

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 13
Senate Education/Higher Education Committee Substitute Adopted 4/24/17

Short Title: Class Size Requirement Changes.

(Public)

Sponsors:

Referred to:

January 26, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PHASE IN CLASS SIZE REQUIREMENTS OVER TWO YEARS; REQUIRE
3 TIMELY AND ACCURATE REPORTING OF STUDENT ASSIGNMENTS; AND
4 ENSURE COMPLIANCE WITH CLASS SIZE REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

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7 **PART I. CLASS SIZE REQUIREMENT PHASE IN**

8 **SECTION 1.(a)** Section 8.33(b) of S.L. 2016-96 is repealed.

9 **SECTION 1.(b)** Notwithstanding G.S. 115C-301, as amended by this act and any
10 other provision of law, for the 2017-2018 school year, the average class size for kindergarten
11 through third grade in a local school administrative unit shall not exceed 20 students. At the
12 end of the second school month and for the remainder of the school year, the size of an
13 individual class in kindergarten through third grade shall not exceed 23 students. The class size
14 requirements set forth in G.S. 115C-301, as amended by this act, shall apply beginning with the
15 2018-2019 school year.

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17 **PART II. REPORTING REQUIREMENTS AND ACCOUNTABILITY MEASURES**

18 **SECTION 2.(a)** G.S. 115C-47(10) reads as rewritten:

19 "(10) To Assure Appropriate Class Size. – It shall be the responsibility of local
20 boards of education to assure that the class size requirements set forth in
21 G.S. 115C-301 for kindergarten through third grade are met. Any teacher
22 who believes that the requirements of G.S. 115C-301 have not been met
23 shall make a report to the principal and superintendent, and the
24 superintendent shall immediately determine whether the requirements have
25 in fact not been met. If the superintendent determines the requirements have
26 not been met, he or she shall make a report to the next local board of
27 education meeting. The local board of education shall take action to meet the
28 requirements of the statute. If the local board cannot organizationally correct
29 the exception, it shall immediately apply to the State Board of Education for
30 additional personnel or a waiver of the class size requirements, as provided
31 in G.S. 115C-301(g).

32 Upon notification from the State Board of Education that the reported
33 exception does not qualify for an allotment adjustment or a waiver under
34 provisions of G.S. 115C-301, the local board, within 30 days, shall take
35 action necessary to correct the ~~exception~~exception, as required in
36 G.S. 115C-301(g).



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1 At the end of ~~the second month of~~September and end of February of
2 each school year, the local board of education, through the superintendent,
3 shall file a report with the ~~State Board of Education,~~Superintendent of Public
4 Instruction, in a format prescribed by the ~~State Board of Education,~~
5 Superintendent of Public Instruction, describing the organization ~~of each~~
6 ~~school, the duties of each teacher, and the size of each class for each school~~
7 in the local school administrative unit, as required by G.S. 115C-301(f). ~~As~~
8 ~~of February 1 each year, local boards of education, through the~~
9 ~~superintendent, shall report all exceptions to individual class size maximums~~
10 ~~that exist at that time.~~

11 In addition to assuring that the requirements of G.S. 115C-301 are met,
12 each local board of education shall also have the duty to provide an adequate
13 number of classrooms to meet the requirements of that statute."

14 **SECTION 2.(b)** G.S. 115C-301 reads as rewritten:

15 "**§ 115C-301. Allocation of teachers; class size.**

16 (a) Request for Funds. – The State Board of Education, based upon the reports of local
17 boards of education and such other information as the State Board may require from local
18 boards, shall determine for each local school administrative unit the number of teachers and
19 other instructional personnel to be included in the State budget request.

20 (b) Allocation of Positions. – The State Board of Education is authorized to adopt rules
21 to allot instructional personnel and teachers, within funds appropriated.

22 (c) Maximum Class Size for Kindergarten Through Third Grade. – The average class
23 size for kindergarten through third grade in a local school administrative unit shall at no time
24 exceed the funded allotment ratio of teachers to students in kindergarten through third grade. At
25 the end of the second school month and for the remainder of the school year, the size of an
26 individual class in kindergarten through third grade shall not exceed the allotment ratio by more
27 than three students. The funded class size allotment ratio for kindergarten through third grade
28 shall be as follows:

- 29 (1) For kindergarten, one teacher per 18 students.
30 (2) For first grade, one teacher per 16 students.
31 (3) For second grade, one teacher per 17 students.
32 (4) For third grade, one teacher per 17 students.

33 In grades four through 12, local school administrative units shall have the maximum
34 flexibility to use allotted teacher positions to maximize student achievement.

35 (d), (e) Repealed by Session Laws 2013-363, s. 3.3(a), effective July 1, 2013.

