

GENERAL ASSEMBLY OF NORTH CAROLINA  
1995 SESSION

CHAPTER 450  
HOUSE BILL 6

AN ACT TO GRANT ADDITIONAL MANAGEMENT FLEXIBILITY TO LOCAL BOARDS OF EDUCATION, TO ENSURE THAT LOCAL BOARDS OF EDUCATION ARE HELD ACCOUNTABLE FOR THE USE OF THAT FLEXIBILITY, TO ASSESS THE RELATIONSHIP BETWEEN EXPENDITURES FOR PUBLIC SCHOOLS AND STUDENT PERFORMANCE, AND TO MAKE CONFORMING STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

—**LOCAL MANAGEMENT FLEXIBILITY**

Section 1. (a) Effective July 1, 1995, funding allotments in the Public School Fund are consolidated as follows to increase flexibility in the use of State funds:

**Existing Funding Allotments**

**New Funding Allotments**

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| (1) | Superintendents;<br>School Administrators;<br>Finance Officers;<br>Maintenance Supervisors;<br>Child Nutrition Supervisors;<br>Community Schools;<br>Sports Medicine;<br>Health Education;<br>Categorical Central Office Administrators;<br>Matching Benefits. | Central Office Administration. |
| (2) | Classroom Teachers - regular;<br>Self-Contained Exceptional Children Teachers;<br>Program Enhancement Teachers;<br>Math, Science, and Computer Teachers;<br>Matching Benefits.   | Classroom Teachers.            |
| (3) | Exceptional Children - State Aid and Related Services;<br>Exceptional Children - Preschool 3 & 4;<br>Group Homes;  | Exceptional Children.          |

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| <p>Developmental Day Care (3-20);<br/>Community Residential Center.</p> <p>(4) Dropout Prevention/<br/>Students at Risk/In-School<br/>Suspension;<br/>Summer School - Instruction<br/>and Remediation Support;<br/>Summer School - Transportation;<br/>Intervention/Prevention;<br/>Preschool Screening;<br/>Safe Schools;<br/>Alcohol and Drug Defense;<br/>Prevention/Student<br/>Assistance.</p> <p>(5) Child Nutrition - Staff<br/>Development; Staff Development -<br/>Finance Officers; Staff<br/>Development - K-12.</p> <p>(6) Clerical Assistants;<br/>Custodians;<br/>Duty-Free Period;<br/>Liability Insurance;<br/>Substitute Pay;<br/>Clerical Assistant -<br/>Textbook Commission;<br/>Technology Assistants;<br/>Matching Benefits.</p> <p>(7) Instructional Supplies;<br/>Instructional Equipment;<br/>Testing Support.</p> <p>(8) Principals;<br/>Assistant Principals.</p> <p>(9) Instructional<br/>Support;<br/>Restricted Support<br/>Personnel.</p> <p>(10) Teacher Assistants;<br/>Self-Contained Teacher<br/>Assistants.</p> <p>(11) SIMS</p> | <p>At-Risk Student Services/<br/>Alternative Schools.</p> <p>Staff Development.</p> <p>Noninstructional<br/>Support Personnel.</p> <p>Classroom Materials/<br/>Instructional Supplies/<br/>Equipment.</p> <p>School Building<br/>Administration.</p> <p>Instructional Support<br/>Personnel.</p> <p>Teacher Assistants.</p> <p>Uniform Education Reporting<br/>System.</p> |
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(b) The State Board of Education shall adopt formulas for computing the new allotments and may shift appropriate funds from existing funding allotments as is necessary to create these new allotments. The State Board shall establish a timeline to

implement the new allotments so that they are fully implemented by the beginning of the 1996-97 school year. For the 1995-96 fiscal year, the State Board shall allocate Intervention/Prevention funds and Safe Schools funds to local school administrative units on a grant basis.

(c) The formula for the new funding allotment for Central Office Administration shall provide for a dollar allotment and not a position allotment. Furthermore, no central office administrators shall be paid from any other funding allotment, including funds for categorical programs.

(d) Funds allotted for the new funding allotment for At-Risk Student Services/Alternative Schools for the 1995-96 fiscal year shall remain available for expenditure until September 1, 1996; funds allotted for the 1996-97 fiscal year and subsequent fiscal years shall become available for expenditure on July 1 of that fiscal year and shall remain available for expenditure until August 31 of the next fiscal year.

