

**1999**

**HOUSE  
EDUCATION-  
PRE-SCHOOL,  
ELEMENTARY, &  
SECONDARY  
COMMITTEE**

**MINUTES**

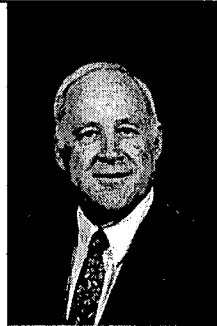
**1999 Education Sub-Committee  
Pre-School, Elementary and Secondary Education**



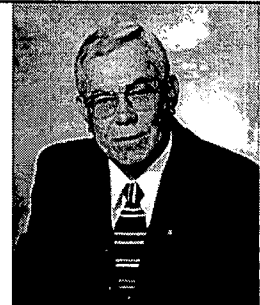
Rep. Donald Bonner, Chair



Rep. Richard Moore, Chair



Rep. Jim Horn, Vice-Chair



Rep. O. Max Melton, Vice Chair



Rep. Russell Tucker, Vice-Chair



Rep. Gordon Allen



Rep. Lanier Cansler



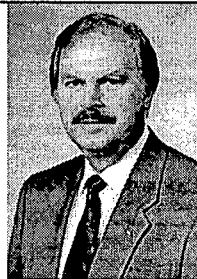
Rep. Leslie Cox



Rep. Zeno Edwards, Jr.



Rep. Jim Gulley



Rep. Bill Hiatt



Rep. Ted Kinney



Rep. Paul Luebke



Rep. Mary McAllister



Rep. Edd Nye



Rep. Carolyn Russell



Rep. Wilma Sherrill



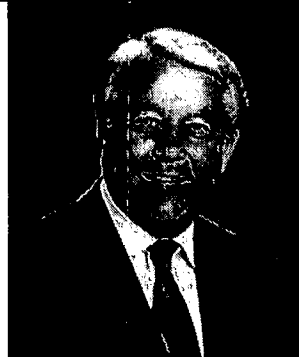
Rep. Trudi Walend



Rep. Edith Warren



Rep. Nurham Warwick



Rep. Gene Arnold



Rep. Mary Jarrell



Rep. Maggie Jeffus



Rep. Martin Nesbitt

**EDUCATION SUBCOMMITTEE  
PRE-SCHOOL, ELEMENTARY AND SECONDARY EDUCATION  
1999-00 SESSION**

<b>MEMBER</b>	<b>ASSISTANT</b>	<b>PHONE</b>	<b>OFFICE</b>	<b>SEAT</b>
Bonner, Donald, Chair	Lucy Johnson	733-5803	1313LB	83
Moore, Richard, Chair	Susan Burleson	733-5746	1220LB	15
Horn, Jim, V-Chair	Alice Sharpe	733-5849	503LOB	92
Melton, Max, V-Chair	Gerry Durant	733-5784	633LOB	105
Tucker, Russell, V-Chair	Surena Henderson	715-3057	417C-LOB	106
ARNOLD, Gene	Nancy Kirby	733-5806	1420LB	88
Allen, Gordon	Lillie Pearce	733-5662	530LOB	10
Cansler, Lanier	Barbara Cansler	733-5605	1209LB	110
Cox, Leslie	Ferebee Stainback	733-5827	1221LB	107
Edwards, Zeno	Jo Hinton	733-5906	637LOB	91
Gulley, Jim	Lucille Carter	733-5860	1307LB	98
Hiatt, Jim	Edna Pearce	733-5862	1008LB	63
Jarrell, Mary	Edna Lee Collar	733-5749	2219LB	3
Jeffus, Maggie	Mary Lee Robinson	733-5191	1013LB	4
Kinney, Ted	Eryn Gee	733-5758	2123LB	22
Luebke, Paul	Norma Bowen	733-7663	529LOB	44
McAllister, Mary	Annecia Norwood	733-5959	638LOB	34
Nesbitt, Martin	Jan Lee	733-5956	2204LB	20
Nye, Edd	Jo Bobbitt	733-5477	639LOB	1
Russell, Carolyn	Susan Brothers	715-0873	1213LB	62
Sherrill, Wilma	Rosa Kelley	715-4466	602LOB	37
Walend, Trudi	Ken Walend	715-3012	418A-LOB	119
Warren, Edith	Nancy Willis	715-3019	417A-LOB	93
Warwick, Nurham	Carolyn Honeycutt	715-3003	419C-LOB	14
<b>Staff</b>				
Kamprath, Sara -	Research Division -	733-2578		
Johnson, Robin -	Staff Attorney -	733-2578		
Iorio, Shirley -	Committee Specialist	733-2578		

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NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium	HOUSE: EDUCATION--PRE SCHOOL, ELEM & SECOND	ED	Valid Through 21-JUL-1999
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL
H 127=	GULLEY J	COMMUNITY-BASED SCHOOL ASSIGNMENTS	H -REPTD TO EDUCATN
H 517=	MOORE R	STOP THREATS/ACTS OF SCHOOL VIOLENCE	*R -CH. SL 99-0257
H1151=	JEFFUS	SCHOOL TEAM AUTHORITY/SCH. CALENDAR	H -ASSIGNED TO ED-PRE&
S 977=	CARTER	SCHOOL TEAM AUTHORITY/SCH. CALENDAR	*S -PRES. TO GOV. 07-19

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.  
 \* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.  
 BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES**  
**EDUCATION SUBCOMMITTEE ON**  
**PRESCHOOL, ELEMENTARY AND SECONDARY EDUCATION**

**April 27, 1999**

**7:30AM**

**Room 421 Legislative Office Building**

**AGENDA**

- **Introductions**
- **HB 127, COMMUNITY-BASED SCHOOL ASSIGNMENTS - Rep. Jim Gulley**
- **HB 517, DROPOUT RATE COMPUTATION/ABC's PROGRAM -Rep. Moore**
- **Questions and Comments by Members**



MINUTES  
EDUCATION SUBCOMMITTEE ON  
PRESCHOOL, ELEMENTARY AND SECONDARY EDUCATION

APRIL 27, 1999

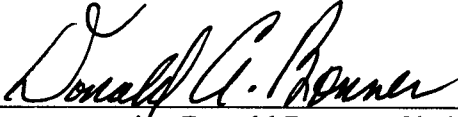
The Education Subcommittee on Preschool, Elementary and Secondary Education met on Tuesday, April 27, 1999, at 7:30 AM in Room 421 of the Legislative Office Building. The following members were present: Chairs Bonner and Moore, Representatives Horn, Melton, Tucker, Cansler, Cox, Edwards, Gulley, Jeffus, Nye, Russell, and Warren. Sara Kamprath and Robin Johnson, Research Staff, were in attendance, as well. The Visitor Registration Sheet is attached and made a part of the minutes.

