

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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2

HOUSE BILL 54
Committee Substitute Favorable 4/18/89

Short Title: Academic Leave for Teachers.

(Public)

Sponsors:

Referred to:

January 23, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR AN ACADEMIC LEAVE PROGRAM FOR
3 QUALIFIED PUBLIC SCHOOL TEACHERS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Part 1 of Article 24C of Subchapter V of Chapter 115C of the
6 General Statutes, is amended by adding a new section to read:
7 "**§ 115C-363.21A. Academic Leave Program for Qualified Public School Teachers.**
8 (a) The Office of Teacher Recruitment shall administer an Academic Leave
9 Program for qualified public school teachers. The program shall provide for qualified
10 public school teachers to take a one-year paid leave of absence from teaching duties to
11 enroll in and successfully complete an approved course of study at a college or
12 university in North Carolina.
13 (b) The purpose of the academic leave program is to promote excellence in
14 classroom teaching by providing career teachers who have five or more years of
15 teaching experience in the public schools with an opportunity to improve and enhance
16 their teaching skills and professional credentials.
17 (c) The Office of Teacher Recruitment shall establish criteria and procedures for
18 the selection of recipients of academic leave under this section. The Office of Teacher
19 Recruitment shall actively seek qualified applicants for the Academic Leave Program
20 from each of the eight educational districts, as defined in G.S. 115C-65, in the State.
21 The Office of Teacher Recruitment shall review all applications and shall recommend to
22 the Superintendent of Public Instruction those applicants it determines to be best
23 qualified and who meet the minimum requirements under this section. The

1 Superintendent of Public Instruction shall select five applicants from each of the eight
2 educational districts to receive one year of paid academic leave under the Academic
3 Leave Program. Recipients of paid academic leave under this section shall be full-time
4 employees of the State and shall, during the year in which they receive academic leave
5 under this section, receive the full salary to which they would otherwise be entitled as
6 well as all other compensation and benefits, including health benefits and membership
7 in the Retirement System for Teachers and State Employees under Chapter 135 of the
8 General Statutes. No additional payments shall be made under this section for tuition,
9 fees, or other costs related to enrollment in and completion of an approved course of
10 study.

11 (d) Qualified applicants may apply for paid academic leave each year the
12 program is offered; provided, however, that applicants who receive a year of academic
13 leave under this section shall not receive further academic leave under this section.

14 (e) In order to qualify for the Academic Leave Program, an applicant must:

15 (1) Have five consecutive years of teaching experience in the public
16 schools of this State or in a school operated by the United States
17 government in North Carolina;

18 (2) Have achieved career status in accordance with the provisions of G.S.
19 115C-325;

20 (3) Be currently employed as a teacher in the public schools of this State;

21 (4) Agree to enroll in a full-time course of study in a college or university
22 in North Carolina, which course of study shall be approved by the
23 Office of Teacher Recruitment;

24 (5) Agree to successfully complete the approved course of study within
25 the one year of paid academic leave period; and

26 (6) Agree to teach in the public schools of this State for a payback period
27 of five consecutive years beginning immediately upon the teacher's
28 completion of the one year of academic leave period; provided,
29 however, that the first such year shall be taught in the same local
30 administrative unit or other North Carolina public school in which the
31 applicant taught during the year next preceding the year of academic
32 leave.

33 As used in this subsection, 'public schools of this State' means a school operated by a
34 local board of education of a city or county administrative unit or other school operated
35 by the State.

36 (f) If a recipient of a one-year academic leave award does not successfully
37 complete the approved course of study, the recipient shall fully reimburse the State for
38 the salary and health and retirement benefits paid to the recipient while on academic
39 leave.

40 (g) If a recipient of a one-year academic leave award does not fully comply with
41 the payback teaching requirements set out in subdivision (6) of subsection (e) of this
42 section, the recipient shall reimburse the State for the salary and health and retirement
43 benefits paid to the recipient during the one-year academic leave period. The amount to
44 be reimbursed to the State for failure to fully comply with the payback teaching

1 requirements shall be calculated pro rata based on the number of months taught in the
2 public school system after completion of the one-year academic leave period.

3 (h) If a recipient, due to a medically-related physical or mental condition, is
4 unable to successfully complete the approved course of study or to fully comply with
5 the payback teaching requirements within the period of time required by this section, the
6 Office of Teacher Recruitment may adjust the previously approved course of study, or
7 may allow the recipient a reasonable extension of time, to allow the recipient to comply
8 with the completion and payback requirements.

9 (i) If a recipient who is complying with the requirements of this section dies
10 within the one-year leave period or within the payback teaching period, the obligation to
11 reimburse the State for the teacher's salary and health and retirement benefits shall be
12 cancelled.

