

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 360

Short Title: Add Prof. Development Days to Sch. Calendar. (Public)

Sponsors: Representatives Bell, Lucas, Glazier, Carney (Primary Sponsors);
Bordsen, Coates, Farmer-Butterfield, Goodwin, Hurley, Love, Pierce,
Setzer, Wainwright, Walker, E. Warren, Womble, and Yongue.

Referred to: Education.

February 26, 2007

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT
2 COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO
3 ADD FIVE PROFESSIONAL DEVELOPMENT DAYS FOR TEACHERS AND
4 TO REPEAL THE REQUIREMENT THAT SCHOOLS PREPAY TEACHERS IN
5 AUGUST.
6

7 The General Assembly of North Carolina enacts:

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

9 "**§ 115C-84.2. School calendar.**

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

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

25 (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.

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

- 1 (3) The same or an equivalent number of legal holidays occurring within
2 the school calendar as those designated by the State Personnel
3 Commission for State employees.
- 4 ~~(4) Five days, as designated by the local board, for use as teacher~~
5 ~~workdays. These days shall be protected to allow teachers to complete~~
6 ~~instructional and classroom administrative duties. The local school~~
7 ~~administrative unit shall not impose any additional tasks on these days.~~
8 ~~The local board shall schedule one of these days at the beginning of~~
9 ~~the school year and one at the end of each academic quarter.~~
- 10 (5) The remaining days scheduled by the local board in consultation with
11 each school's principal for use as teacher workdays, additional
12 instructional days, or other lawful purposes. Before consulting with the
13 local board, each principal shall work with the school improvement
14 team to determine the days to be scheduled and the purposes for which
15 they should be scheduled. Days may be scheduled and planned for
16 different purposes for different personnel and there is no requirement
17 to schedule the same dates for all personnel. In order to make up days
18 for school closing because of inclement weather, the local board may
19 designate any of the days in this subdivision as additional make-up
20 days to be scheduled after the last day of student attendance.

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

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

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

- 34 (1) The total number of teacher workdays for teachers employed for a 10
35 month term shall not exceed ~~195~~200 days.
- 36 (2) The calendar shall include at least 42 consecutive days when teacher
37 attendance is not required unless: (i) the school is a year-round school;
38 or (ii) the teacher is employed for a term in excess of 10 months. At
39 the request of the local board of education or of the principal of a
40 school, a teacher may elect to work on one of the 42 days when teacher
41 attendance is not required in lieu of another scheduled workday.
- 42 (3) School shall not be held on Sundays.
- 43 (4) Veterans Day shall be a holiday for all public school personnel and for
44 all students enrolled in the public schools.

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

3 "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10
4 months. State-allotted months of employment for vocational education to local boards
5 shall be used for the employment of teachers of vocational and technical education for a
6 term of employment to be determined by the local boards of education. However, local
7 boards shall not reduce the term of employment for any vocational agriculture teacher
8 personnel position that was 12 calendar months for the 1982-83 school year for any
9 school year thereafter. In addition, local boards shall not reduce the term of employment
10 for any vocational agriculture teacher personnel position that was 12 calendar months
11 for the 2003-2004 school year for any school year thereafter.

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 ~~midway~~
15 ~~between one twenty first and one twenty-second~~ of the monthly rate of pay. ~~Except for~~
16 ~~teachers employed in a year round school or paid in accordance with a year round~~
17 ~~calendar, or both, the~~The initial pay date for teachers—teachers, except for teachers
18 employed in a year-round school and other teachers paid on a year-round calendar, shall
19 be no later than August 31 and the end of the first month of employment. The initial
20 payment shall include be a full monthly payment. Subsequent pay dates shall be spaced
21 no more than one month apart and shall include a full monthly payment.

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

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

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

40 **SECTION 3.** Nothing in this act shall require the General Assembly to
41 appropriate funds to implement it or require a local school administrative unit to spend
42 additional funds to implement it.

43 **SECTION 4.** This act is effective when it becomes law and applies to school
44 years beginning with the 2007-2008 school year.