

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 218

Short Title: Neighborhood Schools & Teacher Merit Pay. (Public)

Sponsors: Senators Hunt; Allran, Blake, Brock, Goodall, and Rucho.

Referred to: Education/Higher Education.

February 19, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO PROVIDE VOUCHERS TO STUDENTS NOT PERMITTED TO ATTEND NEIGHBORHOOD SCHOOLS AND TO ESTABLISH A MERIT PAY SYSTEM FOR TEACHERS, INSTRUCTIONAL SUPPORT PERSONNEL, AND PRINCIPALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-366 is amended by adding a new subsection to read:

"(a1) If a student lives within a radius of one and one-half miles of a school that is age-appropriate for the student, the local board shall either assign the student to that school or provide a voucher to the student to attend a nonpublic school. The amount of the voucher shall be equal to the average per student allocation in State and local funds for the local school administrative unit."

SECTION 2. G.S. 115C-302.1 reads as rewritten:

"§ 115C-302.1. **Salary.**

...

(a1) Merit Pay. – The State Board of Education shall establish the entry-level salary of teachers and instructional support personnel who hold "A" certificates, "Masters" certificates, NBPTS certification, certification based on advanced degrees, and other levels of certification. The principal of a school may pay an employee more than the entry-level salary if the principal determines that the employee's qualifications or experience makes it appropriate to do so or if the principal determines that it is necessary to do so to recruit and retain teachers in certain areas of certification such as mathematics, science, and special education.

The General Assembly may appropriate in the Current Operations Appropriations Act each year funds for a cost-of-living increase for these employees and funds for merit pay. Each employee may receive a cost-of-living increase as provided by the General Assembly but shall receive no additional across-the-board increment or increment for years of experience.

The principal of each school shall determine the amount of merit pay each employee shall receive each year in accordance with the policy of the local board of education.

...

(c3) Teachers may accumulate annual vacation leave days without any applicable maximum until June 30 of each year. In order that only 30 days of annual vacation leave carry forward to July 1, on June 30 of each year any teacher or ~~other personnel paid on the teacher salary schedule~~ instructional support personnel who has accumulated more than 30 days of annual vacation leave shall convert to sick leave the remaining excess accumulation.

Upon separation from service due to service retirement, resignation, dismissal, reduction in force, or death, an employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 30 days. In addition to the maximum of 30 days pay for accumulated



1 annual leave, upon separation from service due to service retirement, any teacher or other
 2 ~~personnel paid on the teacher salary schedule~~instructional support personnel with more than 30
 3 days of accumulated annual vacation leave may convert some or all of the excess accumulation
 4 to sick leave for creditable service towards retirement. Employees going onto term disability
 5 may exhaust annual leave rather than be paid in a lump sum.

6 ...

7 (e) Teachers in Year-Round Schools. – Compensation for teachers employed in
 8 year-round schools shall be the same as teachers paid for a 10-month term, but those days may
 9 be scheduled over 12 calendar months. Annual leave, sick leave, workdays, holidays, ~~salary,~~
 10 ~~and longevity~~and salary for teachers who are employed at year-round schools shall be
 11 equivalent to those of other teachers employed for the same number of months, respectively.
 12 Teachers paid for a term of 10 months in year-round schools shall receive their salary in 12
 13 equal installments.

14 ...

15 (g) ~~Service in Armed Forces. — The State Board of Education, in fixing the State~~
 16 ~~standard salary schedule of teachers as authorized by law, shall provide that teachers who~~
 17 ~~entered the armed or auxiliary forces of the United States after September 16, 1940, and who~~
 18 ~~left their positions for such service shall be allowed experience increments for the period of~~
 19 ~~such service as though the same had not been interrupted thereby, in the event such persons~~
 20 ~~return to the position of teachers, principals, and superintendents in the public schools of the~~
 21 ~~State after having been honorably discharged from the armed or auxiliary forces of the United~~
 22 ~~States.~~

23 ...

24 (h) Teachers Paid From Other Funds. – ~~Every local board of education may adopt, as to~~
 25 ~~teachers not paid out of State funds, a salary schedule similar to the State salary schedule, but it~~
 26 ~~likewise shall recognize a difference in salaries based on different duties, training, experience,~~
 27 ~~professional fitness, and continued service in the same school system. If a local board of~~
 28 ~~education does not adopt a local salary schedule, the State salary schedule shall apply. No~~
 29 ~~teacher shall receive a salary higher than that provided in the salary schedule, unless by action~~
 30 ~~of the board of education a higher salary is allowed for special fitness, special duties, or under~~
 31 ~~extraordinary circumstances.~~

32 ~~When a higher salary is allowed, the minutes of the board shall show what salary is allowed~~
 33 ~~and the reason. A board of education may authorize the superintendent to supplement the~~
 34 ~~salaries of all teachers from local funds, and the minutes of the board shall show what increase~~
 35 ~~is allowed each teacher. Teachers and instructional support personnel who are not paid out of~~
 36 ~~State funds shall receive a cost-of-living increment and merit pay in the same manner as such~~
 37 ~~employees who are paid from State funds.~~

38 (i) ~~Longevity Pay. — Longevity pay shall be based on the annual salary on the~~
 39 ~~employee's anniversary date.~~

40"

41 **SECTION 3.** G.S. 20-88.1(b) reads as rewritten:

42 "(b) The State Board of Education shall adopt a salary range for driver education
 43 instructors who are public school employees and who do not hold teacher certificates.