Representative Donald Bonner, Chair presided. He opened the meeting by asking each member to introduce themselves.

The first bill on the agenda was HB 517, Dropout Rate Computation /ABCs Program, sponsored by Representative Richard Moore. Representative Carolyn Russell made a motion that a committee substitute bill be considered. A vote was taken and approved for the motion. Representative Moore was recognized to present a summary of the bill. A summary is attached as part of the minutes. The bill would direct the State Board of Education to study the computation of Dropout Rates for the ABC's Program. A question and answer period followed. Representative Nye moved that the committee substitute be given a favorable report. A vote was taken and the committee substitute was approved. The bill was referred back to the Education Committee.

The next bill to be debated was HB 127, Community-Based School Assignments, sponsored by Representative Jim Gulley. A summary and fiscal note was passed out (see attachments). Representative Gulley was recognized to explain the bill. The bill would require local boards of education to review their school attendance zones, establish a process for changing these zones to promote community-based schools, review the relative merits of their schools, and consider reallocating resources. Representative Gulley played a tape for the committee with Dr. Jay Robinson as the speaker. A question and answer period followed. Representatives Nye, Moore, Cox, Melton, Warren, and Jeffus asked questions of concern. Ms. LeeAnn Winner, A representative from the North Carolina School Board Association, expressed the School Board's opposition to this bill. Representative Cox made a motion to give the bill a non-favorable report. A vote was taken and the bill received a non-favorable report.

With there being no further business, Representative Bonner adjourned the meeting at 8:05 AM.

  
Representative Donald Bonner, Chair

  
Susan Burleson, Committee Assistant

**1999 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE  
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) **Bonner and Moore** for the Permanent Subcommittee on Preschool, Elementary  
and Secondary Education of the Standing Committee on Education.

- ☐ Committee Substitute for  
**H.B. 127** ☒ **A BILL TO BE ENTITLED AN ACT TO PERMIT CHILDREN  
TO ATTEND COMMUNITY SCHOOLS**

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

---

**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the  
Committee on
- ☒ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the  
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which  
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: \_\_\_\_\_.

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WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY  
TO THE FLOOR OF THE HOUSE:

Rep. \_\_\_\_\_ for the Standing Committee on \_\_\_\_\_.

s/ \_\_\_\_\_

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill ( # \_\_\_\_\_ ), ☐ which changes the title,  
unfavorable as to (original bill) (Committee Substitute Bill # \_\_\_\_\_). (and recommendation that  
the committee substitute bill ( # \_\_\_\_\_ ) be referred to the Committee on \_\_\_\_\_.)

2/24/99

**1999 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Bonner for the Permanent Subcommittee on Preschool, Elementary and Secondary Education of the Standing Committee on Education.

☐ Committee Substitute for

**H.B. 517**

☒ A BILL TO BE ENTITLED AN ACT REGARDING THE  
COMPUTATION OF DROPOUT RATES FOR THE ABCs PROGRAM

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

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**RECOMMENDED ACTION:**

☒ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: \_\_\_\_\_.

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. \_\_\_\_\_ for the Standing Committee on \_\_\_\_\_.

s/ \_\_\_\_\_

☐ With a favorable report.

☐ With a favorable report, as amended.

☐ With a favorable report as to committee substitute bill ( # \_\_\_\_\_ ), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill # \_\_\_\_\_ ). (and recommendation that the committee substitute bill ( # \_\_\_\_\_ ) be referred to the Committee on \_\_\_\_\_ .)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 127\*

Short Title: Community-Based School Assignments.

(Public)

Sponsors: Representatives Gulley; Baker, Capps, Church, Davis, Hiatt, McMahan, Rayfield, Sexton, Teague, and C. Wilson.

Referred to: Education.

February 23, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO PERMIT CHILDREN TO ATTEND COMMUNITY SCHOOLS.

3 The General Assembly of North Carolina enacts:

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

6 "§ 115C-364.1. School attendance districts or zones should promote community-based  
7 schools.

8 (a) The General Assembly finds that community-based schools can enhance the  
9 educational program of the public schools by (i) improving community commitment  
10 to schools, (ii) making schools more responsive to community needs, (iii) facilitating  
11 parental participation and involvement in conferences, events, and other school  
12 activities, (iv) providing services to families of children attending the schools, (v)  
13 providing after-school services to children such as tutoring, mentoring, and special  
14 programming, (vi) improving communication and maintaining close relationships with  
15 parents, and (vii) respecting parents as the child's first and most important teachers.

16 (b) Local boards of education shall review their school attendance districts or  
17 zones and shall establish a process for modifying them to promote community-based  
18 schools. Local boards of education shall also review the relative merits of schools  
19 within their units and shall consider reallocating resources, if appropriate, to enhance  
20 parental satisfaction with schools within each community. Local boards of education  
21 shall report to the State Board of Education on an annual basis on the  
22 implementation of this section."

23 Section 2. G.S. 115C-369 reads as rewritten:

1 "§ 115C-369. Application for reassignment; notice of disapproval; hearing before  
2 board.

3 (a) Applications for reassignment to the nonmagnet school closest to the child's  
4 domicile. -- If the school to which a child is assigned, other than a magnet school, is  
5 not the nonmagnet school closest to the child's domicile, the parent, guardian, person  
6 standing in loco parentis to the child may apply to the local board of education for  
7 reassignment of the child to the nonmagnet school that is closest to the child's  
8 domicile. The application for reassignment shall be made, within 10 days after  
9 notification of the assignment or of the last publication of the assignment, in  
10 accordance with rules adopted by the local board of education.

11 The local board shall approve the reassignment, even if it must reassign other  
12 children to do so, unless:

13 (1) The nonmagnet school that is closest to the child's domicile is  
14 overcrowded due to the number of children assigned to it or  
15 reassigned to it under this subsection who live closer to the school;

16 (2) The reassignment would violate a federal law, a court order, or the  
17 conditions of a federal grant; or

18 (3) The local board finds that the school is not grade-appropriate for  
19 the child or that the child needs a school of a specialized kind such  
20 as a school that can implement the child's individual education  
21 program or a school that can provide a suitable alternative learning  
22 program.

23 If it is not possible to reassign the child to the nonmagnet school that is closest to  
24 the child's domicile, the local board shall consider reassignment to the nonmagnet  
25 school that is second-closest to the child's domicile.

