

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE BILL 1464\***

Short Title: School Calendar Changes. (Public)

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Sponsors: Representatives C. Wilson, Culpepper, Miner, Hill (Primary Sponsors); LaRoque, Church, Daughtridge, Decker, Jones, McHenry, Parmon, Preston, and K. Williams.

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Referred to: Commerce.

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May 17, 2004

A BILL TO BE ENTITLED

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

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~~210 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.

1 (1a) **(Applies only to 2002-2003 school year – See editor's note.)**

2 Notwithstanding subdivision (1) of this subsection, a local board may  
3 decide to make up a maximum of three instructional days by adding  
4 instructional hours to previously scheduled instructional days. A local  
5 board shall make this decision only if all of the following criteria are  
6 met:

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

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

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

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

27 (4) ~~Eight Five~~ days, as designated by the local board, for use as teacher  
28 ~~workdays, additional instructional days, or other lawful purposes. A~~  
29 ~~local board may delegate to the individual schools some or all of the~~  
30 ~~eight days to schedule under subdivision (5) of this subsection. A local~~  
31 ~~board may schedule different purposes for different personnel on any~~  
32 ~~given day and is not required to schedule the same dates for all~~  
33 ~~personnel workdays. These days shall be protected to allow teachers to~~  
34 complete instructional and classroom administrative duties. The local  
35 school administrative unit shall not impose any additional tasks on  
36 these days. The local board shall schedule one of these days at the  
37 beginning of the school year and one at the end of each academic  
38 quarter.

39 (5) The remaining days scheduled by each school's principal for any of the  
40 purposes allowed under subdivision (4) of this subsection. Before  
41 scheduling these days, the principal shall work with the school  
42 improvement team to determine the days to be scheduled and the  
43 purposes for which they should be scheduled. Days may be scheduled  
44 and planned for different purposes for different personnel and there is

1 no requirement to schedule the same dates for all personnel. However,  
2 if during the last two years the local school administrative unit has  
3 made up an average of at least eight days for school closing because of  
4 inclement weather, the local board may designate up to two of these  
5 days as additional make-up days to be scheduled after the last day of  
6 student attendance.

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

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

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

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

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

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

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

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

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

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

1       "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10  
2 months. State-allotted months of employment for vocational education to local boards  
3 shall be used for the employment of teachers of vocational and technical education for a  
4 term of employment to be determined by the local boards of education. However, local  
5 boards shall not reduce the term of employment for any vocational agriculture teacher  
6 personnel position that was 12 calendar months for the 1982-83 school year for any  
7 school year thereafter.

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

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

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

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

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

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

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

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