

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 6  
Education/Higher Education Committee Substitute Adopted 3/6/97

Short Title: Revise School Calendar.

(Public)

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Sponsors:

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Referred to: Pensions & Retirement and Insurance.

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February 3, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE LAWS RELATED TO THE PUBLIC SCHOOL  
3 CALENDAR TO PROVIDE LOCAL BOARDS OF EDUCATION AND SCHOOLS  
4 GREATER FLEXIBILITY AND LOCAL CONTROL.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-84 is repealed.

7 Section 2. G.S. 115C-84.1 is repealed.

8 Section 3. Part 2 of Article 8 of Chapter 115C of the General Statutes is  
9 amended by adding a new section to read:

10 "**§ 115C-84.2. School calendar.**

11 (a) School Calendar. – Each local board of education shall adopt a school calendar  
12 consisting of 220 days all of which must fall within the fiscal year. A school calendar  
13 shall include the following:

14 (1) A minimum of 180 days and 1,000 hours of instruction covering at least  
15 nine calendar months. The local board shall designate when the 180  
16 instructional days shall occur. The number of instructional hours in an  
17 instructional day may vary according to local board policy and does not  
18 have to be uniform among schools in the administrative unit. Local  
19 boards may approve school improvement plans that include days with

1           varying amounts of instructional time. If school is closed early due to  
2           inclement weather, the day and the scheduled amount of instructional  
3           hours may count towards the required minimum. The school calendar  
4           should include a plan for making up days and instructional hours missed  
5           when schools are not opened due to inclement weather.

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

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

10          (4) Ten days, as designated by the local board, for use as teacher workdays,  
11          additional instructional days, or other lawful purposes. A local board  
12          may delegate to the individual schools some or all of the 10 days to  
13          schedule under subdivision (5) of this subsection. A local board may  
14          schedule different purposes for different personnel on any given day and  
15          is not required to schedule the same dates for all personnel.

16          (5) The remaining days shall be scheduled by each individual school in any  
17          or all of the following methods: (i) by the school improvement team in  
18          consultation with the school's principal, (ii) in the school improvement  
19          plan, (iii) by an amendment to the school improvement plan, and (iv) by  
20          agreement between the individual teacher and the school's principal.  
21          Days may be scheduled for any of the purposes allowed under  
22          subdivision (4) of this subsection. Days may be scheduled for different  
23          purposes for different personnel and there is no requirement to schedule  
24          the same dates for all personnel.

25          Local boards of education shall consult with parents and the employed public school  
26          personnel in the development of the school calendar.

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

29               (1) The total number of teacher workdays shall not exceed 200 days.

30               (2) Teachers may not be required to work during the month of July unless:  
31               (i) the school is a year-round school; or (ii) the teacher is employed for a  
32               term in excess of 10 months.

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

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

38          (d) Opening and Closing Dates. – Local boards of education shall determine the  
39          dates of opening and closing the public schools under subdivision (a)(1) of this section.  
40          A local board may revise the scheduled closing date if necessary in order to comply with  
41          the minimum requirements for instructional days or instructional time. Different opening  
42          and closing dates may be fixed for schools in the same administrative unit."

43          Section 4. G.S. 115C-302 is repealed.

1 Section 5. Article 20 of Chapter 115C of the General Statutes is amended by  
2 adding a new section to read:

3 "**§ 115C-302.1. Salary.**

4 (a) Prompt Payment. – Teachers shall be paid promptly when their salaries are  
5 due provided the legal requirements for their employment and service have been met. All  
6 teachers employed by any local school administrative unit who are to be paid from local  
7 funds shall be paid promptly as provided by law and as State-allotted teachers are paid.

8 (b) Salary Payments. – State-allotted teachers shall be paid for a term of 10  
9 months. State-allotted months of employment for vocational education to local boards  
10 shall be used for the employment of teachers of vocational and technical education for a  
11 term of employment to be determined by the local boards of education.

12 Each local board of education shall establish a set date on which monthly salary  
13 payments to State-allotted teachers shall be made. This set pay date may differ from the  
14 end of the month of service. The daily rate of pay for teachers shall equal one twenty-  
15 second of the monthly rate of pay.

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

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

30 (c) Vacation. – Included within the 10-month term shall be annual vacation leave  
31 at the same rate provided for State employees, computed at one-twelfth of the annual rate  
32 for State employees for each month of employment. Local boards shall provide at least  
33 10 days of annual vacation leave at a time when students are not scheduled to be in  
34 regular attendance. However, instructional personnel who do not require a substitute may  
35 use annual vacation leave on days that students are in attendance. Vocational and  
36 technical education teachers who are employed for 11 or 12 months may, with prior  
37 approval of the principal, work on annual vacation leave days designated in the school  
38 calendar and may use those annual vacation leave days during the eleventh or twelfth  
39 month of employment.

