

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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1

HOUSE BILL 54

Short Title: Academic Leave for Teachers.

(Public)

Sponsors: Representatives Chapin; Bowen, Bowman, Brawley, Brown, Cooper, N. Crawford, Devane, Fletcher, Hege, S. Hunt, Isenhower, Lineberry, Mills, Nye, Perdue, Ramsey, Redwine, Rhyne, Rogers, R. Thompson, Walker, Warner, Warren, and Wicker.

Referred to: Education.

January 23, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN ACADEMIC LEAVE PROGRAM FOR QUALIFIED PUBLIC SCHOOL TEACHERS.

The General Assembly of North Carolina enacts:

Section 1. Part 1 of Article 24C of Subchapter V of Chapter 115C of the General Statutes, is amended by adding a new section to read:

"§ 115C-363.21A. Academic Leave Program for Qualified Public School Teachers.

(a) The Office of Teacher Recruitment shall administer an Academic Leave Program for qualified public school teachers. The program shall provide for qualified public school teachers to take a one-year, paid leave of absence from teaching duties to enroll in and successfully complete an approved course of study at a college, community college, or university in North Carolina.

(b) The purpose of the academic leave program is to provide tenured teachers who have five or more years of teaching experience in the public schools with an opportunity to improve and enhance their teaching skills and professional credentials.

(c) Application to qualify for the Academic Leave Program shall be made available in each of the eight education districts in the State, as set forth in Chapter 115C of the General Statutes. Five applicants from each of the eight education districts shall be selected to receive one year of paid academic leave under the Academic Leave Program. Paid academic leave shall mean that recipients of paid academic leave shall, during the one-year leave period, continue to be considered as State employees and shall

1 receive full salary and retirement and health benefits as provided in Chapter 135 of the
2 General Statutes. Paid academic leave does not include payment of tuition or other
3 related costs of enrolling in and completing the approved course of study.

4 (d) Qualified applicants may apply for paid academic leave each year the
5 program is offered; provided, however, that applicants who are granted and complete
6 one year of academic leave may not apply again for one year of academic leave until six
7 years after the recipient has completed the approved course of study.

8 (e) In order to qualify for the Academic Leave Program, applicants must:

9 (1) Have five consecutive years of teaching experience at a North Carolina
10 public school or at a school operated by the United States government
11 in North Carolina;

12 (2) Have achieved tenured status in accordance with the provisions of G.S.
13 115C-325;

14 (3) Agree to enter a college, community college, or university course of
15 study full-time, which course of study shall be approved by the Office
16 of Teacher Recruitment;

17 (4) Agree to successfully complete the approved course of study within
18 the one-year paid academic leave period;

19 (5) Agree to teach in a North Carolina public school for a period of not
20 less than five consecutive years beginning immediately upon the
21 teacher's completion of the one-year academic leave period; provided,
22 however, that the first year of the payback period shall be taught in the
23 local school administrative unit which sponsored the recipient's one-
24 year paid academic leave;

25 (f) If a recipient of a one-year academic leave award does not successfully
26 complete the approved course of study, the recipient shall fully reimburse the State for
27 the salary and health and retirement benefits paid to the recipient for the one-year
28 academic leave period.

29 (g) If a recipient of a one-year academic leave award does not fully comply with
30 the payback teaching requirements provided in subsection (e)(5) above, the recipient
31 shall reimburse the State for the salary and health and retirement benefits paid to the
32 recipient for the one-year academic leave period. The amount to be reimbursed to the
33 State for failure to fully comply with the payback teaching requirements shall be
34 calculated pro rata based on the number of years taught in the public school system after
35 completion of the one-year academic leave period.

36 (h) If a recipient, due to a medically-related physical or mental condition, is
37 unable to successfully complete the approved course of study or to fully comply with
38 the payback teaching requirements within the period of time required by this section, the
39 Office of Teacher Recruitment may adjust the previously approved course of study, or
40 may grant the recipient a reasonable extension of time, to allow the recipient to comply
41 with the completion and payback requirements.

42 (i) If a recipient who is complying with the requirements of this section dies
43 within the one-year leave period or within the payback teaching period, the obligation to

1 reimburse the State for the teacher's salary and health and retirement benefits shall be
2 cancelled.

3 (j) In accordance with the provisions of the Set-Off Debt Collection Act, Chapter
4 105A of the General Statutes, the State may secure reimbursement from the recipient
5 who fails to meet the completion and payback teaching requirements of this section."

