

**Questions and Answers related to SL 2024-51 (HB149)  
Hurricane Helene and PTC8 Relief**

**LAST UPDATED OCTOBER 10<sup>th</sup>, 2024**

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## Legislative Summary

- Statewide declaration of emergency issued by the Governor’s [Executive Order No. 315](#) is extended to March 1, 2025
- [Session Law 2024-51 – Disaster Recovery Act of 2024](#)
  - [Section 8.1](#) is the section that pertains to public schools
  - Includes items applicable to Hurricane Helene disaster areas **AND** New Hanover/Brunswick counties related to Potential Tropical Cyclone 8 (PTC8)
  - in the event that further legislation is passed, additional guidance will follow.
  - DPI will use PRC 230 for allocating any funding related to PSU hurricane relief. SL2024-51 provides appropriated funds to cover lost wages for School Nutrition employees. If additional appropriations are made, the chart of accounts will be expanded. Section 6.1(a)(2) identifies the appropriation of \$16m.

### **Helene Disaster Designated Counties**

The following counties are declared major disaster by the President of the United States under the [Stafford Act \(P.L.93-288\)](#) as a result of Hurricane Helene.

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- Alexander (County)
- Alleghany (County)
- Ashe (County)
- Avery (County)
- Buncombe (County)
- Burke (County)
- Caldwell (County)
- Catawba (County)
- Clay (County)
- Cleveland (County)
- Eastern Band of Cherokee Indians of North Carolina
- Gaston (County)
- Haywood (County)
- Henderson (County)
- Jackson (County)
- Lincoln (County)
- Macon (County)
- Madison (County)
- McDowell (County)
- Mitchell (County)
- Polk (County)
- Rutherford (County)
- Transylvania (County)
- Watauga (County)
- Wilkes (County)
- Yancey (County)

All PSUs located within these counties are considered under the term “Hurricane Helene Impacted PSU”

**Potential Tropical Cyclone #8 (PTC8) Counties**

- New Hanover County
- Brunswick County

All PSUs located within these counties are considered under the term “PTC8 Impacted PSU”

**Calendar Flexibility (8.1.(a))**

- All PSUs NOT identified as a Hurricane Helene Impacted PSU– may deem up to two instructional days as completed if the closure was due to the impact of Hurricane Helene or the Potential Tropical Cyclone #8:
  - ...*the governing body of the public school unit may*
  - (i) *make up any number of the instructional days or equivalent hours missed,*

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- (ii) *deem as completed any number of the instructional days or equivalent hours missed up to a total of two days, or*
  - (iii) *implement a combination of both of the above.*
- Hurricane Helene Impacted PSUs – may deem up to 20 days as completed if the closure was due to the impact of Hurricane Helene:
    - ...in the discretion of its governing body, the public school unit may*
    - (i) *make up any number of the instructional days or equivalent hours missed,*
    - (ii) *deem as completed any number of the instructional days or equivalent hours missed up to a total of 20 days, or*
    - (iii) *implement a combination of both of the above.*

**Additional Remote Instruction (8.1.(b))**

- Hurricane Helene Impacted PSUs – may use up to 30 remote instruction days or 180 remote instruction hours:
  - ...may use additional remote instruction days or equivalent remote instruction hours toward the required instructional days or hours for the school year, up to a total of 30 remote instruction days or 180 remote instruction hours for the public school unit for the school year.*
- PTC8 Impacted PSUs – may use up to 10 remote instruction days or 60 remote instruction hours:
  - ... may use additional remote instruction days or equivalent remote instruction hours toward the required instructional days or hours for the school year, up to a total of 10 remote instruction days or 60 remote instruction hours for the public school unit for the school year.*

**Employee Compensation (8.1.(c))**

All PSUs who have employees who are paid for missed instructional days due to Hurricane Helene, shall use **Absence Code 55** to assist with tracking and reporting.

Hurricane Helene Impacted PSUs:

a. LEAs and Lab Schools

Employees and contractors of LEAs and lab schools shall be paid for any instructional days missed in September and October 2024 that the LEA has deemed completed.

*Except in the case of a charter school, all employees and contractors of a public school unit shall be deemed to have worked for any scheduled instructional days missed due to Hurricane Helene during the months of September 2024 and October 2024 that a public school unit has deemed completed and is not required to make up. Employees and contractors shall be compensated in the same manner they would have if they had worked on the scheduled instructional days missed.*

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- b. Charter School boards may approve to provide the same compensation but are not required by law to do so.  
*The board of directors of a charter school may, but is not required to, provide such compensation for its employees and contractors.*

Note: State funds have been appropriated by the General Assembly and allotted to the PSUs in the regular budget to provide the compensation for these missed instructional days.

