



Legislative Link

A Publication for the Members of the N.C. Association of School Administrators

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State Budget Deficit For 2009-10 Widens To \$4.5 Billion

State lawmakers learned Wednesday that they will either have to make drastic cuts or raise taxes in order to fill the estimated budget shortfall that has grown to \$4.5 billion for the 2009-10 fiscal year. In a joint meeting of the House and Senate Appropriations Committees, legislative analysts reported that the state's anticipated budget gap for next fiscal year has widened by \$1.5 billion. In addition House budget writers must add another \$200 million to that gap because Gov. Beverly Perdue opted to use some of the federal stimulus funds to manage the state budget deficit for the year that ends June 30.

The estimated shortfall is based on new projections generated after final tax payments fell by 40 percent compared to a year ago. For the entire fiscal year, the state is on pace to see a nearly 11 percent decline in total tax collections compared to last year.

"The state has never experienced the types of shifts in revenue that we're experiencing now," said Barry Boardman, the legislature's chief economist.

House budget writers will have to make an additional \$1.5 billion in cuts over the budgets proposed by the Governor and the Senate. In addition the revised projections suggest lawmakers will need to find an additional \$2 billion in revenues or cost cutting measures in the 2010-11 fiscal year.

While the state's economy could recover as soon as the end of the year, Boardman said it could be 2013 before North Carolina's revenue figures reach the \$20.8 billion earlier anticipated for 2008-09.

Additional information from Boardman's presentation can be found at http://www.ncleg.net/fiscalresearch/generalfund_outlook/generalfund_outlook_pdfs/Revised%20Revenue%20and%20Budget%20Outlook%20FER%2020090505v2.pdf and other state budget and revenue information for 2009-2010 is at <http://ncasa.net/displaycommon.cfm?an=1&subarticlenbr=199>.

House, State Board Respond To Governor's Furlough Order

House lawmakers and the State Board of Education both took action this week to address questions and clear hurdles for implementing the 10-hour furloughs ordered last week by Governor Beverly Perdue to help address the state budget deficit for the current fiscal year.

The House on Thursday approved two measures dealing with employee furloughs, including one that ensures furloughs ordered by Gov. Perdue extend to state legislative and judicial employees. Last month, Perdue called for furloughs equivalent to roughly half-percent pay cuts for all state employees

and school personnel to save the state roughly \$65 million. But lawmakers believe that the separation of powers clause in the State Constitution means that Perdue's order applied only to the executive branch.

"The separation of powers sort of says she doesn't have any control over the legislature to do this," said Rep. Mickey Michaux, D-Durham and the main sponsor of House Bill 917.

The bill also seeks to ensure that retirement contributions and other benefits are unaffected by the furloughs, and it was successfully amended on the House floor to direct local school districts to treat employees who are not paid with state funds the same as state-paid personnel with regards to pay cuts ordered either by the General Assembly or the Governor. This means that if this bill is enacted into law as expected next week, all locally paid employees will be subject to the Governor's recent order on furloughs and pay cuts, and federally paid employees will fall subject to the same order unless federal law prohibits this action.

Revised House Bill 917, which now heads to the Senate for action, may be viewed at: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H917v3.pdf>.

Earlier in the week, the State Board of Education adopted a policy restricting teachers and other school employees requiring a substitute from taking flexible furlough leave on days students are scheduled to be in school. Employees requiring a substitute must instead take the furlough time ordered last month by Gov. Perdue on non-instructional days. The approved policy, which may be viewed at <http://www.ncpublicschools.org/docs/stateboard/meetings/2009/revisions/05tcs03attach1laterevised2.pdf>, also allows school employees to begin using the 10 hours of time off immediately and in any increment through Dec. 31. Additional guidance from the Department of Public Instruction on implementing the pay cut and furloughs ordered by the Governor is available at: <http://www.ncasa.net/displaycommon.cfm?an=1&subarticlenbr=236>.

In separate action this week, the House also approved House Bill 1172 that would let state employees and school personnel volunteer for furloughs. The bill would give the Governor the ability to call for volunteers during times of economic crisis.

"This is something your state employees want," Rep. Pryor Gibson, D-Anson and a co-sponsor of the bill, told House members. The bill allows essential employees to take up to 10 days of furlough. Non-essential employees could take 30 days.

House Bill 1172, which has also been sent to the Senate, may be viewed at: <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1172v3.pdf>.

School Calendar Bill Gets 1 Last Chance To Clear Committee!

The House Commerce Committee on Tuesday narrowly defeated a bill that would permit school districts to start classes on the second Monday in August, but that legislation – House Bill 593 – is being given another shot to clear this committee and move on for consideration by the full House of Representatives. The bill is slated for a Commerce Committee hearing at 2 p.m. Monday, May 11.

