

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 6

Short Title: Revise School Calendar.

(Public)

Sponsors: Senators Winner; Albertson, Cochrane, Conder, Cooper, Dalton, Foxx, Gulley, Hoyle, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Perdue, Plyler, Rand, Soles, Warren, Weinstein, and Wellons.

Referred to: Education/Higher Education.

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE LAWS RELATED TO THE PUBLIC SCHOOL
3 CALENDAR TO PROVIDE LOCAL BOARDS OF EDUCATION AND SCHOOLS
4 GREATER FLEXIBILITY AND LOCAL CONTROL.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-84 is repealed.

7 Section 2. G.S. 115C-84.1 is repealed.

8 Section 3. Part 2 of Article 8 of Chapter 115C of the General Statutes is
9 amended by adding a new section to read:

10 "**§ 115C-84.2. School calendar.**

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

14 (1) A minimum of 180 days and 1,000 hours of instruction covering at least
15 nine calendar months. The local board shall designate when the 180
16 instructional days shall occur. The number of instructional hours in an
17 instructional day may vary according to local board policy and does not
18 have to be uniform among 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 time may count towards the required minimum. The school calendar should include a plan for making up days when schools are not opened due to inclement weather.

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

(5) The remaining days shall be scheduled by each school's principal, in consultation with the school improvement team, for any of the purposes allowed under subdivision (4) of this subsection. A principal may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.

Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

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

(1) The total number of teacher workdays shall not exceed 200 days.

(2) Teachers may not be required to work during the month of July unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months.

(3) School shall not be held on Sundays.

(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. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. Different opening and closing dates may be fixed for schools in the same administrative unit."

Section 4. G.S. 115C-302 is repealed.

Section 5. Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-302.1. Salary.

1 (a) Prompt Payment. – Teachers shall be paid promptly when their salaries are
2 due provided the legal requirements for their employment and service have been met. All
3 teachers employed by any local school administrative unit who are to be paid from local
4 funds shall be paid promptly as provided by law and as State-allotted teachers are paid.

5 (b) Salary Payments. – State-allotted teachers shall be paid for a term of 10
6 months. State-allotted months of employment for vocational education to local boards
7 shall be used for the employment of teachers of vocational and technical education for a
8 term of employment to be determined by the local boards of education.

9 Each local board of education shall establish a set date on which monthly salary
10 payments to State-allotted teachers shall be made. This set pay date may differ from the
11 end of the month of service. Teachers shall only be paid for the days employed as of the
12 set pay date. The daily rate of pay for teachers shall equal one-twentieth of the monthly
13 rate of pay.

14 Teachers may be paid on the tenth month pay date for workdays scheduled to occur
15 after the tenth month but before the end of the fiscal year. A teacher who fails to attend
16 workdays scheduled after the 10-month term and who resigns, is dismissed, or whose
17 contract is not renewed shall repay to the local board any salary payments owed due to
18 the failure to attend the workdays. A teacher who continues to be employed by a local
19 board but fails to attend workdays scheduled after the 10-month term may be subject to
20 dismissal under G.S. 115C-325.

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

28 (c) Vacation. – Included within the 10-month term shall be annual vacation leave
29 at the same rate provided for State employees, computed at one-twelfth of the annual rate
30 for State employees for each month of employment. At least 10 days of annual vacation
31 leave shall be provided by each local board of education at a time when students are not
32 scheduled to be in regular attendance. However, vacation leave for instructional
33 personnel who do not require a substitute shall not be restricted to days that students are
34 not in attendance. Vocational and technical education teachers who are employed for 11
35 or 12 months may, with prior approval of the principal, work on annual vacation leave
36 days designated in the school calendar and take those annual vacation leave days during
37 the eleventh or twelfth month of employment. Notwithstanding any provisions of this
38 section to the contrary, no person shall be entitled to pay for any vacation day not earned
39 by that person.

40 On a day that employees are required to report for a workday but pupils are not
41 required to attend school due to inclement weather, a teacher may elect not to report due
42 to hazardous travel conditions and to take an annual vacation day or to make up the day

1 at a time agreed upon by the employee and the employee's immediate supervisor or
2 principal.