26 If reassignment to the closest such school is disapproved or if reassignment to the  
27 second-closest such school is disapproved, the local board of education shall notify  
28 the applicant by registered or certified mail. The applicant may appeal the board's  
29 decision within five days after receipt of the notice and shall be entitled to a prompt  
30 and fair hearing on the appeal. The local board of education may designate a  
31 hearing panel composed of not less than two members of the board to hear the  
32 appeal in the name of the board. The panel's findings and recommendations shall be  
33 submitted to the board for final determination. At the hearing, the board shall  
34 reconsider its decision to disapprove the reassignment. The local board shall make  
35 findings of fact and conclusions of law on the matter promptly and shall notify the  
36 applicant of the decision by registered or certified mail.

37 (b) Applications for reassignment to a magnet school. -- If a child is assigned to a  
38 school other than the magnet school for which application for the child was made,  
39 the parent, guardian, or person standing in loco parentis to the child may apply to the  
40 local board of education for reassignment of the child to the magnet school. The  
41 application for reassignment shall be made, within 10 days after notification of the  
42 assignment or of the last publication of the assignment, in accordance with rules  
43 adopted by the board of education.

44 The local board shall approve the reassignment unless:

- 1           (1) The magnet school is overcrowded due to the number of children  
2 assigned to the school under the regular magnet admissions process  
3 and due to the number of children reassigned to the school under  
4 this subsection whose domicile is closer to the school;  
5           (2) The reassignment would violate a federal law, a court order, or the  
6 conditions of a federal grant; or  
7           (3) The local board finds that the school is not grade-appropriate for  
8 the child or that the child needs a school of a specialized kind such  
9 as a school that can implement the child's individual education  
10 program or a school that can provide a suitable alternative learning  
11 program.

12 If reassignment to the magnet school is disapproved, the local board of education  
13 shall notify the applicant by registered or certified mail. The applicant may appeal  
14 the board's decision within five days after receipt of the notice and shall be entitled  
15 to a prompt and fair hearing on the appeal. The local board of education may  
16 designate a hearing panel composed of not less than two members of the board to  
17 hear the appeal in the name of the board. The panel's findings and  
18 recommendations shall be submitted to the board for final determination. At the  
19 hearing, the board shall reconsider its decision to disapprove the reassignment. The  
20 local board shall make findings of fact and conclusions of law on the matter promptly  
21 and shall notify the applicant of the decision by registered or certified mail.

22 (c) Other applications for reassignment. -- The parent or guardian of any child,  
23 parent, guardian, or the person standing in loco parentis to any child, who is  
24 dissatisfied with the assignment made by a local board of education may, within 10  
25 days after notification of the assignment, or the last publication thereof, may apply in  
26 writing to the local board of education for the reassignment of the child to a different  
27 public school. Application The application for reassignment shall be made on forms  
28 prescribed by the local board of education pursuant to made, within 10 days after  
29 notification of the assignment or of the last publication of the assignment, in  
30 accordance with rules and regulations adopted by the board of education. If  
31 education.

32 If the application for reassignment is disapproved, the local board of education  
33 shall give notice to notify the applicant by registered or certified mail, and the mail.  
34 The applicant may appeal the board's decision within five days after receipt of such  
35 the notice apply to the local board for a hearing, and shall be entitled to a prompt  
36 and fair hearing on the question of reassignment of such child to a different school.  
37 appeal. The local board of education may designate a hearing panels panel composed  
38 of not less than two members of the board to hear such appeals the appeal in the  
39 name of the board of education. board. The panel's findings and recommendations  
40 shall be submitted to the board of education for final determination. At the hearing  
41 the local board of education shall consider the best interest of the child, the orderly  
42 and efficient administration of the public schools, the proper administration of the  
43 school to which reassignment is requested and the instruction, health, and safety of  
44 the pupils there enrolled, and shall assign said child in accordance with such factors.

1 The local board shall render prompt decision upon the hearing, and ~~notice~~ shall  
2 notify the applicant of the decision ~~shall be given to the applicant~~ by registered or  
3 certified mail.

4 (d) The State Board of Education shall adopt rules for the implementation of this  
5 section."

6 Section 3. G.S. 115C-426.2 reads as rewritten:

7 "**§ 115C-426.2. Joint planning.**

8 In order to promote greater mutual understanding of immediate and long-term  
9 budgetary issues and constraints affecting public schools and county governments,  
10 local boards of education and boards of county commissioners are strongly  
11 encouraged to conduct periodic joint meetings during each fiscal year. In particular,  
12 the boards are encouraged to assess the school capital outlay ~~needs,~~ needs for new  
13 facilities and for existing facilities, to develop and update a joint five-year plan for  
14 meeting those needs, and to consider this plan in the preparation and approval of  
15 each year's budget under this Article."

16 Section 4. This act is effective when it becomes law and applies to all  
17 school years beginning with the 1999-2000 school year.



**North Carolina General Assembly  
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**MEMORANDUM**

**TO:** Representatives Bonner and Moore, Co-Chairs  
House Preschool, Elementary & Secondary Education Subcommittee  
**FROM:** Robin S. Johnson, Committee Counsel  
**DATE:** April 26, 1999  
**RE:** **HOUSE BILL 127 – COMMUNITY-BASED SCHOOL ASSIGNMENTS**  
Representative Gulley

**SUMMARY –** *House Bill 127 would require local boards of education to review their school attendance zones, establish a process for changing these zones to promote community-based schools, review the relative merits of their schools, and consider reallocating resources. Local boards would be required to report annually to the State Board of Education on their implementation of these steps.*

*The bill also would establish a process for parents, guardians, or persons standing in loco parentis to a child to appeal school assignments. These individuals would be permitted to request reassignment to the nonmagnet school closest to a child's domicile or to the magnet school to which a child originally applied. The board must reassign the child unless (i) the school is overcrowded due to the number of children assigned or reassigned to it who live closer to the school; (ii) reassignment would violate federal law, a court order, or the conditions of a federal grant; or (iii) the board finds the school is not grade-appropriate for the child or the child needs a specialized assignment. If the request is for reassignment to the school closest to the child's domicile and it is not possible to grant this request, then the board must consider reassignment to the school that is second-closest to the child's domicile. The local board may designate hearing panels of at least two board members to hear these appeals; however, the board will make the final determination. The board must make findings of fact and conclusions of law on the matter and must notify the applicant of the decision by registered or certified mail. The board's decision is final, but may be appealed within 30 days to superior court. The State Board is directed to adopt rules to govern the implementation of these requests for reassignment.*

*Finally, the bill would encourage local boards of education and boards of county commissioners to narrow their assessment of school capital outlay needs to new and existing facilities. This assessment would occur as part of encouraged joint planning for the preparation of annual school budgets.*

**CURRENT LAW –** As a general rule, any child under the age of 21 who is a domicile of the State is entitled to attend, free-of-charge, a public school in the local school administrative unit where the child lives. Generally, local boards have complete control over determining geographic attendance zones and school assignments. If attendance zones are established, the



board generally must assign students to a school located in the attendance zone where the students live. Parents, guardians, and persons standing in loco parentis to a child have a statutory right to request in writing a reassignment. If reassignment is denied, the applicant may appeal this decision and is entitled to a hearing on the question of reassignment. At the hearing, the board must make a decision based on its consideration of the child's best interest, the orderly and efficient administration of the schools, the proper administration of the school to which reassignment is requested, and the instruction, health and safety of students already enrolled in that school.

