

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1205

Short Title: Local Flexibility Regarding Class Size. (Public)

Sponsors: Representatives Shubert; Harrington, Morris, Capps, and Davis.

Referred to: Education.

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO GIVE LOCAL BOARDS OF EDUCATION FLEXIBILITY WITH
REGARD TO USING STATE-FUNDED TEACHER POSITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47(10) reads as rewritten:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of
education shall have the power or duty:

...

(10) To Assure Appropriate Class Size. – It shall be the responsibility of
each local boards-board of education to use State-funded teacher
positions as it deems appropriate to meet its local needs and
priorities.~~Any teacher who believes that the requirements of G.S.~~
~~115C-301 have not been met shall make a report to the principal and~~
~~superintendent, and 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~~
~~shall make a report to 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 in G.S. 115C-301(g)(1)~~
~~exist, it shall immediately apply to the State Board of Education for~~
~~additional personnel or a waiver of the class size requirements, as~~
~~provided in G.S. 115C-301(g).~~

~~Upon notification from the State Board of Education that the~~
~~reported exception does not qualify for an allotment adjustment or a~~
~~waiver under provisions of G.S. 115C-301, the local board, within 30~~
~~days, shall take action necessary to correct the exception.~~

1 At the end of the second month of each school year, the local board
2 of education, through the superintendent, shall file a report with the
3 State Board of Education, in a format prescribed by the State Board of
4 Education, describing the organization of each school, the duties of
5 each teacher, the size of each class, and the teaching load of each
6 teacher. ~~As of February 1 each year, local boards of education, through
7 the superintendent, shall report all exceptions to individual class size
8 and daily teaching load maximums that exist at that time.~~

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

13 "

14 **SECTION 2.** G.S. 115C-81(b)(8) reads as rewritten:

15 "(b) The Basic Education Program shall include course requirements and
16 descriptions similar in format to materials previously contained in the standard course of
17 study and it shall provide:

18 ...

19 (8) Class size ~~recommendations and requirements;~~recommendations;

20

21 The State Board shall not adopt or enforce any rule that requires Algebra I as a
22 graduation standard or as a requirement for a high school diploma for any student whose
23 individualized education program (i) identifies the student as learning disabled in the
24 area of mathematics and (ii) states that this learning disability will prevent the student
25 from mastering Algebra I."

26 **SECTION 3.** G.S. 115C-105.25(b)(1) reads as rewritten:

27 "(b) Subject to the following limitations, local boards of education may transfer
28 and may approve transfers of funds between funding allotment categories:

29 (1) In accordance with a school improvement plan accepted under G.S.
30 115C-105.27, State funds allocated for teacher assistants may be
31 transferred only for personnel (i) to serve students only in kindergarten
32 through third grade, or (ii) to serve students primarily in kindergarten
33 through third grade when the personnel are assigned to an elementary
34 school to serve the whole school. Funds allocated for teacher assistants
35 may be transferred to reduce class size or to reduce the student-teacher
36 ratio in kindergarten through third ~~grade so long as the affected teacher
37 assistant positions are not filled when the plan is amended or approved
38 by the building level staff entitled to vote on the plan or the affected
39 teacher assistant positions are not expected to be filled on the date the
40 plan is to be implemented. Any State funds appropriated for teacher
41 assistants that were converted to certificated teachers before July 1,
42 1995, in accordance with Section 1 of Chapter 986 of the 1991 Session
43 Laws, as rewritten by Chapter 103 of the 1993 Session Laws, may
44 continue to be used for certificated teachers.grade.~~

1 "

2 **SECTION 4.** G.S. 105.26(b) reads as rewritten:

3 "(b) When requested as part of a school improvement plan, the State Board of
4 Education may grant waivers of:

5 (1) State laws pertaining to ~~class size, teacher certification,~~certification
6 and the duty-free period for classroom teachers under G.S.
7 115C-301.1; and

8 (2) State rules and policies, except those pertaining to public school State
9 salary schedules and employee benefits for school employees, the
10 instructional program that must be offered under the Basic Education
11 Program, the system of employment for public school teachers and
12 administrators set out in G.S. 115C-287.1 and G.S. 115C-325, health
13 and safety codes, compulsory attendance, the minimum lengths of the
14 school day and year, and the Uniform Education Reporting System."

