

1 personnel and there is no requirement to schedule the same dates for all
2 personnel. In order to make up days for school closing because of inclement
3 weather, the local board may designate any of the days in this subdivision as
4 additional make-up days to be scheduled after the last day of student
5 attendance.

6 Local boards and individual schools are encouraged to use the calendar flexibility in order
7 to meet the annual performance standards set by the State Board. Local boards of education
8 shall consult with parents and the employed public school personnel in the development of the
9 school calendar.

10 Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of
11 this subsection as days on which teachers may take accumulated vacation leave. Local boards
12 may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as
13 days on which teachers may take accumulated vacation leave, but local boards shall give
14 teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking
15 vacation leave on any of these days. A teacher may elect to waive this notice requirement for
16 one or more of these days.

17 (b) Limitations. – The following limitations apply when developing the school
18 calendar:

- 19 (1) The total number of teacher workdays for teachers employed for a 10 month
20 term shall not exceed 195 days.
- 21 (2) The calendar shall include at least 42 consecutive days when teacher
22 attendance is not required unless: (i) the school is a year-round school; or (ii)
23 the teacher is employed for a term in excess of 10 months. At the request of
24 the local board of education or of the principal of a school, a teacher may
25 elect to work on one of the 42 days when teacher attendance is not required
26 in lieu of another scheduled workday.
- 27 (3) School shall not be held on Sundays.
- 28 (4) Veterans Day shall be a holiday for all public school personnel and for all
29 students enrolled in the public schools.

30 (c) Emergency Conditions. – During any period of emergency in any section of the
31 State where emergency conditions make it necessary, the State Board of Education may order
32 general, and if necessary, extended recesses or adjournment of the public schools.

33 (d) Opening and Closing Dates. – Local boards of education shall determine the dates
34 of opening and closing the public schools under subdivision (a)(1) of this section. Except for
35 year-round schools, the opening date for students shall not be before ~~August 25, August 18,~~ and
36 the closing date for students shall not be after June ~~10, 10~~. If, however, August 18 falls on
37 Friday, the opening date shall not be before the preceding Thursday; if August 18 falls on
38 Saturday or Sunday, the opening date shall not be before the following Monday.

39 On a showing of good cause, the State Board of Education may waive ~~this requirement~~
40 opening and closing dates set forth in this subsection to the extent that school calendars are able
41 to provide sufficient days to accommodate anticipated makeup days due to school ~~closings.~~
42 closings, but in no event shall a waiver be granted authorizing a school to open before August
43 10. A local board may revise the scheduled closing date if necessary in order to comply with
44 the minimum requirements for instructional days or instructional time. For purposes of this
45 subsection, the term "good cause" means that schools in any local school administrative unit in
46 a county have been closed eight days per year during any four of the last 10 years because of
47 severe weather conditions, energy shortages, power failures, or other emergency situations.

48 The State Board also may waive ~~this requirement~~ the opening and closing dates set forth in
49 this subsection for an educational ~~purpose.~~ purpose, but in no event shall a waiver be granted
50 authorizing a school to open before August 10. The term "educational purpose" means a local
51 school administrative unit establishes a need to adopt a different calendar ~~for~~ (i) for a specific

1 school to accommodate a special program offered generally to the student body of that school,
2 (ii) for a school that primarily serves a special population of students, ~~or~~(iii) for a defined
3 program within a school-school, (iv) on a systemwide basis to align the calendar with that of a
4 community college or university in the geographic area; (v) on a systemwide basis to adjust the
5 examination schedule to benefit students or to accommodate Advanced Placement and
6 International Baccalaureate examinations; (vi) on a systemwide basis to accommodate
7 implementation of block schedules; or (vii) on a systemwide basis due to inclement weather or
8 other emergency situations. The State Board may grant the waiver for an educational purpose
9 for that specific school or defined program or on a systemwide basis to the extent that the State
10 Board finds that the educational purpose is reasonable, the accommodation is necessary to
11 accomplish the educational purpose, and the request is not an attempt to circumvent the
12 opening and closing dates set forth in this subsection. The waiver requests for educational
13 purposes shall not be used to accommodate ~~system-wide class scheduling~~ mere preferences.

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

18 (e) Nothing in this section prohibits a local board of education from offering
19 supplemental or additional educational programs or activities outside the calendar adopted
20 under this section."

21 **SECTION 2.** G.S. 115D-20 is amended by adding a new subdivision to read:
22 "**§ 115D-20. Powers and duties of trustees.**

23 The trustees of each institution shall constitute the local administrative board of such
24 institution, with such powers and duties as are provided in this Chapter and as are delegated to
25 it by the State Board of Community Colleges. The powers and duties of trustees shall include
26 the following:

27 ...

28 (15) To the extent permitted by law and by rules adopted by the State Board of
29 Community Colleges, to align its calendar for curriculum courses with the
30 calendars of the local school administrative units located in its service area."

31 **SECTION 3.** G.S. 116-235(a1) reads as rewritten:

32 "(a1) Academic Program. –

33 (1) The Board of Trustees shall establish the standard course of study for the
34 School. This course of study shall set forth the subjects to be taught in each
35 grade and the texts and other educational materials on each subject to be
36 used in each grade.

37 (2) The Board of Trustees shall adopt regulations governing class size, the
38 instructional calendar, the length of the instructional day, and the number of
39 instructional days in each term. To the extent permitted by law and by rules
40 adopted by the Board of Governors, the Board of Trustees shall align its
41 instructional calendar with the calendars of the local school administrative
42 unit located in its county and in contiguous counties."

43 **SECTION 4.** This act becomes effective July 1, 2009, and applies beginning with
44 the 2009-2010 school year.