



HOUSE BILL 13: Class Size Requirement Changes.

2017-2018 General Assembly

Committee:		Date:	August 24, 2017
Introduced by:		Prepared by:	Brian Gwyn Staff Attorney
Analysis of:	S.L. 2017-9		

OVERVIEW: *S.L. 2017-9 phases in class size requirements for kindergarten through third grade as follows:*

- *For the 2017-2018 school year, the average class size for kindergarten through third grade in a local school administrative unit (LEA) cannot exceed 20 students, and the size of an individual class in kindergarten through third grade cannot exceed 23 students.*
- *For the 2018-2019 school year and thereafter, the class size requirements in G.S. 115C-301 apply.*

The act requires local boards, through the local superintendent, to make biannual reports throughout the school year to the Superintendent of Public Instruction (Superintendent) on the organization of each school in the LEA. The biannual reports, accompanied by a sworn affidavit of compliance from the local superintendent, must include, at a minimum, the following information:

- *For each class in each grade level at each school the following:*
 - *The duties of the teacher.*
 - *The source of funds used to pay for the teacher.*
 - *The number of students assigned to the class, including all exceptions to individual class size maximums in kindergarten through third grade that exist at that time.*
- *For each school the following:*
 - *The number of program enhancement teachers. For the purposes of this subdivision, program enhancement teachers are teachers who teach any of the following:*
 - *Arts disciplines, including dance, music, theater, and the visual arts.*
 - *Physical education and health programs.*
 - *World languages.*
 - *The source of funds used to pay each program enhancement teacher.*
- *The average class size for each grade from kindergarten through third grade in the LEA.*

The Superintendent must conduct periodic audits of this information and upon a finding that a local board is out of compliance and has not sought an allotment adjustment or waiver, the State Board of Education (SBE) can impose the penalty of withholding funds for the local superintendent's salary until compliance is achieved.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

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Class size waivers granted by the SBE do not become effective until reported to the Joint Legislative Commission on Governmental Operations, and are required to be reported within 30 days of the grant of the waiver. If a waiver or allotment adjustment is not granted by the SBE, a local board is required to correct the exception within 30 days, and within 60 days of notification by the SBE, the Superintendent must request an updated report from the local board on the size of each class in kindergarten through third grade for each school within the LEA. If the Superintendent finds the local board continues to exceed class size requirements, the SBE can impose the penalty of withholding funds for the local superintendent's salary until compliance is achieved.

This act became effective April 27, 2017, and applies beginning with the 2017-2018 school year.

CURRENT LAW: G.S. 115C-301 provides for allocation of teacher and class size requirements. Subsection (c) of that section establishes maximum class sizes for kindergarten through third grade by requiring that the average class size for kindergarten through third grade cannot exceed the funded allotment ratio of teachers to students in those grades. At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten through third grade cannot exceed the allotment ratio by more than three students. The funded class size allotment ratios for kindergarten through third grade, beginning with the 2017-2018 school year, are as follows:

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

Subsection (f) of that section, as well as G.S. 115C-47(10), require second month reports to be filed by local boards of education (local boards), through the superintendent, with the SBOE that include information on organization for each school, the duties of each teacher, the size of each class, and any other information the SBOE requires. By February 1 annually, local boards of education, through the superintendent, must report all exceptions to individual class size maximums in kindergarten through third grade that occur at that time.

Subsection (g) of G.S. 115C-301 requires local boards of education to report exceptions to class size requirements for kindergarten through third grade and significant increases in class size at other grade levels to the SBOE and request allotment adjustments and waivers from class size requirements. The SBOE, within funds available, may allot additional positions at any grade level, but may only grant waivers for excess class size in kindergarten through third grade that meet certain statutory criteria.

Subsection (j) of G.S. 115C-301 requires the SBOE to withhold State funds for the salary of a superintendent determined to have willfully failed to comply with the requirements of the law.

BILL ANALYSIS: S.L. 2017-9 phases in class size requirements for kindergarten through third grade as follows:

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- For the 2018-2019 school year and thereafter, the class size requirements in G.S. 115C-301 apply.

The act requires local boards, through the local superintendent, to make biannual reports throughout the school year to the Superintendent of Public Instruction (Superintendent) on the organization of each school in the LEA. The biannual reports, accompanied by a sworn affidavit of compliance from the local superintendent, must include, at a minimum, the following information:

- For each class in each grade level at each school the following:
 - The duties of the teacher.
 - The source of funds used to pay for the teacher.
 - The number of students assigned to the class, including all exceptions to individual class size maximums in kindergarten through third grade that exist at that time.
- For each school the following:
 - The number of program enhancement teachers. For the purposes of this subdivision, program enhancement teachers are teachers who teach any of the following:
 - Arts disciplines, including dance, music, theater, and the visual arts.
 - Physical education and health programs.
 - World languages.
 - The source of funds used to pay each program enhancement teacher.
- The average class size for each grade from kindergarten through third grade in the LEA.

The Superintendent must conduct periodic audits of this information and upon a finding that a local board is out of compliance and has not sought an allotment adjustment or waiver, the State Board of Education (SBE) can impose the penalty of withholding funds for the local superintendent's salary until compliance is achieved.

Class size waivers granted by the SBE do not become effective until reported to the Joint Legislative Commission on Governmental Operations, and are required to be reported within 30 days of the grant of the waiver. If a waiver or allotment adjustment is not granted by the SBE, a local board is required to correct the exception within 30 days, and within 60 days of notification by the SBE, the Superintendent must request an updated report from the local board on the size of each class in kindergarten through third grade for each school within the LEA. If the Superintendent finds the local board continues to exceed class size requirements, the SBE can impose the penalty of withholding funds for the local superintendent's salary until compliance is achieved.

EFFECTIVE DATE: This act became effective April 27, 2017 and applies beginning with the 2017-2018 school year.