

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1464*
Committee Substitute Favorable 7/1/04
Senate Education/Higher Education Committee Substitute Adopted 7/15/04

Short Title: School Calendar Changes.

(Public)

Sponsors:

Referred to:

May 17, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL
3 TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL
4 OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE
5 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL
6 SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN
7 CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN
8 YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY
9 SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS;
10 TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT
11 FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR
12 TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM
13 ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH
14 TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT
15 LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL
16 TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF
17 EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR
18 USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS,
19 OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP
20 DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE
21 "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN
22 TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY
23 FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING
24 IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE
25 FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS
26 ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS
27 FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL
28 ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS

1 IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS
2 BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE
3 ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL
4 SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS
5 EFFECTIVE WHEN IT BECOMES LAW.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 115C-84.2 reads as rewritten:

8 **"§ 115C-84.2. School calendar.**

9 (a) School Calendar. – Each local board of education shall adopt a school
10 calendar consisting of ~~220~~215 days all of which shall fall within the fiscal year. A
11 school calendar shall include the following:

12 (1) A minimum of 180 days and 1,000 hours of instruction covering at
13 least nine calendar months. The local board shall designate when the
14 180 instructional days shall occur. The number of instructional hours
15 in an instructional day may vary according to local board policy and
16 does not have to be uniform among the schools in the administrative
17 unit. Local boards may approve school improvement plans that include
18 days with varying amounts of instructional time. If school is closed
19 early due to inclement weather, the day and the scheduled amount of
20 instructional hours may count towards the required minimum to the
21 extent allowed by State Board policy. The school calendar shall
22 include a plan for making up days and instructional hours missed when
23 schools are not opened due to inclement weather.

24 (1a) **(Applies only to 2002-2003 school year – See editor's note.)**
25 Notwithstanding subdivision (1) of this subsection, a local board may
26 decide to make up a maximum of three instructional days by adding
27 instructional hours to previously scheduled instructional days. A local
28 board shall make this decision only if all of the following criteria are
29 met:

- 30 a. The days to be made up were missed when schools were unable
31 to be opened due to unusual and extraordinary inclement
32 weather conditions.
- 33 b. It would cause undue hardship to parents, children, and teachers
34 to make up those days.
- 35 c. The school calendar continues to have a minimum of 1,000
36 instructional hours covering at least nine months.
- 37 d. The additional hours must equal the regularly scheduled
38 number of instructional hours at each school.

39 If a local board adds instructional hours to previously
40 scheduled days under this subdivision, the local school
41 administrative unit is deemed to have a minimum of 180 days
42 of instruction, teachers employed for a 10-month term are
43 deemed to have been employed for the days being made up, and

1 all other employees shall be compensated as if they had worked
2 the days being made up.

3 (2) A minimum of 10 annual vacation leave days.

4 (3) The same or an equivalent number of legal holidays occurring within
5 the school calendar as those designated by the State Personnel
6 Commission for State employees.

7 (4) ~~Eight~~ Five days, as designated by the local board, for use as teacher
8 ~~workdays, additional instructional days, or other lawful purposes. A~~
9 ~~local board may delegate to the individual schools some or all of the~~
10 ~~eight days to schedule under subdivision (5) of this subsection. A local~~
11 ~~board may schedule different purposes for different personnel on any~~
12 ~~given day and is not required to schedule the same dates for all~~
13 ~~personnel workdays that are protected to allow teachers to complete~~
14 ~~instructional and classroom administrative duties. The local school~~
15 ~~administrative unit shall not impose any additional tasks on these five~~
16 ~~days.~~

17 (5) The remaining days scheduled by the local board in consultation with
18 each school's principal for any of the purposes allowed under
19 subdivision (4) of this subsection. use as teacher workdays, additional
20 instructional days, or other lawful purposes. Before scheduling these
21 days, the principal consulting with the local board, each principal shall
22 work with the school improvement team to determine the days to be
23 scheduled and the purposes for which they should be scheduled. Days
24 may be scheduled and planned for different purposes for different
25 personnel and there is no requirement to schedule the same dates for
26 all personnel. However, if during the last two years the local school
27 administrative unit has made up an average of at least eight days for
28 school closing because of inclement weather, the local board may
29 designate up to two In order to make up days for school closing
30 because of inclement weather, the local board may designate any of
31 these days as additional make-up days to be scheduled after the last
32 day of student attendance.

