



1 FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF  
2 EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS;  
3 TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL  
4 ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR  
5 REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND  
6 ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT  
7 THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006  
8 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE  
9 HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE  
10 UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT  
11 BECOMES LAW.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 115C-84.2 reads as rewritten:

14 **"§ 115C-84.2. School calendar.**

15 (a) School Calendar. – Each local board of education shall adopt a school  
16 calendar consisting of ~~220~~215 days all of which shall fall within the fiscal year. A  
17 school calendar shall include the following:

18 (1) A minimum of 180 days and 1,000 hours of instruction covering at  
19 least nine calendar months. The local board shall designate when the  
20 180 instructional days shall occur. The number of instructional hours  
21 in an instructional day may vary according to local board policy and  
22 does not have to be uniform among the schools in the administrative  
23 unit. Local boards may approve school improvement plans that include  
24 days with varying amounts of instructional time. If school is closed  
25 early due to inclement weather, the day and the scheduled amount of  
26 instructional hours may count towards the required minimum to the  
27 extent allowed by State Board policy. The school calendar shall  
28 include a plan for making up days and instructional hours missed when  
29 schools are not opened due to inclement weather.

30 (1a) **(Applies only to 2002-2003 school year – See editor's note.)**  
31 Notwithstanding subdivision (1) of this subsection, a local board may  
32 decide to make up a maximum of three instructional days by adding  
33 instructional hours to previously scheduled instructional days. A local  
34 board shall make this decision only if all of the following criteria are  
35 met:

- 36 a. The days to be made up were missed when schools were unable  
37 to be opened due to unusual and extraordinary inclement  
38 weather conditions.
- 39 b. It would cause undue hardship to parents, children, and teachers  
40 to make up those days.
- 41 c. The school calendar continues to have a minimum of 1,000  
42 instructional hours covering at least nine months.
- 43 d. The additional hours must equal the regularly scheduled  
44 number of instructional hours at each school.

1           If a local board adds instructional hours to previously  
2           scheduled days under this subdivision, the local school  
3           administrative unit is deemed to have a minimum of 180 days  
4           of instruction, teachers employed for a 10-month term are  
5           deemed to have been employed for the days being made up, and  
6           all other employees shall be compensated as if they had worked  
7           the days being made up.

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

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

12           (4) ~~Eight-Five~~ days, as designated by the local board, for use as teacher  
13           workdays, additional instructional days, or other lawful purposes. A  
14           local board may delegate to the individual schools some or all of the  
15           eight days to schedule under subdivision (5) of this subsection. A local  
16           board may schedule different purposes for different personnel on any  
17           given day and is not required to schedule the same dates for all  
18           personnel. workdays that are protected to allow teachers to complete  
19           instructional and classroom administrative duties. The local school  
20           administrative unit shall not impose any additional tasks on these five  
21           days.

22           (5) The remaining days scheduled by the local board in consultation with  
23           each school's principal for ~~any of the purposes allowed under~~  
24           ~~subdivision (4) of this subsection.~~ use as teacher workdays, additional  
25           instructional days, or other lawful purposes. Before scheduling these  
26           ~~days, the principal consulting with the local board, each principal shall~~  
27           work with the school improvement team to determine the days to be  
28           scheduled and the purposes for which they should be scheduled. Days  
29           may be scheduled and planned for different purposes for different  
30           personnel and there is no requirement to schedule the same dates for  
31           all personnel. ~~However, if during the last two years the local school~~  
32           ~~administrative unit has made up an average of at least eight days for~~  
33           ~~school closing because of inclement weather, the local board may~~  
34           ~~designate up to two~~ In order to make up days for school closing  
35           because of inclement weather, the local board may designate any of  
36           these days as additional make-up days to be scheduled after the last  
37           day of student attendance.

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

42           Local boards ~~and individual schools shall designate the five days scheduled under~~  
43           subdivision (4) of this subsection as days on which teachers may take accumulated  
44           vacation leave. Local boards shall give teachers at least 14 calendar days' notice before

1 requiring a teacher to work instead of taking vacation leave on days scheduled in  
2 accordance with subdivision (4) ~~or~~ (5) of this subsection. A teacher may elect to waive  
3 this notice requirement for one or more ~~such~~ of these days.

