



HOUSE BILL 13: Class Size Requirement Changes.

2017-2018 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: April 25, 2017
Introduced by: Reps. McGrady, Elmore, Malone, Corbin	Prepared by: Kara McCraw
Analysis of: Second Edition	Staff Attorney

OVERVIEW: *House Bill 13 would make the following changes:*

- *Phase in class size requirements, with statutory requirements becoming effective for the 2018-2019 school year.*
- *Requiring biannual reports on teacher allocation and class size.*
- *Requiring notice to Joint Legislative Commission on Governmental Operations on class size waivers granted by the State Board of Education (SBOE).*
- *Requiring timely corrective action by local boards when waivers for class size are not granted.*
- *Requiring local superintendents to submit sworn affidavits of compliance with the statute with all quarterly reports.*

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

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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: The 2nd Edition of HB 13 would make the following changes:

Part I: Would phase in the class size requirements for grades 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 could not exceed 20 students, and the size of an individual class in kindergarten through third grade could not exceed 23 students.
- For the 2018-2019 school year and thereafter, the class size requirements in G.S. 115C 301 would apply.

Part II: Local boards, through the superintendent, would be required to make biannual reports throughout the school year to the Superintendent of Public Instruction on the organization of each school. The biannual reports, accompanied by a sworn affidavit of compliance from the local superintendent, would 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 State Superintendent would conduct periodic audits of this information and upon a finding that a local board was out of compliance and has not sought an allotment adjustment or waiver, the State Board could impose the penalty of withholding funds for the local superintendent's salary until compliance was achieved.

Class size waivers granted by the SBOE would not become effective until reported to the Joint Legislative Commission on Governmental Operations, and would be required to be reported within 30 days of the grant of the waiver. If a waiver or allotment adjustment was not granted by the SBOE, a local board would be required to correct the exception within 30 days, and within 60 days of notification by the State Board, the State Superintendent of Public Instruction would request an updated report from the local board on the size of each class in kindergarten through third grade for each school within the local school administrative unit. If the State Superintendent of Public Instruction found the local board

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continued to exceed class size requirements, the State Board could impose the penalty of withholding funds for the local superintendent's salary until compliance was achieved.

EFFECTIVE DATE: Except as otherwise provided, HB 13 would become effective when it becomes law and apply beginning with the 2017-2018 school year.