

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 541

Short Title: Teacher Compensation/Exceed Max. Class Size. (Public)

Sponsors: Senators Horner (Primary Sponsor); and Britt.

Referred to: Rules and Operations of the Senate

April 3, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE CLASS SIZE REQUIREMENTS FOR KINDERGARTEN
3 THROUGH THIRD GRADE AND REQUIRE THAT A LOCAL BOARD OF
4 EDUCATION NOT IN COMPLIANCE WITH INDIVIDUAL CLASS SIZE
5 REQUIREMENTS COMPENSATE A TEACHER FOR THE INCREASED STUDENT
6 WORKLOAD UNTIL THAT CLASS SIZE IS CORRECTED OR THE LOCAL BOARD
7 RECEIVES A WAIVER.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 115C-301 reads as rewritten:

10 "§ 115C-301. Allocation of teachers; class size.

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

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

17 (c) Maximum Class Size for Kindergarten Through Third Grade. – The maximum
18 average class size for kindergarten through third grade in a local school administrative unit
19 shall ~~at no time exceed the funded allotment ratio of teachers to be one teacher per 21~~ be one teacher per 21 students
20 in kindergarten through third grade. At the end of the second school month and for the
21 remainder of the school year, the size of an individual class in kindergarten through third grade
22 shall not exceed ~~the allotment ratio by more than three~~ one teacher per 24 students. Beginning
23 with the 2018-2019 school year, at the end of the second school month and for the remainder of
24 the school year, the size of an individual class in kindergarten through third grade shall not
25 exceed one teacher per 23 students. The funded class size allotment ratio for kindergarten
26 through third grade shall be as follows:

27 (1) For kindergarten, one teacher per 18 students.

28 (2) For first grade, one teacher per 16 students.

29 (3) For second grade, one teacher per 17 students.

30 (4) For third grade, one teacher per 17 students.

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

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

34 (f) Second Month Reports. – At the end of the second month of each school year, each
35 local board of education, through the superintendent, shall file a ~~report~~ report, based on
36 information provided by the principal, for each school within the local school administrative



1 unit with the State Board of Education. The report shall be filed in a format prescribed by the
2 State Board of Education and shall include the organization for each school, the duties of each
3 teacher, the size of each class, and such other information as the State Board may require. As of
4 November 1 and February 1 of each year, local boards of education, through the
5 superintendent, shall report all exceptions to individual class size maximums in kindergarten
6 through third grade that occur at that time. The Department of Public Instruction shall conduct
7 periodic audits of the information reported by the superintendent under this subsection to
8 confirm the accuracy of reporting at the local school administrative unit and school level of the
9 average and individual class size for students in kindergarten through third grade. If the
10 Department finds that a local board of education is exceeding class size requirements without
11 application to the State Board for an allotment adjustment or a waiver of those class size
12 requirements, the State Board may impose the penalty set forth in subsection (j) of this section
13 until such time the local board of education receives a waiver or the schools in the unit meet the
14 class size requirements for kindergarten through third grade.

15 (f1) If at any time after the first 60 days of the school year, the individual class size in a
16 kindergarten through third grade class exceeds, for the 2017-2018 school year, one teacher per
17 24 students, and for the 2018-2019 school year and subsequent school years, one teacher per 23
18 students, and the local board of education of the local school administrative unit did not apply
19 for and receive a waiver under subsection (g) of this section, the local board shall provide a
20 nonrecurring supplement to the teacher of that class for each month in which the class size
21 exceeds the individual class size maximum. The nonrecurring supplement shall be provided in
22 an amount equal to the number of students above the individual class maximum divided by the
23 individual class maximum number and multiplied by the teacher's monthly base salary during
24 the teacher's 10-month term of contract. The local board of education shall use only local funds
25 to pay for the nonrecurring supplement as required by this subsection and shall not use State
26 funds for this purpose. A teacher shall be eligible to receive the nonrecurring supplement under
27 this subsection for any month in which the individual class size exceeds the individual class
28 size maximum for more than four school days. For the purposes of this subsection, a teacher's
29 monthly base salary shall equal the statewide average monthly salary for classroom teachers.
30 Notwithstanding G.S. 135-1(7a), the nonrecurring supplement awarded under this subsection
31 shall not be considered compensation for the purposes of Article 1 of Chapter 135 of the
32 General Statutes, the Teachers' and State Employees' Retirement System.

33 (g) Waivers and Allotment Adjustments. – Local boards of education shall report
34 exceptions to the class size requirements set out for kindergarten through third grade and
35 significant increases in class size at other grade levels to the State Board and shall request
36 allotment adjustments at any grade level, waivers from the requirements for kindergarten
37 through third grade, or both. Within 45 days of receipt of reports, the State Board of Education,
38 within funds available, may allot additional positions at any grade level. The State Board shall
39 not grant waivers for excess class size in kindergarten through third grade, except under the
40 following circumstances: (i) emergencies or acts of God that impact the availability of
41 classroom space or facilities; (ii) an unanticipated increase in student population of an
42 individual school in excess of two percent (2%) of the average daily membership of that
43 school; (iii) organizational problems in geographically isolated local school administrative units
44 in which the average daily membership is less than one and one-half per square mile; (iv)
45 classes organized for a solitary curricular area; or (v) a charter school closure.

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 Department of
49 Public Instruction shall request an updated report from the local board of education on the size
50 of each class in kindergarten through third grade for each school within the local school
51 administrative unit. If the Department finds that a local board of education is continuing to

1 exceed class size requirements, the State Board may impose the penalty set forth in subsection
2 (j) of this section until such time the schools in the unit meet the class size requirements for
3 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. – If the State Board of Education determines that a
8 local superintendent has willfully failed to comply with the requirements of this section, no
9 State funds shall be allocated to pay the superintendent's salary for the period of time the
10 superintendent is in noncompliance. The local board of education shall continue to be
11 responsible for complying with the terms of the superintendent's employment contract."

12 **SECTION 2.** This act is effective when it becomes law and applies beginning with
13 the 2017-2018 school year.