15 **SECTION 5.** G.S. 115C-276(k) reads as rewritten:

16 "(k) To Submit Organization Reports and Other Information to the State Board. –
17 Each year the superintendent of each local school administrative unit shall submit to the
18 State Board of Education statistical reports, certified by the chairman of the board of
19 education, showing the organization of the schools in his unit and any additional
20 information the State Board may require. At the end of the second month of school each
21 year, local boards of education, through the superintendent, shall report school
22 organization, employees' duties, class sizes, and teaching loads to the State Board of
23 Education as provided in G.S. 115C-47(10). ~~As of February 1 each year, local boards of~~
24 ~~education, through the superintendent, shall report all exceptions to individual class size~~
25 ~~and daily teaching load maximums that occur at that time."~~

26 **SECTION 6.** G.S. 115C-301 reads as rewritten:

27 "**§ 115C-301. Allocation of teachers; class size.**

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

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

34 (c) ~~Maximum Class Size.—Use of Teacher Positions. – The average class size~~
35 ~~for each grade span in a local school administrative unit shall at no time exceed the~~
36 ~~funded allotment ratio of teachers to students. At the end of the second school month~~
37 ~~and for the remainder of the school year, the size of an individual class shall not exceed~~
38 ~~the allotment ratio by more than three students. At no time may the General Assembly~~
39 ~~appropriate funds for higher unit wide class averages than those for which State funds~~
40 ~~were provided during the 1984-85 school year. A local board of education shall use~~
41 State-funded teacher positions as it deems appropriate to meet its local needs and
42 priorities.

43 (d) ~~Maximum Teaching Load.—Students shall be assigned to classes so that~~
44 ~~from the 15th day of the school year through the end of the school year the number of~~

1 students for whom teachers in grades 7 through 12 are assigned teaching responsibilities
2 during the course of the day is no more than 150 students, except as provided in
3 subsection (g) of this section.

4 ~~(e) Alternative Maximum Class Sizes.—The State Board of Education, in its
5 discretion, may set higher maximum class sizes and daily teaching loads for classes in
6 music, physical education, and other similar subjects, so long as the effectiveness of the
7 instructional programs in those areas is not thereby impaired.~~

8 (f) Second Month Reports. – At the end of the second month of each school year,
9 each local board of education, through the superintendent, shall file a report for each
10 school within the school unit with the State Board of Education. The report shall be
11 filed in a format prescribed by the State Board of Education and shall include the
12 organization for each school, the duties of each teacher, the size of each class, the
13 teaching load of each teacher, and such other information as the State Board may
14 require. ~~As of February 1 each year, local boards of education, through the
15 superintendent, shall report all exceptions to individual class size and daily teaching
16 load maximums that occur at that time.~~

17 (g) ~~Waivers and Allotment Adjustments.—Local boards of education shall report
18 exceptions to the State Board of Education as provided in G.S. 115C 47(10), and shall
19 request allotment adjustments or waivers from the standards set out above. Within 45
20 days of receipt of reports, the State Board of Education, within funds available, may
21 allot additional positions or grant waivers for the excess class size or daily load.~~

- 22 (1) ~~If the exception resulted from (i) exceptional circumstances,
23 emergencies, or acts of God, (ii) large changes in student population,
24 (iii) organizational problems caused by remote geographic location, or
25 (iv) classes organized for a solitary curricular area, and~~

- 26 (2) ~~If the local board cannot organizationally correct the exception.~~

27 ~~All allotment adjustments and waivers submitted under this provision shall be
28 reported to the Director of the Budget and to the General Assembly by May 15 of each
29 year.~~

30 (h) ~~State Board Rules.—The State Board of Education shall adopt rules
31 necessary for the implementation of class size and teaching load provisions.~~

32 (i) ~~Penalty for Noncompliance.—If the State Board of Education determines that
33 a local superintendent has willfully failed to comply with the requirements of this
34 section, no State funds shall be allocated to pay the superintendent's salary for the
35 period of time the superintendent is in noncompliance."~~

36 **SECTION 7.** This act becomes effective July 1, 2001.