

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1213*

Short Title: School Calendar Changes. (Public)

Sponsors: Senators Dannelly, Apodaca, Berger, Blake, Pittenger, Smith, Thomas;
and White.

Referred to: Education/Higher Education.

May 20, 2004

A BILL TO BE ENTITLED

1 AN ACT TO REDUCE THE NUMBER OF NONINSTRUCTIONAL TEACHER
2 WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN AFTER
3 AUGUST 25 AND CLOSE NOT AFTER JUNE 10, EXCEPT IN UNUSUAL
4 CIRCUMSTANCES OR IN YEAR-ROUND SCHOOLS; TO ENSURE THAT
5 TEACHERS MAY BE PAID IN AUGUST IF THEY SO DESIRE; AND TO
6 PROVIDE THAT SALARIES NOT DECREASE AS A RESULT OF THE
7 REDUCTION IN TEACHER WORKDAYS.
8

9 The General Assembly of North Carolina enacts:

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

11 **"§ 115C-84.2. School calendar.**

12 (a) School Calendar. – Each local board of education shall adopt a school
13 calendar consisting of ~~220~~210 days all of which shall fall within the fiscal year. A
14 school calendar shall include the following:

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

27 (1a) **(Applies only to 2002-2003 school year – See editor's note.)**
28 Notwithstanding subdivision (1) of this subsection, a local board may

1 decide to make up a maximum of three instructional days by adding
2 instructional hours to previously scheduled instructional days. A local
3 board shall make this decision only if all of the following criteria are
4 met:

- 5 a. The days to be made up were missed when schools were unable
6 to be opened due to unusual and extraordinary inclement
7 weather conditions.
- 8 b. It would cause undue hardship to parents, children, and teachers
9 to make up those days.
- 10 c. The school calendar continues to have a minimum of 1,000
11 instructional hours covering at least nine months.
- 12 d. The additional hours must equal the regularly scheduled
13 number of instructional hours at each school.

14 If a local board adds instructional hours to previously
15 scheduled days under this subdivision, the local school
16 administrative unit is deemed to have a minimum of 180 days
17 of instruction, teachers employed for a 10-month term are
18 deemed to have been employed for the days being made up, and
19 all other employees shall be compensated as if they had worked
20 the days being made up.

- 21 (2) A minimum of 10 annual vacation leave days.
- 22 (3) The same or an equivalent number of legal holidays occurring within
23 the school calendar as those designated by the State Personnel
24 Commission for State employees.
- 25 (4) ~~Eight Five~~ days, as designated by the local board, for use as teacher
26 ~~workdays, additional instructional days, or other lawful purposes. A~~
27 ~~local board may delegate to the individual schools some or all of the~~
28 ~~eight days to schedule under subdivision (5) of this subsection. A local~~
29 ~~board may schedule different purposes for different personnel on any~~
30 ~~given day and is not required to schedule the same dates for all~~
31 ~~personnel workdays. These days shall be protected to allow teachers to~~
32 complete instructional and classroom administrative duties. The local
33 school administrative unit shall not impose any additional tasks on
34 these days. The local board shall schedule one of these days at the
35 beginning of the school year and one at the end of each academic
36 quarter.
- 37 (5) The remaining days scheduled by each school's principal for any of the
38 purposes allowed under subdivision (4) of this subsection. Before
39 scheduling these days, the principal shall work with the school
40 improvement team to determine the days to be scheduled and the
41 purposes for which they should be scheduled. Days may be scheduled
42 and planned for different purposes for different personnel and there is
43 no requirement to schedule the same dates for all personnel. However,
44 if during the last two years the local school administrative unit has

1 made up an average of at least eight days for school closing because of
2 inclement weather, the local board may designate up to two of these
3 days as additional make-up days to be scheduled after the last day of
4 student attendance.

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

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

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

- 15 (1) The total number of teacher workdays for teachers employed for a 10
16 month term shall not exceed 200-190 days.
- 17 (2) The calendar shall include at least 42 consecutive days when teacher
18 attendance is not required unless: (i) the school is a year-round school;
19 or (ii) the teacher is employed for a term in excess of 10 months. At
20 the request of the local board of education or of the principal of a
21 school, a teacher may elect to work on one of the 42 days when teacher
22 attendance is not required in lieu of another scheduled workday.
- 23 (3) School shall not be held on Sundays.
- 24 (4) Veterans Day shall be a holiday for all public school personnel and for
25 all students enrolled in the public schools.

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

30 (d) Opening and Closing Dates. – Local boards of education shall determine the
31 dates of opening and closing the public schools under subdivision (a)(1) of this section.
32 Except for year-round schools, the opening date for students shall not be before August
33 25 and the closing date for students shall not be after June 10. The State Board of
34 Education may waive this requirement on a showing of good cause. A local board may
35 revise the scheduled closing date if necessary in order to comply with the minimum
36 requirements for instructional days or instructional time. ~~Different opening and closing~~
37 ~~dates may be fixed for schools in the same administrative unit. For purposes of this~~
38 subsection, the term 'good cause' means that schools in the local school administrative
39 unit have been closed an average of eight days per year during any five of the last 10
40 years because of severe weather conditions, energy shortages, power failures, or other
41 emergency situations."

