

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS85045-LE-51 (1/9)

Short Title: Neighborhood Schools & Teacher Merit Pay.

(Public)

Sponsors: Senator Hunt.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO PROVIDE VOUCHERS TO  
3 STUDENTS NOT PERMITTED TO ATTEND NEIGHBORHOOD SCHOOLS AND TO  
4 ESTABLISH A MERIT PAY SYSTEM FOR TEACHERS, INSTRUCTIONAL  
5 SUPPORT PERSONNEL, AND PRINCIPALS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 115C-366 is amended by adding a new subsection to read:

8 "(a1) If a student lives within a radius of one and one-half miles of a school that is  
9 age-appropriate for the student, the local board shall either assign the student to that school or  
10 provide a voucher to the student to attend a nonpublic school. The amount of the voucher shall  
11 be equal to the average per student allocation in State and local funds for the local school  
12 administrative unit."

13 **SECTION 2.** G.S. 115C-302.1 reads as rewritten:

14 **"§ 115C-302.1. Salary.**

15 ...

16 (a1) Merit Pay. – The State Board of Education shall establish the entry-level salary of  
17 teachers and instructional support personnel who hold "A" certificates, "Masters" certificates,  
18 NBPTS certification, certification based on advanced degrees, and other levels of certification.  
19 The principal of a school may pay an employee more than the entry-level salary if the principal  
20 determines that the employee's qualifications or experience makes it appropriate to do so or if  
21 the principal determines that it is necessary to do so to recruit and retain teachers in certain  
22 areas of certification such as mathematics, science, and special education.

23 The General Assembly may appropriate in the Current Operations Appropriations Act each  
24 year funds for a cost-of-living increase for these employees and funds for merit pay. Each  
25 employee may receive a cost-of-living increase as provided by the General Assembly but shall  
26 receive no additional across-the-board increment or increment for years of experience.

27 The principal of each school shall determine the amount of merit pay each employee shall  
28 receive each year in accordance with the policy of the local board of education.

29 ...

30 (c3) Teachers may accumulate annual vacation leave days without any applicable  
31 maximum until June 30 of each year. In order that only 30 days of annual vacation leave carry  
32 forward to July 1, on June 30 of each year any teacher or ~~other personnel paid on the teacher~~  
33 salary schedule instructional support personnel who has accumulated more than 30 days of  
34 annual vacation leave shall convert to sick leave the remaining excess accumulation.



1 Upon separation from service due to service retirement, resignation, dismissal, reduction in  
2 force, or death, an employee shall be paid in a lump sum for accumulated annual leave not to  
3 exceed a maximum of 30 days. In addition to the maximum of 30 days pay for accumulated  
4 annual leave, upon separation from service due to service retirement, any teacher or ~~other~~  
5 ~~personnel paid on the teacher salary schedule~~instructional support personnel with more than 30  
6 days of accumulated annual vacation leave may convert some or all of the excess accumulation  
7 to sick leave for creditable service towards retirement. Employees going onto term disability  
8 may exhaust annual leave rather than be paid in a lump sum.

9 ...

10 (e) Teachers in Year-Round Schools. – Compensation for teachers employed in  
11 year-round schools shall be the same as teachers paid for a 10-month term, but those days may  
12 be scheduled over 12 calendar months. Annual leave, sick leave, workdays, holidays, ~~salary,~~  
13 ~~and longevity~~and salary for teachers who are employed at year-round schools shall be  
14 equivalent to those of other teachers employed for the same number of months, respectively.  
15 Teachers paid for a term of 10 months in year-round schools shall receive their salary in 12  
16 equal installments.

17 ...

18 (g) ~~Service in Armed Forces. — The State Board of Education, in fixing the State~~  
19 ~~standard salary schedule of teachers as authorized by law, shall provide that teachers who~~  
20 ~~entered the armed or auxiliary forces of the United States after September 16, 1940, and who~~  
21 ~~left their positions for such service shall be allowed experience increments for the period of~~  
22 ~~such service as though the same had not been interrupted thereby, in the event such persons~~  
23 ~~return to the position of teachers, principals, and superintendents in the public schools of the~~  
24 ~~State after having been honorably discharged from the armed or auxiliary forces of the United~~  
25 ~~States.~~

26 ...

27 (h) Teachers Paid From Other Funds. – ~~Every local board of education may adopt, as to~~  
28 ~~teachers not paid out of State funds, a salary schedule similar to the State salary schedule, but it~~  
29 ~~likewise shall recognize a difference in salaries based on different duties, training, experience,~~  
30 ~~professional fitness, and continued service in the same school system. If a local board of~~  
31 ~~education does not adopt a local salary schedule, the State salary schedule shall apply. No~~  
32 ~~teacher shall receive a salary higher than that provided in the salary schedule, unless by action~~  
33 ~~of the board of education a higher salary is allowed for special fitness, special duties, or under~~  
34 ~~extraordinary circumstances.~~

35 ~~When a higher salary is allowed, the minutes of the board shall show what salary is allowed~~  
36 ~~and the reason. A board of education may authorize the superintendent to supplement the~~  
37 ~~salaries of all teachers from local funds, and the minutes of the board shall show what increase~~  
38 ~~is allowed each teacher. Teachers and instructional support personnel who are not paid out of~~  
39 ~~State funds shall receive a cost-of-living increment and merit pay in the same manner as such~~  
40 ~~employees who are paid from State funds.~~

41 (i) ~~Longevity Pay. — Longevity pay shall be based on the annual salary on the~~  
42 ~~employee's anniversary date.~~

43 ...."