36 (f) ~~Second Month~~Biannual Reports. – At the end of ~~the second month~~September and
37 ~~end of February~~ of each school year, each local board of education, through the superintendent,
38 shall file a ~~report~~report, based on information provided by the principal, for each school within
39 the local school administrative unit with the State Board of Education,Superintendent of Public
40 Instruction. The report shall be filed in a format prescribed by the ~~State Board of~~
41 ~~Education,~~Superintendent of Public Instruction and shall include the organization for each
42 ~~school,~~school in the local school administrative unit, including the following information:

- 43 (1) For each class in each grade level at each school, the following:
44 a. The duties of the teacher.
45 b. The source of funds used to pay for the teacher.
46 c. The number of students assigned to the class, including all
47 exceptions to individual class size maximums in kindergarten
48 through third grade that exist at that time.
49 (2) For each school, the following:

1 a. The number of program enhancement teachers. For the purposes of
 2 this subdivision, program enhancement teachers are teachers who
 3 teach any of the following:

4 1. Arts disciplines, including dance, music, theater, and the
 5 visual arts.

6 2. Physical education and health programs.

7 3. World languages.

8 b. The source of funds used to pay each program enhancement teacher.

9 (3) Any other information the Superintendent of Public Instruction may require.
 10 ~~the duties of each teacher, the size of each class, and such other information as the State Board~~
 11 ~~may require. As of February 1 each year, local boards of education, through the superintendent,~~
 12 ~~shall report all exceptions to individual class size maximums in kindergarten through third~~
 13 ~~grade that occur at that time. The Superintendent of Public Instruction shall conduct periodic~~
 14 ~~audits of the information reported by the local superintendent under this subsection to confirm~~
 15 ~~the accuracy of reporting at the local school administrative unit and school level of the average~~
 16 ~~and individual class size for students in kindergarten through third grade. If the Superintendent~~
 17 ~~of Public Instruction finds that a local board of education is exceeding class size requirements~~
 18 ~~without application to the State Board for an allotment adjustment or a waiver of those class~~
 19 ~~size requirements, the State Board may impose the penalty set forth in subsection (j) of this~~
 20 ~~section until such time the local board of education receives a waiver or the schools in the unit~~
 21 ~~meet the class size requirements for kindergarten through third grade.~~

22 (g) Waivers and Allotment Adjustments. – Local boards of education shall report
 23 exceptions to the class size requirements set out for kindergarten through third grade and
 24 significant increases in class size at other grade levels to the State Board and shall request
 25 allotment adjustments at any grade level, waivers from the requirements for kindergarten
 26 through third grade, or both. Within 45 days of receipt of reports, the State Board of Education,
 27 within funds available, may allot additional positions at any grade level. The State Board shall
 28 not grant waivers for excess class size in kindergarten through third grade, except under the
 29 following circumstances:

30 (1)(i) ~~emergencies~~ Emergencies or acts of God that impact the availability of
 31 classroom space or ~~facilities;~~ facilities.

32 (2)(ii) ~~an~~ An unanticipated increase in student population of an individual school in
 33 excess of two percent (2%) of the average daily membership of that
 34 ~~school;~~ school.

35 (3)(iii) ~~organizational~~ Organizational problems in geographically isolated local
 36 school administrative units in which the average daily membership is less
 37 than one and one-half per square ~~mile;~~ mile.

38 (4)(iv) ~~classes~~ Classes organized for a solitary curricular ~~area;~~ or area.

39 (5)(v) ~~a~~ A charter school closure.

40 The State Board shall report on all waivers to the Joint Legislative Commission on
 41 Governmental Operations within 30 days of the grant of the waiver. The report shall include the
 42 local school administrative unit, school, and class or classes for which the waiver was granted,
 43 the statutory grounds for the waiver, and the terms of the waiver. A waiver for excess class size
 44 in kindergarten through third grade shall not become effective until the State Board submits the
 45 report to the Joint Legislative Commission on Governmental Operations.

46 Upon notification from the State Board that the reported exception does not qualify for an
 47 allotment adjustment or a waiver, the local board of education shall take action to correct the
 48 exception within 30 days. Within 60 days of notification by the State Board, the Superintendent
 49 of Public Instruction shall request an updated report from the local board of education on the
 50 size of each class in kindergarten through third grade for each school within the local school
 51 administrative unit. If the Superintendent of Public Instruction finds that a local board of

1 education is continuing to exceed class size requirements, the State Board may impose the
2 penalty set forth in subsection (j) of this section until such time the schools in the unit meet the
3 class size requirements for kindergarten through third grade.

4 (h) State Board Rules. – The State Board of Education shall adopt rules necessary for
5 the implementation of this section.

6 (i) Repealed by Session Laws 2013-363, s. 3.3(a), effective July 1, 2013.

7 (j) Penalty for Noncompliance. – A local superintendent shall complete a sworn
8 affidavit attesting that the superintendent has complied with the requirements of subsections (c)
9 through (g) of this section and include that affidavit with the biannual reports on individual
10 class size required by subsection (f) of this section. If the State Board of Education determines
11 that a local superintendent has willfully failed to comply with the requirements of this section,
12 no State funds shall be allocated to pay the superintendent's salary for the period of time the
13 superintendent is in noncompliance. The local board of education shall continue to be
14 responsible for complying with the terms of the superintendent's employment contract."

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16 **PART III. EFFECTIVE DATE**

17 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
18 law and applies beginning with the 2017-2018 school year.