13 (j) In accordance with the provisions of the Set-Off Debt Collection Act, Chapter
14 105A of the General Statutes, the State may secure reimbursement from the recipient
15 who fails to meet the completion and payback teaching requirements of this section."

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

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

21 **"§ 105A-2. Definitions.**

22 As used in this Article:

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

- 24 a. The State Education Assistance Authority as enabled by Article 23 of
25 Chapter 116 of the General Statutes;
- 26 b. The North Carolina Department of Human Resources when in the
27 exercise of its authority to collect health profession student loans made
28 pursuant to G.S. 131-121;
- 29 c. The North Carolina Department of Human Resources when in the
30 performance of its duties under the Medical Assistance Program
31 enabled by Chapter 108A, Article 2, Part 6, and any county operating
32 the same Program at the local level, when and only to the extent such a
33 county is in the performance of Medical Assistance Program collection
34 functions;
- 35 d. The North Carolina Department of Human Resources when in the
36 performance of its duties, under the Child Support Enforcement
37 Program as enabled by Chapter 110, Article 9 and Title IV, Part D of
38 the Social Security Act to obtain indemnification for past paid public
39 assistance or to collect child support arrearages owed to an individual
40 receiving program services and any county operating the program at
41 the local level, when and only to the extent that the county is engaged
42 in the performance of those same duties.
- 43 e. The University of North Carolina, including its constituent institutions
44 as specified by G.S. 116-2(4);

- 1 f. The North Carolina Memorial Hospital in the conduct of its financial
2 affairs and operations pursuant to G.S. 116-37;
- 3 g. The Board of Governors of The University of North Carolina and the
4 State Board of Education through the College Scholarship Loan
5 Committee when in the performance of its duties of administering the
6 Scholarship Loan Fund for Prospective College Teachers enabled by
7 Chapter 116, Article 5;
- 8 h. The Office of the North Carolina Attorney General on behalf of any
9 State agency when the claim has been reduced to a judgment;
- 10 i. The State Board of Community Colleges through community colleges
11 as enabled by Chapter 115D in the conduct of their financial affairs
12 and operations;
- 13 j. State facilities as listed in G.S. 122C-181(a), School for the Deaf at
14 Morganton, North Carolina Sanatorium at McCain, Western Carolina
15 Sanatorium at Black Mountain, Eastern North Carolina Sanatorium at
16 Wilson, and Gravely Sanatorium at Chapel Hill under Chapter 143,
17 Article 7; Governor Morehead School under Chapter 115, Article 40;
18 Central North Carolina School for the Deaf under Chapter 115, Article
19 41; Wright School for Treatment and Education of Emotionally
20 Disturbed Children under Chapter 122, Article 12A; the Lenox Baker
21 Children's Hospital under Chapter 131, Article 14; and these same
22 institutions by any other names by which they may be known in the
23 future;
- 24 k. The North Carolina Department of Revenue;
- 25 l. The Administrative Office of the Courts;
- 26 m. The Division of Forest Resources of the Department of Natural
27 Resources and Community Development;
- 28 n. The Administrator of the Teachers' and State Employees'
29 Comprehensive Major Medical Plan, established in Article 3 of
30 General Statutes Chapter 135;
- 31 o. The State Board of Education through the Superintendent of Public
32 Instruction when in the performance of his duties of administering the
33 Scholarship Loan Fund for Prospective Teachers enabled by Chapter
34 115C, Article 32A and the scholarship loan and grant programs
35 enabled by Chapter 115C, Article 24C, Part 1.
- 36 p. The Board of Trustees of the Teachers' and State Employees'
37 Retirement System and the Board of Trustees of the Local
38 Governmental Employees' Retirement System in the performance of
39 their duties pursuant to Chapters 120, 128, 135 and 143 of the General
40 Statutes.
- 41 q. The North Carolina Teaching Fellows Commission in the performance
42 of its duties pursuant to Chapter 115C, Article 24C, Part 2.
- 43 r. The North Carolina Department of Human Resources when in the
44 performance of its intentional program violation collection duties

- 1 under the Food Stamp Program enabled by Chapter 108A, Article 2,
2 Part 5, and any county operating the same Program at the local level,
3 when and only to the extent such a county is in the performance of
4 Food Stamp Program intentional program violation collection
5 functions.
- 6 s. The State Board of Education through the Superintendent of Public
7 Instruction when in the performance of his duties administering the
8 Paid Academic Leave for Teachers Program enabled by G.S.
9 115C-363.21A."
- 10 Sec. 4. This act shall become effective 1 July 1989.