- c. School Nutrition Employees: The legislation provides compensation funds for school nutrition employees. These funds are to replace lost reimbursements and sales for the days that schools were closed.  
*Section 6.1(a)(2) Of the funds allocated to the Department of Public Instruction from the Helene Fund, the sum of up to sixteen million dollars (\$16,000,000) in nonrecurring funds for the 2024-2025 fiscal year shall be used to provide compensation authorized by this section to public school unit employees and contractors of schools participating in the National School Lunch Program or School Breakfast Program for scheduled instructional days when compensation would have been provided by school meal receipts or by federal funds. Employees and contractors compensated using funds described in this section shall be compensated in the same manner they would have had they worked on the scheduled instructional days missed.*

**Extend Deadline for Principal Bonuses (8.2.)**

- d. Hurricane Helene Impacted PSUs and PTC8 Impacted PSUs: Principal Bonuses to qualifying principals employed as of 10/1 shall be paid no later than November 30, 2024 (previously October 31, 2024):  
*... the bonuses provided to qualifying principals pursuant to Section 1.3 of S.L. 2024-39 shall be paid no later than November 30, 2024, to qualifying principals employed as of October 1, 2024.*

**Reporting Requirement (8.1(d))**

- e. In February, Hurricane Helene Impacted PSUs and PTC8 Impacted PSUs will have to report on:
- (1) *Any days missed due to Hurricane Helene or PTC8 before, on, or after the effective date of this section.*
  - (2) *Of the days missed, any scheduled makeup days due to Hurricane Helene or PTC8 before, on, or after the effective date of this section, and the dates of those makeup days.*
  - (3) *Of the days missed, any days and hours deemed completed by the public school unit as a result of this section.*
  - (4) *Any compensation provided to employees and contractors pursuant to subsection (c) of this section.*
- For each component of the report, separate information shall be included on any individual schools within the public school unit whose information differs from the rest of the unit as a whole.*

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School Business Services will coordinate a survey to collect this data in January. Please be sure to record missed instructional days in your SIS and use absence code 55.

**Completion of the EPP Clinical Internship Requirement (8.3.)**

- f. Students enrolled in an educator preparation program (EPP) may have their clinical internship requirement deemed completed, should they meet certain conditions. For more information, please contact Tom Tomberlin at [thomas.tomberlin@dpi.nc.gov](mailto:thomas.tomberlin@dpi.nc.gov).

**Remove Barriers to Allow State Retirees to Return to Work (12.1.)**

- g. Employees who retired under TSERS between April 1, 2024, and October 1, 2024 are exempt from the 6 month waiting period. They are only required to have a one-month separation before returning to work, as long as their position and work is needed due to the state of emergency related to Hurricane Helene or recovery efforts. This includes retired teachers and central office staff.
- h. Retirees may contact [NC.Retirement@nctreasurer.com](mailto:NC.Retirement@nctreasurer.com) with questions on this section.

**Relief from Temporary Employment Restrictions (12.2.)**

- i. Temporary employees who are working through Temporary Solutions to support disaster recovery response efforts are exempt from the mandatory separation requirement for the duration of the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts:  
*Effective October 1, 2024, notwithstanding G.S. 126-6.3(a1), temporary employees, as defined by G.S. 126-6.3(c)(7), who are working to support disaster recovery response efforts are exempt from the mandatory separation requirement for the duration of the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as certified to the Office of State Human Resources by the employing agency. The provisions of G.S. 126-6.3(a4) contrary to this section will not apply and these employees may comply with the mandatory separation requirement within six months after the cessation of the state of emergency.*

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## Frequently Asked Questions

### Calendar Questions

1. ***While my LEA missed days due to Helene or PTC8, our scheduled instructional hours still satisfy the 1,025 minimum. Are we required to make up any time?***

No. If a LEA's school calendar meets the statutory requirement of 1,025 hours or 185 days even after accounting for lost instructional time due to Helene or PTC8, then no make-up time is required, regardless of whether the LEA is located in a declared disaster area.

2. ***Can an impacted LEA extend its traditional school calendar year beyond the Friday closest to June 11 (i.e, the last-day-of-school date contemplated by the calendar law)?***

Yes. While the calendar law contemplates that an LEA's planned traditional school calendar may not extend past the closest Friday to June 11, the statute allows LEAs to schedule instructional days/time after that date if additional hours/days are needed for district to meet the minimum instructional requirements. Please note, however, that the school year shall not go past June 30, the end of the fiscal year.

### Remote Instruction

3. ***If my PSU was impacted by Helene or PTC8, can we utilize any remote instruction days to make up for time lost?***

Yes, Hurricane Helene Impacted PSUs may use a total of 30 remote instruction days or 180 remote instruction hours. PTC8 Impacted PSUs may use a total of 10 remote instruction days or 60 remote instruction hours.

### Compensation

4. ***If a LEA has some schools open and others closed, do the staff in the closed schools remain on absence code 55?***

Yes, employees in schools closed due to Hurricane Helene should remain on absence code 55 even if other schools are open in the LEA. The local board of education has discretion to reassign staff to schools based on need.

