

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1057

Short Title: Restore Flexibility to the School Calendar. (Public)

Sponsors: Representatives Haire, Bell (Primary Sponsors); Glazier, Wainwright, and Womble.

Referred to: Education.

March 27, 2007

A BILL TO BE ENTITLED

AN ACT TO RESTORE FLEXIBILITY TO THE SCHOOL CALENDAR LAW.

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 215 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 for making up days and instructional hours missed when schools are not opened due to inclement weather.

(1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.

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

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

(4) ~~Five days, as designated by the local board, for use as teacher workdays. These days shall be protected to allow teachers to complete instructional and classroom administrative duties. The local school~~

~~administrative unit shall not impose any additional tasks on these days. The local board shall schedule one of these days at the beginning of the school year and one at the end of each academic quarter.~~

- (5) The remaining days scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purposes. Before consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. In order to make up days for school closing because of inclement weather, the local board may designate any of the days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.

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

Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

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

- (1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 195 days.
- (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
- (3) School shall not be held on Sundays.
- (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools.

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

(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section.

1 Except for year-round schools, the opening date for students shall not be before ~~August~~
2 ~~25, August 18,~~ and the closing date for students shall not be after June ~~10~~. If,
3 however, August 18 falls on Friday, the opening date shall not be before the preceding
4 Thursday; if August 18 falls on Saturday or Sunday, the opening date shall not be before
5 the following Monday.

6 On a showing of good cause, the State Board of Education may waive ~~this~~
7 ~~requirement~~ opening and closing dates set forth in this subsection to the extent that
8 school calendars are able to provide sufficient days to accommodate anticipated makeup
9 days due to school ~~closings.~~ closings, but in no event shall a waiver be granted
10 authorizing a school to open before August 10. A local board may revise the scheduled
11 closing date if necessary in order to comply with the minimum requirements for
12 instructional days or instructional time. For purposes of this subsection, the term "good
13 cause" means that schools in any local school administrative unit in a county have been
14 closed eight days per year during any four of the last 10 years because of severe weather
15 conditions, energy shortages, power failures, or other emergency situations.

16 The State Board also may waive ~~this requirement~~ the opening and closing dates set
17 forth in this subsection for an educational ~~purpose.~~ purpose, but in no event shall a
18 waiver be granted authorizing a school to open before August 10. The term "educational
19 purpose" means a local school administrative unit establishes a need to adopt a different
20 calendar ~~for~~ (i) for a specific school to accommodate a special program offered
21 generally to the student body of that school, (ii) for a school that primarily serves a
22 special population of students, ~~or~~ (iii) for a defined program within a ~~school.~~ school, (iv)
23 on a systemwide basis to align the calendar with that of a community college or
24 university in the geographic area; (v) on a systemwide basis to adjust the examination
25 schedule to benefit students or to accommodate Advanced Placement and International
26 Baccalaureate examinations; (vi) on a systemwide basis to accommodate
27 implementation of block schedules; or (vii) on a systemwide basis due to inclement
28 weather or other emergency situations. The State Board may grant the waiver for an
29 educational purpose for that specific school or defined program or on a systemwide
30 basis to the extent that the State Board finds that the educational purpose is reasonable,
31 the accommodation is necessary to accomplish the educational purpose, and the request
32 is not an attempt to circumvent the opening and closing dates set forth in this
33 subsection. The waiver requests for educational purposes shall not be used to
34 accommodate ~~system-wide class scheduling~~ mere preferences.

35 The required opening and closing dates under this subsection shall not apply to any
36 school that a local board designated as having a modified calendar for the 2003-2004
37 school year or to any school that was part of a planned program in the 2003-2004 school
38 year for a system of modified calendar schools, so long as the school operates under a
39 modified calendar.

40 (e) Nothing in this section prohibits a local board of education from offering
41 supplemental or additional educational programs or activities outside the calendar
42 adopted under this section."

43 **SECTION 2.** G.S. 115D-20 is amended by adding a new subdivision to
44 read:

1 **"§ 115D-20. Powers and duties of trustees.**

2 The trustees of each institution shall constitute the local administrative board of such
3 institution, with such powers and duties as are provided in this Chapter and as are
4 delegated to it by the State Board of Community Colleges. The powers and duties of
5 trustees shall include the following:

6 ...

7 (14) To the extent permitted by law and by rules adopted by the State Board
8 of Community Colleges, to align its calendar for curriculum courses
9 with the calendars of the local school administrative units located in its
10 service area."

11 **SECTION 3.** G.S. 116-235(a1) reads as rewritten:

12 "(a1) Academic Program. –

13 (1) The Board of Trustees shall establish the standard course of study for
14 the School. This course of study shall set forth the subjects to be taught
15 in each grade and the texts and other educational materials on each
16 subject to be used in each grade.

17 (2) The Board of Trustees shall adopt regulations governing class size, the
18 instructional calendar, the length of the instructional day, and the
19 number of instructional days in each term. To the extent permitted by
20 law and by rules adopted by the Board of Governors, the Board of
21 Trustees shall align its instructional calendar with the calendars of the
22 local school administrative unit located in its county and in contiguous
23 counties."

24 **SECTION 4.** This act becomes effective July 1, 2007, and applies beginning
25 with the 2007-2008 school year.