

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

1

HOUSE BILL 1126

Short Title: Repeal Increase in Instructional Days. (Public)

Sponsors: Representative Horn (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Education.

May 25, 2012

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE LAW INCREASING THE NUMBER OF INSTRUCTIONAL
DAYS IN THE PUBLIC SCHOOLS.

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) (**See notes**) A minimum of ~~185~~180 days and ~~1,025~~1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the ~~185~~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(1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.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(4) Repealed by Session Laws 2011-145, s. 7.29(a), effective July 1, 2011.

(4a) 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,



* H 1 1 2 6 - V - 1 *

1 or other lawful purposes. Before consulting with the local board, each
2 principal shall work with the school improvement team to determine the
3 days to be scheduled and the purposes for which they should be scheduled.
4 Days may be scheduled and planned for different purposes for different
5 personnel and there is no requirement to schedule the same dates for all
6 personnel. In order to make up days for school closing because of inclement
7 weather, the local board may designate any of the days in this subdivision as
8 additional make-up days to be scheduled after the last day of student
9 attendance.

10 ~~If the State Board of Education finds that it will enhance student performance to do so, the~~
11 ~~State Board may grant a local board of education a waiver to use up to five of the instructional~~
12 ~~days required by subdivision (1) of this subsection as teacher workdays. For each instructional~~
13 ~~day waived, the State Board shall waive an equivalent number of instructional hours.~~

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

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

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

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

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

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

- 50 (1) Schools in any local school administrative unit in a county have been closed
51 eight days per year during any four of the last 10 years because of severe

1 weather conditions, energy shortages, power failures, or other emergency
2 situations; or
3 (2) Schools in any local school administrative unit in a county have been closed
4 for all or part of eight days per year during any four of the last 10 years
5 because of severe weather conditions. For purposes of this subdivision, a
6 school shall be deemed to be closed for part of a day if it is closed for two or
7 more hours.

8 The State Board also may waive this requirement for an educational purpose. The term
9 "educational purpose" means a local school administrative unit establishes a need to adopt a
10 different calendar for (i) a specific school to accommodate a special program offered generally
11 to the student body of that school, (ii) a school that primarily serves a special population of
12 students, or (iii) a defined program within a school. The State Board may grant the waiver for
13 an educational purpose for that specific school or defined program to the extent that the State
14 Board finds that the educational purpose is reasonable, the accommodation is necessary to
15 accomplish the educational purpose, and the request is not an attempt to circumvent the
16 opening and closing dates set forth in this subsection. The waiver requests for educational
17 purposes shall not be used to accommodate system-wide class scheduling preferences.

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

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

25 **SECTION 2.** G.S. 115C-238.29F(d)(1) reads as rewritten:

26 "(1) **(See note)** The school shall provide instruction each year for at least 185~~180~~
27 days. ~~If the State Board of Education finds that it will enhance student~~
28 ~~performance to do so, the State Board may grant a charter school a waiver to~~
29 ~~use up to five of these instructional days as teacher workdays."~~

30 **SECTION 3.** G.S. 115C-238.66(1)d. reads as rewritten:

31 "d. The board of directors shall adopt a school calendar consisting of a
32 minimum of 185~~180~~ days of instruction covering at least nine
33 calendar months."

34 **SECTION 4.** This act becomes effective July 1, 2012, and applies beginning with
35 the 2012-2013 school year.