

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**HOUSE BILL 593
RATIFIED BILL**

AN ACT TO MODIFY THE SCHOOL CALENDAR LAW REGARDING WAIVERS FOR GOOD CAUSE DUE TO INCLEMENT WEATHER OR EMERGENCY CONDITIONS, AND TO LIMIT THE USE OF PUBLIC FUNDS BY COUNTIES, MUNICIPALITIES, AND LOCAL BOARDS OF EDUCATION TO ENDORSE OR OPPOSE A REFERENDUM, ELECTION, OR CANDIDATE FOR OFFICE.

The General Assembly of North Carolina enacts:

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

"(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. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. 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. For purposes of this subsection, the term "good cause" means either that:

- (1) schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency ~~situations~~; or
- (2) schools in any local school administrative unit in a county have been closed for all or part of eight days per year during any four of the last 10 years because of severe weather conditions. For purposes of this subdivision, a school shall be deemed to be closed for part of a day if it is closed for two or more hours.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

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

SECTION 1.5.(a) Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-456. Limitation on the use of public funds.

A county shall not use public funds to endorse or oppose a referendum, election or a particular candidate for elective office."

SECTION 1.5.(b) Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-499.3. Limitation on the use of public funds.



A municipality shall not use public funds to endorse or oppose a referendum, election or a particular candidate for elective office."

SECTION 1.5.(c) Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-46.1. Limitation on the use of public funds.

A local board of education shall not use public funds to endorse or oppose a referendum, election or a particular candidate for elective office."

SECTION 2. This act is effective when it becomes law and applies beginning with the 2010-2011 school year.

In the General Assembly read three times and ratified this the 9th day of July, 2010.

Walter H. Dalton
President of the Senate

Joe Hackney
Speaker of the House of Representatives

Beverly E. Perdue
Governor

Approved _____ .m. this _____ day of _____, 2010