

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 737

Short Title: Calendar Must Let Teachers Take Earned Leave. (Public)

Sponsors: Senators Lucas; Dannelly, Dorsett, Garwood, Holloman, Kinnaird, and
Malone.

Referred to: Education/Higher Education.

April 3, 2003

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE SCHOOL CALENDAR TO ENSURE TEACHERS
HAVE AN OPPORTUNITY TO TAKE ADVANTAGE OF ANNUAL LEAVE
THEY HAVE EARNED.

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 220 days all of which shall fall within the fiscal year. A school calendar shall include the following:

- (1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 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.
- (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) Eight days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful purposes. A

1 local board may delegate to the individual schools some or all of the
2 eight days to schedule under subdivision (5) of this subsection. A local
3 board may schedule different purposes for different personnel on any
4 given day and is not required to schedule the same dates for all
5 personnel.

- 6 (5) The remaining days scheduled by each school's principal for any of the
7 purposes allowed under subdivision (4) of this subsection. Before
8 scheduling these days, the principal shall work with the school
9 improvement team to determine the days to be scheduled and the
10 purposes for which they should be scheduled. Days may be scheduled
11 and planned for different purposes for different personnel and there is
12 no requirement to schedule the same dates for all personnel. However,
13 if during the last two years the local school administrative unit has
14 made up an average of at least eight days for school closing because of
15 inclement weather, the local board may designate up to two of these
16 days as additional make-up days to be scheduled after the last day of
17 student attendance.

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

22 (a1) Local boards and individual schools may designate specific days scheduled in
23 accordance with subdivision (4) or (5) of subsection (a) of this section as required
24 attendance days for teachers so long as:

- 25 (1) Teachers have an opportunity to take all of the annual leave time they
26 earned during the school year, which is up to 11.5 days, on such days,
27 and
28 (2) Teachers are given ~~shall give teachers~~ at least 14 calendar days' notice
29 before ~~requiring a teacher being required~~ to work instead of taking
30 vacation leave on days scheduled in accordance with subdivision (4) or
31 (5) of this subsection, such days. A teacher may elect to waive this
32 notice requirement for one or more such days.

33"

34 **SECTION 2.** This act becomes effective July 1, 2003.