
	Reedy Fork Elementary	K	22	1
Reedy Fork Elementary	K	22	1	
Reedy Fork Elementary	K	22	1	
Reedy Fork Elementary	K	22	1	
Reedy Fork Elementary	K	22	1	
Reedy Fork Elementary	K	22	1	
Reedy Fork Elementary	K	22	1	
Reedy Fork Elementary	K	22	1	
Reedy Fork Elementary	K	22	1	
710 Pender County Schools	C.F. Pope Elementary	1	20	1
	C.F. Pope Elementary	1	20	1
	Cape Fear Elementary	K	22	1
	Cape Fear Elementary	K	22	1
	South Topsail Elementary	1	20	1
	South Topsail Elementary	1	20	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1

Local Education Agency	School	Grade	Number of Students in class	Over by
710 Pender County Schools	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
	Surf City Elementary	3	21	1
840 Stanly County Schools	Stanfield Elementary	K	22	1
	Stanfield Elementary	K	22	1
	Stanfield Elementary	K	22	1
	Stanfield Elementary	K	22	1
	Archer Elementary	K	23	2
	Archer Elementary	K	23	2
	Archer Elementary	K	22	1
	Gibsonville Elementary	3	22	2
	Gibsonville Elementary	3	22	2
	Gibsonville Elementary	3	21	1
	Gibsonville Elementary	3	22	2
	Gibsonville Elementary	3	22	2
	Madison Elementary	1	21	2
	Madison Elementary	1	21	2
	Mills Road Elementary	1	21	2
	Mills Road Elementary	1	21	2
	EP Pearce Elementary	3	21	1
	EP Pearce Elementary	3	21	1
	EP Pearce Elementary	3	21	1
	EP Pearce Elementary	3	21	1
	EP Pearce Elementary	3	21	1
	Reedy Fork Elementary	1	20	1
	Reedy Fork Elementary	1	20	1
	Reedy Fork Elementary	1	20	1
Reedy Fork Elementary	1	20	1	
520 Jones County	Maysville Elementary	2	21	1
491 Mooresville Graded School District	Park View Elementary	K	22	1
	Park View Elementary	K	22	1
	Park View Elementary	K	22	1
710 Pender County	Cape Fear Elementary	K	22	1

The following is an Individual Class Waiver granted under 115C-301(g)(5), A charter school closure

Local Education Agency	School	Grade	Number of Students in class	Over by
200 Cherokee County	Martins Creek Elementary Middle	K	22	1

The following is an Individual Class Waiver granted under 115C-301(g)(3), 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

Local Education Agency	School	Grade	Number of Students in class	Over by
480 Hyde County	Mattamuskeet School	2	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 2023-2024 school year.

Local Education Agency		Region	Start Date
030	Alleghany County	Northwest	8/22/23
050	Ashe County	Northwest	8/22/23
060	Avery County	Northwest	8/22/23
380	Graham County	Western	8/22/23
440	Haywood County	Western	8/22/23
500	Jackson County	Western	8/22/23
570	Madison County	Western	8/22/23
610	Mitchell County	Northwest	8/22/23
870	Swain County	Western	8/22/23
950	Watauga County	Northwest	8/22/23
995	Yancey County	Northwest	8/22/23