

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

3

HOUSE BILL 6\*

Committee Substitute Favorable 4/19/95

Senate Education/Higher Education Committee Substitute Adopted 6/1/95

Short Title: School Flexibility/Accountability.

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO GRANT ADDITIONAL MANAGEMENT FLEXIBILITY TO LOCAL BOARDS OF EDUCATION, TO ENSURE THAT LOCAL BOARDS OF EDUCATION ARE HELD ACCOUNTABLE FOR THE USE OF THAT FLEXIBILITY, TO ASSESS THE RELATIONSHIP BETWEEN EXPENDITURES FOR PUBLIC SCHOOLS AND STUDENT PERFORMANCE, AND TO MAKE CONFORMING STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

~~---~~LOCAL MANAGEMENT FLEXIBILITY

Section 1. (a) Effective July 1, 1995, funding allotments in the Public School Fund are consolidated as follows to increase flexibility in the use of State funds:

**Existing Funding Allotments**

**New Funding Allotments**

(1) Superintendents;

Central Office

School Administrators; Administration.

Finance Officers;

Maintenance Supervisors;

Child Nutrition Supervisors;

Community Schools;

- 1 Sports Medicine;  
 2 Health Education;  
 3 Categorical Central Office  
 4 Administrators;  
 5 Matching Benefits.
- 6 (2) Classroom Teachers - regular; Classroom Teachers.  
 7 Self-Contained Exceptional  
 8 Children Teachers;  
 9 Program Enhancement Teachers;  
 10 Math, Science, and  
 11 Computer Teachers;  
 12 Matching Benefits.
- 13 (3) Exceptional Children - Exceptional Children.  
 14 State Aid and Related  
 15 Services;  
 16 Exceptional Children -  
 17 Preschool 3 & 4;  
 18 Group Homes;  
 19 Developmental Day Care (3-20);  
 20 Community Residential Center.
- 21 (4) Dropout Prevention/ At-Risk Student Services/  
 22 Students at Risk/In-School Alternative Schools.  
 23 Suspension;  
 24 Summer School - Instruction  
 25 and Remediation Support;  
 26 Summer School - Transportation;  
 27 Intervention/Prevention;  
 28 Preschool Screening;  
 29 Safe Schools;  
 30 Alcohol and Drug Defense;  
 31 Prevention/Student  
 32 Assistance.
- 33 (5) Child Nutrition - Staff Staff Development.  
 34 Development; Staff Development -  
 35 Finance Officers; Staff  
 36 Development - K-12.
- 37 (6) Clerical Assistants; Noninstructional  
 38 Custodians; Support Personnel.  
 39 Duty-Free Period;  
 40 Liability Insurance;  
 41 Substitute Pay;  
 42 Clerical Assistant -  
 43 Textbook Commission;

- 1 Technology Assistants;  
2 Matching Benefits.
- 3 (7) Instructional Supplies; Classroom Materials/  
4 Instructional Equipment; Instructional Supplies/  
5 Testing Support. Equipment.
- 6 (8) Principals; School Building  
7 Assistant Principals. Administration.
- 8 (9) Instructional Instructional Support  
9 Support; Personnel.  
10 Restricted Support  
11 Personnel.
- 12 (10) Teacher Assistants; Teacher Assistants.  
13 Self-Contained Teacher  
14 Assistants.
- 15 (11) SIMS Uniform Education Reporting  
16 System.

17 (b) The State Board of Education shall adopt formulas for computing the new  
18 allotments and may shift appropriate funds from existing funding allotments as is  
19 necessary to create these new allotments. The State Board shall establish a timeline to  
20 implement the new allotments so that they are fully implemented by the beginning of the  
21 1996-97 school year. For the 1995-96 fiscal year, the State Board shall allocate  
22 Intervention/Prevention funds and Safe Schools funds to local school administrative units  
23 on a grant basis.

24 (c) The formula for the new funding allotment for Central Office Administration  
25 shall provide for a dollar allotment and not a position allotment. Furthermore, no central  
26 office administrators shall be paid from any other funding allotment, including funds for  
27 categorical programs.

28 (d) Funds allotted for the new funding allotment for At-Risk Student  
29 Services/Alternative Schools for the 1995-96 fiscal year shall remain available for  
30 expenditure until September 1, 1996; funds allotted for the 1996-97 fiscal year and  
31 subsequent fiscal years shall become available for expenditure on July 1 of that fiscal  
32 year and shall remain available for expenditure until August 31 of the next fiscal year.