(e) The State Board of Education shall adopt policies to establish purposes for which consolidated funds within each new funding allotment may be used, beginning with the funds within the At-Risk Student Services/Alternative Schools allotment. These purposes shall include, but are not required to be limited to, the same purposes as were permitted under the existing funding allotment categories. If applicable, the purposes shall conform to appropriate federal requirements. The State Board also shall establish procedures for allocating funds that previously were distributed in the form of grants to selected local school administrative units.

(f) Notwithstanding the new funding allotments established in this section, local boards of education may use funds from the allotment for Vocational Education - Months of Employment for program support for vocational education, and may use funds from the allotment for Instructional Support Personnel for teacher positions to reduce class size at all grade levels.

No waivers shall be necessary for the use of these funds under this subsection.

(g) The State Board of Education shall develop a plan to enable local school improvement teams to take advantage of the increased flexibility granted under this act. This plan shall include a method to inform appropriate individuals in addition to central office administrators.

(h) The State Board of Education shall report on the formulas and timeline under subsection (b) of this section, on the policies and procedures established under subsection (e) of this section, and on the plan developed under subsection (g) of this section to the Joint Legislative Education Oversight Committee by April 15, 1996.

Sec. 2. Notwithstanding Section 19.17(1) of Chapter 769 of the 1993 Session Laws, the funds allocated in that section for school psychologists, social workers, and guidance counselors for kindergarten through the eighth grade in accordance with the Basic Education Program may be used in the same manner as permitted under the Instructional Support Personnel allotment.

#### **—FISCAL ACCOUNTABILITY**

Sec. 3. The State Board of Education shall develop a plan for modifying or expanding the Uniform Education Reporting System to provide information on the use of funds at the unit and school level. The plan shall provide information that will enable

the General Assembly to determine State, local, and federal expenditures for personnel at the unit and school level. The plan also shall determine the feasibility of tracking expenditures for textbooks, educational supplies and equipment, capital outlay, and other purposes. The goals of the plan shall be to provide: (i) clear, accurate, and standard reporting of unit and school personnel expenditures; (ii) information that is useful for policymakers and public reporting purposes; (iii) information that provides comparative costs and efficiency data at the unit and school level; (iv) a flexible database for answering a variety of questions regarding public school expenditures in North Carolina schools; and (v) an automated system of reporting expenditures that minimizes workload and administration. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by October 15, 1995, on the plan developed in this section and make recommendations on the feasibility and timing of implementing the plan on a statewide basis. The Joint Legislative Education Oversight Committee shall make any recommendations for legislation or funds necessary to implement the plan statewide to the 1996 Regular Session of the 1995 General Assembly.

—**STUDENT PERFORMANCE**

Sec. 4. G.S. 115C-12 is amended by adding a new subdivision to read:

"(1a) To Submit a Budget Request to the Director of the Budget. – The Board shall submit a budget request to the Director of the Budget in accordance with G.S. 143-6. In addition to the information requested by the Director of the Budget, the Board shall provide an analysis relating each of its requests for expansion funds to anticipated improvements in student performance."

—**CONFORMING STATUTORY CHANGES**

Sec. 5. G.S. 115C-81(e)(3) reads as rewritten:

"(3) ~~The development and administration of this program shall be the responsibility of each local school administrative unit in the State that receives an allocation of State funds for a school health coordinator, a school health education coordinator who serves the local school administrative unit, the Department of Public Instruction, and a State School Health Education Advisory Committee. uses State funds to implement this program.~~"

Sec. 6. G.S. 115C-81(e)(4) reads as rewritten:

"(4) ~~Each existing local school administrative unit is eligible to develop and submit a plan for a comprehensive school health education program which shall meet all standards established by the State Board of Education, and to apply for funds to execute such plans.~~

~~The State Board of Education shall designate an impartial panel to review health education program plans submitted by local school administrative units. Based on the panel's evaluation of the plans, the State Board of Education shall allocate the State-funded school health coordinators. Where feasible, a school health coordinator shall serve more than one local school administrative unit.~~

Each person initially employed as a State-funded school health coordinator after June 30, 1987, shall have a degree in health education."

