

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 478

Short Title: Modify School Calendar Law. (Public)

Sponsors: Senators East (By Request); Brock, Goss, and Tillman.

Referred to: Education/Higher Education.

March 10, 2009

A BILL TO BE ENTITLED
AN ACT TO AMEND THE SCHOOL CALENDAR LAW TO GIVE LOCAL BOARDS OF
EDUCATION MORE SCHEDULING AUTHORITY.

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) 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.

(1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.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) 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, or other lawful purposes. Before consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different



1 personnel and there is no requirement to schedule the same dates for all
2 personnel. In order to make up days for school closing because of inclement
3 weather, the local board may designate any of the days in this subdivision as
4 additional make-up days to be scheduled after the last day of student
5 attendance.

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

10 Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of
11 this subsection as days on which teachers may take accumulated vacation leave. Local boards
12 may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as
13 days on which teachers may take accumulated vacation leave, but local boards shall give
14 teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking
15 vacation leave on any of these days. A teacher may elect to waive this notice requirement for
16 one or more of these days.

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

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

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

33 ~~(d) Opening and Closing Dates. – Local boards of education shall determine the dates~~
34 ~~of opening and closing the public schools under subdivision (a)(1) of this section. Except for~~
35 ~~year-round schools, the opening date for students shall not be before August 25, and the closing~~
36 ~~date for students shall not be after June 10. On a showing of good cause, the State Board of~~
37 ~~Education may waive this requirement to the extent that school calendars are able to provide~~
38 ~~sufficient days to accommodate anticipated makeup days due to school closings. A local board~~
39 ~~may revise the scheduled closing date if necessary in order to comply with the minimum~~
40 ~~requirements for instructional days or instructional time. For purposes of this subsection, the~~
41 ~~term "good cause" means that schools in any local school administrative unit in a county have~~
42 ~~been closed eight days per year during any four of the last 10 years because of severe weather~~
43 ~~conditions, energy shortages, power failures, or other emergency situations.~~

44 ~~The State Board also may waive this requirement for an educational purpose. The term~~
45 ~~"educational purpose" means a local school administrative unit establishes a need to adopt a~~
46 ~~different calendar for (i) a specific school to accommodate a special program offered generally~~
47 ~~to the student body of that school, (ii) a school that primarily serves a special population of~~
48 ~~students, or (iii) a defined program within a school. The State Board may grant the waiver for~~
49 ~~an educational purpose for that specific school or defined program to the extent that the State~~
50 ~~Board finds that the educational purpose is reasonable, the accommodation is necessary to~~
51 ~~accomplish the educational purpose, and the request is not an attempt to circumvent the~~

1 opening and closing dates set forth in this subsection. The waiver requests for educational
2 purposes shall not be used to accommodate system wide class scheduling preferences.

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

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

10 **SECTION 2.** This act is effective when it becomes law and applies beginning with
11 the 2009-2010 school year.