33 (e) The State Board of Education shall adopt policies to establish purposes for  
34 which consolidated funds within each new funding allotment may be used, beginning  
35 with the funds within the At-Risk Student Services/Alternative Schools allotment. These  
36 purposes shall include, but are not required to be limited to, the same purposes as were  
37 permitted under the existing funding allotment categories. If applicable, the purposes  
38 shall conform to appropriate federal requirements. The State Board also shall establish  
39 procedures for allocating funds that previously were distributed in the form of grants to  
40 selected local school administrative units.

41 (f) Notwithstanding the new funding allotments established in this section,  
42 local boards of education may use:

- 1 (1) Funds from the new funding allotment for Classroom  
2 Materials/Instructional Supplies/Equipment for the purchase of  
3 textbooks;
- 4 (2) Funds from the allotment for Textbooks for the purchase of instructional  
5 supplies, instructional equipment, or other classroom materials;
- 6 (3) Funds from the allotment for Noninstructional Support Personnel for  
7 teacher positions to reduce class size in kindergarten through the third  
8 grade;
- 9 (4) Funds from the allotment for Instructional Support Personnel for teacher  
10 positions to reduce class size at all grade levels; and
- 11 (5) Funds from the allotment for Vocational Education - Months of  
12 Employment for program support for vocational education.

13 No waivers shall be necessary for the use of these funds under this subsection.

14 (g) The State Board of Education shall report on the formulas and timeline  
15 under subsection (b) of this section, and on the policies and procedures established under  
16 subsection (e) of this section to the Joint Legislative Education Oversight Committee by  
17 April 15, 1996.

18 Sec. 2. Notwithstanding Section 19.17(1) of Chapter 769 of the 1993 Session  
19 Laws, the funds allocated in that section for school psychologists, social workers, and  
20 guidance counselors for kindergarten through the eighth grade in accordance with the  
21 Basic Education Program may be used in the same manner as permitted under the  
22 Instructional Support Personnel allotment.

#### 23 **—FISCAL ACCOUNTABILITY**

24 Sec. 3. The State Board of Education shall develop a plan for modifying or  
25 expanding the Uniform Education Reporting System to provide information on the use of  
26 funds at the unit and school level. The plan shall provide information that will enable the  
27 General Assembly to determine State, local, and federal expenditures for personnel at the  
28 unit and school level. The plan also shall determine the feasibility of tracking  
29 expenditures for textbooks, educational supplies and equipment, capital outlay, and other  
30 purposes. The goals of the plan shall be to provide: (i) clear, accurate, and standard  
31 reporting of unit and school personnel expenditures; (ii) information that is useful for  
32 policymakers and public reporting purposes; (iii) information that provides comparative  
33 costs and efficiency data at the unit and school level; (iv) a flexible database for  
34 answering a variety of questions regarding public school expenditures in North Carolina  
35 schools; and (v) an automated system of reporting expenditures that minimizes workload  
36 and administration. The State Board of Education shall report to the Joint Legislative  
37 Education Oversight Committee by October 15, 1995, on the plan developed in this  
38 section and make recommendations on the feasibility and timing of implementing the  
39 plan on a statewide basis. The Joint Legislative Education Oversight Committee shall  
40 make any recommendations for legislation or funds necessary to implement the plan  
41 statewide to the 1996 Regular Session of the 1995 General Assembly.

#### 42 **—STUDENT PERFORMANCE**

43 Sec. 4. G.S. 115C-12 is amended by adding a new subdivision to read:

1           "(1a) To Submit a Budget Request to the Director of the Budget. – The Board  
2           shall submit a budget request to the Director of the Budget in  
3           accordance with G.S. 143-6. In addition to the information requested by  
4           the Director of the Budget, the Board shall provide an analysis relating  
5           each of its requests for expansion funds to anticipated improvements in  
6           student performance."

7 **—CONFORMING STATUTORY CHANGES**

8           Sec. 5. G.S. 115C-81(e)(3) reads as rewritten:

9           "(3) The development and administration of this program shall be the  
10           responsibility of each local school administrative unit in the State that  
11           ~~receives an allocation of State funds for a school health coordinator, a school~~  
12           ~~health education coordinator who serves the local school administrative unit,~~  
13           ~~the Department of Public Instruction, and a State School Health Education~~  
14           ~~Advisory Committee. uses State funds to implement this program."~~

15           Sec. 6. G.S. 115C-81(e)(4) reads as rewritten:

16           "~~(4) Each existing local school administrative unit is eligible to develop and~~  
17           ~~submit a plan for a comprehensive school health education program~~  
18           ~~which shall meet all standards established by the State Board of~~  
19           ~~Education, and to apply for funds to execute such plans.~~

20           ~~The State Board of Education shall designate an impartial panel to~~  
21           ~~review health education program plans submitted by local school~~  
22           ~~administrative units. Based on the panel's evaluation of the plans, the~~  
23           ~~State Board of Education shall allocate the State funded school health~~  
24           ~~coordinators. Where feasible, a school health coordinator shall serve~~  
25           ~~more than one local school administrative unit.~~

26           Each person initially employed as a State-funded school health coordinator  
27           after June 30, 1987, shall have a degree in health education."

