

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1167

Short Title: Excess Snow Days Excused/Public Sch.

(Public)

Sponsors: Senators Carter and Garrou.

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION AND THE STATE BOARD OF EDUCATION TO EXCUSE CERTAIN SCHOOL DAYS LOST TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-84.2 reads as rewritten:

"§ 115C-84.2. School calendar.

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

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

1 making up days and instructional hours missed when schools are not
2 opened due to inclement weather. The required number of make-up
3 days for a local school administrative unit shall be the greater of (i) five
4 days or (ii) the average number of days missed in five of the last six
5 school years in which the least number of days were missed. For
6 purposes of this subdivision and subsection (b1) of this section, a make-
7 up day shall consist of five and one-half instructional hours.

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

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

12 (4) Ten days, as designated by the local board, for use as teacher workdays,
13 additional instructional days, or other lawful purposes. A local board
14 may delegate to the individual schools some or all of the 10 days to
15 schedule under subdivision (5) of this subsection. A local board may
16 schedule different purposes for different personnel on any given day and
17 is not required to schedule the same dates for all personnel.

18 (5) The remaining days shall be scheduled by each individual school by the
19 school's principal in consultation with the school improvement team.
20 Days may be scheduled for any of the purposes allowed under
21 subdivision (4) of this subsection. Days may be scheduled for different
22 purposes for different personnel and there is no requirement to schedule
23 the same dates for all personnel.

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

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

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

34 (1) The total number of teacher workdays for teachers employed for a 10
35 month term shall not exceed 200 days.

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

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

1 (4) Veteran's Day shall be a holiday for all students enrolled in the public
2 schools.

3 (b1) Days Excused Due to Inclement Weather. – If a local school administrative
4 unit has made up at least the number of days it is required to include in its calendar for
5 making up days and instructional hours missed when schools are not opened due to
6 inclement weather and if the local school board finds that it is impracticable to make up
7 additional days, the local board of education may excuse students from attendance for
8 three such days that the local board designates. On the days excused for students, the
9 local board may require teachers to report for a workday or it may excuse teachers from
10 attendance. The days excused for teachers under this paragraph do not have to be made
11 up by teachers and do not affect teachers' pay. Local boards of education shall report all
12 days excused for students, whether the days were excused for teachers, and the reason
13 they were excused to the State Board of Education. This report shall include total days
14 missed and the reason therefor, by date, and the total number of days made up, as
15 justification for the local board's action in the matter.

16 After the required number of days have been made up within the school calendar and
17 after the local board has exercised its authority to suspend three additional days, the State
18 Board of Education, at the request of the local board of education, may suspend school
19 for additional days in any local school administrative unit where it finds that conditions
20 justify such suspension of school. The State Board of Education may also, at the request
21 of the local board of education, suspend one or more days from the 180-day school term
22 for an individual school, regardless of how many days have been made up within the
23 school calendar for the school unit as a whole, if emergency conditions exist at that
24 school that might be threatening to the health, safety, and welfare of students and staff.
25 The days excused by the State Board do not have to be made up by teachers or students
26 and the first 15 such days do not affect teachers' pay.

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

31 (d) Opening and Closing Dates. – Local boards of education shall determine the
32 dates of opening and closing the public schools under subdivision (a)(1) of this section. A
33 local board may revise the scheduled closing date if necessary in order to comply with
34 the minimum requirements for instructional days or instructional time. Different opening
35 and closing dates may be fixed for schools in the same administrative unit."

36 Section 2. This act becomes effective July 1, 1999.