3 Teachers may accumulate annual vacation leave days without any applicable
4 maximum until June 30 of each year. On June 30 of each year, any teacher or other
5 personnel paid on the teacher salary schedule with more than 30 days of accumulated
6 annual vacation leave shall, at the teacher's option, have the excess accumulation
7 converted to either sick leave or pay, so that only 30 days are carried forward to July 1 of
8 the same year.

9 All vacation leave taken by the teacher will be upon the authorization of the teacher's
10 immediate supervisor and under policies established by the local board of education.
11 Annual vacation leave shall not be used to extend the term of employment. An employee
12 shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of
13 240 hours when separated from service due to resignation, dismissal, reduction in force,
14 death, or service retirement. Employees retiring on disability retirement may exhaust
15 annual leave rather than be paid in a lump sum.

16 The provisions of this subsection shall be accomplished without additional State and
17 local funds being appropriated for this purpose. The State Board of Education shall adopt
18 rules and regulations for the administration of this subsection.

19 (d) Personal Leave. – Teachers earn personal leave at the rate of .20 days for each
20 full month of employment not to exceed two days per year. Personal leave may be
21 accumulated to a maximum of five days. Personal leave may be used only upon the
22 authorization of the teacher's immediate supervisor, but if the request is made at least five
23 days in advance, the teacher cannot be required to provide a reason. No teacher may take
24 personal leave on the first day that teacher is required to report for the school year,
25 required teacher workdays, the day before or the day after holidays or scheduled vacation
26 days, except as approved by the principal. Teachers may transfer personal leave days
27 between LEAs. The LEA shall credit a teacher who has separated from service and is
28 reemployed within 60 months from the date of separation with all personal leave
29 accumulated at the time of separation. The LEA may not advance personal leave.
30 Teachers using personal leave receive full salary less the required substitute deduction.

31 (e) Teachers in Year-Round Schools. – Compensation for teachers employed in
32 year-round schools shall be the same as teachers paid for a 10-month term, but those days
33 may be scheduled over 12 calendar months. Annual leave, sick leave, workdays,
34 holidays, salary, and longevity for teachers who are employed at year-round schools,
35 shall be equivalent to those of other teachers employed for the same number of months,
36 respectively. Teachers paid for a term of 10 months in year-round schools shall receive
37 their salary in 12 equal installments.

38 (f) Overpayment. – Each local board of education shall sustain any loss by reason
39 of an overpayment to any teacher paid from State funds.

40 (g) Social Security. – All of the foregoing provisions of this section shall be
41 subject to the requirement that at least fifty dollars (\$50.00), or other minimum amount
42 required by federal social security laws, of the compensation of each school employee

1 covered by the Teachers' and State Employees' Retirement System or otherwise eligible
2 for social security coverage shall be paid in each of the four quarters of the calendar year.

3 (h) Service in Armed Forces. – The State Board of Education, in fixing the State
4 standard salary schedule of teachers as authorized by law, shall provide that teachers who
5 entered the armed or auxiliary forces of the United States after September 16, 1940, and
6 who left their positions for such service shall be allowed experience increments for the
7 period of such service as though the same had not been interrupted thereby, in the event
8 such persons return to the position of teachers, principals, and superintendents in the
9 public schools of the State after having been honorably discharged from the armed or
10 auxiliary forces of the United States.

11 (i) Teachers Paid From Other Funds. – Every local board of education may
12 adopt, as to teachers not paid out of State funds, a salary schedule similar to the State
13 salary schedule, but it likewise shall recognize a difference in salaries based on different
14 duties, training, experience, professional fitness, and continued service in the same school
15 system; but if any local board of education shall fail to adopt such a schedule, the State
16 salary schedule shall be in force. No teacher shall receive a salary higher than that
17 provided in the salary schedule, unless by action of the board of education a higher salary
18 is allowed for special fitness, special duties, or under extraordinary circumstances.

19 Whenever a higher salary is allowed, the minutes of the board shall show what salary
20 is allowed and the reason. A board of education may authorize the superintendent to
21 supplement the salaries of all teachers from local funds, and the minutes of the board
22 shall show what increase is allowed each teacher.