Local boards are prohibited from drawing attendance zones or making school assignments for the purpose of racial discrimination. North Carolina has a number of local school administrative units that are under court-ordered desegregation plans or under Office of Civil Rights (OCR) voluntary desegregation plans. Units subject to these plans basically acknowledge past discrimination and, consequently, have an affirmative duty to eliminate all traces of this discrimination. Remedial actions that may be employed include student reassignments and busing. As long as there are traces of past discrimination, these school systems must continue to take actions to eliminate this discrimination. School systems in which segregation has not been found are prohibited from discriminating on the basis of race, but they are not required to take the same actions as those systems where this discrimination has been found.

Designed to address the State's school facilities needs, several years ago the General Assembly enacted a package of legislation, including the school bond bill, to encourage boards of county commissioners and local boards of education to engage in joint budget planning. The boards were encouraged to assess "school capital outlay needs" and to develop and keep current a five-year plan for meeting those needs. The term "capital outlay needs" includes school facilities, but it also encompasses school buses and other vehicles, furniture and equipment, and other facilities.

**EFFECTIVE DATE** -- House Bill 127 would take effect when it becomes law and would apply to all school years, beginning with the 1999-2000 school year.

*H127-SMRH-001*



school closest to a child's domicile or to the magnet school to which a child originally applied. The board must reassign the child unless (i) the school is overcrowded due to the number of children assigned or reassigned to it who live closer to the school; (ii) reassignment would violate federal law, a court order, or the conditions of a federal grant; or (iii) the board finds the school is not grade-appropriate for the child or the child needs a specialized assignment. If the request is for reassignment to the school closest to the child's domicile and it is not possible to grant this request, then the board must consider reassignment to the school that is second-closest to the child's domicile. The local board may designate hearing panels of at least two board members to hear these appeals; however, the board will make the final determination. The board must make findings of fact and conclusions of law on the matter and must notify the applicant of the decision by registered or certified mail. The board's decision is final, but may be appealed within 30 days to superior court. The State Board is directed to adopt rules to govern the implementation of these requests for reassignment.

Finally, the bill would encourage local boards of education and boards of county commissioners to narrow their assessment of school capital outlay needs to new and existing facilities. This assessment would occur as part of encouraged joint planning for the preparation of annual school budgets.

**ASSUMPTIONS AND METHODOLOGY:**

1. Local school boards could incur some administrative costs in applications for reassignments to nonmagnet and magnet schools. These costs would be those associated with processing reassignment applications, notification of parents, and hearings on appeals.
2. Local costs cannot be determined because the number of applications for reassignments cannot be determined.
3. Local five year capital constuction plans usually include both new facilites, renovations, and expansion of existing facilities. Therefore the provision of Section 3 should not add additional local costs.

**TECHNICAL CONSIDERATIONS:** Pupil assignment plans for 1999-2000 are now complete in most LEA's. The bill also appears to require pupil reassignments under certain circumstances after the beginning of the school.

**FISCAL RESEARCH DIVISION 733-4910**

**PREPARED BY:** James D. Johnson

**APPROVED BY:** Tom Covington



**DATE:** April 13, 1999Tuesday, April 13, 1999

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 517

Short Title: Dropout Rate Computation/ABCs Prog.

(Public)

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Sponsors: Representative Moore.

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Referred to: Education.

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March 22, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT REGARDING THE COMPUTATION OF DROPOUT RATES FOR THE  
3 ABCs PROGRAM.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-105.35 reads as rewritten:

6 "**§ 115C-105.35. Annual performance goals: goals; computation of dropout rates for**  
7 **the accountability system.**

8 (a) The School-Based Management and Accountability Program shall (i) focus on  
9 student performance in the basics of reading, mathematics, and communications skills  
10 in elementary and middle schools, (ii) focus on student performance in courses  
11 required for graduation and on other measures required by the State Board in the  
12 high schools, and (iii) hold schools accountable for the educational growth of their  
13 students. To those ends, the State Board shall design and implement an accountability  
14 system that sets annual performance standards for each school in the State in order to  
15 measure the growth in performance of the students in each individual school.

16 (b) In calculating dropout rates for the purpose of this accountability system, the  
17 State Board shall not include any student who:

- 18 (1) Transfers to a community college;  
19 (2) Is placed by the courts in a setting in which educational  
20 opportunities are provided;  
21 (3) Is expelled from school;  
22 (4) Does not return to school after a suspension of 10 days or more; or  
23 (5) Has previously been counted as a dropout.

- 1 The State Board may continue to use other methods of computing dropout rates for  
2 other purposes."  
3           Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 517  
Committee Substitute Favorable 4/27/99

Short Title: Study Dropout Rate Computation/ABCs Prog.

(Public)

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Sponsors:

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Referred to:

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March 22, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE  
3 COMPUTATION OF DROPOUT RATES FOR THE ABCs PROGRAM.

4 The General Assembly of North Carolina enacts:

5 Section 1. The State Board of Education, in consultation with the Office  
6 of Juvenile Justice, the Department of Correction and the Department of Community  
7 Colleges, shall study the method for computing dropout rates for the School-Based  
8 Management and Accountability Program (ABCs). The State Board of Education  
9 shall recommend whether the computation used to set the dropout rate for this  
10 purpose should include students who (i) transfer to a community college; (ii) are  
11 placed by the courts in a setting which provides educational opportunities; (iii) are  
12 expelled from school; (iv) do not return to school after a long-term suspension in  
13 accordance with a safe school plan; or (v) have been counted previously as dropouts.  
14 As a part of this study, the State Board of Education shall report, from data for the  
15 1998-99 school year, the number of students in each of these categories. The State  
16 Board of Education shall examine whether it should continue to use other methods of  
17 computing the dropout rate for other purposes.

