

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 593
Committee Substitute Favorable 5/11/09
Third Edition Engrossed 5/13/09
Senate Education/Higher Education Committee Substitute Adopted 7/7/10
Fifth Edition Engrossed 7/8/10

Short Title: Modify Good Cause Waivers. (Public)

Sponsors:

Referred to:

March 16, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE SCHOOL CALENDAR LAW REGARDING WAIVERS FOR
3 GOOD CAUSE DUE TO INCLEMENT WEATHER OR EMERGENCY CONDITIONS,
4 AND TO LIMIT THE USE OF PUBLIC FUNDS BY COUNTIES, MUNICIPALITIES,
5 AND LOCAL BOARDS OF EDUCATION TO ENDORSE OR OPPOSE A
6 REFERENDUM, ELECTION, OR CANDIDATE FOR OFFICE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 115C-84.2(d) reads as rewritten:

9 "(d) Opening and Closing Dates. – Local boards of education shall determine the dates
10 of opening and closing the public schools under subdivision (a)(1) of this section. Except for
11 year-round schools, the opening date for students shall not be before August 25, and the closing
12 date for students shall not be after June 10. On a showing of good cause, the State Board of
13 Education may waive this requirement to the extent that school calendars are able to provide
14 sufficient days to accommodate anticipated makeup days due to school closings. A local board
15 may revise the scheduled closing date if necessary in order to comply with the minimum
16 requirements for instructional days or instructional time. For purposes of this subsection, the
17 term "good cause" means either that:

- 18 (1) schools in any local school administrative unit in a county have been closed
19 eight days per year during any four of the last 10 years because of severe
20 weather conditions, energy shortages, power failures, or other emergency
21 ~~situations~~ situations; or
22 (2) schools in any local school administrative unit in a county have been closed
23 for all or part of eight days per year during any four of the last 10 years
24 because of severe weather conditions. For purposes of this subdivision, a
25 school shall be deemed to be closed for part of a day if it is closed for two or
26 more hours.

27 The State Board also may waive this requirement for an educational purpose. The term
28 "educational purpose" means a local school administrative unit establishes a need to adopt a
29 different calendar for (i) a specific school to accommodate a special program offered generally
30 to the student body of that school, (ii) a school that primarily serves a special population of
31 students, or (iii) a defined program within a school. The State Board may grant the waiver for
32 an educational purpose for that specific school or defined program to the extent that the State
33 Board finds that the educational purpose is reasonable, the accommodation is necessary to



1 accomplish the educational purpose, and the request is not an attempt to circumvent the
2 opening and closing dates set forth in this subsection. The waiver requests for educational
3 purposes shall not be used to accommodate system-wide class scheduling preferences.

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

8 **SECTION 1.5.(a)** Chapter 153A of the General Statutes is amended by adding a
9 new section to read:

10 **"§ 153A-456. Limitation on the use of public funds.**

11 A county shall not use public funds to endorse or oppose a referendum, election or a
12 particular candidate for elective office."

13 **SECTION 1.5.(b)** Chapter 160A of the General Statutes is amended by adding a
14 new section to read:

15 **"§ 160A-499.3. Limitation on the use of public funds.**

16 A municipality shall not use public funds to endorse or oppose a referendum, election or a
17 particular candidate for elective office."

18 **SECTION 1.5.(c)** Chapter 115C of the General Statutes is amended by adding a
19 new section to read:

20 **"§ 115C-46.1. Limitation on the use of public funds.**

21 A local board of education shall not use public funds to endorse or oppose a referendum,
22 election or a particular candidate for elective office."

23 **SECTION 2.** This act is effective when it becomes law and applies beginning with
24 the 2010-2011 school year.