40 On a day that pupils are not required to attend school due to inclement weather, but  
41 employees are required to report for a workday, a teacher may elect not to report due to  
42 hazardous travel conditions and to take an annual vacation day or to make up the day at a  
43 time agreed upon by the teacher and the teacher's immediate supervisor or principal. On

1 a day that school is closed to employees and pupils due to inclement weather, a teacher  
2 shall work on the scheduled makeup day.

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

6 Teachers may accumulate annual vacation leave days without any applicable  
7 maximum until June 30 of each year. On June 30 of each year, any teacher or other  
8 personnel paid on the teacher salary schedule with more than 30 days of accumulated  
9 annual vacation leave shall, at the teacher's option, have the excess accumulation  
10 converted to either sick leave or pay, so that only 30 days are carried forward to July 1 of  
11 the same year.

12 Upon separation from service due to resignation, dismissal, reduction in force, or  
13 death, an employee shall be paid in a lump sum for accumulated annual leave not to  
14 exceed a maximum of 30 days. Upon separation from service due to service retirement,  
15 any teacher or other personnel paid on the teacher salary schedule with more than 30 days  
16 of accumulated annual vacation leave may, at the teacher's option, have some or all of the  
17 excess accumulation converted to sick leave for creditable service towards retirement. A  
18 retiring teacher's accumulated annual leave, including any excess accumulated annual  
19 leave that is not converted to sick leave, shall be paid in a lump sum. Employees going  
20 onto term disability may exhaust annual leave rather than be paid in a lump sum.

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

23 (d) Personal Leave. – Teachers earn personal leave at the rate of .20 days for each  
24 full month of employment not to exceed two days per year. Personal leave may be  
25 accumulated to a maximum of five days. Personal leave may be used only upon the  
26 authorization of the teacher's immediate supervisor, but if the request is made at least five  
27 days in advance, the teacher cannot be required to provide a reason for the request.  
28 Unless approved by the principal, a teacher may not take personal leave on the first day  
29 the teacher is required to report for the school year, on required teacher workdays, or on  
30 the day before or the day after holidays or scheduled vacation days. Teachers may  
31 transfer personal leave days between local school administrative units. The local school  
32 administrative unit shall credit a teacher who has separated from service and is  
33 reemployed within 60 months from the date of separation with all personal leave  
34 accumulated at the time of separation. Local school administrative units may not  
35 advance personal leave. Teachers using personal leave receive full salary less the  
36 required substitute deduction.

37 (e) Teachers in Year-Round Schools. – Compensation for teachers employed in  
38 year-round schools shall be the same as teachers paid for a 10-month term, but those days  
39 may be scheduled over 12 calendar months. Annual leave, sick leave, workdays,  
40 holidays, salary, and longevity for teachers who are employed at year-round schools shall  
41 be equivalent to those of other teachers employed for the same number of months,  
42 respectively. Teachers paid for a term of 10 months in year-round schools shall receive  
43 their salary in 12 equal installments.

1       (f) Overpayment. – Each local board of education shall sustain any loss by reason  
2 of an overpayment to any teacher paid from State funds.

3       (g) Social Security. – All of the foregoing provisions of this section shall be  
4 subject to the requirement that at least fifty dollars (\$50.00), or other minimum amount  
5 required by federal social security laws, of the compensation of each school employee  
6 covered by the Teachers' and State Employees' Retirement System or otherwise eligible  
7 for social security coverage shall be paid in each of the four quarters of the calendar year.

8       (h) Service in Armed Forces. – The State Board of Education, in fixing the State  
9 standard salary schedule of teachers as authorized by law, shall provide that teachers who  
10 entered the armed or auxiliary forces of the United States after September 16, 1940, and  
11 who left their positions for such service shall be allowed experience increments for the  
12 period of such service as though the same had not been interrupted thereby, in the event  
13 such persons return to the position of teachers, principals, and superintendents in the  
14 public schools of the State after having been honorably discharged from the armed or  
15 auxiliary forces of the United States.

16       (i) Teachers Paid From Other Funds. – Every local board of education may  
17 adopt, as to teachers not paid out of State funds, a salary schedule similar to the State  
18 salary schedule, but it likewise shall recognize a difference in salaries based on different  
19 duties, training, experience, professional fitness, and continued service in the same school  
20 system. If a local board of education does not adopt a local salary schedule, the State  
21 salary schedule shall apply. No teacher shall receive a salary higher than that provided in  
22 the salary schedule, unless by action of the board of education a higher salary is allowed  
23 for special fitness, special duties, or under extraordinary circumstances.