28           Sec. 7. G.S. 115C-81(e)(5) reads as rewritten:

29           "(5) The Department of Public Instruction shall supervise the development  
30           and operation of a statewide comprehensive school health education  
31           program including curriculum development, in-service training  
32           provision and promotion of collegiate training, learning material review,  
33           and assessment and evaluation of local programs in the same manner as  
34           for other programs. ~~It is the intent of this legislation that a specific position~~  
35           ~~or positions in the Department of Public Instruction shall be assigned~~  
36           ~~responsibilities as set forth in this subsection."~~

37           Sec. 8. G.S. 115C-206 reads as rewritten:

38 **"§ 115C-206. State Board of Education; duties; responsibilities.**

39           The Superintendent of Public Instruction shall prepare and present to the State Board  
40           of Education recommendations for general guidelines for encouraging increased  
41           community involvement in the public schools and use of public school facilities. ~~The~~  
42           ~~Superintendent of Public Instruction shall consult with the interagency council in preparing the~~

1 ~~general guidelines.~~ These recommendations shall include, but shall not be limited to  
2 provisions for:

- 3 (1) The use of public school facilities by governmental, charitable or civic  
4 organizations for activities within the community.
- 5 (2) The utilization of the talents and abilities of volunteers within the  
6 community for the enhancement of public school programs including  
7 tutoring, counseling and cultural programs and projects.
- 8 (3) Increased communications between the staff and faculty of the public  
9 schools, other community institutions and agencies, and citizens in the  
10 community.

11 Based on the recommendations of the Superintendent of Public Instruction, the State  
12 Board of Education shall adopt appropriate policies and guidelines for encouraging  
13 increased community involvement in the public schools and use of the public school  
14 facilities.

15 ~~The State Board of Education shall establish rules and regulations governing the~~  
16 ~~submission and approval of programs prepared by local boards of education for~~  
17 ~~encouraging increased community involvement in the public schools and use of the~~  
18 ~~public school facilities.~~

19 ~~The State Board of Education is authorized to allocate funds to the local boards of~~  
20 ~~education for the employment of community schools coordinators and for other~~  
21 ~~appropriate expenses upon approval of a program submitted by a local board of education~~  
22 ~~and subject to the availability of funds. In the event that a local board of education~~  
23 ~~already has sufficient personnel employed performing functions similar to those of a~~  
24 ~~community schools coordinator, the State Board of Education may allocate funds to that~~  
25 ~~local board of education for other purposes consistent with this Article. Funds allocated~~  
26 ~~to a local board of education shall not exceed three fourths of the total budget approved in~~  
27 ~~the community schools program submitted by a local board of education."~~

28 Sec. 9. G.S. 115C-207 reads as rewritten:

29 **"§ 115C-207. Authority and responsibility of local boards of education.**

30 Every local board of education ~~which elects to apply for funding pursuant to that uses~~  
31 State funds to implement programs under this Article shall:

- 32 (1) Develop programs and plans for increased community involvement in  
33 the public schools based upon policies and guidelines adopted by the  
34 State Board of Education.
- 35 (2) Develop programs and plans for increased community use of public  
36 school facilities based upon policies and guidelines adopted by the State  
37 Board of Education.
- 38 (3) Establish rules governing the implementation of such programs and  
39 plans in its public schools and submit these rules along with adopted  
40 programs and plans to the State Board of Education for approval by the  
41 State Board of Education.

42 Programs and plans developed by a local board of education ~~shall~~ may provide for the  
43 establishment of one or more community schools advisory councils for the public schools

1 under the board's jurisdiction and for the employment of one or more community schools  
2 coordinators. The local board of education shall establish the terms and conditions of  
3 employment for the community schools coordinators.

4 Every local board of education ~~which elects to apply for funding pursuant to this Article~~  
5 ~~shall have the authority to using~~ State funds to implement a community schools program  
6 under this Article may enter into agreements with other local boards of education,  
7 agencies and institutions for the joint development of plans and programs and the joint  
8 expenditure of funds allocated by the State Board of Education. Local funds from each local  
9 board of education applying for funds for the community schools program must equal at least  
10 one fourth of the total budget for the community schools program of said local board of  
11 education. these State funds."