Sec. 7. G.S. 115C-81(e)(5) reads as rewritten:

"(5) The Department of Public Instruction shall supervise the development and operation of a statewide comprehensive school health education program including curriculum development, in-service training provision and promotion of collegiate training, learning material review, and assessment and evaluation of local programs in the same manner as for other programs. ~~It is the intent of this legislation that a specific position or positions in the Department of Public Instruction shall be assigned responsibilities as set forth in this subsection.~~"

Sec. 8. G.S. 115C-206 reads as rewritten:

**"§ 115C-206. State Board of Education; duties; responsibilities.**

The Superintendent of Public Instruction shall prepare and present to the State Board of Education recommendations for general guidelines for encouraging increased community involvement in the public schools and use of public school facilities. ~~The Superintendent of Public Instruction shall consult with the interagency council in preparing the general guidelines.~~ These recommendations shall include, but shall not be limited to provisions for:

- (1) The use of public school facilities by governmental, charitable or civic organizations for activities within the community.
- (2) The utilization of the talents and abilities of volunteers within the community for the enhancement of public school programs including tutoring, counseling and cultural programs and projects.
- (3) Increased communications between the staff and faculty of the public schools, other community institutions and agencies, and citizens in the community.

Based on the recommendations of the Superintendent of Public Instruction, the State Board of Education shall adopt appropriate policies and guidelines for encouraging increased community involvement in the public schools and use of the public school facilities.

~~The State Board of Education shall establish rules and regulations governing the submission and approval of programs prepared by local boards of education for encouraging increased community involvement in the public schools and use of the public school facilities.~~

~~The State Board of Education is authorized to allocate funds to the local boards of education for the employment of community schools coordinators and for other appropriate expenses upon approval of a program submitted by a local board of education and subject to the availability of funds. In the event that a local board of education already has sufficient personnel employed performing functions similar to those of a community schools coordinator, the State Board of Education may allocate funds to that local board of education for other purposes consistent with this Article. Funds allocated to a local board of education shall not exceed three fourths of the total~~

budget approved in the community schools program submitted by a local board of education."

Sec. 9. G.S. 115C-207 reads as rewritten:

**"§ 115C-207. Authority and responsibility of local boards of education.**

Every local board of education ~~which elects to apply for funding pursuant to that~~ uses State funds to implement programs under this Article shall:

- (1) Develop programs and plans for increased community involvement in the public schools based upon policies and guidelines adopted by the State Board of Education.
- (2) Develop programs and plans for increased community use of public school facilities based upon policies and guidelines adopted by the State Board of Education.
- (3) Establish rules governing the implementation of such programs and plans in its public schools and submit these rules along with adopted programs and plans to the State Board of Education for approval by the State Board of Education.

Programs and plans developed by a local board of education ~~shall~~ may provide for the establishment of one or more community schools advisory councils for the public schools under the board's jurisdiction and for the employment of one or more community schools coordinators. The local board of education shall establish the terms and conditions of employment for the community schools coordinators.

Every local board of education ~~which elects to apply for funding pursuant to this Article shall have the authority to~~ using State funds to implement a community schools program under this Article may enter into agreements with other local boards of education, agencies and institutions for the joint development of plans and programs and the joint expenditure of funds ~~allocated by the State Board of Education. Local funds from each local board of education applying for funds for the community schools program must equal at least one fourth of the total budget for the community schools program of said local board of education.~~ these State funds."

Sec. 10. G.S. 115C-208 reads as rewritten:

**"§ 115C-208. Community schools advisory councils; duties; responsibilities; membership.**

Every ~~participating~~ local board of education ~~shall~~ that establishes a community schools program under this Article may establish one or more community schools advisory councils which may become involved in matters affecting the educational process in accordance with rules established by the local board of education and approved by the State Board of Education and further ~~shall~~ may consider ways of increasing community involvement in the public schools and utilization of public school facilities. Community schools advisory councils may assist local boards of education in the development and preparation of the plans and programs to achieve such goals, may assist in the implementation of such plans and programs and may provide such other assistance as may be requested by the local boards of education.

Community schools advisory councils ~~shall~~ may work with local school officials and personnel, parent-teacher organizations, and community groups and agencies in

providing maximum opportunities for public schools to serve the communities, and ~~shall~~ may encourage the maximum use of volunteers in the public schools.