24       Whenever a higher salary is allowed, the minutes of the board shall show what salary  
25 is allowed and the reason. A board of education may authorize the superintendent to  
26 supplement the salaries of all teachers from local funds, and the minutes of the board  
27 shall show what increase is allowed each teacher.

28       (j) Longevity Pay. – Longevity pay shall be based on the annual salary on the  
29 employee's anniversary date.

30       (k) Parental Leave. – A teacher may use annual leave, personal leave, or leave  
31 without pay to care for a newborn child or for a child placed with the teacher for adoption  
32 or foster care. The leave may be for consecutive workdays during the first 12 months  
33 after the date of birth or placement of the child, unless the teacher and local board of  
34 education agree otherwise."

35       Section 6. G.S. 115C-272(b)(1) reads as rewritten:

36       "(1) Each local board of education shall establish a set date on which  
37 monthly salary payments to superintendents shall be made. This set pay  
38 date may differ from the end of the calendar month of service.  
39 Superintendents shall only be paid for the days employed as of the set  
40 pay date. Payment for a full month when days employed are less than a  
41 full month is prohibited as this constitutes prepayment. The daily rate of  
42 pay shall equal the number of weekdays in the pay period. Included  
43 within their term of employment shall be annual vacation leave at the

1 same rate provided for State employees. Included within the 12 months'  
2 employment each local board of education shall designate the same or  
3 an equivalent number of legal holidays as those designated by the State  
4 Personnel Commission for State employees."

5 Section 7. G.S. 115C-285(b)(1) reads as rewritten:

6 "(1) Classified principals and State-allotted supervisors shall be employed  
7 for a term of 12 calendar months. Each local board of education shall  
8 establish a set date on which monthly salary payments to classified  
9 principals and State-allotted supervisors shall be made. This set pay date  
10 may differ from the end of the calendar month of service. Classified  
11 principals and State-allotted supervisors shall only be paid for the days  
12 employed as of the set pay date. Payment for a full month when days  
13 employed are less than a full month is prohibited as this constitutes  
14 prepayment. The daily rate of pay shall equal the number of weekdays  
15 in the pay period. They shall earn annual vacation leave at the same rate  
16 provided for State employees. On a day that employees are required to  
17 report for a workday but pupils are not required to attend school due to  
18 inclement weather, an employee may elect not to report due to  
19 hazardous travel conditions and to take one of ~~his~~the employee's annual  
20 vacation days or to make up the day at the time agreed upon by the  
21 employee and ~~his~~the employees's immediate supervisor. They shall be  
22 provided by the board the same or an equivalent number of legal  
23 holidays as those designated by the State Personnel Commission for  
24 State employees."

25 Section 8. G.S. 115C-316(a)(1) reads as rewritten:

26 "(1) Employees Other than Superintendents, Supervisors and Classified  
27 Principals on an Annual Basis. – Each local board of education shall  
28 establish a set date on which monthly salary payments to employees  
29 other than superintendents, supervisors, and classified principals  
30 employed on an annual basis, shall be made. This set pay date may  
31 differ from the end of the calendar month of service. ~~These employees~~  
32 ~~shall only be paid for the days employed as of the set pay date. Payment for a~~  
33 ~~full month when days employed are less than a full month is prohibited as this~~  
34 ~~constitutes prepayment.~~ Employees may be prepaid on the monthly pay  
35 date for days not yet worked. An employee who fails to attend  
36 scheduled workdays or who has not worked the number of days for  
37 which the employee has been paid and who resigns or is dismissed  
38 shall repay to the local board any salary payments received for days not  
39 yet worked. An employee who has been prepaid and who continues to  
40 be employed by a local board but fails to attend scheduled workdays  
41 may be subject to dismissal or other appropriate discipline. The daily  
42 rate of pay shall equal the number of weekdays in the pay period.  
43 Included within their term of employment shall be annual vacation leave

1 at the same rate provided for State employees, computed at one-twelfth  
2 (1/12) of the annual rate for state employees for each calendar month of  
3 employment. On a day that employees are required to report for a  
4 workday but pupils are not required to attend school due to inclement  
5 weather, an employee may elect not to report due to hazardous travel  
6 conditions and to take one of ~~his~~ the employee's annual vacation days or  
7 to make up the day at a time agreed upon by the employee and ~~his~~ the  
8 employee's immediate supervisor or principal. On a day that school is  
9 closed to employees and pupils due to inclement weather, an employee  
10 shall work on the scheduled makeup day. Included within their term of  
11 employment each local board of education shall designate the same or  
12 an equivalent number of legal holidays as those designated by the State  
13 Personnel Commission for State employees."

