

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 770  
SENATE BILL 536

AN ACT TO PROVIDE A REASONABLE LIMIT ON CLASS SIZE IN THE PUBLIC  
SCHOOLS OF NORTH CAROLINA SO AS TO IMPROVE INSTRUCTION.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 115-59 is hereby repealed and a new G.S. 115-59.1 is inserted therein to read as follows:

**"§ 115-59.1. School organization statement and allocation of instructional personnel. —**

(a) Each year the superintendent of each school administrative unit shall submit to the State Board of Education statements, certified by the Chairman of the Board of Education, showing the organization of the schools in his unit and any additional information the State Board may require. On the basis of the organization statements, and any other information considered relevant, the State Board of Education shall determine for each administrative unit the number of teachers and other instructional personnel to be included in the State budget.

(b) The State Board of Education shall allocate teachers and instructional personnel to the various administrative units in the following separate categories:

- (i) general teachers, including classified principals
- (ii) vocational teachers
- (iii) special education teachers

(c) The State Board of Education is authorized to promulgate rules and regulations to make the allotment of instructional personnel and teachers.

(d) The allotment of classified principals shall be one principal for each duly constituted school with seven or more State-allotted teachers and shall be included in the calculation of the allotment of general teachers set out in (b)(i) of this section.

(e) Upon receipt of the allotments, local boards of education shall organize schools and assign teachers to achieve the following class size maximums:

- (1) No more than 26 students per teacher in average daily membership for grades one through three.
- (2) No more than 33 students per teacher in average daily membership for the upper elementary grades.
- (3) No more than 35 students per class except as permitted by local boards of education and no more than 150 students per day in average daily membership for teachers in high schools and junior high schools except as permitted by regional accrediting agencies.

(f) When class size maximums are achieved, a local board of education may assign other teachers to teaching or nonteaching duties in the various schools.

(g) It shall be the responsibility of local boards of education to determine if any exceptions occur during the school year in the allowed maximums. If additional pupils are enrolled so as to cause assignment of pupils in excess of the allowed maximums, except for an emergency or act of God, it shall be the duty of any affected teacher and of the principal to notify the superintendent, who shall immediately report the deviation to the local board of education. Upon notification of excess deviations in the maximum class size, local boards shall take correctional steps and shall transfer teaching positions between schools, if necessary, to

correct the excess deviation. If the local board cannot remedy the situation, it shall immediately apply to the State Board of Education for contingency funds for additional personnel to correct exceptions. Excess deviations which cannot be corrected by transfer of teachers and by use of contingency funds shall be temporarily allowed with permission of the State Board of Education.

At the end of the first month of school each year, the superintendent of each administrative unit shall file a report for each school with the State Board of Education. This report shall be filed on forms furnished by the Board and shall indicate the complete organization of each school, duties of each teacher or other instructional personnel, and class size or teaching load of each teacher."

**Sec. 2.** It shall be the duty of local boards of education to provide adequate classroom facilities to meet the requirements of this act.

**Sec. 3.** This act shall become effective July 1, 1973.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.