12 Sec. 10. G.S. 115C-208 reads as rewritten:

13 **"§ 115C-208. Community schools advisory councils; duties; responsibilities;**  
14 **membership.**

15 Every ~~participating~~ local board of education ~~shall~~ that establishes a community schools  
16 program under this Article may establish one or more community schools advisory  
17 councils which may become involved in matters affecting the educational process in  
18 accordance with rules established by the local board of education and approved by the  
19 State Board of Education and further shall may consider ways of increasing community  
20 involvement in the public schools and utilization of public school facilities. Community  
21 schools advisory councils may assist local boards of education in the development and  
22 preparation of the plans and programs to achieve such goals, may assist in the  
23 implementation of such plans and programs and may provide such other assistance as  
24 may be requested by the local boards of education.

25 Community schools advisory councils ~~shall~~ may work with local school officials and  
26 personnel, parent-teacher organizations, and community groups and agencies in  
27 providing maximum opportunities for public schools to serve the communities, and ~~shall~~  
28 may encourage the maximum use of volunteers in the public schools.

29 At least one half of the members of each community schools advisory council ~~shall~~  
30 should be the parents of students in the particular public school system: Provided, that  
31 less than twenty-five percent (25%) of the pupils attending a particular school reside  
32 outside the immediate community of the school, at least one half of the members shall  
33 should be parents of students in the particular school for which the advisory council is  
34 established. Wherever possible the local board of education is encouraged to include at  
35 least one high school student. The size of the councils and the terms of membership on  
36 the councils shall be determined by the local board of education in accordance with the  
37 State guidelines."

38 Sec. 11. G.S. 115C-209 reads as rewritten:

39 **"§ 115C-209. Community schools coordinators.**

40 Every ~~participating~~ local board of education ~~shall~~ may employ one or more community  
41 schools coordinators and shall establish the terms and conditions of their employment.  
42 Community schools coordinators shall be responsible for:

- 1 (1) Providing support to the community schools advisory councils and  
2 public school officials.
- 3 (2) Fostering cooperation between the local board of education and  
4 appropriate community agencies.
- 5 (3) Encouraging maximum use of community volunteers in the public  
6 schools.
- 7 (4) Performing ~~such~~ any other duties as may be assigned by the local  
8 superintendent and the local board of education, consistent with the  
9 purposes of this Article."

10 Sec. 12. G.S. 115C-238.2(b) reads as rewritten:

11 "(b) Local school administrative units that participate in the Performance-based  
12 Accountability Program:

- 13 (1) Are exempt from State requirements to submit reports and plans, other  
14 than local school improvement plans, to the State Board of Education  
15 and the Department of Public Instruction. They are not exempt from  
16 federal requirements to submit reports and plans to the Department.
- 17 (2) Are subject to the performance standards but not the opportunity  
18 standards or the staffing ratios of the State Accreditation Program. The  
19 performance standards in the State Accreditation Program, modified to  
20 reflect the results of end-of-course and end-of-grade tests, may serve as  
21 the basis for developing the student performance indicators adopted by  
22 the State Board of Education pursuant to G.S. 115C-238.1.
- 23 (3) May receive funds for differentiated pay for certain State-paid  
24 employees, in accordance with G.S. 115C-238.4, if they elect to  
25 participate in a differentiated pay plan.
- 26 (4) May be allowed increased flexibility in the expenditure of State funds,  
27 in accordance with ~~G.S. 115C-238.5~~ G.S. 115C-238.6.
- 28 (5) May be granted waivers of certain State laws, regulations, and policies  
29 that inhibit their ability to reach local accountability goals, in  
30 accordance with G.S. 115C-238.6(a).
- 31 (5a) May use State funds allocated for teacher assistants to reduce class size  
32 or the student-teacher ratio in kindergarten through third grade, in  
33 accordance with a local school improvement plan.
- 34 (6) Shall continue to use the Teacher Performance Appraisal Instrument  
35 (TPAI) for evaluating beginning teachers during the first three years of  
36 their employment; they may, however, develop other evaluation  
37 approaches for teachers who have attained career status.

38 The Department of Public Instruction shall provide technical  
39 assistance, including the provision of model evaluation processes and  
40 instruments, to local school administrative units that elect to develop  
41 dual personnel evaluation processes. A dual personnel evaluation  
42 process includes (i) an evaluation designed to provide information to  
43 guide teachers in their professional growth and development, and (ii) an



1 evaluation to provide information to make personnel decisions  
2 pertaining to hiring, termination, promotion, and reassignment."