The bill failed on a 13-14 vote in the committee this week, when five of the committee members were absent. **The committee members who voted in favor of the bill included the following:**

- Rep. Margaret Dickson, D-Cumberland and the committee chairman
- Rep. Alma Adams, D-Guilford
- Rep. Vann Braxton, D-Lenoir
- Rep. Bob England, D-Rutherford
- Rep. Jean Farmer-Butterfield, D-Wilson
- Rep. Bruce Goforth, D-Buncombe
- Rep. Ty Harrell, D-Wake
- Rep. Bryan Holloway, R-Stokes
- Rep. Grey Mills, R-Iredell
- Rep. Garland Pierce, D-Robeson
- Rep. Ray Rapp, D-Madison
- Rep. Winkie Wilkins, D-Person

- Rep. Michael Wray, D-Northampton

Voting against the bill this week were the following committee members:

- Rep. Cary Allred, R-Alamance
- Rep. Marilyn Avila, R-Wake
- Rep. Hugh Blackwell, R-Burke
- Rep. Curtis Blackwood, R-Union
- Rep. James Boles, R-Moore
- Rep. Larry Brown, R-Forsyth
- Rep. Phillip Frye, R-Mitchell
- Rep. Mitch Gillespie, R-McDowell
- Rep. William McGee, R-Forsyth
- Rep. Bill Owens, D-Pasquotank
- Rep. Ruth Samuelson, R-Mecklenburg
- Rep. Edgar Starnes, R-Caldwell
- Rep. Fred Steen, R-Rowan
- Rep. Randy Stewart, D-Nash

Members who were not present for the vote included: Reps. Lucy Allen, D-Franklin; Nelson Cole, D-Rockingham; Elmer Floyd, D-Cumberland; Cullie Tarleton, D-Watauga; and Edith Warren, D-Pitt.

It is critical for all members of the North Carolina Association of School Administrators who support this legislation to **contact members of the House Commerce Committee at home this weekend or in Raleigh on Monday before the 2 p.m. committee hearing to urge them to be present and to vote in favor of House Bill 593!** Even if the legislator voted against the bill this week, he or she needs to hear from school administrators on the importance of this bill.

If the bill does not clear the committee, the issue of allowing school districts to start school earlier than Aug. 25 may not be considered again until the new General Assembly convenes in 2011. The main reasons the bill is so important to public schools include allowing alignment of public school calendars with those of community colleges and universities and allowing high school students to take high-stakes exams before their winter break.

The Commerce Committee needs to hear that aside from the many educational reasons for allowing an earlier school start for schools, there also are economic reasons to support this change as well. Some of those reasons include:

- The current school calendar forces many school districts to cut into spring break and Saturdays for making up missed days due to inclement weather. The missed days made up during spring break take family travel time and cut into tourism spending at that time of year. In addition, Saturday make-up days prevent families from taking a weekend trip or visiting local businesses for entertainment and recreation purposes.
- Since schools cannot complete first semester high school exams before the winter break now, family travel to mountain ski resorts or other parts of the state are being curtailed so that students can study for high-stakes tests they must take in January.
- The school calendar mandate was put in place to benefit the tourism industry, but the school calendar should be based first and foremost on the educational needs of students and ensuring they can take advantage of higher education courses in high school to enhance their learning experience and preparation for attending college or entering the workforce.

Contact information for all House Commerce Committee members is available at: <http://www.ncasa.net/displaycommon.cfm?an=1&subarticlenbr=241>.

Classroom Time May Be Required For All Professional Staff

The Senate is scheduled to consider and possibly approve legislation next week that would require all professional public school employees who are not involved with instruction to spend time in the classroom annually. **Senate Bill 406, Classroom Experience for School Personnel**, cleared the Senate

Education/Higher Education Committee this week and has been sent to the Senate floor, where it is scheduled to be debated on Tuesday, May 12.

This bill would direct local boards of education to adopt a policy that would require professional employees who do not have daily classroom instructional contact with students to deliver instruction or assist with other instructional duties in classrooms during the instructional day. Professional public school employees, for purposes of this bill, would include teachers (who are not currently involved in instruction but are assigned to other duties), superintendents, assistant or associate superintendents, principals, assistant principals, supervisors, counselors, school social service workers, curriculum instructional specialists, school psychologists and media personnel. If enacted, the bill would apply beginning with the 2009-2010 school year.

While the bill is intended to increase all school personnel's awareness of the classroom climate, the North Carolina Association of School Administrators opposes this legislation for the following reasons:

- It will impose undue hardships in all school districts by pulling employees away from their main duties to spend time in the classroom.
- Since state budget cuts already are negatively affecting all school districts and forcing many to eliminate personnel, this will cause an even greater workload for all professional staff who already are stretched thin with additional responsibilities.
- Not all professional staff would feel comfortable in an instructional setting, and that is not the purpose for which they were hired.
- Students have limited instructional time in a school year already, and the best use of this time comes from their interaction with teachers who are certified to lead instruction.
- This legislation is not needed, since local school boards may already require professional staff to have classroom interaction if they so choose without a statewide mandate.

NCASA members are urged to contact all Senators before May 12 and ask them to vote against this unnecessary and burdensome legislation. Contact information for the full Senate is available at <http://www.ncleg.net/Senate/SenateReports.html>, and the legislation may be viewed at <http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S406v1.pdf>.

Summary Of This Week's Action On Bills Affecting Public Schools

For a complete summary of this week's legislative actions on legislation affecting public schools and their personnel, please see this week's "Weekly Bill Action Summary" at: <http://www.ncasa.net/displaycommon.cfm?an=1&subarticlenbr=227>. The same site offers a status report on all bills NCASA is tracking for our members during the 2009 legislative session, and that information is arranged in categories to make it easier to locate specific legislation of interest.

*For additional information on these or other legislative issues, contact
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