44 Driver education instructors who are public school employees and who hold teacher
 45 certificates shall be paid ~~on the teacher salary schedule, under the same terms and conditions as~~
 46 ~~other teachers.~~ A day of employment for driver education instructors who hold teacher
 47 certificates shall be the same number of hours required of all regular classroom teachers as
 48 established by the local board of education."

49 **SECTION 4.** G.S. 115C-296.2(b)(2)c. reads as rewritten:

50 "(b) Definitions. – As used in this subsection:

51 ...

1 (2) A "teacher" is a person who:

2 ...

3 c. ~~Is paid on the teacher salary schedule; classified as a teacher or~~
4 instructional support personnel by the State Board of Education;
5 and".

6 **SECTION 5.** G.S. 116-143.5 reads as rewritten:

7 **"§ 116-143.5. Tuition of certain teachers.**

8 Notwithstanding G.S. 116-143.1, any ~~teacher or other personnel paid on the teacher salary~~
9 ~~schedule~~ person classified as a teacher or instructional support personnel by the State Board of
10 Education who (i) has established a legal residence (domicile) in North Carolina and (ii) is
11 employed full-time by a North Carolina public school, shall be eligible to be charged the
12 in-State tuition rate for courses relevant to teacher certification or to professional development
13 as a teacher."

14 **SECTION 6.** G.S. 115C-285 reads as rewritten:

15 **"§ 115C-285. Salary.**

16 (a) Principals and supervisors shall be paid promptly when their salaries are due
17 provided the legal requirements for their employment and service have been met. All principals
18 and supervisors employed by any local school administrative unit who are to be paid from local
19 funds shall be paid promptly as provided by law and as state-allotted principals and supervisors
20 are paid.

21 Principals and supervisors paid from State funds shall be paid as follows:

22 ...

23 (1a) The State Board of Education shall establish the entry-level salary of
24 principals and assistant principals. The local superintendent may pay a
25 principal or assistant principal more than the entry-level salary if the
26 superintendent determines that the employee's qualifications or experience
27 makes it appropriate to do so or if the superintendent determines that it is
28 necessary to do so to recruit and retain the employee.

29 The General Assembly may appropriate in the Current Operations
30 Appropriations Act each year funds for a cost-of-living increase for these
31 employees and funds for merit pay. Each employee may receive a
32 cost-of-living increase as provided by the General Assembly but shall
33 receive no additional across-the-board increment or increment for years of
34 experience.

35 The superintendent shall determine the amount of merit pay each
36 employee shall receive each year in accordance with the policy of the local
37 board of education.

38 ...

39 (6) ~~The State Board of Education, in fixing the State standard salary schedule of~~
40 ~~principals as authorized by law, shall provide that principals who entered the~~
41 ~~armed or auxiliary forces of the United States after September 16, 1940, and~~
42 ~~who left their positions for such service, shall be allowed experience~~
43 ~~increments for the period of such service as though the same had not been~~
44 ~~interrupted thereby, in the event such persons return to the position of~~
45 ~~teachers, principals or superintendents in the public schools of the State after~~
46 ~~having been honorably discharged from the armed or auxiliary forces of the~~
47 ~~United States.~~

48 (7) All persons employed as principals in the schools and institutions listed in
49 subsection (p) of G.S. 115C-325 shall ~~be compensated at the same rate as are~~
50 ~~teachers in the public schools in accordance with the salary schedule adopted~~

1 ~~by the State Board of Education, receive a cost-of-living increment and merit~~
2 ~~pay in the same manner as such employees of local boards of education.~~

3 (b) Every local board of education may adopt, as to ~~principals and~~ supervisors not paid
4 out of State funds, a salary schedule, but it likewise shall recognize a difference in salaries
5 based on different duties, training, experience, professional fitness, and continued service in the
6 same school system; but if any local board of education shall fail to adopt such a schedule, the
7 State salary schedule shall be in force. Principals and assistant principals who are not paid out
8 of State funds shall receive a cost-of-living increment and merit pay in the same manner as
9 such employees who are paid from State funds.

10"

11 **SECTION 6.** This act is effective when it becomes law and applies beginning with
12 the 2009-2010 school year.