3 Sec. 13. G.S. 115C-238.3(b1) reads as rewritten:

4 "(b1) Development by each school of strategies for attaining local school and student  
5 performance goals. – The principal of each school, representatives of the ~~building-level~~  
6 ~~staff, assistant principals, instructional personnel, instructional support personnel, and~~  
7 ~~teacher assistants assigned to the school building,~~ and parents of children enrolled in the  
8 school shall constitute a school improvement team to develop a building-level plan to  
9 address school and student performance goals appropriate to that school from those  
10 established by the local board of education. Parents serving on ~~building-level committees~~  
11 school improvement teams shall reflect the racial and socioeconomic composition of the  
12 students enrolled in that school and shall not be members of the building-level staff.  
13 Parental involvement is a critical component of school success and positive student  
14 outcomes; therefore, it is the intent of the General Assembly that parents, along with  
15 teachers, have a substantial role in developing school and student performance goals at  
16 the building level. To this end, ~~building-level advisory board~~ school improvement team  
17 meetings shall be held at a convenient time to assure substantial parent participation. The  
18 strategies for attaining local school and student performance goals shall include a plan for  
19 the use of staff development funds that may be made available to the school by the local  
20 board of education to implement the building-level plan. The strategies may include a  
21 decision to use State funds allocated for teacher assistants to reduce class size or the  
22 student-teacher ratio in kindergarten through the third grade. This decision shall be based  
23 upon a consideration of projected attrition rates at the school for teacher assistants. The  
24 strategies may also include requests for waivers of State laws, regulations, or policies for  
25 that school. A request for a waiver shall (i) identify the State laws, regulations, or  
26 policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set  
27 out with specificity the circumstances under which the waiver may be used, and (iii)  
28 explain how a waiver of those laws, regulations, or policies will permit the local unit to  
29 reach its local goals.

30 Support among affected staff members is essential to successful implementation of a  
31 building-level plan to address school and student performance goals appropriate to a  
32 school; therefore, the principal of the school shall present the proposed building-level  
33 plan to all of the ~~staff principals, assistant principals, instructional personnel, instructional~~  
34 ~~support personnel, and teacher assistants~~ assigned to the school building for their review  
35 and vote. The vote shall be by secret ballot. The principal may submit the building-level  
36 plan to the local board of education for inclusion in the systemwide plan only if the  
37 proposed building-level plan has the approval of a majority of the staff who voted on the  
38 plan.

39 The local board of education shall accept or reject the building-level plan. The local  
40 board shall not make any substantive changes in any building-level plan that it accepts;  
41 the local board shall set out any building-level plan that it accepts in the systemwide plan.  
42 If the local board rejects a building-level plan, the local board shall state with specificity  
43 its reasons for rejecting the plan; the ~~principal of the school for which the plan was rejected,~~

1 ~~representatives of the building-level staff, and parents of children enrolled in the school~~ school  
2 improvement team may then prepare another plan, present it to the ~~building-level staff~~  
3 principals, assistant principals, instructional personnel, instructional support personnel,  
4 and teacher assistants assigned to the school building for a vote, and submit it to the local  
5 board for inclusion in the systemwide plan. If no building-level plan is accepted for a  
6 school before March 15 of the fiscal year preceding the fiscal year in which participation  
7 is sought, the local board may develop a plan for the school for inclusion in the  
8 systemwide plan; the General Assembly urges the local board to utilize the proposed  
9 building-level plan to the maximum extent possible when developing such a plan."

10 Sec. 14. G.S. 115C-238.5 is repealed.

11 Sec. 15. G.S. 115C-238.6(a) reads as rewritten:

12 "(a) Prior to June 30 each year, the State Superintendent shall review local school  
13 improvement plans submitted by the local school administrative units in accordance with  
14 policies and ~~performance indicators standards~~ adopted by the State Board of Education.  
15 Education and shall recommend to the State Board of Education whether the plan should  
16 be approved. If the State ~~Superintendent Board of Education~~ approves the plan for a local  
17 school administrative unit, that unit shall participate in the Program for the next fiscal  
18 year.