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

43 "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10
44 months. State-allotted months of employment for vocational education to local boards

1 shall be used for the employment of teachers of vocational and technical education for a
2 term of employment to be determined by the local boards of education. However, local
3 boards shall not reduce the term of employment for any vocational agriculture teacher
4 personnel position that was 12 calendar months for the 1982-83 school year for any
5 school year thereafter.

6 Each local board of education shall establish a set date on which monthly salary
7 payments to State-allotted teachers shall be made. This set pay date may differ from the
8 end of the month of service. The daily rate of pay for teachers shall equal ~~one~~
9 ~~twenty-second~~ one twenty-first of the monthly rate of pay. If requested by the teacher,
10 the initial pay date for a teacher who is not employed in a year-round school shall be no
11 later than August 31 and shall include a full monthly payment. Subsequent pay dates
12 shall be spaced no more than one month apart and shall include a full monthly payment.

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

20 Any individual teacher who is not employed in a year-round school may be paid in
21 12 monthly installments if the teacher so requests on or before the first day of the school
22 year. The request shall be filed in the local school administrative unit ~~which~~ that
23 employs the teacher. The payment of the annual salary in 12 installments instead of 10
24 shall not increase or decrease the teacher's annual salary nor in any other way alter the
25 contract made between the teacher and the local school administrative unit. Teachers
26 employed for a period of less than 10 months shall not receive their salaries in 12
27 installments."

28 **SECTION 3.** G.S. 115C-316(a)(2) reads as rewritten:

29 "(2) School Employees Paid on an Hourly or Other Basis. – Salary
30 payments to employees other than those covered in
31 G.S. 115C-272(b)(1), 115C-285(a)(1) and (2), 115C-302.1(b) and
32 115C-316(a)(1) shall be made at a time determined by each local board
33 of education. If requested by the school employee, the initial pay date
34 for one of these employees who is employed for a term of 10 calendar
35 months and is not employed in a year-round school shall be no later
36 than August 31 and shall include a full monthly payment. Subsequent
37 pay dates shall be spaced no more than one month apart and shall
38 include a full monthly payment. Expenditures for the salary of these
39 employees from State funds shall be within allocations made by the
40 State Board of Education and in accordance with rules and regulations
41 approved by the State Board of Education concerning allocations of
42 State funds: Provided, that school funds. School employees employed
43 for a term of 10 calendar months in year-round schools shall be paid in
44 12 equal installments: Provided further, that any installments. Any

1 individual school employee employed for a term of 10 calendar
2 months who is not employed in a year-round school may be paid in 12
3 monthly installments if the employee so requests on or before the first
4 day of the school year. ~~Such~~ This request shall be filed in the local
5 school administrative unit ~~which~~ that employs the employee. The
6 payment of the annual salary in 12 installments instead of 10 shall not
7 increase or decrease ~~said~~ the annual salary nor in any other way alter
8 the contract between the employee and the ~~said~~ local school
9 administrative unit. Employees may be prepaid on the set pay date for
10 days not yet worked. An employee who fails to attend scheduled
11 workdays or who has not worked the number of days for which the
12 employee has been paid and who resigns or is dismissed shall repay to
13 the local board any salary payments received for days not yet worked.
14 An employee who has been prepaid and who continues to be employed
15 by a local board but fails to attend scheduled workdays may be subject
16 to dismissal or other appropriate discipline. The daily rate of pay shall
17 equal the number of weekdays in the pay period. Included within the
18 term of employment shall be provided for full-time employees annual
19 vacation leave at the same rate provided for State employees,
20 computed at one-twelfth (1/12) of the annual rate for State employees
21 for each calendar month of employment, to be taken under policies
22 determined by each local board of education. On a day that employees
23 are required to report for a workday but pupils are not required to
24 attend school due to inclement weather, an employee may elect not to
25 report due to hazardous travel conditions and to take one of ~~his~~ that
26 employee's annual vacation days or to make up the day at a time
27 agreed upon by the employee and ~~his~~ the employee's immediate
28 supervisor or principal. On a day that school is closed to employees
29 and pupils due to inclement weather, the employee shall work on the
30 scheduled makeup day. Included within their term of employment,
31 each local board of education shall designate the same or an equivalent
32 number of legal holidays occurring within the period of employment
33 as those designated by the State Personnel Commission for State
34 employees."

35 **SECTION 4.** For school-based employees who are employed during the
36 2005-2006 school year in the same position in which they were employed during the
37 2004-2005 school year and who continue to work the same number of hours in a
38 workday, the annual rate of pay beginning with the 2005-2006 school year shall not be
39 reduced as the result of this act.

40 **SECTION 5.** This act becomes effective July 1, 2004, and applies to school
41 years beginning with the 2005-2006 school year.