

**GENERAL ASSEMBLY OF NORTH CAROLINA  
THIRD EXTRA SESSION 2018**

**SESSION LAW 2018-135  
SENATE BILL 2**

AN ACT TO PROVIDE FLEXIBILITY IN THE SCHOOL CALENDAR, TO FACILITATE COMPENSATION TO SCHOOL EMPLOYEES, AND TO PROVIDE RELIEF TO STUDENTS ENROLLED IN AN EDUCATOR PREPARATION PROGRAM TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES DUE TO HURRICANE FLORENCE.

The General Assembly of North Carolina enacts:

**PART I. FLEXIBILITY IN THE SCHOOL CALENDAR AND COMPENSATION TO SCHOOL EMPLOYEES**

**SECTION 1.1.** Calendar Flexibility. – Notwithstanding G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., Section 6(e) of S.L. 2018-32, and any other provision of State law to the contrary, if the governing body of a public school unit closed any school under its control due to unusual and extraordinary inclement weather conditions related to Hurricane Florence, calendar flexibility for instructional time missed due to Hurricane Florence during the months of September 2018 and October 2018 shall be provided as follows:

- (1) If the school is located in a public school unit that is located in a county designated before, on, or after the effective date of this act under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence, in the discretion of its governing body, the public school unit may (i) make up any number of the instructional days or equivalent hours missed, (ii) deem as completed any number of the instructional days or equivalent hours missed up to a total of 20 days, or (iii) implement any combination of both of the above.
- (2) If the school is located in a public school unit that is not located in a county designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence, the following shall apply:
  - a. If the public school unit's scheduled calendar will already meet 185 instructional days or 1025 instructional hours, no additional days or hours for that school are required to comply with G.S. 115C-84.2.
  - b. For all other schools, for days missed in excess of two days, in the discretion of its governing body, the public school unit may do either or a combination of the following:
    1. Make up any number of the instructional days or equivalent hours missed.
    2. Deem as completed any number of the instructional days or equivalent hours missed.

For the purposes of this act, "public school unit" is defined as a local school administrative unit, regional school, innovative school, laboratory school, charter school, or residential school for the deaf or the blind.



**SECTION 1.2.** Employee Compensation. – Except for in the case of a charter school, all employees employed by a public school unit shall be deemed to have been employed for any scheduled instructional days missed due to Hurricane Florence during the months of September 2018 and October 2018 that a public school unit has deemed completed and is not required to make up. Employees shall be compensated in the same manner they would have had they worked on the scheduled instructional days missed. The board of directors of a charter school may, but is not required to, provide such compensation for its employees.

Of the funds allocated to the Department of Public Instruction from the Hurricane Florence Disaster Recovery Fund, the sum of up to six million five hundred thousand dollars (\$6,500,000) in nonrecurring funds for the 2018-2019 fiscal year shall be used to provide compensation authorized by this section to public school unit employees of schools participating in the National School Lunch Program or School Breakfast Program for scheduled instructional days when compensation would have been provided by school meal receipts or by federal funds. Employees compensated using funds described in this section shall be compensated in the same manner they would have had they worked on the scheduled instructional days missed.

If the funds described by this section are insufficient to provide compensation authorized by this section to public school unit employees in schools participating in the National School Lunch Program or School Breakfast Program for scheduled instructional days when compensation would have been provided by school meal receipts or by federal funds, the Department of Public Instruction shall develop a uniform criteria to determine the comparative economic need of public school units to which this section applies and shall ensure that priority is given to public school units with greatest economic need when awarding available funds.

**SECTION 1.3.** Reporting Requirement. – The Superintendent of Public Instruction shall report to the chairs of the House of Representatives Committee on Appropriations and the Senate Appropriations/Base Budget Committee, the Joint Legislative Education Oversight Committee, and the Fiscal Research Division of the General Assembly on the implementation of this act by public school units by March 15, 2019, and shall also provide any additional reports or information requested by the Fiscal Research Division. The report required by this section shall include information on the following:

- (1) Any days missed due to Hurricane Florence before, on, or after the effective date of this act.
- (2) Of the days missed, any scheduled make up days due to Hurricane Florence before, on, or after the effective date of this act, and the dates of those make up days.
- (3) Of the days missed, any days and hours deemed completed by the public school unit as a result of this act.
- (4) Any compensation provided to employees pursuant to Section 1.2 of this act.

For each component of the report, separate information shall be included on any individual schools within the public school unit whose information differs from the rest of the unit as a whole. Public school units shall provide information on implementation of this act in the form requested by the Superintendent of Public Instruction no later than February 15, 2019.

## **PART II. COMPLETION OF THE EPP CLINICAL INTERNSHIP REQUIREMENT FOR CERTAIN STUDENTS IMPACTED BY HURRICANE FLORENCE**

**SECTION 2.1.** Notwithstanding G.S. 115C-269.25(d)(1), a student who is enrolled in an educator preparation program (EPP) that is assigned the status of initially authorized or authorized by the State Board of Education pursuant to G.S. 115C-269.5 may have the clinical internship requirement set forth in G.S. 115C-269.25(d)(1) deemed completed if the student meets the following conditions:

- (1) The student meets at least one of the following:

- a. Is enrolled in an EPP that is located in a county declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence.
  - b. Has been placed with an elementary or secondary partner school, as defined in G.S. 115C-269.1(14), that is located in a county declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence.
- (2) The student has completed as much time in a clinical internship as practicable during the 2018 fall academic semester.
  - (3) The student cannot graduate in December 2018 from the EPP without the clinical internship requirement being deemed completed pursuant to this section.

**SECTION 2.2.** By February 1, 2019, any EPP with an enrolled student who has his or her clinical internship requirement deemed completed pursuant to Section 2.1 of this act shall report to the State Board of Education with the following information:

- (1) Number of students who had the clinical internship requirement deemed completed.
- (2) Reasons for a clinical internship requirement being deemed completed.
- (3) Amount of time completed for a clinical internship.
- (4) Any other information required by the State Board.

By March 15, 2019, the State Board of Education shall report to the Joint Legislative Education Oversight Committee on the information reported to the State Board by EPPs under this section.

### **PART III. EFFECTIVE DATE**

**SECTION 3.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2<sup>nd</sup> day of October, 2018.

s/ Daniel J. Forest  
President of the Senate

s/ Brenden H. Jones  
Presiding Officer of the House of Representatives

s/ Roy Cooper  
Governor

Approved 12:25 p.m. this 3<sup>rd</sup> day of October, 2018