19 If a local plan contains a request for a waiver of State laws, regulations, or policies, in  
20 accordance with G.S. 115C-238.3(b1) or (b2), the State Superintendent shall  
21 determine whether and to what extent the identified laws, regulations, or policies should  
22 be waived. The State Superintendent shall present that plan and his determination to the  
23 State Board of Education. If the State Board of Education deems it necessary to do so to  
24 enable a local unit to reach its local accountability goals, the State ~~Board, only upon the~~  
25 ~~recommendation of the State Superintendent, Board~~ may grant waivers of:

26 (1) State laws pertaining to class size, teacher certification, ~~assignment of~~  
27 ~~teacher assistants,~~ the use of State-adopted textbooks, and the purposes  
28 for which State funds for the public schools, ~~except for funds for school~~  
29 ~~health coordinators, may be used: Provided, however, the State Board of~~  
30 ~~Education shall not permit the use of funds for teachers for expanded~~  
31 ~~programs under the Basic Education Program for any other purpose;~~ schools  
32 may be used;

33 (2) All State regulations and policies, except those pertaining to public  
34 school State salary schedules and employee benefits for school  
35 employees, the instructional program that must be offered under the  
36 Basic Education Program, the system of employment for public school  
37 teachers and administrators set out in G.S. 115C-325, health and safety  
38 codes, compulsory school attendance, the minimum lengths of the  
39 school day and year, and the Uniform Education Reporting System.

40 The State Board shall act promptly on requests for waivers under this section.

41 (a1) Notwithstanding subsection (a) of this section, the following limitations apply  
42 to the granting of waivers:

- 1           (1)    The provisions of G.S. 115C-12(16)b. regarding the placement of State-  
2 allotted office support personnel, teacher assistants, and custodial  
3 personnel on the salary schedule adopted by the State Board shall not be  
4 waived.
- 5           (2)    Except for waivers requested by the local board in accordance with G.S.  
6 115C-238.3(b2) for central office staff, waivers shall be granted only for  
7 the specific schools for which they are requested in building-level plans  
8 and shall be used only under the specific circumstances for which they  
9 are requested.
- 10          (3)    The State Board shall not permit funds under any funding allotment  
11 category other than Central Office Administration to be used for central  
12 office administrators.
- 13          (4)    The State Board shall not permit funds under the Classroom Teachers  
14 allotment category to be used for any additional purpose other than for  
15 teachers of exceptional children, for teachers of at-risk students, and for  
16 authorized purposes under the Textbooks allotment category and the  
17 Classroom Materials/Instructional Supplies/Equipment allotment  
18 category.

19          (a2)   The State Board of Education shall, on a regular basis, review all waivers it has  
20 granted to determine whether any rules should be repealed or whether it should  
21 recommend to the General Assembly the repeal of any laws.

22          (a3)   Local boards of education shall provide maximum flexibility in the use of  
23 funds to individual schools to enable them to accomplish their individual schools' goals."

24          Sec. 16. Effective June 30, 1996, Part 8 of Article 16 of Chapter 115C of the  
25 General Statutes is repealed.

26          Sec. 17. G.S. 115C-272(b)(1) reads as rewritten:

27          "(1)    ~~Salary payments to superintendents shall be made monthly on the basis of~~  
28 ~~each calendar month of service.~~ Each local board of education shall  
29 establish a set date on which monthly salary payments to  
30 superintendents shall be made. This set pay date may differ from the  
31 end of the calendar month of service. Superintendents shall only be  
32 paid for the days employed as of the set pay date. Payment for a full  
33 month when days employed are less than a full month is prohibited as  
34 this constitutes prepayment. Included within their term of employment  
35 shall be annual vacation leave at the same rate provided for State  
36 employees. Included within the 12 months' employment each local  
37 board of education shall designate the same or an equivalent number of  
38 legal holidays as those designated by the State Personnel Commission  
39 for State employees."

40          Sec. 18. G.S. 115C-285(a)(1) reads as rewritten:

41          "(1)    Classified principals and State-allotted supervisors shall be employed  
42 for a term of 12 calendar months. ~~Salary payments to classified~~  
43 ~~principals and State-allotted supervisors shall be made monthly at the~~

1 ~~end of each calendar month of service. Each local board of education~~  
2 ~~shall establish a set date on which monthly salary payments to classified~~  
3 ~~principals and State-allotted supervisors shall be made. This set pay~~  
4 ~~date may differ from the end of the calendar month of service.~~  
5 ~~Classified principals and State-allotted supervisors shall only be paid for~~  
6 ~~the days employed as of the set pay date. Payment for a full month~~  
7 ~~when days employed are less than a full month is prohibited as this~~  
8 ~~constitutes prepayment. They shall earn annual vacation leave at the~~  
9 ~~same rate provided for State employees. On a day that employees are~~  
10 ~~required to report for a workday but pupils are not required to attend~~  
11 ~~school due to inclement weather, an employee may elect not to report~~  
12 ~~due to hazardous travel conditions and to take one of his annual~~  
13 ~~vacation days or to make up the day at the time agreed upon by the~~  
14 ~~employee and his immediate supervisor. They shall be provided by the~~  
15 ~~board the same or an equivalent number of legal holidays as those~~  
16 ~~designated by the State Personnel Commission for State employees."~~

