

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1847

Short Title: School Calendar Law Changes.

(Public)

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Sponsors: Representatives Warner; and Jeffus.

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Referred to: Rules, Calendar, and Operations of the House.

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May 30, 2000

A BILL TO BE ENTITLED

1 AN ACT TO MODIFY THE LAW PERTAINING TO THE SCHOOL CALENDAR  
2 AND TO APPROPRIATE FUNDS TO STUDY ISSUES RELATED TO THE  
3 SCHOOL CALENDAR.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-84.2(a)(1) reads as rewritten:

7 "(a) School Calendar. – Each local board of education shall adopt a school calendar  
8 consisting of 220 days all of which shall fall within the fiscal year. A school calendar  
9 shall include the following:

10 (1) A minimum of either 180 days ~~and~~ or 1,000 hours of instruction  
11 covering at least nine calendar months. The local board shall designate  
12 when the 180 instructional days shall occur. The number of instructional  
13 hours in an instructional day may vary according to local board policy  
14 and does not have to be uniform among the schools in the administrative  
15 unit. Local boards may approve school improvement plans that include  
16 days with varying amounts of instructional time. If school is closed  
17 early due to inclement weather, the day and the scheduled amount of  
18 instructional hours may count towards the required minimum to the  
19 extent allowed by State Board policy. The school calendar shall include  
20 a plan for making up ~~days and~~ instructional days, instructional ~~hours~~

1           hours, or both, missed when schools are not opened due to inclement  
2           weather.

3           One thousand hours shall be considered the equivalent to 180 days  
4           for the purpose of computing the minimum number of instructional days  
5           required by this subdivision and for the purpose of computing the  
6           number of instructional days worked by teachers."

7           Section 2. G.S. 115C-84.2(c) reads as rewritten:

8           "(c) Emergency Conditions. –

9           (1) During any period of emergency in any section of the State where  
10           emergency conditions make it necessary, the State Board of Education  
11           may order general, and if necessary, extended recesses or adjournment  
12           of the public schools.

13           (2) During any period of emergency or state of disaster which requires (i)  
14           the evacuation of all or part of the population from any stricken or  
15           threatened area or (ii) severe limitations on nonessential vehicular  
16           traffic in or to the area, the Governor may order the closing of public  
17           schools in the area. Hours or days the schools are closed pursuant to  
18           this section shall be counted as instructional hours or days for students  
19           and teachers. These hours or days do not have to be made up by  
20           students or teachers and they do not affect teacher pay."

21           Section 3. G.S. 115C-302.1(c) reads as rewritten:

22           "(c) Vacation. – Included within the 10-month term shall be annual vacation leave  
23           at the same rate provided for State employees, computed at one-twelfth of the annual rate  
24           for State employees for each month of employment. Local boards shall provide at least  
25           10 days of annual vacation leave at a time when students are not scheduled to be in  
26           regular attendance. However, instructional personnel who do not require a substitute may  
27           use annual vacation leave on days that students are in attendance. Vocational and  
28           technical education teachers who are employed for 11 or 12 months may, with prior  
29           approval of the principal, work on annual vacation leave days designated in the school  
30           calendar and may use those annual vacation leave days during the eleventh or twelfth  
31           month of employment.

32           On a day that pupils are not required to attend school due to inclement weather, but  
33           employees are ~~required~~ given the option to report for a workday, a teacher may elect not  
34           to report due to hazardous travel conditions and to take an annual vacation day or to make  
35           up the day at a time agreed upon by the teacher and the teacher's immediate supervisor or  
36           principal. On a day that school is closed to employees and pupils due to inclement  
37           weather, a teacher shall work on the scheduled makeup day.

38           All vacation leave taken by the teacher will be upon the authorization of the teacher's  
39           immediate supervisor and under policies established by the local board of education.  
40           Annual vacation leave shall not be used to extend the term of employment.

41           Notwithstanding any provisions of this subsection to the contrary, no person shall be  
42           entitled to pay for any vacation day not earned by that person."

43           Section 4. G.S. 115C-302.1(c1) reads as rewritten:

1       "(c1) Conversion of Leave. – Teachers may accumulate annual vacation leave days  
2 without any applicable maximum until June 30 of each year. In order that only 30 days of  
3 annual vacation leave carry forward to July 1, on June 30 of each year any teacher or  
4 other personnel paid on the teacher salary schedule who has accumulated more than 30  
5 days of annual vacation leave shall:

6           (1) Convert to either sick leave or to pay the excess accumulation that is the  
7 result of the teacher having to forfeit annual vacation leave in order to  
8 attend required workdays; and

9           (2) Convert to sick leave the remaining excess accumulation.

10 Local boards of education shall identify which days are accumulated due to the teacher  
11 forfeiting annual vacation leave in order to attend ~~required~~-workdays. Actual payment for  
12 excess accumulated annual vacation leave may be made after July 1."

13       Section 5. G.S. 115C-302.1(c2) reads as rewritten:

14       "(c2) Conversion of Leave Upon Separation of Service. – Upon separation  
15 from service due to service retirement, resignation, dismissal, reduction in force, or death,  
16 an employee shall be paid in a lump sum for accumulated annual vacation leave not to  
17 exceed a maximum of 30 days. Employees going onto term disability may exhaust annual  
18 leave rather than be paid in a lump sum.

19       Any teacher or other personnel paid on the teacher salary schedule who has more than  
20 30 days of accumulated annual vacation leave at the time the person retires shall:

21           (1) Convert to either sick leave or to pay the excess accumulation that is the  
22 result of the teacher having to forfeit annual vacation leave in order to  
23 attend ~~required~~-workdays; and

24           (2) Convert to sick leave the remaining excess accumulation which may be  
25 used for creditable service at retirement in accordance with G.S. 135-  
26 4(e).

27 Local boards of education shall identify which days are accumulated due to the teacher  
28 forfeiting annual vacation leave in order to attend required workdays."

29       Section 6. There is appropriated from the General Fund to the State Board of  
30 Education the sum of twenty thousand dollars (\$20,000) for the 2000-2001 fiscal year to  
31 study issues related to the public school calendar. The State Board shall report the results  
32 of this study to the Joint Legislative Education Oversight Committee prior to February 1,  
33 2001.

34       Section 7. Section 6 of this act becomes effective July 1, 2001. The remainder  
35 of this act is effective when it becomes law. Section 2 of this act apply to all school years  
36 beginning with the 2000-2001 school year. Sections 1, 3, 4, and 5 of this act apply to all  
37 school years beginning with the 1999-2000 school year.