



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

Date Due: October 15, 2021
DPI Chronological Schedule, 2020-2021

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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 2020-21 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 21
Grade 2	1 to 21
Grade 3	1 to 21

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 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
270 - Currituck County Schools	Jarvisburg Elementary	1	22	1
	Jarvisburg Elementary	1	22	1
	Jarvisburg Elementary	1	22	1
	Jarvisburg Elementary	1	22	1
	Jarvisburg Elementary	1	22	1
	Jarvisburg Elementary	1	22	1
	Jarvisburg Elementary	1	22	1
	Jarvisburg Elementary	1	22	1
500 - Jackson County Schools	Smokey Mountain Elementary	1	23	2
	Smokey Mountain Elementary	2	22	1
	Smokey Mountain Elementary	3	22	1

The following are Individual Class Waivers granted under 115C-301(g)(1)- Emergencies or acts of God that impact the availability of classroom space or facilities.

Local Education Agency	School	Grade	Number of Students	Over by
050 - Ashe County Schools	Mountain View Elementary	3	22	1
	Mountain View Elementary	3	22	1
	Mountain View Elementary	3	22	1
	Mountain View Elementary	3	22	1
160 - Carteret County Public Schools	Newport Elementary	K	22	1
	Newport Elementary	K	22	1
	Newport Elementary	K	22	1
	Newport Elementary	K	22	1
	Newport Elementary	K	23	2
	Newport Elementary	K	23	2
	Newport Elementary	K	23	2
	Newport Elementary	K	23	2
821 - Clinton City Schools	Butler Avenue School	2	22	1
	Butler Avenue School	2	22	1
	Butler Avenue School	2	22	1
	Butler Avenue School	2	22	1
250 - Craven County Schools	Arthur Edwards Elementary	2	23	2
	Brinson Memorial Elementary	2	23	2
	Roger Bell New Tech Academy	K	23	2
	Roger Bell New Tech Academy	3	23	2
	Roger Bell New Tech Academy	3	23	2

Local Education Agency	School	Grade	Number of Students	Over by
250 - Craven County Schools	W.J. Gurganus Elementary	K	22	1
	W.J. Gurganus Elementary	K	22	1
270 - Currituck County Schools	Moyock Elementary	1	22	1
	Moyock Elementary	1	22	1
	Moyock Elementary	1	22	1
	Moyock Elementary	1	22	1
	Moyock Elementary	1	23	2
	Moyock Elementary	1	23	2
	Moyock Elementary	1	23	2
	Moyock Elementary	1	23	2
	Moyock Elementary	1	23	2
	Moyock Elementary	1	23	2
	Moyock Elementary	1	23	2
	Moyock Elementary	1	23	2
	Moyock Elementary	3	23	2
	Moyock Elementary	3	23	2
	Moyock Elementary	3	23	2
	Moyock Elementary	3	23	2
280 - Dare County Schools	Cape Hatteras Elementary	2	23	2
700 - Elizabeth City-Pasquotank	JC Sawyer Elementary	2	23	2
861 - Elkin City Schools	Elkin Elementary School	2	23	2
400 - Greene County Schools	West Greene Elementary	2	22	1
	West Greene Elementary	2	22	1

Local Education Agency	School	Grade	Number of Students	Over by	
400 - Greene County Schools	West Greene Elementary	2	22	1	
	West Greene Elementary	2	22	1	
	West Greene Elementary	2	23	2	
	West Greene Elementary	2	23	2	
	West Greene Elementary	2	23	2	
	West Greene Elementary	2	23	2	
	West Greene Elementary	2	23	2	
	West Greene Elementary	2	23	2	
	West Greene Elementary	2	23	2	
	West Greene Elementary	2	23	2	
	West Greene Elementary	3	22	1	
	West Greene Elementary	3	22	1	
	West Greene Elementary	3	22	1	
	West Greene Elementary	3	22	1	
	West Greene Elementary	3	23	2	
	West Greene Elementary	3	23	2	
	West Greene Elementary	3	23	2	
	440 - Haywood County Schools	Meadowbrook Elementary	1	22	1
		Meadowbrook Elementary	1	22	1
Meadowbrook Elementary		1	22	1	
North Canton Elementary		2	22	1	
North Canton Elementary		2	22	1	

Local Education Agency	School	Grade	Number of Students	Over by
440 - Haywood County Schools	North Canton Elementary	2	22	1
	Riverbend Elementary	2	23	2
	Riverbend Elementary	2	23	2
	Riverbend Elementary	2	23	2
132 - Kannapolis City Schools	Forest Park Elementary	K	22	1
	GW Carver	K	23	2
	GW Carver	1	23	2
	GW Carver	2	22	1
	GW Carver	2	23	2
	GW Carver	2	23	2
	GW Carver	2	23	2
	GW Carver	2	23	2
	GW Carver	3	23	2
	North Kannapolis Elementary	K	23	2
North Kannapolis Elementary	2	22	1	
North Kannapolis Elementary	2	22	1	
580 - Martin County Schools	Jamesville Elementary	2	23	2
	Jamesville Elementary	2	23	2
	Jamesville Elementary	2	23	2
	Jamesville Elementary	2	23	2
	South Creek Elementary	1	22	1
	South Creek Elementary	1	22	1
	South Creek Elementary	1	22	1
	South Creek Elementary	1	22	1

