

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 191

Short Title: Increase Number of Teacher Workdays. (Public)

Sponsors: Senators Tillman; Allran, Berger of Franklin, Bingham, Brock, Brown, Cowell, Dorsett, East, Forrester, Goodall, Hunt, Jacumin, Jenkins, Kerr, Malone, Pittenger, Preston, Purcell, Queen, Rand, Snow, Stevens, and Weinstein.

Referred to: Education/Higher Education.

February 19, 2007

A BILL TO BE ENTITLED

AN ACT TO ADD FIVE PROFESSIONAL DEVELOPMENT DAYS FOR
TEACHERS TO THE SCHOOL CALENDAR.

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~~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.

(1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.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

- 1 (4) Five days, as designated by the local board, for use as teacher
 2 workdays. These days shall be protected to allow teachers to complete
 3 instructional and classroom administrative duties. The local school
 4 administrative unit shall not impose any additional tasks on these days.
 5 The local board shall schedule one of these days at the beginning of
 6 the school year and one at the end of each academic quarter.
- 7 (5) The remaining days scheduled by the local board in consultation with
 8 each school's principal for use as teacher workdays, additional
 9 instructional days, or other lawful purposes. Before consulting with the
 10 local board, each principal shall work with the school improvement
 11 team to determine the days to be scheduled and the purposes for which
 12 they should be scheduled. Days may be scheduled and planned for
 13 different purposes for different personnel and there is no requirement
 14 to schedule the same dates for all personnel. In order to make up days
 15 for school closing because of inclement weather, the local board may
 16 designate any of the days in this subdivision as additional make-up
 17 days to be scheduled after the last day of 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 Local boards shall designate at least seven days scheduled under subdivisions (4)
 23 and (5) of this subsection as days on which teachers may take accumulated vacation
 24 leave. Local boards may designate the remaining days scheduled in subdivisions (4) and
 25 (5) of this subsection as days on which teachers may take accumulated vacation leave,
 26 but local boards shall give teachers at least 14 calendar days' notice before requiring a
 27 teacher to work instead of taking vacation leave on any of these days. A teacher may
 28 elect to waive this notice requirement for one or more of these days.

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

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

42"

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

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

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

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

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

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

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

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