18 Section 2. The State Board of Education shall report to the Joint  
19 Legislative Education Oversight Committee by December 15, 1999, regarding its  
20 recommendations as to the computation of the dropout rates for the ABCs  
21 accountability program. This report shall include the number of dropouts for the  
22 1998-99 school year based on the categories in Section 1.

23 Section 3. This act becomes effective July 1, 1999.



# HOUSE BILL 517: Study Dropout Rate Computation/ABCs Prog.

## BILL ANALYSIS

**Committee:** House Education, Preschool,  
Elementary & Secondary Education Sub.  
**Date:** April 26, 1999  
**Version:** H517-PCSRJ-001 for 1st Edition

**Introduced by:** Representative Moore  
**Summary by:** Sara Kamprath  
Education Policy Analyst

**SUMMARY:** *The proposed committee substitute for House Bill 517 directs the State Board of Education to study the means used to compute dropout rates for the ABCs program. The Board shall make recommendations to the Joint Legislative Education Oversight Committee by December 15, 1999 as to whether the computation used to set the dropout rates for the ABCs should be changed. The State Board shall report the numbers of dropouts for the 1998-99 school year based on certain listed categories. The bill becomes effective July 1, 1999.*

**BACKGROUND:** In the 1998 Appropriations bill, the General Assembly urged the State Board to include dropout rates in its standards for determining whether high schools met or exceeded their ABCs performance goals. Beginning this year and continuing for the 2000-2001 school year, dropout rates will only be reported and will not affect any ABCs awards. Beginning with the 2001-2002 school year, the dropout rates will be used to determine gains in student performance and will affect ABCs awards. According to the provisions of G.S. 115C-12(27), the State Board shall not include expelled students when calculating the dropout rate but maintain a separate record of the number of those students. In August 1998, the State Board changed the method for computing the dropout rates so that the North Carolina dropout rates, beginning with the 1998-99 reporting year, would be computed using the federal formula.

**BILL ANALYSIS:** The proposed committee substitute for House Bill 517 directs the State Board to study how dropout rates are computed for the purpose of the School-Based Management and Accountability Program (ABCs). The State Board shall recommend whether dropout rates should be computed to include students who:

1. transfer to a community college;
2. are placed by a court in a setting which provides educational opportunities;
3. are expelled;
4. do not return to school after a suspension of at least 10 days; or
5. have been previously counted as dropouts.

By December 15, 1999, the State Board shall report to the Joint Legislative Education Oversight Committee its recommendations as to the computation of the dropout rates for the ABCs program. The report shall include the number of dropouts for the 1998-99 school year based on the above categories.

H517-PCSRJ-001

## VISITOR REGISTRATION SHEET

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]



**NORTH CAROLINA HOUSE OF REPRESENTATIVES**  
**EDUCATION SUBCOMMITTEE ON**  
**PRESCHOOL, ELEMENTARY AND SECONDARY EDUCATION**

**June 15, 1999**

**1:00 PM**

**Room 421 Legislative Office Building**

**AGENDA**

- **Introductions**
- **SB 977 SCHOOL TERM AUTHORITY/SCH. CALENDAR – Sen. Carter**
- **Questions and Comments by Members**

## MINUTES

### HOUSE SUBCOMMITTEE ON PRE-SCHOOL, ELEMENTARY AND SECONDARY EDUCATION

JUNE 15, 1999

ROOM 421 LOB

#### **Representative Donald A. Bonner Presiding**

The chair, Representative Bonner opened the meeting at 1:10 p.m. on June 15, 1999. Present were Representatives Arnold, Bonner, Moore, Horn, Melton, Edwards, Hiatt, Kinney, Lubke, Nye, Russel, Sherrill, Walend and Nesbitt. Staff present was Robin Johnson and Shirley Iorio and Committee Assistants Susan Burleson and Lucy Johnson.

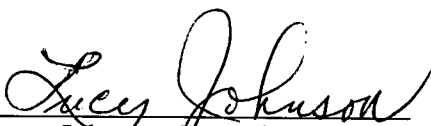
The chair recognized Senator Carter to explain Senate Bill 977; questions and comments began when Representative Arnold and representative commented that the bill would force local school boards to do something that they should already doing. Others speaking on the bill were Representative's Jeffus, and Cox. Also, speaking on the bill were John Wilson, NCAE; Jan Croths, Executive Director of School Administration Association; Lee Ann Winner, School Board Association; Jane Warsham, Executive Director State Board of Education.

Representative Moore was recognized to send forth and explain an amendment to the Bill. Asking questions were Representatives Jeffus, Horn, Sherril, Nesbitt and Cox. The chair ordered that the amendment follow the Bill to a subcommittee to be studied further. Appointed to the Subcommittee were Representative Moore, Chair; Representatives Jeffus, Horn, Sherril and Nesbitt.

The agenda having been cleared, the chair adjourned at 1:49 p.m.

Respectfully Submitted by:

  
Representative Donald A. Bonner, Chair

  
Lucy Johnson, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 977\*  
Second Edition Engrossed 4/26/99

Short Title: School Team Authority/Sch. Calendar.

(Public)

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Sponsors: Senators Carter, Garrou; Metcalf and Robinson.

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Referred to: Education/Higher Education.

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April 15, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE THE AUTHORITY OF THE SCHOOL IMPROVEMENT  
3 TEAM WITH REGARD TO THE SCHOOL CALENDAR.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 115C-84.2(a) reads as rewritten:  
6 "(a) School Calendar. -- Each local board of education shall adopt a school  
7 calendar consisting of 220 days all of which shall fall within the fiscal year. A school  
8 calendar shall include the following:  
9 (1) A minimum of 180 days and 1,000 hours of instruction covering at  
10 least nine calendar months. The local board shall designate when  
11 the 180 instructional days shall occur. The number of instructional  
12 hours in an instructional day may vary according to local board  
13 policy and does not have to be uniform among the schools in the  
14 administrative unit. Local boards may approve school  
15 improvement plans that include days with varying amounts of  
16 instructional time. If school is closed early due to inclement  
17 weather, the day and the scheduled amount of instructional hours  
18 may count towards the required minimum to the extent allowed by  
19 State Board policy. The school calendar shall include a plan for  
20 making up days and instructional hours missed when schools are  
21 not opened due to inclement weather.  
22 (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.

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

(5) The remaining days shall be scheduled by each individual school by the school's principal in consultation with the school improvement team. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

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

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days."

Section 2. This act becomes effective July 1, 1999, and applies to all school years beginning with the 1999-2000 school year.



