

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH70299-LE-217 (3/17)

Short Title: Restore Flexibility to the School Calendar. (Public)

Sponsors: Representative Bell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE FLEXIBILITY TO THE SCHOOL CALENDAR LAW.
3 The General Assembly of North Carolina enacts:

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

5 "§ 115C-84.2. School calendar.

6 (a) School Calendar. – Each local board of education shall adopt a school calendar
7 consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall
8 include the following:

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

20 (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.

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

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

25 (4) ~~Five days, as designated by the local board, for use as teacher workdays.
26 These days shall be protected to allow teachers to complete instructional and
27 classroom administrative duties. The local school administrative unit shall
28 not impose any additional tasks on these days. The local board shall
29 schedule one of these days at the beginning of the school year and one at the
30 end of each academic quarter.~~

31 (5) The remaining days scheduled by the local board in consultation with each
32 school's principal for use as teacher workdays, additional instructional days,
33 or other lawful purposes. Before consulting with the local board, each
34 principal shall work with the school improvement team to determine the
35 days to be scheduled and the purposes for which they should be scheduled.



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

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

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

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

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

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

34 (d) Opening and Closing Dates. – Local boards of education shall determine the dates
35 of opening and closing the public schools under subdivision (a)(1) of this section. Except for
36 year-round schools, the opening date for students shall not be before ~~August 25, August 18,~~ and
37 the closing date for students shall not be after June 10. If, however, August 18 falls on
38 Friday, the opening date shall not be before the preceding Thursday; if August 18 falls on
39 Saturday or Sunday, the opening date shall not be before the following Monday.

40 On a showing of good cause, the State Board of Education may waive ~~this requirement~~
41 opening and closing dates set forth in this subsection to the extent that school calendars are able
42 to provide sufficient days to accommodate anticipated makeup days due to school closings.
43 closings, but in no event shall a waiver be granted authorizing a school to open before August
44 10. A local board may revise the scheduled closing date if necessary in order to comply with
45 the minimum requirements for instructional days or instructional time. For purposes of this
46 subsection, the term "good cause" means that schools in any local school administrative unit in
47 a county have been closed eight days per year during any four of the last 10 years because of
48 severe weather conditions, energy shortages, power failures, or other emergency situations.

49 The State Board also may waive ~~this requirement~~ the opening and closing dates set forth in
50 this subsection for an educational purpose. ~~purpose, but in no event shall a waiver be granted~~
51 authorizing a school to open before August 10. The term "educational purpose" means a local

1 school administrative unit establishes a need to adopt a different calendar ~~for~~ (i) for a specific
2 school to accommodate a special program offered generally to the student body of that school,
3 (ii) for a school that primarily serves a special population of students, ~~or~~ (iii) for a defined
4 program within a ~~school~~ school, (iv) on a systemwide basis to align the calendar with that of a
5 community college or university in the geographic area; (v) on a systemwide basis to adjust the
6 examination schedule to benefit students or to accommodate Advanced Placement and
7 International Baccalaureate examinations; (vi) on a systemwide basis to accommodate
8 implementation of block schedules; or (vii) on a systemwide basis due to inclement weather or
9 other emergency situations. The State Board may grant the waiver for an educational purpose
10 for that specific school or defined program or on a systemwide basis to the extent that the State
11 Board finds that the educational purpose is reasonable, the accommodation is necessary to
12 accomplish the educational purpose, and the request is not an attempt to circumvent the
13 opening and closing dates set forth in this subsection. The waiver requests for educational
14 purposes shall not be used to accommodate ~~system-wide class scheduling~~ mere preferences.

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

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

22 **SECTION 2.** G.S. 115D-20 is amended by adding a new subdivision to read:

23 "**§ 115D-20. Powers and duties of trustees.**

24 The trustees of each institution shall constitute the local administrative board of such
25 institution, with such powers and duties as are provided in this Chapter and as are delegated to
26 it by the State Board of Community Colleges. The powers and duties of trustees shall include
27 the following:

28 ...

29 (15) To the extent permitted by law and by rules adopted by the State Board of
30 Community Colleges, to align its calendar for curriculum courses with the
31 calendars of the local school administrative units located in its service area."

32 **SECTION 3.** G.S. 116-235(a1) reads as rewritten:

33 "(a1) Academic Program. –

34 (1) The Board of Trustees shall establish the standard course of study for the
35 School. This course of study shall set forth the subjects to be taught in each
36 grade and the texts and other educational materials on each subject to be
37 used in each grade.

38 (2) The Board of Trustees shall adopt regulations governing class size, the
39 instructional calendar, the length of the instructional day, and the number of
40 instructional days in each term. To the extent permitted by law and by rules
41 adopted by the Board of Governors, the Board of Trustees shall align its
42 instructional calendar with the calendars of the local school administrative
43 unit located in its county and in contiguous counties."

44 **SECTION 4.** This act becomes effective July 1, 2009, and applies beginning with
45 the 2009-2010 school year.