Local Education Agency	School	Grade	Number of Students	Over by
580 - Martin County Schools	South Creek Elementary	1	23	2
	South Creek Elementary	1	23	2
	South Creek Elementary	1	23	2
	South Creek Elementary	1	23	2
630 - Moore County Schools	Carthage Elementary	1	22	1
	Carthage Elementary	1	22	1
	Carthage Elementary	1	22	1
	Carthage Elementary	1	22	1
	Pinehurst Elementary	1	22	1
	Pinehurst Elementary	1	22	1
	Pinehurst Elementary	1	22	1
	Pinehurst Elementary	1	22	1
	Sandhills Farm Life Elementary	2	22	1
	Sandhills Farm Life Elementary	2	22	1
	Sandhills Farm Life Elementary	2	22	1
	Sandhills Farm Life Elementary	2	22	1
	Vass-Lakeview Elementary	2	22	1
	Vass-Lakeview Elementary	2	22	1
	Vass-Lakeview Elementary	2	22	1
	Vass-Lakeview Elementary	2	22	1
640 - Nash County Public Schools	Bailey Elementary	1	23	2
	Benvenue Elementary	1	23	2
	Benvenue Elementary	2	23	2

Local Education Agency	School	Grade	Number of Students	Over by
640 - Nash County Public Schools	Cedar Grove Elementary	3	22	1
	D.S. Johnson Elementary	3	22	1
	D.S. Johnson Elementary	3	22	1
	D.S. Johnson Elementary	3	22	1
	Fairview Elementary School	2	22	1
	Fairview Elementary School	2	22	1
	Fairview Elementary School	2	22	1
	Fairview Elementary School	2	23	2
	Fairview Elementary School	2	23	2
	Fairview Elementary School	2	23	2
	Red Oak Elementary	2	23	2
	Williford Elementary School	1	22	1
	Winstead Avenue Elementary	1	22	1
680 - Orange County Schools	Efland-Cheeks Global Elementary	3	22	1
710 - Pender County Schools	Topsail Elementary	K	22	1
790 - Rockingham County Schools	Bethany Elementary	K	22	1
	Bethany Elementary	1	22	1
	Bethany Elementary	1	22	1
	Bethany Elementary	2	23	2
	Central Elementary	K	23	2
	Central Elementary	1	23	2
	Central Elementary	2	23	2
	Douglass Elementary	2	23	2

Local Education Agency	School	Grade	Number of Students	Over by
900 - Union County Public Schools	Kensington Elementary	3	22	1
	Kensington Elementary	3	22	1
	Kensington Elementary	3	22	1
	Kensington Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	New Town Elementary	3	22	1
	Porter Ridge Elementary	2	22	1
	Porter Ridge Elementary	2	22	1
	Porter Ridge Elementary	2	22	1
	Porter Ridge Elementary	2	22	1
	Porter Ridge Elementary	2	22	1
Porter Ridge Elementary	2	22	1	

Local Education Agency	School	Grade	Number of Students	Over by
900 - Union County Public Schools	Porter Ridge Elementary	2	22	1
	Porter Ridge Elementary	2	23	2
	Porter Ridge Elementary	2	23	2
	Porter Ridge Elementary	2	23	2
	Porter Ridge Elementary	2	23	2
	Porter Ridge Elementary	2	23	2
	Porter Ridge Elementary	2	23	2
	Porter Ridge Elementary	2	23	2
	Porter Ridge Elementary	2	23	2
	Weddington Elementary	1	22	1
	Weddington Elementary	1	22	1
	Weddington Elementary	1	22	1
	Weddington Elementary	1	22	1
	Wesley Chapel Elementary	1	22	1
	Wesley Chapel Elementary	1	22	1
	Wesley Chapel Elementary	1	22	1
	Wesley Chapel Elementary	1	22	1
	Wesley Chapel Elementary	1	22	1
	Wesley Chapel Elementary	1	22	1
	Wesley Chapel Elementary	1	22	1
Wesley Chapel Elementary	3	23	2	
Wesley Chapel Elementary	3	23	2	

Local Education Agency	School	Grade	Number of Students	Over by
900 - Union County Public Schools	Wesley Chapel Elementary	3	23	2
	Wesley Chapel Elementary	3	23	2
990 - Yadkin County	Courtney Elementary	1	22	1
	Jonesville Elementary	3	22	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 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 2021-2022 school year.

Local Education Agency		District	Start Date
030	Alleghany County	Northwest	8/16/21
050	Ashe County	Northwest	8/16/21
060	Avery County	Northwest	8/16/21
290	Davidson County	Piedmont Triad	8/16/21
291	Lexington City ⁽¹⁾ in Davidson	Piedmont Triad	8/16/21
292	Thomasville City ⁽¹⁾ in Davidson	Piedmont Triad	8/16/21
380	Graham County	Western	8/16/21
440	Haywood County	Western	8/16/21
500	Jackson County	Western	8/16/21
570	Madison County	Western	8/16/21
610	Mitchell County	Northwest	8/16/21
870	Swain County	Western	8/16/21
880	Transylvania County	Western	8/16/21
950	Watauga County	Northwest	8/16/21
990	Yadkin County	Piedmont Triad	8/16/21
995	Yancey County	Northwest	8/16/21

(1) Is eligible based on being located within a county LEA that is eligible