

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

1

HOUSE BILL 175

Short Title: Putting Students First/Local Control. (Public)

Sponsors: Representatives Burr, Folwell, Hager, and Rapp (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Education, if favorable, Commerce and Job Development.

February 24, 2011

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE SCHOOL CALENDAR LAW TO PUT STUDENTS FIRST AND
3 TO RESTORE LOCAL CONTROL.
4 The General Assembly of North Carolina enacts:
5 SECTION 1. G.S. 115C-84.2 reads as rewritten:
6 "§ 115C-84.2. School calendar.
7 (a) School Calendar. – Each local board of education shall adopt a school calendar
8 consisting of ~~215~~220 days all of which shall fall within the fiscal year. A school calendar shall
9 include the following:
10 (1) A minimum of 180 days and 1,000 hours of instruction covering at least nine
11 calendar months. The local board shall designate when the 180 instructional
12 days shall occur. The number of instructional hours in an instructional day
13 may vary according to local board policy and does not have to be uniform
14 among the schools in the administrative unit. Local boards may approve
15 school improvement plans that include days with varying amounts of
16 instructional time. If school is closed early due to inclement weather, the day
17 and the scheduled amount of instructional hours may count towards the
18 required minimum to the extent allowed by State Board policy. The school
19 calendar shall include a plan for making up days and instructional hours
20 missed when schools are not opened due to inclement weather.
21 (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.
22 (2) A minimum of 10 annual vacation leave days.
23 (3) The same or an equivalent number of legal holidays occurring within the
24 school calendar as those designated by the State Personnel Commission for
25 State employees.
26 (4) ~~Five~~Eight days, as designated by the local board, for use as teacher
27 ~~workdays. These days shall be protected to allow teachers to complete~~
28 ~~instructional and classroom administrative duties. The local school~~
29 ~~administrative unit shall not impose any additional tasks on these days. The~~
30 ~~local board shall schedule one of these days at the beginning of the school~~
31 ~~year and one at the end of each academic quarter.~~ workdays, additional
32 instructional days, or other lawful purposes. A local board may delegate to
33 the individual schools some or all of the eight days to schedule under
34 subdivision (5) of this subsection. A local board may schedule different



1 purposes for different personnel on any given day and is not required to
2 schedule the same dates for all personnel.
3 (5) ~~The remaining days scheduled by the local board in consultation with each~~
4 ~~school's principal for use as teacher workdays, additional instructional days,~~
5 ~~or other lawful purposes. any of the purposes allowed under subdivision (4)~~
6 ~~of this subsection. Before consulting with the local board, each principal~~
7 ~~scheduling these days, the principal shall work with the school improvement~~
8 ~~team to determine the days to be scheduled and the purposes for which they~~
9 ~~should be scheduled. Days may be scheduled and planned for different~~
10 ~~purposes for different personnel and there is no requirement to schedule the~~
11 ~~same dates for all personnel. ~~In order to make up days for school closing~~~~
12 ~~because of inclement weather, the local board may designate any of the days~~
13 ~~in this subdivision. However, if during the last two years the local school~~
14 ~~administrative unit has made up an average of at least eight days for school~~
15 ~~closing because of inclement weather, the local board may designate up to~~
16 ~~two of these days as additional make-up days to be scheduled after the last~~
17 ~~day of student attendance.~~

18 Local boards and individual schools are encouraged to use the calendar flexibility in order
19 to meet the annual performance standards set by the State Board. Local boards of education
20 shall consult with parents and the employed public school personnel in the development of the
21 school calendar.

22 Local boards ~~shall designate at least seven days scheduled under subdivisions (4) and (5) of~~
23 ~~this subsection as days on which teachers may take accumulated vacation leave. Local boards~~
24 ~~may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as~~
25 ~~days on which teachers may take accumulated vacation leave, but local boards and individual~~
26 ~~schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work~~
27 ~~instead of taking vacation leave on any of these days, days scheduled in accordance with~~
28 ~~subdivision (5) of this subsection. A teacher may elect to waive this notice requirement for~~
29 ~~one or more of these days.~~

30 (b) Limitations. – The following limitations apply when developing the school
31 calendar:

- 32 (1) The total number of teacher workdays for teachers employed for a 10 month
33 term shall not exceed ~~195~~200 days.
34 (2) The calendar shall include at least 42 consecutive days when teacher
35 attendance is not required unless: (i) the school is a year-round school; or (ii)
36 the teacher is employed for a term in excess of 10 months. At the request of
37 the local board of education or of the principal of a school, a teacher may
38 elect to work on one of the 42 days when teacher attendance is not required
39 in lieu of another scheduled workday.
40 (3) School shall not be held on Sundays.
41 (4) Veterans Day shall be a holiday for all public school personnel and for all
42 students enrolled in the public schools.

43 (c) Emergency Conditions. – During any period of emergency in any section of the
44 State where emergency conditions make it necessary, the State Board of Education may order
45 general, and if necessary, extended recesses or adjournment of the public schools.

46 (d) Opening and Closing Dates. – Local boards of education shall determine the dates
47 of opening and closing the public schools under subdivision (a)(1) of this section. ~~Except for~~
48 ~~year-round schools, the opening date for students shall not be before August 25, and the closing~~
49 ~~date for students shall not be after June 10. On a showing of good cause, the State Board of~~
50 ~~Education may waive this requirement to the extent that school calendars are able to provide~~
51 ~~sufficient days to accommodate anticipated makeup days due to school closings. A local board~~

1 may revise the scheduled closing date if necessary in order to comply with the minimum
2 requirements for instructional days or instructional time. Different opening and closing dates
3 may be fixed for schools in the same administrative unit.