6 Sec. 2. There is appropriated from the General Fund to the Department of
7 Public Instruction for the 1989-90 fiscal year the sum of one million, three hundred
8 thousand dollars (\$1,300,000) and for the fiscal year 1990-91 the sum of one million,
9 three hundred thousand dollars (\$1,300,000).

10 Sec. 3. G.S. 105A-2(1) reads as rewritten:

11 **"§ 105A-2. Definitions.**

12 As used in this Article:

13 (1) 'Claimant agency' means and includes:

- 14 a. The State Education Assistance Authority as enabled by Article 23 of
15 Chapter 116 of the General Statutes;
- 16 b. The North Carolina Department of Human Resources when in the
17 exercise of its authority to collect health profession student loans made
18 pursuant to G.S. 131-121;
- 19 c. The North Carolina Department of Human Resources when in the
20 performance of its duties under the Medical Assistance Program
21 enabled by Chapter 108A, Article 2, Part 6, and any county operating
22 the same Program at the local level, when and only to the extent such a
23 county is in the performance of Medical Assistance Program collection
24 functions;
- 25 d. The North Carolina Department of Human Resources when in the
26 performance of its duties, under the Child Support Enforcement
27 Program as enabled by Chapter 110, Article 9 and Title IV, Part D of
28 the Social Security Act to obtain indemnification for past paid public
29 assistance or to collect child support arrearages owed to an individual
30 receiving program services and any county operating the program at
31 the local level, when and only to the extent that the county is engaged
32 in the performance of those same duties.
- 33 e. The University of North Carolina, including its constituent institutions
34 as specified by G.S. 116-2(4);
- 35 f. The North Carolina Memorial Hospital in the conduct of its financial
36 affairs and operations pursuant to G.S. 116-37;
- 37 g. The Board of Governors of The University of North Carolina and the
38 State Board of Education through the College Scholarship Loan
39 Committee when in the performance of its duties of administering the
40 Scholarship Loan Fund for Prospective College Teachers enabled by
41 Chapter 116, Article 5;
- 42 h. The Office of the North Carolina Attorney General on behalf of any
43 State agency when the claim has been reduced to a judgment;

- 1 i. The State Board of Community Colleges through community colleges
2 as enabled by Chapter 115D in the conduct of their financial affairs
3 and operations;
- 4 j. State facilities as listed in G.S. 122C-181(a), School for the Deaf at
5 Morganton, North Carolina Sanatorium at McCain, Western Carolina
6 Sanatorium at Black Mountain, Eastern North Carolina Sanatorium at
7 Wilson, and Gravely Sanatorium at Chapel Hill under Chapter 143,
8 Article 7; Governor Morehead School under Chapter 115, Article 40;
9 Central North Carolina School for the Deaf under Chapter 115, Article
10 41; Wright School for Treatment and Education of Emotionally
11 Disturbed Children under Chapter 122, Article 12A; the Lenox Baker
12 Children's Hospital under Chapter 131, Article 14; and these same
13 institutions by any other names by which they may be known in the
14 future;
- 15 k. The North Carolina Department of Revenue;
- 16 l. The Administrative Office of the Courts;
- 17 m. The Division of Forest Resources of the Department of Natural
18 Resources and Community Development;
- 19 n. The Administrator of the Teachers' and State Employees'
20 Comprehensive Major Medical Plan, established in Article 3 of
21 General Statutes Chapter 135;
- 22 o. The State Board of Education through the Superintendent of Public
23 Instruction when in the performance of his duties of administering the
24 Scholarship Loan Fund for Prospective Teachers enabled by Chapter
25 115C, Article 32A and the scholarship loan and grant programs
26 enabled by Chapter 115C, Article 24C, Part 1.
- 27 p. The Board of Trustees of the Teachers' and State Employees'
28 Retirement System and the Board of Trustees of the Local
29 Governmental Employees' Retirement System in the performance of
30 their duties pursuant to Chapters 120, 128, 135 and 143 of the General
31 Statutes.
- 32 q. The North Carolina Teaching Fellows Commission in the performance
33 of its duties pursuant to Chapter 115C, Article 24C, Part 2.
- 34 r. The North Carolina Department of Human Resources when in the
35 performance of its intentional program violation collection duties
36 under the Food Stamp Program enabled by Chapter 108A, Article 2,
37 Part 5, and any county operating the same Program at the local level,
38 when and only to the extent such a county is in the performance of
39 Food Stamp Program intentional program violation collection
40 functions.
- 41 s. The State Board of Education through the Superintendent of Public
42 Instruction when in the performance of his duties administering the
43 Paid Academic Leave for Teachers Program enabled by Chapter 115C,
44 Article 24C."

1 Sec. 4. This act shall become effective July 1, 1989.