# SENATE BILL 977: School Team Authority/Sch. Calendar

## BILL ANALYSIS

**Committee:** House Education Subcommittee,  
Preschool, Elementary, Secondary  
**Date:** June 15, 1999  
**Version:** Second Edition

**Introduced by:** Senators Carter & Garrou  
**Summary by:** Shirley Iorio, Ph.D.  
Education Policy Analyst

**SUMMARY:** *Senate Bill 977 would require local boards of education to allow principals in consultation with their school improvement teams to decide how to use an additional two days in a school year. These days may be used for teacher workdays, additional instructional days, or other lawful purposes.*

*The bill would take effect July 1, 1999, and would begin to apply with the 1999-2000 school year.*

**CURRENT LAW:** The school calendar currently consists of 220 days, all falling within the fiscal year. Of those days, local boards must schedule at least 180 instructional days and at least 1000 instructional hours. The amount of time in each instructional day may vary according to local board rule. Of the remaining 40 days: 10 are scheduled as teacher vacation days; 10-11 are scheduled as holidays (depending on the number of State holidays in the particular year); 10 are scheduled by the local board for teacher workdays, additional instructional days, or other lawful purpose; and the remaining 9-10 are scheduled by the principal in consultation with the school improvement team for teacher workdays, additional instructional days, or other lawful purposes. Local boards may opt to shift any of their 10 days to individual schools to schedule. The following limitations apply to the calendar: (i) teachers employed for 10 months cannot be required to work more than 200 days; (ii) Veteran's Day is a required holiday for all students; (iii) the calendar must include at least 42 consecutive days when teachers are not required to report to work; and (iv) school cannot be taught on Sundays. Local boards also must develop a plan for making up days lost due to inclement weather. (See attached G.S. 115C-84.2)

**BILL ANALYSIS:** This bill would make a change in the way a school calendar is created each year by **shifting from the local board to individual schools two of the 10 days it now has to use for teacher workdays, additional instructional days, or other lawful purposes.** This would mean that individual schools would have 11-12 days, as compared to the 9-10 days they currently have.

**ISSUE:** Many school systems have already adopted their school calendars for the 1999-2000 school year. This bill, which would apply to school years beginning with the 1999-2000 school year, could be difficult for school boards if they have already adopted next year's calendar.

**BACKGROUND:** In 1997, the General Assembly enacted legislation that significantly rewrote the laws governing the way the school calendar is constructed. In connection with these changes, substantive changes were made to the laws related to teachers' salary payments and benefits.

S977-SMSF-001 (2<sup>nd</sup> Ed.)

*This summary was contributed to by Robin Johnson, Committee Counsel.*

## § 115C-84.2. School calendar.

(a) School Calendar. - Each local board of education shall adopt a school calendar consisting of 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.

(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.

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

(5) The remaining days shall be scheduled by each individual school by the school's principal in consultation with the school improvement team. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

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

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days.

(b) Limitations. - The following limitations apply when developing the school calendar:

(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 200 days.

(2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.

(3) School shall not be held on Sundays.

(4) Veteran's Day shall be a holiday for all students enrolled in the public schools.

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

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

(1997-443, s. 8.38(c); 1998-212, s. 9.18(b).)

# VISITOR REGISTRATION SHEET

Preschool, Elementary and Secondary Education Sub Committee June 15, 1999

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
<del>Jane N. Marsham</del>	SBE
<del>John</del>	THP/WP
Linda Suggs	NCASA
Kim Melrose	NCAE
Lara Hall	NCAE
Kay Robinson	NCAE
Terry Melt	NCAE
John L. Bass	NCAE - Guilford Co. Schools
Busan Phillips	NCAE
Deborah Egoon	NCAE
Ala Sue Maneth	NCAE
Linda Davis	NCAE/NEA
Venesia Rushing	NCAE Dist# 12 Nash-RM
Kim Hargitt	NCAE - Dist #6 Union County
Fodie Mitchel McMillan	NCAE/Robeson Co./Dist. 10
Bennell Collett	NCAE Representative- Davidson Co.
Christie Hinkle	NCAE - Davidson Co.
Doyle Chambers	NCAE - Transylvania Co.
Colon Ballance	NCAE Onslow County
Martha Blake	NCAE Craven County
Greta Boyd	NCAE Surry Co.
Karla Cavers	NCAE Harnett County
Pamela E. Graham	NCAE - Harnett County
J. Gibson	NCAE
Shari' Swickland	NCAE - Pitt County
Dottie Metcalf	" "
Alan B. Moulton	NCAE - Cumberland County
Kathricia Randall	NCAE - Cumberland



## VISITOR REGISTRATION SHEET

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John E. Wilson	NCAE
Nick Turnmire	NCAE - Ashe Co.
Tonya Blewitts	NCAE - Ashe Co.
Virginia Hoover	NCAE - Guilford Co.
John E. Ferguson	NCAE - NEA Surry Co.
Bethie Rickett	NCAE - Duplin Co.
Joanna H. Hines	NCSBA
Jan Crafts	NCAEA
James B. Harnell	NCAE
Cassandra H. Yungue	NCAE
Robert H. Hark	State Office
Melissa Dettman	NCAE
Earl R. Lewis Sr.	NCAE
Mathew Drew	NCAE - Wayne County
Betty B. Lewis	NCAE - Wayne County
James Luebit	NCAE - Edgecombe Co.
James Atkinson	NCAE - Nash Rocky Mt.
Patricia H. Taylor	NCAE - Nash Rocky Mt.
Janetta Martin	NCAE - Charlotte-Mecklenburg
Debra R. Curtis	NCAE - Eliz. City - Pasquotank
Lindsey L. James	NCAE - Eliz. City - Pasquotank



**NORTH CAROLINA HOUSE OF REPRESENTATIVES**  
**EDUCATION SUBCOMMITTEE ON**  
**PRESCHOOL, ELEMENTARY AND SECONDARY EDUCATION**

**Tuesday, July 6, 1999**

**11:00 AM**

**Room 421 Legislative Office Building**

**AGENDA**

- **Introductions**
- **SB 977 SCHOOL TERM AUTHORITY/SCH. CALENDAR – Sen. Carter**
- **Questions and Comments by Members**

**MINUTES**

**HOUSE SUBCOMMITTEE ON PRE-SCHOOL, ELEMENTARY AND  
SECONDARY EDUCATION**

**ROOM 421**

**JULY 6, 1999**

**Representative Donald A. Bonner, Presiding**

The Chair called the meeting to order at 12:00 noon with the following Representatives in attendance: Representatives Bonner, Moore, Horn, Melton, Edwards, Hiatt, Kinney, Luebke, Nye, Russell, Sherrill, Walend, Warren, Nesbitt and Arnold. Also present were Robin Johnson and Shirley Iorio, Research Staff; Susan Burleson, and Lucy Johnson Committee Assistants.