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

6 (1) The total number of teacher workdays for teachers employed for a 10  
7 month term shall not exceed ~~200~~ 195 days.

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

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

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

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

21 (d) Opening and Closing Dates. – Local boards of education shall determine the  
22 dates of opening and closing the public schools under subdivision (a)(1) of this section.  
23 Except for year-round schools, the opening date for students shall not be before August  
24 25, and the closing date for students shall not be after June 10. On a showing of good  
25 cause, the State Board of Education may waive this requirement to the extent that  
26 school calendars are able to provide sufficient days to accommodate anticipated makeup  
27 days due to school closings. A local board may revise the scheduled closing date if  
28 necessary in order to comply with the minimum requirements for instructional days or  
29 instructional time. ~~Different opening and closing dates may be fixed for schools in the~~  
30 ~~same administrative unit.~~ For purposes of this subsection, the term 'good cause' means  
31 that schools in any local school administrative unit in a county have been closed eight  
32 days per year during any four of the last 10 years because of severe weather conditions,  
33 energy shortages, power failures, or other emergency situations. The State Board also  
34 may waive this requirement for an educational purpose. The term 'educational purpose'  
35 means a local school administrative unit establishes a need for a school to accommodate  
36 a special program or a special population of students. The State Board may grant the  
37 waiver for an educational purpose for that school to the extent that the State Board finds  
38 that the educational purpose is reasonable, the accommodation is necessary to  
39 accomplish the educational purpose, and the request is not an attempt to circumvent the  
40 opening and closing dates set forth in this subsection. The waiver requests for  
41 educational purposes shall not be used to accommodate system-wide class scheduling  
42 preferences.

43 (e) Year-Round Schools. – Local boards of education may adopt different  
44 calendars for different schools. Any school with a school calendar that has at least one

1 school calendar day that falls in a minimum of 11 calendar months is considered a  
2 'year-round school' for the purpose of this Chapter."

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

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

11 Each local board of education shall establish a set date on which monthly salary  
12 payments to State-allotted teachers shall be made. This set pay date may differ from the  
13 end of the month of service. The daily rate of pay for teachers shall equal ~~one~~  
14 ~~twenty-second~~ midway between one twenty-first and one twenty-second of the monthly  
15 rate of pay. Except for teachers employed in a year-round school or paid in accordance  
16 with a year-round calendar, or both, the initial pay date for teachers shall be no later  
17 than August 31 and shall include a full monthly payment. Subsequent pay dates shall be  
18 spaced no more than one month apart and shall include a full monthly payment.

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

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

34 Notwithstanding this subsection, the term 'daily rate of pay' for the purpose of  
35 G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the  
36 teacher salary schedule shall not exceed one twenty-second of a teacher's monthly rate  
37 of pay."

38 **SECTION 3.** For certified and noncertified employees employed on or after  
39 the effective date of this act, the annual rate of pay beginning with the 2005-2006 school  
40 year shall not be reduced as the result of this act. Furthermore, nothing in this act shall  
41 be construed to change the pay cycle for noncertified employees. The State Board of  
42 Education shall report annually to the Joint Legislative Education Oversight Committee  
43 on local compliance with this section.

1           **SECTION 4.** The State Board of Education shall study the scheduling of and  
2 purposes of noninstructional teacher workdays. As part of the study, the State Board  
3 shall consult with interested stakeholders that include members of local boards of  
4 education, school administrators, teachers, parents, and others the State Board considers  
5 appropriate. The State Board shall report any findings to the Joint Legislative  
6 Education Oversight Committee by December 15, 2004.

7           **SECTION 5.** Nothing in this act shall require the General Assembly to  
8 appropriate funds to implement it or require a local school administrative unit to spend  
9 additional funds to implement it.

10           **SECTION 6.** This act is effective when it becomes law and applies to school  
11 years beginning with the 2005-2006 school year. This act shall apply in all 100 counties  
12 and in all local school administrative units.