4 Local boards and individual schools shall give teachers at least 14 calendar days' notice
5 before requiring a teacher to work instead of taking vacation leave on days scheduled in
6 accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this
7 notice requirement for one or more such days.

8 For purposes of this subsection, the term "good cause" means either that:

9 (1) ~~schools in any local school administrative unit in a county have been closed eight~~
10 ~~days per year during any four of the last 10 years because of severe weather conditions, energy~~
11 ~~shortages, power failures, or other emergency situations; or~~

12 (2) ~~schools in any local school administrative unit in a county have been closed for all~~
13 ~~or part of eight days per year during any four of the last 10 years because of severe weather~~
14 ~~conditions. For purposes of this subdivision, a school shall be deemed to be closed for part of a~~
15 ~~day if it is closed for two or more hours.~~

16 ~~The State Board also may waive this requirement for an educational purpose. The term~~
17 ~~"educational purpose" means a local school administrative unit establishes a need to adopt a~~
18 ~~different calendar for (i) a specific school to accommodate a special program offered generally~~
19 ~~to the student body of that school, (ii) a school that primarily serves a special population of~~
20 ~~students, or (iii) a defined program within a school. The State Board may grant the waiver for~~
21 ~~an educational purpose for that specific school or defined program to the extent that the State~~
22 ~~Board finds that the educational purpose is reasonable, the accommodation is necessary to~~
23 ~~accomplish the educational purpose, and the request is not an attempt to circumvent the~~
24 ~~opening and closing dates set forth in this subsection. The waiver requests for educational~~
25 ~~purposes shall not be used to accommodate system wide class scheduling preferences.~~

26 ~~The required opening and closing dates under this subsection shall not apply to any school~~
27 ~~that a local board designated as having a modified calendar for the 2003-2004 school year or to~~
28 ~~any school that was part of a planned program in the 2003-2004 school year for a system of~~
29 ~~modified calendar schools, so long as the school operates under a modified calendar.~~

30 ~~(e) Nothing in this section prohibits a local board of education from offering~~
31 ~~supplemental or additional educational programs or activities outside the calendar adopted~~
32 ~~under this section."~~

33 **SECTION 2.** G.S. 115C-302.1(b) reads as rewritten:

34 "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months.
35 State-allotted months of employment for vocational education to local boards shall be used for
36 the employment of teachers of vocational and technical education for a term of employment to
37 be determined by the local boards of education. However, local boards shall not reduce the
38 term of employment for any vocational agriculture teacher personnel position that was 12
39 calendar months for the 1982-83 school year for any school year thereafter. In addition, local
40 boards shall not reduce the term of employment for any vocational agriculture teacher
41 personnel position that was 12 calendar months for the 2003-2004 school year for any school
42 year thereafter.

43 Each local board of education shall establish a set date on which monthly salary payments
44 to State-allotted teachers shall be made. This set pay date may differ from the end of the month
45 of service. The daily rate of pay for teachers shall equal ~~midway between one twenty-first and~~
46 ~~one twenty-second of the monthly rate of pay. Except for teachers employed in a year-round~~
47 ~~school or paid in accordance with a year-round calendar, or both, the initial pay date for~~
48 ~~teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent~~
49 ~~pay dates shall be spaced no more than one month apart and shall include a full monthly~~
50 ~~payment one twenty-second of the monthly rate of pay.~~

1 Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who
2 fails to attend scheduled workdays or who has not worked the number of days for which the
3 teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall
4 repay to the local board any salary payments received for days not yet worked. A teacher who
5 has been prepaid and continues to be employed by a local board but fails to attend scheduled
6 workdays may be subject to dismissal under G.S. 115C-325 or other appropriate discipline.

7 Any individual teacher who is not employed in a year-round school may be paid in 12
8 monthly installments if the teacher so requests on or before the first day of the school year. The
9 request shall be filed in the local school administrative unit which employs the teacher. The
10 payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the
11 teacher's annual salary nor in any other way alter the contract made between the teacher and the
12 local school administrative unit. Teachers employed for a period of less than 10 months shall
13 not receive their salaries in 12 installments.

14 ~~Notwithstanding this subsection, the term "daily rate of pay" for the purpose of~~
15 ~~G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher~~
16 ~~salary schedule shall not exceed one twenty second of a teacher's monthly rate of pay."~~

17 **SECTION 3.(a)** For certified and noncertified employees employed on or after the
18 effective date of this act, the annual rate of pay beginning with the 2011-2012 school year shall
19 not be increased or decreased as the result of this act. Furthermore, nothing in this act shall be
20 construed to change the pay cycle for noncertified employees. The State Board of Education
21 shall report annually to the Joint Legislative Education Oversight Committee on local
22 compliance with this section.

23 **SECTION 3.(b)** The increase in the number of workdays under this act does not
24 constitute a demotion pursuant to Part 3 of Article 22 of Chapter 115C of the General Statutes
25 or under any other personnel law or policy.

26 **SECTION 4.** Nothing in this act shall require the General Assembly to appropriate
27 funds to implement it or require a local school administrative unit to spend additional funds to
28 implement it.

29 **SECTION 5.** This act is effective when it becomes law and applies to school years
30 beginning with the 2011-2012 school year. This act shall apply in all 100 counties and in all
31 local school administrative units.