The first order of business was to take up old business, Senate Bill 977. The Chair called for the report from the Subcommittee on Senate Bill 977.

The Chair called on Representative Moore to give the subcommittee report on Senate Bill 977.

The Subcommittee recommended that the Bill be given an unfavorable report as to the Bill, favorable to the Committee Substitute with Amendments rolled in. The Bill was unanimously adopted.

The Chair adjourned the meeting at 12:30 PM

Submitted By:

   
Representative Donald A. Bonner, Chair    Lucy B. Johnson Committee Assistant

**1999 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE  
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Bonner and Moore for the Permanent Subcommittee on Preschool, Elementary  
and Secondary Education of the Standing Committee on Education.

- ☐ Committee Substitute for  
S.B. 977      ☒ A BILL TO BE ENTITLED AN ACT TO ENHANCE THE  
AUTHORITY OF THE SCHOOL IMPROVEMENT TEAM WITH REGARD TO THE SCHOOL  
CALENDAR.

REPORTED TO THE STANDING COMMITTEE ON

---

**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the  
Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill      which changes the  
title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill,      which  
changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: \_\_\_\_\_

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY  
TO THE FLOOR OF THE HOUSE:

Rep. Yongue and Warner for the Standing Committee on Education.

*[Signature]*

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to <sup>House</sup> committee substitute bill (# \_\_\_\_\_), ☒ which changes the title,  
unfavorable as to (original bill) (Committee Substitute Bill # \_\_\_\_\_) (and recommendation that  
~~the committee substitute bill (# \_\_\_\_\_) be referred to the Committee on \_\_\_\_\_~~)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 977\*  
Second Edition Engrossed 4/26/99

Short Title: School Team Authority/Sch. Calendar.

(Public)

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Sponsors: Senators Carter, Garrou; Metcalf and Robinson.

---

Referred to: Education/Higher Education.

---

April 15, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE THE AUTHORITY OF THE SCHOOL IMPROVEMENT  
3 TEAM WITH REGARD TO THE SCHOOL CALENDAR.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 115C-84.2(a) reads as rewritten:  
6 "(a) School Calendar. -- Each local board of education shall adopt a school  
7 calendar consisting of 220 days all of which shall fall within the fiscal year. A school  
8 calendar shall include the following:  
9 (1) A minimum of 180 days and 1,000 hours of instruction covering at  
10 least nine calendar months. The local board shall designate when  
11 the 180 instructional days shall occur. The number of instructional  
12 hours in an instructional day may vary according to local board  
13 policy and does not have to be uniform among the schools in the  
14 administrative unit. Local boards may approve school  
15 improvement plans that include days with varying amounts of  
16 instructional time. If school is closed early due to inclement  
17 weather, the day and the scheduled amount of instructional hours  
18 may count towards the required minimum to the extent allowed by  
19 State Board policy. The school calendar shall include a plan for  
20 making up days and instructional hours missed when schools are  
21 not opened due to inclement weather.  
22 (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.

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

(5) The remaining days shall be scheduled by each individual school by the school's principal in consultation with the school improvement team. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

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

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days."

Section 2. This act becomes effective July 1, 1999, and applies to all school years beginning with the 1999-2000 school year.

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 977\*

Proposed House Committee Substitute

S977-CSSF-001

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Second Edition Engrossed 4/26/99

Short Title: School Team Authority/Sch. Calendar. (Public)

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Sponsors:

---

Referred to: Education/Higher Education.

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April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE THE AUTHORITY OF THE SCHOOL IMPROVEMENT TEAM  
3 WITH REGARD TO THE SCHOOL CALENDAR.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 115C-84.2(a) reads as rewritten:  
6 "(a) School Calendar. -- Each local board of education shall  
7 adopt a school calendar consisting of 220 days all of which shall  
8 fall within the fiscal year. A school calendar shall include the  
9 following:  
10 (1) A minimum of 180 days and 1,000 hours of  
11 instruction covering at least nine calendar months.  
12 The local board shall designate when the 180  
13 instructional days shall occur. The number of  
14 instructional hours in an instructional day may  
15 vary according to local board policy and does not  
16 have to be uniform among the schools in the  
17 administrative unit. Local boards may approve  
18 school improvement plans that include days with  
19 varying amounts of instructional time. If school is  
20 closed early due to inclement weather, the day and



1 the scheduled amount of instructional hours may  
2 count towards the required minimum to the extent  
3 allowed by State Board policy. The school calendar  
4 shall include a plan for making up days and  
5 instructional hours missed when schools are not  
6 opened due to inclement weather.

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

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

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

21 (5) The remaining days ~~shall be~~ scheduled by each  
22 ~~individual school by the school's principal in~~  
23 ~~consultation with the school improvement team. Days~~  
24 ~~may be scheduled~~ for any of the purposes allowed  
25 under subdivision (4) of this subsection. Before  
26 scheduling these days, the principal shall work  
27 with the school improvement team to determine the  
28 days to be scheduled and the purposes for which  
29 they should be scheduled. Days may be scheduled and  
30 planned for different purposes for different  
31 personnel, and there is no requirement to schedule  
32 the same dates for all personnel.

33 Local boards and individual schools are encouraged to use the  
34 calendar flexibility in order to meet the annual performance  
35 standards set by the State Board. Local boards of education shall  
36 consult with parents and the employed public school personnel in  
37 the development of the school calendar.

38 Local boards and individual schools shall give teachers at  
39 least 14 calendar days' notice before requiring a teacher to work  
40 instead of taking vacation leave on days scheduled in accordance  
41 with subdivision (4) or (5) of this subsection. A teacher may  
42 elect to waive this notice requirement for one or more such  
43 days."

1           Section 2. The Joint Legislative Education Oversight  
2 Committee shall study issues related to the development of a  
3 school calendar including whether there is sufficient flexibility  
4 under the current law to deal with school closings due to  
5 inclement weather and emergency situations involving individual  
6 schools. The Joint Legislative Education Oversight Committee may  
7 report its findings and any recommendations to the 2000 Regular  
8 Session of the 1999 General Assembly, or to the 2001 General  
9 Assembly.

10           Section 3. This act becomes effective July 1, 1999, and  
11 applies to all school years beginning with the 2000-2001 school  
12 year.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

DATE \_\_\_\_\_

S. B. No. 977

Amendment No. \_\_\_\_\_

COMMITTEE SUBSTITUTE 8977- CSSF -001

(to be filled in by  
Principal Clerk)

Rep.) Russell  
Sen.) \_\_\_\_\_

amendment ARH-002.2

1 moves to amend the bill on page 1, line 13

2 ( ) WHICH CHANGES THE TITLE

3 by deleting "shall" & substituting "may";

4  
5 and on page 1, line 16, by deleting  
6 "These members" & substituting  
7 "Any members who are removed".