23 (j) Longevity Pay. – Longevity pay shall be based on the annual salary on the
24 employee's anniversary date.

25 (k) Parental Leave. – A teacher may use annual leave, personal leave, or leave
26 without pay to care for a newborn child or for a child placed with the teacher for adoption
27 or foster care. The leave may be for consecutive workdays during the first 12 months
28 after the date of birth or placement of the child, unless the teacher and local board of
29 education agree otherwise."

30 Section 6. G.S. 115C-316(a)(2) is rewritten to read:

31 "(2) School Employees Paid on an Hourly or Other Basis. – Salary payments
32 to employees other than those covered in G.S. 115C-272(b)(1), 115C-
33 285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-316(a)(1) shall be
34 made at a time determined by each local board of education.
35 Expenditures for the salary of these employees from State funds shall be
36 within allocations made by the State Board of Education and in
37 accordance with rules and regulations approved by the State Board of
38 Education concerning allocations of State funds: Provided, that school
39 employees employed for a term of 10 calendar months in year-round
40 schools shall be paid in 12 equal installments: Provided further, that any
41 individual school employee employed for a term of 10 calendar months
42 who is not employed in a year-round school may be paid in 12 monthly
43 installments if the employee so requests on or before the first day of the

1 school year. Such request shall be filed in the administrative unit which
2 employs the employee. The payment of the annual salary in 12
3 installments instead of 10 shall not increase or decrease said annual
4 salary nor in any other way alter the contract between the employee and
5 the said administrative unit. Employees may be paid on the tenth month
6 pay date for workdays scheduled to occur after the tenth month but
7 before the end of the fiscal year. An employee who fails to attend
8 workdays scheduled after the 10-month term and who resigns or is
9 dismissed shall repay to the local board any salary payments owed due
10 to the failure to attend the workdays. An employee who continues to be
11 employed by a local board but fails to attend workdays scheduled after
12 the 10-month term may be subject to dismissal. The daily rate of pay
13 shall equal one-twentieth of the monthly rate of pay. Included within the
14 term of employment shall be provided for full-time employees annual
15 vacation leave at the same rate provided for State employees, computed
16 at one-twelfth (1/12) of the annual rate for State employees for each
17 calendar month of employment, to be taken under policies determined
18 by each local board of education. On a day that employees are required
19 to report for a workday but pupils are not required to attend school due
20 to inclement weather, an employee may elect not to report due to
21 hazardous travel conditions and to take one of his annual vacation days
22 or to make up the day at a time agreed upon by the employee and his
23 immediate supervisor or principal. Included within their term of
24 employment, each local board of education shall designate the same or
25 an equivalent number of legal holidays occurring within the period of
26 employment as those designated by the State Personnel Commission for
27 State employees."

28 Section 7. G.S. 115C-47(5) reads as rewritten:

29 "(5) To Fix Time of Opening and Closing Schools. – The time of opening
30 and closing the public schools shall be fixed pursuant to the provisions of
31 ~~G.S. 115C-84(e)~~ under G.S. 115C-84.2."

32 Section 8. G.S. 115C-47(11) reads as rewritten:

33 "(11) To Determine the ~~Length of the School Day, the School Month and the~~
34 ~~School Term~~ School Calendar. – Local boards of education shall
35 determine the school calendar under G.S. 115C-84.2. ~~length of the~~
36 ~~school day, the school month and the school term pursuant to the~~
37 ~~provisions of G.S. 115C-84(a) through (e).~~"

38 Section 9. All rules, policies, and guidelines that are inconsistent with this act
39 are repealed. By October 31, 1997, the State Board of Education shall review and revise
40 its rules, policies, and guidelines to make them consistent with this act. The State Board
41 may use its authority under G.S. 150B-21.1 regarding the adoption of temporary rules
42 consistent with this act.

1 Section 10. This act is effective when it becomes law. Local boards of
2 education may implement this act as soon as feasible and are required to do so by the
3 beginning of the 1998-99 school year.