At least one half of the members of each community schools advisory council ~~shall~~ should be the parents of students in the particular public school system: Provided, that less than twenty-five percent (25%) of the pupils attending a particular school reside outside the immediate community of the school, at least one half of the members ~~shall~~ should be parents of students in the particular school for which the advisory council is established. Wherever possible the local board of education is encouraged to include at least one high school student. The size of the councils and the terms of membership on the councils shall be determined by the local board of education in accordance with the State guidelines."

Sec. 11. G.S. 115C-209 reads as rewritten:

**"§ 115C-209. Community schools coordinators.**

Every ~~participating~~ local board of education ~~shall~~ may employ one or more community schools coordinators and shall establish the terms and conditions of their employment. Community schools coordinators shall be responsible for:

- (1) Providing support to the community schools advisory councils and public school officials.
- (2) Fostering cooperation between the local board of education and appropriate community agencies.
- (3) Encouraging maximum use of community volunteers in the public schools.
- (4) Performing ~~such~~ any other duties as may be assigned by the local superintendent and the local board of education, consistent with the purposes of this Article."

Sec. 12. G.S. 115C-238.2(b) reads as rewritten:

"(b) Local school administrative units that participate in the Performance-based Accountability Program:

- (1) Are exempt from State requirements to submit reports and plans, other than local school improvement plans, to the State Board of Education and the Department of Public Instruction. They are not exempt from federal requirements to submit reports and plans to the Department.
- (2) Are subject to the performance standards but not the opportunity standards or the staffing ratios of the State Accreditation Program. The performance standards in the State Accreditation Program, modified to reflect the results of end-of-course and end-of-grade tests, may serve as the basis for developing the student performance indicators adopted by the State Board of Education pursuant to G.S. 115C-238.1.
- (3) May receive funds for differentiated pay for certain State-paid employees, in accordance with G.S. 115C-238.4, if they elect to participate in a differentiated pay plan.
- (4) May be allowed increased flexibility in the expenditure of State funds, in accordance with ~~G.S. 115C-238.5.~~ G.S. 115C-238.6.

- (5) May be granted waivers of certain State laws, regulations, and policies that inhibit their ability to reach local accountability goals, in accordance with G.S. 115C-238.6(a).
- (5a) May use State funds allocated for teacher assistants to reduce class size or the student-teacher ratio in kindergarten through third grade, in accordance with a local school improvement plan so long as the affected teacher assistant positions are not filled when the plan is amended or adopted by the building-level staff entitled to vote on the building-level plan or the affected teacher assistant positions are not expected to be filled on the date the plan is to be implemented. Any State funds appropriated for teacher assistants that were converted to certificated teachers before July 1, 1995, in accordance with Section 1 of Chapter 986 of the 1991 Session Laws, as rewritten by Chapter 103 of the 1993 Session Laws, may continue to be used for certificated teachers.
- (5b) In accordance with a local school improvement plan, may use (i) funds from the funding allotment for Classroom Materials/Instructional Supplies/Equipment for the purchase of textbooks, (ii) funds from the funding allotment for Textbooks for the purchase of instructional supplies, instructional equipment, or other classroom materials, and (iii) funds from the allotment for Noninstructional Support Personnel for teacher positions to reduce class size in kindergarten through third grade.
- (6) Shall continue to use the Teacher Performance Appraisal Instrument (TPAI) for evaluating beginning teachers during the first three years of their employment; they may, however, develop other evaluation approaches for teachers who have attained career status.

The Department of Public Instruction shall provide technical assistance, including the provision of model evaluation processes and instruments, to local school administrative units that elect to develop dual personnel evaluation processes. A dual personnel evaluation process includes (i) an evaluation designed to provide information to guide teachers in their professional growth and development, and (ii) an evaluation to provide information to make personnel decisions pertaining to hiring, termination, promotion, and reassignment."

Sec. 13. G.S. 115C-238.3(b1) reads as rewritten:

"(b1) Development by each school of strategies for attaining local school and student performance goals. – The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a building-level plan to address school and student performance goals appropriate to that school from those established by the local board of education. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school



and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student outcomes; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school and student performance goals at the building level. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation. The strategies for attaining local school and student performance goals shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the building-level plan. ~~These~~ The strategies may include a decision to use State funds allocated for teacher assistants to reduce class size or the student-teacher ratio in kindergarten through the third grade in accordance with G.S. 115C-238.2(b)(5a) or to use State funds in accordance with G.S. 115C-238.2(b)(5b). The strategies may also include requests for waivers of State laws, regulations, or policies for that school. A request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals.

