

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 509

Short Title: Flexibility on School Calendar Waivers. (Public)

Sponsors: Representative Haire.

Referred to: Rules, Calendar, and Operations of the House.

March 7, 2005

A BILL TO BE ENTITLED

1 AN ACT TO GRANT THE STATE BOARD OF EDUCATION ADDITIONAL
2 FLEXIBILITY IN AUTHORIZING WAIVERS TO THE SCHOOL CALENDAR
3 LAW FOR EDUCATIONAL PURPOSES.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-84.2(d) reads as rewritten:

7 "(d) Opening and Closing Dates. – Local boards of education shall determine the
8 dates of opening and closing the public schools under subdivision (a)(1) of this section.
9 Except for year-round schools, the opening date for students shall not be before August
10 25, and the closing date for students shall not be after June 10. On a showing of good
11 cause, the State Board of Education may waive this requirement to the extent that
12 school calendars are able to provide sufficient days to accommodate anticipated makeup
13 days due to school closings. A local board may revise the scheduled closing date if
14 necessary in order to comply with the minimum requirements for instructional days or
15 instructional time. For purposes of this subsection, the term "good cause" means that
16 schools in any local school administrative unit in a county have been closed eight days
17 per year during any four of the last 10 years because of severe weather conditions,
18 energy shortages, power failures, or other emergency situations.

19 The State Board also may waive this requirement for an educational purpose. The
20 term "educational purpose" means a local school administrative unit establishes a need
21 to adopt a different calendar for (i) a specific school to accommodate a special program
22 offered generally to the student body of that school, (ii) a school that primarily serves a
23 special population of students, or (iii) a defined program within a school. The State
24 Board may grant the waiver for an educational purpose for that specific school or
25 defined program to the extent that the State Board finds that the educational purpose is
26 reasonable, the accommodation is necessary to accomplish the educational purpose, and
27 the request is not an attempt to circumvent the opening and closing dates set forth in this
28 subsection. The State Board may also grant the waiver to additional schools in the local
29 school administrative unit if the State Board finds that it is impracticable to operate

1 certain schools on a different calendar due to the geographical isolation of the schools,
2 the small number of school-aged children in the unit, the low population density of the
3 unit, or the low wealth of the unit. The waiver requests for educational purposes shall
4 not be used to accommodate system-wide class scheduling preferences.

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

10 **SECTION 2.** This act is effective when it becomes law.