17 Sec. 19. G.S. 115C-302(a)(1) reads as rewritten:

18 "(1) Academic Teachers. – Regular state-allotted teachers shall be employed  
19 for a period of 10 calendar months. ~~Salary payments to regular state-~~  
20 ~~allotted teachers shall be made monthly at the end of each calendar~~  
21 ~~month of service. Provided, that teachers~~ Each local board of education  
22 shall establish a set date on which monthly salary payments to regular  
23 State-allotted teachers shall be made. This set pay date may differ from  
24 the end of the calendar month of service. Teachers shall only be paid  
25 for the days employed as of the set pay date. Payment for a full month  
26 when days employed are less than a full month is prohibited as this  
27 constitutes prepayment. Teachers employed for a period of 10 calendar  
28 months in year-round schools shall be paid in 12 equal ~~installments:~~  
29 ~~Provided further, that any~~ installments. Any individual teacher who is  
30 not employed in a year-round school may be paid in 12 monthly  
31 installments if the teacher so requests on or before the first day of the  
32 school year. Such request shall be filed in the local school  
33 administrative unit which employs the teacher. The payment of the  
34 annual salary in 12 installments instead of 10 shall not increase or  
35 decrease said annual salary nor in any other way alter the contract made  
36 between the teacher and the said local school administrative unit; nor  
37 shall such payment apply to any teacher who is employed for a period of  
38 less than 10 months. Included within the 10 calendar months  
39 employment shall be annual vacation leave at the same rate provided for  
40 State employees, computed at one twelfth (1/12) of the annual rate for  
41 State employees for each calendar month of employment; which shall  
42 be provided by each local board of education at a time when students  
43 are not scheduled to be in regular attendance. However, vacation leave

1 for instructional personnel who do not require a substitute shall not be  
2 restricted to days that students are not in attendance. Included within  
3 the 10 calendar months employment each local board of education shall  
4 designate the same or an equivalent number of legal holidays occurring  
5 within the period of employment for academic teachers as those  
6 designated by the State Personnel Commission for State employees; on  
7 a day that employees are required to report for a workday but pupils are  
8 not required to attend school due to inclement weather, a teacher may  
9 elect not to report due to hazardous travel conditions and to take an  
10 annual vacation day or to make up the day at a time agreed upon by the  
11 employee and the employee's immediate supervisor or principal. Within  
12 policy adopted by the State Board of Education, each local board of  
13 education shall develop rules ~~and regulations~~—designating what  
14 additional portion of the 10 calendar months not devoted to classroom  
15 teaching, holidays, or annual leave shall apply to service rendered  
16 before the opening of the school term, during the school term, and after  
17 the school term and to fix and regulate the duties of state-allotted  
18 teachers during said period, but in no event shall the total number of  
19 workdays exceed 200 days. Local boards of education shall consult  
20 with the employed public school personnel in the development of the  
21 10-calendar-months schedule."

22 Sec. 20. G.S. 115C-302(a)(2) reads as rewritten:

23 "(2) Vocational and Technical Education Teachers. – State-allotted months  
24 of employment to local boards of education as provided by the State  
25 Board of Education shall be used for the employment of teachers of  
26 vocational and technical education for a term of employment as  
27 determined by the local boards of education. ~~Salary payments to these~~  
28 ~~vocational and technical education teachers shall be made monthly at the end~~  
29 ~~of each calendar month of service. Provided, that local~~ Each local board of  
30 education shall establish a set date on which monthly salary payments to  
31 these vocational and technical education teachers shall be made. This  
32 set pay date may differ from the end of the calendar month of service.  
33 These teachers shall only be paid for the days employed as of the set  
34 pay date. Payment for a full month when days employed are less than a  
35 full month is prohibited as this constitutes prepayment. Local boards  
36 shall not reduce the term of employment for any vocational agriculture  
37 teacher personnel position that was 12 calendar months for the 1982-83  
38 school year for any school year thereafter. Provided further, that teachers  
39 thereafter. Teachers employed for a term of 10 calendar months in year-  
40 round schools shall be paid in 12 equal installments. Provided further, that  
41 any installments. Any individual teacher employed for a term of 10  
42 calendar months who is not employed in a year-round school may be  
43 paid in 12 monthly installments if the teacher so requests on or before

1 the first day of the school year. Such request shall be filed in the  
2 administrative unit which employs the teacher. The payment of the  
3 annual salary in 12 installments instead of 10 shall not increase or  
4 decrease said annual salary nor in any other way alter the contract made  
5 between the teacher and the said administrative unit. Included within  
6 their term of employment shall be the same rate of annual vacation  
7 leave and legal holidays provided under the same conditions as set out  
8 in subdivision (1) above, but in no event shall the total workdays for a  
9 10-month employee exceed 200 days in a 10-month schedule and the  
10 workweek shall constitute five days for all vocational and technical  
11 teachers regardless of the employment period.