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

37 Local boards ~~and individual schools shall designate the five days scheduled under~~
38 subdivision (4) of this subsection as days on which teachers may take accumulated
39 vacation leave. Local boards shall give teachers at least 14 calendar days' notice before
40 requiring a teacher to work instead of taking vacation leave on days scheduled in
41 accordance with subdivision (4) ~~or~~ (5) of this subsection. A teacher may elect to waive
42 this notice requirement for one or more ~~such~~ of these days.

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

1 (1) The total number of teacher workdays for teachers employed for a 10
2 month term shall not exceed ~~200-195~~ days.

3 (2) The calendar shall include at least 42 consecutive days when teacher
4 attendance is not required unless: (i) the school is a year-round school;
5 or (ii) the teacher is employed for a term in excess of 10 months. At
6 the request of the local board of education or of the principal of a
7 school, a teacher may elect to work on one of the 42 days when teacher
8 attendance is not required in lieu of another scheduled workday.

9 (3) School shall not be held on Sundays.

10 (4) Veterans Day shall be a holiday for all public school personnel and for
11 all students enrolled in the public schools.

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

16 (d) Opening and Closing Dates. – Local boards of education shall determine the
17 dates of opening and closing the public schools under subdivision (a)(1) of this section.
18 Except for year-round schools, the opening date for students shall not be before August
19 25, and the closing date for students shall not be after June 10. On a showing of good
20 cause, the State Board of Education may waive this requirement to the extent that
21 school calendars are able to provide sufficient days to accommodate anticipated makeup
22 days due to school closings. A local board may revise the scheduled closing date if
23 necessary in order to comply with the minimum requirements for instructional days or
24 instructional time. ~~Different opening and closing dates may be fixed for schools in the~~
25 ~~same administrative unit.~~ For purposes of this subsection, the term 'good cause' means
26 that schools in any local school administrative unit in a county have been closed eight
27 days per year during any four of the last 10 years because of severe weather conditions,
28 energy shortages, power failures, or other emergency situations.

29 (e) Year-Round Schools. – Local boards of education may adopt different
30 calendars for different schools. Any school with a school calendar that has at least one
31 school calendar day that falls in a minimum of 11 calendar months is considered a
32 'year-round school' for the purpose of this Chapter."

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
35 months. State-allotted months of employment for vocational education to local boards
36 shall be used for the employment of teachers of vocational and technical education for a
37 term of employment to be determined by the local boards of education. However, local
38 boards shall not reduce the term of employment for any vocational agriculture teacher
39 personnel position that was 12 calendar months for the 1982-83 school year for any
40 school year thereafter.

41 Each local board of education shall establish a set date on which monthly salary
42 payments to State-allotted teachers shall be made. This set pay date may differ from the
43 end of the month of service. The daily rate of pay for teachers shall equal ~~one~~
44 twenty-second ~~midway between one twenty-first and one twenty-second~~ of the monthly

1 rate of pay. Except for teachers employed in a year-round school or paid in accordance
2 with a year-round calendar, or both, the initial pay date for teachers shall be no later
3 than August 31 and shall include a full monthly payment. Subsequent pay dates shall be
4 spaced no more than one month apart and shall include a full monthly payment.

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

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

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

24 **SECTION 3.** For certified and noncertified employees employed on or after
25 the effective date of this act, the annual rate of pay beginning with the 2005-2006 school
26 year shall not be reduced as the result of this act. Furthermore, nothing in this act shall
27 be construed to change the pay cycle for noncertified employees. The State Board of
28 Education shall report annually to the Joint Legislative Education Oversight Committee
29 on local compliance with this section.

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

33 **SECTION 5.** This act is effective when it becomes law and applies to school
34 years beginning with the 2005-2006 school year. This act shall apply in all 100 counties
35 and in all local school administrative units.