Support among affected staff members is essential to successful implementation of a building-level plan to address school and student performance goals appropriate to a school; therefore, the principal of the school shall present the proposed building-level plan to all of the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal may submit the building-level plan to the local board of education for inclusion in the systemwide plan only if the proposed building-level plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the building-level plan. The local board shall not make any substantive changes in any building-level plan that it accepts; the local board shall set out any building-level plan that it accepts in the systemwide plan. If the local board rejects a building-level plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board for inclusion in the systemwide plan. If no building-level plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year in which participation is sought, the local board may develop a plan for the school for inclusion in the systemwide plan; the General Assembly urges the local board to utilize the proposed building-level plan to the maximum extent possible when developing such a plan."

Sec. 14. G.S. 115C-238.5 is repealed.

Sec. 15. G.S. 115C-238.6(a) reads as rewritten:

"(a) Prior to June 30 each year, the State Superintendent shall review local school improvement plans submitted by the local school administrative units in accordance with policies and standards adopted by the State Board of Education and shall

recommend to the State Board of Education whether the plan should be approved. If the State Board of Education approves the plan for a local school administrative unit, that unit shall participate in the Program for the next fiscal year.

If a local plan contains a request for a waiver of State laws, regulations, or policies, in accordance with G.S. 115C-238.3(b1) or (b2), the State Superintendent shall consider and recommend to the State Board of Education whether and to what extent the identified laws, regulations, or policies should be waived. If the State Board of Education deems it necessary to do so to enable a local unit to reach its local accountability goals, the State Board may grant waivers of:

- (1) State laws pertaining to class size, teacher certification, ~~assignment of teacher assistants~~, the use of State-adopted textbooks, and the purposes for which State funds for the public schools may be used;
- (2) All State regulations and policies, except those pertaining to public school State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-325, health and safety codes, compulsory school attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

The State Board shall act promptly on requests for waivers under this section.

(a1) Notwithstanding subsection (a) of this section, the following limitations apply to the granting of waivers:

- (1) The provisions of G.S. 115C-12(16)b. regarding the placement of State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board shall not be waived.
- (2) Except for waivers requested by the local board in accordance with G.S. 115C-238.3(b2) for central office staff, waivers shall be granted only for the specific schools for which they are requested in building-level plans and shall be used only under the specific circumstances for which they are requested.
- (3) The State Board shall not permit funds under any funding allotment category other than Central Office Administration to be used for central office administrators.
- (4) The State Board shall not permit funds under the Classroom Teachers allotment category to be used for any additional purpose other than for teachers of exceptional children, for teachers of at-risk students, and for authorized purposes under the Textbooks allotment category and the Classroom Materials/Instructional Supplies/Equipment allotment category.
- (5) The State Board shall not grant waivers to permit funds under the Teacher Assistant allotment category to be used for any purpose other than for personnel (i) to serve students only in kindergarten through third grade, or (ii) to serve students primarily in kindergarten through

third grade when the personnel are assigned to an elementary school to serve the whole school.

(a2) The State Board of Education shall, on a regular basis, review all waivers it has granted to determine whether any rules should be repealed or whether it should recommend to the General Assembly the repeal of any laws.

(a3) Local boards of education shall provide maximum flexibility in the use of funds to individual schools to enable them to accomplish their individual schools' goals."

Sec. 16. Effective June 30, 1996, Part 8 of Article 16 of Chapter 115C of the General Statutes is repealed.

Sec. 17. G.S. 115C-272(b)(1) reads as rewritten:

"(1) ~~Salary payments to superintendents shall be made monthly on the basis of each calendar month of service. Each local board of education shall establish a set date on which monthly salary payments to superintendents shall be made. This set pay date may differ from the end of the calendar month of service. Superintendents shall only be paid for the days employed as of the set pay date. Payment for a full month when days employed are less than a full month is prohibited as this constitutes prepayment.~~ Included within their term of employment shall be annual vacation leave at the same rate provided for State employees. Included within the 12 months' employment each local board of education shall designate the same or an equivalent number of legal holidays as those designated by the State Personnel Commission for State employees."