44 **SECTION 3.** G.S. 20-88.1(b) reads as rewritten:

45 "(b) The State Board of Education shall adopt a salary range for driver education  
46 instructors who are public school employees and who do not hold teacher certificates.

47 Driver education instructors who are public school employees and who hold teacher  
48 certificates shall be paid ~~on the teacher salary schedule, under the same terms and conditions as~~  
49 ~~other teachers.~~ A day of employment for driver education instructors who hold teacher  
50 certificates shall be the same number of hours required of all regular classroom teachers as  
51 established by the local board of education."

1           **SECTION 4.** G.S. 115C-296.2(b)(2)c. reads as rewritten:  
2       "(b) Definitions. – As used in this subsection:

3           ...  
4           (2) A "teacher" is a person who:

5           ...  
6           c. ~~Is paid on the teacher salary schedule; classified as a teacher or~~  
7                 instructional support personnel by the State Board of Education;  
8                 and".

9           **SECTION 5.** G.S. 116-143.5 reads as rewritten:

10       "**§ 116-143.5. Tuition of certain teachers.**

11       Notwithstanding G.S. 116-143.1, any ~~teacher or other personnel paid on the teacher salary~~  
12       ~~schedule~~ person classified as a teacher or instructional support personnel by the State Board of  
13       Education who (i) has established a legal residence (domicile) in North Carolina and (ii) is  
14       employed full-time by a North Carolina public school, shall be eligible to be charged the  
15       in-State tuition rate for courses relevant to teacher certification or to professional development  
16       as a teacher."

17       **SECTION 6.** G.S. 115C-285 reads as rewritten:

18       "**§ 115C-285. Salary.**

19       (a) Principals and supervisors shall be paid promptly when their salaries are due  
20       provided the legal requirements for their employment and service have been met. All principals  
21       and supervisors employed by any local school administrative unit who are to be paid from local  
22       funds shall be paid promptly as provided by law and as state-allotted principals and supervisors  
23       are paid.

24       Principals and supervisors paid from State funds shall be paid as follows:

25       ...  
26       (1a) The State Board of Education shall establish the entry-level salary of  
27       principals and assistant principals. The local superintendent may pay a  
28       principal or assistant principal more than the entry-level salary if the  
29       superintendent determines that the employee's qualifications or experience  
30       makes it appropriate to do so or if the superintendent determines that it is  
31       necessary to do so to recruit and retain the employee.

32       The General Assembly may appropriate in the Current Operations  
33       Appropriations Act each year funds for a cost-of-living increase for these  
34       employees and funds for merit pay. Each employee may receive a  
35       cost-of-living increase as provided by the General Assembly but shall  
36       receive no additional across-the-board increment or increment for years of  
37       experience.

38       The superintendent shall determine the amount of merit pay each  
39       employee shall receive each year in accordance with the policy of the local  
40       board of education.

41       ...  
42       (6) ~~The State Board of Education, in fixing the State standard salary schedule of~~  
43       ~~principals as authorized by law, shall provide that principals who entered the~~  
44       ~~armed or auxiliary forces of the United States after September 16, 1940, and~~  
45       ~~who left their positions for such service, shall be allowed experience~~  
46       ~~increments for the period of such service as though the same had not been~~  
47       ~~interrupted thereby, in the event such persons return to the position of~~  
48       ~~teachers, principals or superintendents in the public schools of the State after~~  
49       ~~having been honorably discharged from the armed or auxiliary forces of the~~  
50       ~~United States.~~

1           (7) All persons employed as principals in the schools and institutions listed in  
2 subsection (p) of G.S. 115C-325 shall ~~be compensated at the same rate as are~~  
3 ~~teachers in the public schools in accordance with the salary schedule adopted~~  
4 ~~by the State Board of Education.~~ receive a cost-of-living increment and merit  
5 pay in the same manner as such employees of local boards of education.

6           (b) Every local board of education may adopt, as to ~~principals and~~ supervisors not paid  
7 out of State funds, a salary schedule, but it likewise shall recognize a difference in salaries  
8 based on different duties, training, experience, professional fitness, and continued service in the  
9 same school system; but if any local board of education shall fail to adopt such a schedule, the  
10 State salary schedule shall be in force. Principals and assistant principals who are not paid out  
11 of State funds shall receive a cost-of-living increment and merit pay in the same manner as  
12 such employees who are paid from State funds.

13           ...."

14           **SECTION 6.** This act is effective when it becomes law and applies beginning with  
15 the 2009-2010 school year.