

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 1464*
Committee Substitute Favorable 7/1/04**

Short Title: School Calendar Changes.

(Public)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

1 AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL
2 TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL
3 OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE
4 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL
5 SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT
6 DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS
7 BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES,
8 POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE
9 THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL
10 BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL
11 TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND
12 AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS
13 ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND
14 CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT
15 NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE
16 DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED
17 VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT
18 LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S
19 PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH
20 ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO
21 ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT
22 ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS
23 MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO
24 DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR
25 THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE
26 THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE
27 THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES;
28 TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS
29

1 CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO
2 PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL
3 ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR
4 REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND
5 ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT
6 THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006
7 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE
8 HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE
9 UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT
10 BECOMES LAW.

11 The General Assembly of North Carolina enacts:

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

13 **"§ 115C-84.2. School calendar.**

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

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

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

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

1 If a local board adds instructional hours to previously
2 scheduled days under this subdivision, the local school
3 administrative unit is deemed to have a minimum of 180 days
4 of instruction, teachers employed for a 10-month term are
5 deemed to have been employed for the days being made up, and
6 all other employees shall be compensated as if they had worked
7 the days being made up.

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) ~~Eight-Five days, as designated by the local board, for use as teacher~~
13 ~~workdays, additional instructional days, or other lawful purposes. A~~
14 ~~local board may delegate to the individual schools some or all of the~~
15 ~~eight days to schedule under subdivision (5) of this subsection. A local~~
16 ~~board may schedule different purposes for different personnel on any~~
17 ~~given day and is not required to schedule the same dates for all~~
18 ~~personnel workdays. These days shall be protected to allow teachers to~~
19 ~~complete instructional and classroom administrative duties. The local~~
20 ~~school administrative unit shall not impose any additional tasks on~~
21 ~~these days. The local board shall schedule one of these days at the~~
22 ~~beginning of the school year and one at the end of each academic~~
23 ~~quarter.~~

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

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

43 Local boards and individual schools may designate any of the days scheduled under
44 subdivision (4) of this subsection and shall designate at least two of the days scheduled

1 under subdivision (5) of this subsection as days on which teachers may take
2 accumulated vacation leave. Local boards and individual schools shall give teachers at
3 least 14 calendar days' notice before requiring a teacher to work instead of taking
4 vacation leave on days scheduled in accordance with subdivision (4) or (5) of this
5 subsection. A teacher may elect to waive this notice requirement for one or more such
6 of these days.

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

9 (1) The total number of teacher workdays for teachers employed for a 10
10 month term shall not exceed ~~200~~190 days.

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

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

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

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

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

37 (e) Year-Round Schools. – Local boards of education may designate schools as
38 year-round schools. As used in this Chapter, the term 'year-round school' means the
39 school has a school calendar that covers at least 11 calendar months."

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

41 "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10
42 months. State-allotted months of employment for vocational education to local boards
43 shall be used for the employment of teachers of vocational and technical education for a
44 term of employment to be determined by the local boards of education. However, local

1 boards shall not reduce the term of employment for any vocational agriculture teacher
2 personnel position that was 12 calendar months for the 1982-83 school year for any
3 school year thereafter.

4 Each local board of education shall establish a set date on which monthly salary
5 payments to State-allotted teachers shall be made. This set pay date may differ from the
6 end of the month of service. The daily rate of pay for teachers shall equal ~~one~~
7 ~~twenty-second~~ one twenty-first of the monthly rate of pay. Except for teachers
8 employed in a year-round school or paid in accordance with a year-round calendar, or
9 both, the initial pay date for teachers shall be no later than August 31 and shall include a
10 full monthly payment. Subsequent pay dates shall be spaced no more than one month
11 apart and shall include a full monthly payment.

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

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

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

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

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

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