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

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12 \_\_\_\_\_

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14 \_\_\_\_\_

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19 \_\_\_\_\_

SIGNED C. B. Russell

ADOPTED ☒

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_



(2)  
**DRAFT**

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 977

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 1 of \_\_\_\_\_

S977-ASF-003.1

Date \_\_\_\_\_, 1999

Comm. Sub. [yes]  
Amends Title [yes]  
PCS

1 moves to amend the bill on page 1, line 3, by deleting the word  
2 "CALENDAR." and by substituting the following:

3  
4 "CALENDAR, AND TO REQUIRE PRINCIPALS AND LOCAL BOARDS OF EDUCATION  
5 TO ESTABLISH SCHOOL IMPROVEMENT TEAMS.";

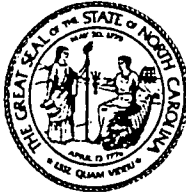
6  
7 and on page 2, line 43, and page 3, line 1, by adding between the  
8 lines the following new sections to read:

9 "Section 2. G.S. 115C-288 is amended by adding the following new  
10 subsection to read:

11 '(1) To Establish School Improvement Teams. -- Each school  
12 year, the principal shall ensure that a school improvement team is  
13 established under G.S. 115C-105.27 for the purpose of developing,  
14 reviewing, and revising a school improvement plan.'

15 Section 3. G.S. 115C-47 is amended by adding the following new  
16 subdivision to read:

17 '(38) To Establish School Improvement Teams. -- Local  
18 boards shall adopt a policy to ensure that each principal has  
19 established a school improvement team under G.S. 115C-105.27 and in  
20 accordance with G.S. 115C-288(1). Local boards shall direct the  
21 superintendent or the superintendent's designee to provide  
22 appropriate guidance to principals to ensure that these teams are  
23 established and that the principals work together with these teams  
24 to develop, review, and amend school improvement plans for their  
25 schools.'";



DRAFT

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 977

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 2 of \_\_\_\_

S977-ASF-003.1

1  
2  
3 and by renumbering the remaining sections.  
4

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 977

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)  
Page 1 of 1

S977-ARH-002.2

Date \_\_\_\_\_, 1999

Comm. Sub. [x]  
Amends Title [x]  
Second Edition

Representative Arnold

1 moves to amend the proposed House committee substitute on page 1,  
2 line 3, by deleting the word "CALENDAR." and by substituting the  
3 following phrase:

4 "CALENDAR, AND TO CHANGE THE MEMBERSHIP OF SCHOOL IMPROVEMENT  
5 TEAMS AT LOW-PERFORMING SCHOOLS.";

6

7 and on page 2, line 43, and page 3, line 1, by inserting between the  
8 lines the following new section:

9 "Section 2. G.S. 115C-105.37 is amended by adding the following  
10 new subsection to read:

11 '(c) Within 30 days of the initial identification of a school as  
12 low-performing, whether by the local school administrative unit or  
13 by the State Board, the superintendent shall remove from the school  
14 improvement team any members who had been on the team that developed  
15 the school improvement plan for the school year at the end of which  
16 the school was identified as low-performing. Those members shall  
17 not serve on that school improvement team for the next two school  
18 years.'";

19

20 and by renumbering the remaining sections accordingly.

SIGNED \_\_\_\_\_

Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_



# SENATE BILL 977: School Team Authority/Sch. Calendar

## BILL ANALYSIS

**Committee:** House Education Subcommittee,  
Preschool, Elementary, Secondary  
**Date:** June 15, 1999  
**Version:** Second Edition

**Introduced by:** Senators Carter & Garrou  
**Summary by:** Shirley Iorio, Ph.D.  
Education Policy Analyst

**SUMMARY:** *Senate Bill 977 would require local boards of education to allow principals in consultation with their school improvement teams to decide how to use an additional two days in a school year. These days may be used for teacher workdays, additional instructional days, or other lawful purposes.*

*The bill would take effect July 1, 1999, and would begin to apply with the 1999-2000 school year.*

**CURRENT LAW:** The school calendar currently consists of 220 days, all falling within the fiscal year. Of those days, local boards must schedule at least 180 instructional days and at least 1000 instructional hours. The amount of time in each instructional day may vary according to local board rule. Of the remaining 40 days: 10 are scheduled as teacher vacation days; 10-11 are scheduled as holidays (depending on the number of State holidays in the particular year); 10 are scheduled by the local board for teacher workdays, additional instructional days, or other lawful purpose; and the remaining 9-10 are scheduled by the principal in consultation with the school improvement team for teacher workdays, additional instructional days, or other lawful purposes. Local boards may opt to shift any of their 10 days to individual schools to schedule. The following limitations apply to the calendar: (i) teachers employed for 10 months cannot be required to work more than 200 days; (ii) Veteran's Day is a required holiday for all students; (iii) the calendar must include at least 42 consecutive days when teachers are not required to report to work; and (iv) school cannot be taught on Sundays. Local boards also must develop a plan for making up days lost due to inclement weather. (See attached G.S. 115C-84.2)

**BILL ANALYSIS:** This bill would make a change in the way a school calendar is created each year by **shifting from the local board to individual schools two of the 10 days it now has to use for teacher workdays, additional instructional days, or other lawful purposes.** This would mean that individual schools would have 11-12 days, as compared to the 9-10 days they currently have.

**ISSUE:** Many school systems have already adopted their school calendars for the 1999-2000 school year. This bill, which would apply to school years beginning with the 1999-2000 school year, could be difficult for school boards if they have already adopted next year's calendar.

**BACKGROUND:** In 1997, the General Assembly enacted legislation that significantly rewrote the laws governing the way the school calendar is constructed. In connection with these changes, substantive changes were made to the laws related to teachers' salary payments and benefits.

S977-SMSF-001(2<sup>nd</sup> Ed.)

*This summary was contributed to by Robin Johnson, Committee Counsel.*

## § 115C-84.2. School calendar.

(a) School Calendar. - Each local board of education shall adopt a school calendar consisting of 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.

(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.

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

(5) The remaining days shall be scheduled by each individual school by the school's principal in consultation with the school improvement team. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

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

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days.

(b) Limitations. - The following limitations apply when developing the school calendar:



(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 200 days.

(2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.

(3) School shall not be held on Sundays.

(4) Veteran's Day shall be a holiday for all students enrolled in the public schools.

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

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

(1997-443, s. 8.38(c); 1998-212, s. 9.18(b).)