14 Section 9. G.S. 115C-316(a)(2) reads as rewritten:

15 "(2) School Employees Paid on an Hourly or Other Basis. – Salary payments  
16 to employees other than those covered in G.S. 115C-272(b)(1), 115C-  
17 285(a)(1) and (2), ~~115C-302(a)(1) and (2), 115C-302.1(b),~~ and 115C-  
18 316(a)(1) shall be made at a time determined by each local board of  
19 education. Expenditures for the salary of these employees from State  
20 funds shall be within allocations made by the State Board of Education  
21 and in accordance with rules and regulations approved by the State  
22 Board of Education concerning allocations of State funds: Provided,  
23 that school employees employed for a term of 10 calendar months in  
24 year-round schools shall be paid in 12 equal installments: Provided  
25 further, that any individual school employee employed for a term of 10  
26 calendar months who is not employed in a year-round school may be  
27 paid in 12 monthly installments if the employee so requests on or before  
28 the first day of the school year. Such request shall be filed in the  
29 administrative unit which employs the employee. The payment of the  
30 annual salary in 12 installments instead of 10 shall not increase or  
31 decrease said annual salary nor in any other way alter the contract  
32 between the employee and the said administrative unit. Employees may  
33 be prepaid on the set pay date for days not yet worked. An employee  
34 who fails to attend scheduled workdays or who has not worked the  
35 number of days for which the employee has been paid and who resigns  
36 or is dismissed shall repay to the local board any salary payments  
37 received for days not yet worked. An employee who has been prepaid  
38 and who continues to be employed by a local board but fails to attend  
39 scheduled workdays may be subject to dismissal or other appropriate  
40 discipline. The daily rate of pay shall equal the number of weekdays in  
41 the pay period. Included within the term of employment shall be  
42 provided for full-time employees annual vacation leave at the same rate  
43 provided for State employees, computed at one-twelfth (1/12) of the

1 annual rate for State employees for each calendar month of  
2 employment, to be taken under policies determined by each local board  
3 of education. On a day that employees are required to report for a  
4 workday but pupils are not required to attend school due to inclement  
5 weather, an employee may elect not to report due to hazardous travel  
6 conditions and to take one of his annual vacation days or to make up the  
7 day at a time agreed upon by the employee and his immediate  
8 supervisor or principal. On a day that school is closed to employees and  
9 pupils due to inclement weather, the employee shall work on the  
10 scheduled makeup day. Included within their term of employment, each  
11 local board of education shall designate the same or an equivalent  
12 number of legal holidays occurring within the period of employment as  
13 those designated by the State Personnel Commission for State  
14 employees."

15 Section 10. G.S. 115C-47(5) reads as rewritten:

16 "(5) To Fix Time of Opening and Closing Schools. – The time of opening  
17 and closing the public schools shall be fixed pursuant to the provisions of  
18 G.S. 115C-84(e) under G.S. 115C-84.2."

19 Section 11. G.S. 115C-47(11) reads as rewritten:

20 "(11) To Determine the ~~Length of the School Day, the School Month and the~~  
21 ~~School Term.~~ School Calendar. – Local boards of education shall  
22 determine the school calendar under G.S. 115C-84.2. ~~length of the~~  
23 ~~school day, the school month and the school term pursuant to the~~  
24 ~~provisions of G.S. 115C-84(a) through (e)."~~

25 Section 12. G.S. 115C-47(21) reads as rewritten:

26 "(21) It is the duty of every local board of education to provide for the  
27 prompt monthly payment of all salaries due teachers and other  
28 school officials and employees, and of all current bills and other  
29 necessary operating expenses. All salaries and bills shall be paid as  
30 provided by law for disbursing State and local funds.

31 The local board shall determine salary schedules of employees  
32 pursuant to the provisions of G.S. 115C-273, 115C-285(b), ~~115C-302(e),~~  
33 115C-302.1(i), and 115C-316(b).

34 The authority for boards of education to issue salary vouchers to all  
35 school employees, whether paid from State or local funds, shall be a  
36 monthly payroll prepared on forms approved by the State Board of  
37 Education and containing all information required by the State Board of  
38 Education. This monthly payroll shall be signed by the principal of each  
39 school."

40 Section 13. By October 31, 1997, the State Board of Education shall review  
41 and revise its rules, policies, and guidelines to make them consistent with this act. The  
42 State Board may use its authority under G.S. 150B-21.1 regarding the adoption of  
43 temporary rules consistent with this act.



1           Section 14. This act becomes effective July 1, 1998, contingent upon the  
2 appropriation of funds to implement the act for the 1998-99 school year. Nothing in this  
3 act shall require the General Assembly to appropriate any funds to implement it. Local  
4 school administrative units may begin planning for the implementation of this act for the  
5 1998-99 school year on or after the date this act becomes law.