Sec. 18. G.S. 115C-285(a)(1) reads as rewritten:

"(1) Classified principals and State-allotted supervisors shall be employed for a term of 12 calendar months. ~~Salary payments to classified principals and State-allotted supervisors shall be made monthly at the end of each calendar month of service. Each local board of education shall establish a set date on which monthly salary payments to classified principals and State-allotted supervisors shall be made. This set pay date may differ from the end of the calendar month of service. Classified principals and State-allotted supervisors shall only be paid for the days employed as of the set pay date. Payment for a full month when days employed are less than a full month is prohibited as this constitutes prepayment.~~ They shall earn annual vacation leave at the same rate provided for State employees. On a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, an employee may elect not to report due to hazardous travel conditions and to take one of his annual vacation days or to make up the day at the time agreed upon by the employee and his immediate supervisor. They shall be provided by the board the same or an equivalent number of legal holidays as those designated by the State Personnel Commission for State employees."

Sec. 19. G.S. 115C-302(a)(1) reads as rewritten:

"(1) Academic Teachers. – Regular state-allotted teachers shall be employed for a period of 10 calendar months. ~~Salary payments to regular state-allotted teachers shall be made monthly at the end of each calendar month of service. Provided, that teachers~~ Each local board of education shall establish a set date on which monthly salary payments to regular State-allotted teachers shall be made. This set pay date may differ from the end of the calendar month of service. Teachers shall only be paid for the days employed as of the set pay date. Payment for a full month when days employed are less than a full month is prohibited as this constitutes prepayment. Teachers employed for a period of 10 calendar months in year-round schools shall be paid in 12 equal installments. Provided further, that any installments. Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. Such request shall be filed in the local school administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease said annual salary nor in any other way alter the contract made between the teacher and the said local school administrative unit; nor shall such payment apply to any teacher who is employed for a period of less than 10 months. Included within the 10 calendar months employment shall be annual vacation leave at the same rate provided for State employees, computed at one twelfth (1/12) of the annual rate for State employees for each calendar month of employment; which shall be provided by each local board of education at a time when students are not scheduled to be in regular attendance. However, vacation leave for instructional personnel who do not require a substitute shall not be restricted to days that students are not in attendance. Included within the 10 calendar months employment each local board of education shall designate the same or an equivalent number of legal holidays occurring within the period of employment for academic teachers as those designated by the State Personnel Commission for State employees; on a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, a teacher may elect not to report due to hazardous travel conditions and to take an annual vacation day or to make up the day at a time agreed upon by the employee and the employee's immediate supervisor or principal. Within policy adopted by the State Board of Education, each local board of education shall develop rules ~~and regulations~~ designating what additional portion of the 10 calendar months not devoted to classroom teaching, holidays, or annual leave shall apply to service rendered before the opening of the school term, during the school term, and after the school term and to

fix and regulate the duties of state-allotted teachers during said period, but in no event shall the total number of workdays exceed 200 days. Local boards of education shall consult with the employed public school personnel in the development of the 10-calendar-months schedule."

Sec. 20. G.S. 115C-302(a)(2) reads as rewritten:

"(2) Vocational and Technical Education Teachers. – State-allotted months of employment to local boards of education as provided by the State Board of Education shall be used for the employment of teachers of vocational and technical education for a term of employment as determined by the local boards of education. ~~Salary payments to these vocational and technical education teachers shall be made monthly at the end of each calendar month of service: Provided, that local~~ Each local board of education shall establish a set date on which monthly salary payments to these vocational and technical education teachers shall be made. This set pay date may differ from the end of the calendar month of service. These teachers shall only be paid for the days employed as of the set pay date. Payment for a full month when days employed are less than a full month is prohibited as this constitutes prepayment. Local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter: Provided further, that teachers thereafter. Teachers employed for a term of 10 calendar months in year-round schools shall be paid in 12 equal installments: Provided further, that any installments. Any individual teacher employed for a term of 10 calendar months who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. Such request shall be filed in the administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease said annual salary nor in any other way alter the contract made between the teacher and the said administrative unit. Included within their term of employment shall be the same rate of annual vacation leave and legal holidays provided under the same conditions as set out in subdivision (1) above, but in no event shall the total workdays for a 10-month employee exceed 200 days in a 10-month schedule and the workweek shall constitute five days for all vocational and technical teachers regardless of the employment period.