12 Vocational and technical education teachers who are employed for  
13 11 or 12 months may, with prior approval of the principal, work on  
14 annual leave days designated in the school calendar and take those  
15 annual leave days during the 11th or 12th month of employment.

16 No deductions shall be made from salaries of teachers of vocational  
17 agriculture and home economics whose salaries are paid in part from  
18 State and federal vocational funds while in attendance upon community,  
19 county and State meetings called for the specific purpose of promoting  
20 the agricultural interests of North Carolina, when such attendance is  
21 approved by the superintendent of the administrative unit and the State  
22 Director of Vocational and Technical Education."

23 Sec. 21. G.S. 115C-316(a)(1) reads as rewritten:

24 "(1) Employees Other than Superintendents, Supervisors and Classified  
25 Principals on an Annual Basis. —~~Salary payments to employees other~~  
26 ~~than superintendents, supervisors, and classified principals employed on~~  
27 ~~an annual basis shall be made monthly at the end of each calendar~~  
28 ~~month of service. Each local board of education shall establish a set date~~  
29 ~~on which monthly salary payments to employees other than~~  
30 ~~superintendents, supervisors, and classified principals employed on an~~  
31 ~~annual basis, shall be made. This set pay date may differ from the end~~  
32 ~~of the calendar month of service. These employees shall only be paid~~  
33 ~~for the days employed as of the set pay date. Payment for a full month~~  
34 ~~when days employed are less than a full month is prohibited as this~~  
35 ~~constitutes prepayment. Included within their term of employment shall~~  
36 be annual vacation leave at the same rate provided for State employees,  
37 computed at one-twelfth (1/12) of the annual rate for state employees  
38 for each calendar month of employment. On a day that employees are  
39 required to report for a workday but pupils are not required to attend  
40 school due to inclement weather, an employee may elect not to report  
41 due to hazardous travel conditions and to take one of his annual  
42 vacation days or to make up the day at a time agreed upon by the  
43 employee and his immediate supervisor or principal. Included within

1                   their term of employment each local board of education shall designate  
2                   the same or an equivalent number of legal holidays as those designated  
3                   by the State Personnel Commission for State employees."

4                   Sec. 22. G.S. 115C-318 reads as rewritten:

5                   "**§ 115C-318. Liability insurance for nonteaching public school personnel.**

6                   The State Board of Education shall provide funds for liability insurance for  
7                   nonteaching public school personnel to the extent that such personnel's salaries are  
8                   funded by the State. The insurance shall cover claims made for injury liability and  
9                   property damage liability on account of an act done or an omission made in the course of  
10                  the employee's duties. As provided by law or the rules and policies of the State Board of  
11                  Education or the local school administrative unit, the State Board of Education shall  
12                  comply with the State's laws in securing the insurance and shall provide it at the earliest  
13                  possible date for the 1982-83 school year. ~~Funds for this purpose shall be allocated from the~~  
14                  ~~State's Contingency and Emergency Fund.~~—Nothing in this section shall prevent the State  
15                  Board from furnishing the same liability insurance protection for nonteaching public  
16                  school personnel not supported by State funds, provided that the cost of the protection  
17                  shall be funded from the same source that supports the salaries of these employees."

18                  Sec. 23. Effective June 30, 1996, G.S. 115C-418 is repealed.

19                  Sec. 24. Substitute teachers who hold teacher certificates shall be paid at a rate  
20                  of fifty-seven dollars (\$57.00) per day. Substitute teachers who do not hold teacher  
21                  certificates but have completed effective teacher training shall be paid at a rate of fifty  
22                  dollars (\$50.00) per day. Substitute teachers who do not hold teacher certificates and  
23                  have not completed effective teacher training shall be paid at a rate of forty dollars  
24                  (\$40.00) per day. Deductions in salaries for teachers on leave who require a deduction in  
25                  salary for substitute pay shall be at a standard rate of fifty dollars (\$50.00) per day.

26                  —**EFFECTIVE DATE**

27                  Sec. 25. This act becomes effective July 1, 1995.