Vocational and technical education teachers who are employed for 11 or 12 months may, with prior approval of the principal, work on annual leave days designated in the school calendar and take those annual leave days during the 11th or 12th month of employment.

No deductions shall be made from salaries of teachers of vocational agriculture and home economics whose salaries are paid in part from State and federal vocational funds while in attendance upon community, county and State meetings called for the specific purpose of promoting the agricultural interests of North Carolina, when such attendance is approved by the superintendent of the administrative unit and the State Director of Vocational and Technical Education."

Sec. 21. G.S. 115C-316(a)(1) reads as rewritten:

"(1) Employees Other than Superintendents, Supervisors and Classified Principals on an Annual Basis. —~~Salary payments to employees other than superintendents, supervisors, and classified principals employed on an annual basis shall be made monthly at the end of each calendar month of service.~~ Each local board of education shall establish a set date on which monthly salary payments to employees other than superintendents, supervisors, and classified principals employed on an annual basis, shall be made. This set pay date may differ from the end of the calendar month of service. These employees shall only be paid for the days employed as of the set pay date. Payment for a full month when days employed are less than a full month is prohibited as this constitutes prepayment. Included within their term of employment shall be annual vacation leave at the same rate provided for State employees, computed at one-twelfth (1/12) of the annual rate for state employees for each calendar month of employment. On a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, an employee may elect not to report due to hazardous travel conditions and to take one of his annual vacation days or to make up the day at a time agreed upon by the employee and his immediate supervisor or principal. Included within their term of employment each local board of education shall designate the same or an equivalent number of legal holidays as those designated by the State Personnel Commission for State employees."

Sec. 22. G.S. 115C-318 reads as rewritten:

**"§ 115C-318. Liability insurance for nonteaching public school personnel.**

The State Board of Education shall provide funds for liability insurance for nonteaching public school personnel to the extent that such personnel's salaries are funded by the State. The insurance shall cover claims made for injury liability and property damage liability on account of an act done or an omission made in the course of the employee's duties. As provided by law or the rules and policies of the State Board of Education or the local school administrative unit, the State Board of Education shall comply with the State's laws in securing the insurance and shall provide it at the earliest possible date for the 1982-83 school year. ~~Funds for this purpose shall be allocated from the State's Contingency and Emergency Fund.~~ Nothing in this section shall prevent the State Board from furnishing the same liability insurance protection for nonteaching public school personnel not supported by State funds, provided that the

cost of the protection shall be funded from the same source that supports the salaries of these employees."

Sec. 23. Effective June 30, 1996, G.S. 115C-418 is repealed.

Sec. 24. Substitute teachers who hold teacher certificates shall be paid at a rate of fifty-seven dollars (\$57.00) per day. Substitute teachers who do not hold teacher certificates but have completed effective teacher training shall be paid at a rate of fifty dollars (\$50.00) per day. Substitute teachers who do not hold teacher certificates and have not completed effective teacher training shall be paid at a rate of forty dollars (\$40.00) per day. Deductions in salaries for teachers on leave who require a deduction in salary for substitute pay shall be at a standard rate of fifty dollars (\$50.00) per day.

Sec. 25. (a) Notwithstanding G.S. 115C-238.2(b)(5a), the State Board of Education shall authorize pilot projects in the Mecklenburg County School Administrative Unit and in the Burke County School Administrative Unit so that the boards of education in those units may use State funds from the allotment for Teacher Assistants for certificated teachers in order to reduce class size or the student-teacher ratio in kindergarten through third grade, in accordance with local school improvement plans developed under G.S. 115C-238.3. No waivers from the State Board of Education are required for this use of funds.

(b) The State Board of Education shall evaluate programs initiated by local school administrative units using teacher assistant funds to reduce class size or the student-teacher ratio in kindergarten through third grade. The Board shall make an appropriate evaluation of the positions affected, the effect on student achievement, and any other factors the Board considers appropriate. The Board shall report the results of the evaluation to the Joint Legislative Education Oversight Committee on or before October 1, 1996, and annually thereafter through October 1, 1999.

**—EFFECTIVE DATE**

Sec. 26. This act becomes effective July 1, 1995.

In the General Assembly read three times and ratified this the 18th day of July, 1995.

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Dennis A. Wicker  
President of the Senate

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Harold J. Brubaker  
Speaker of the House of Representatives