5. ***If a PSU would like to rehire a temporary employee or a retired state employee to assist in recovery efforts, would they need to wait the required time period before doing so?***

Employees who retired under TSERS between April 1, 2024, and October 1, 2024 are exempt from the 6 month waiting period. They are only required to have a one-month separation before returning to work, as long as their position and work is needed due to the state of emergency related to Hurricane Helene or recovery efforts.

Temporary employees who are working through Temporary Solutions to support disaster recovery response efforts are exempt from the mandatory separation requirement for the

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duration of the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts.

Retirees may contact [NC.Retirement@nctreasurer.com](mailto:NC.Retirement@nctreasurer.com) with questions.

**6. *If an employee is not able to return to work due to the disaster when instructional days resume, should their absences be recorded as their own leave or with code 55?***

When the schools are open for instruction, Code 55 may no longer be used to record leave for any employees. Employees not returning to work must use the accrued leave they have available to them.

**7. *Can a displaced teacher or other staff member that temporarily relocated to another district work part-time as a substitute or interim until their PSU resumes operations and get paid for the dual employment?***

No, teachers or other staff cannot be dual employed from state or federal funds under absence code 55 and work for another district.

**8. *Should hourly employee's absences be recorded using absence code 55, or do they need to apply for unemployment?***

All employees and contractors who missed work due to missed instructional days, should have their absences recorded as code 55 until the employee is called back to work by the PSU.

**9. *Some PSUs closed the Thursday (9/26) and/or Friday (9/27) prior to when Hurricane Helene hit. Should those days missed be recorded with absence code 55? Are they covered by legislation?***

Any absences due to Hurricane Helene should be recorded as code 55. All PSUs may deem up to 2 missed instructional days as completed, while Hurricane Helene Impacted PSUs may deem up to 20 missed instructional days completed.

**10. *If a LEA missed instructional days but still meets the statutory minimum for instructional time (1,025 hours or 185 days) without making up any days, is that LEA required to pay the employees for the missed instructional days?***

Yes. Employees are required to be paid or take leave for all scheduled instructional days.

**11. *If a LEA missed instructional days and then later decides to make up some or all of the days, are the employees paid for both the missed days and the make-up days?***

Employees are not eligible to be paid twice and are not to be paid beyond the contracted days. The following may be common scenarios:

- If the LEA misses a day in October due to Hurricane Helene and elects not to schedule make-up days for lost days, then employees are to be paid for the days that the LEA deemed “completed” as an absence code 55.

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- If the LEA misses one day in October due to the hurricane– the employee may be paid as an absence 55, BUT if that day is made up at a later date, the employee may not be paid for the make up day.
- If the LEA missed five instructional days because of Hurricane Helene and chose to not make up two days (deemed complete) and schedule three make-up days. The LEA pays the employees for the two deemed completed days as absence 55 and pays the employees for the three make-up days as actual work days.

The three make-up days are treated as regular work days; therefore, if an employee takes leave on a make-up day, the employee will use their available leave or take leave without pay.

***12. Are charter schools required to pay their employees for missed days?***

No. Charter schools have the option to pay the employees. The board of directors of a charter school may, but is not required to, provide such compensation for its employees and contractors.

***13. From what funds do the LEAs pay the employees?***

Employees must be paid for the instructional days missed from the source of funds they would have been paid had the day not been missed due to Hurricane Helene.

***14. Did the General Assembly appropriate funds to pay for the missed days?***

Funding for staff is funded within your budget and allotments provided to-date. Eg. You have received funding for a 215 day teacher and this legislation permits you to pay for that teacher for a missed day, regardless of whether it is made up or not (within the confines of the law).

The General Assembly appropriated \$16m to pay for school nutrition workers only. These funds are to provide funding in lieu of the of the lost lunch receipts.

***15. What if the employee was paid from a closed grant in September such as ESSER. What is the funding source for those salary payments?***

The district would have already determined where those employees were to be paid for October 2024 and should pay according to where those salaries are now budgeted.

Otherwise, the funding source that normally supports the employee or contractor should be used.

***16. Are employees funded from an enterprise fund, other than school nutrition, eligible for compensation for missed instructional days?***

The legislation does not address the payments to enterprise fund supported employees, other than school nutrition employees as they are not during the instructional day eg, before and after school. LEAs have the option to pay these employees from receipt funds available



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***17. Which employees are LEAs required to compensate for missed days?***

ALL employees employed during the instructional day. This includes salaried and hourly employees. Full time and part time, regardless of number of days employed in a year.

***18. Are independent contractors required to be compensated for missed days?***

The General Assembly include contracted employees paid directly by the LEA. If a LEA has a contractual agreement with a vendor, the LEA should consult with its attorney related to the terms of the contract.

***19. Are substitutes eligible for compensation for a missed day?***

A substitute that was scheduled to work on the instructional day is eligible for compensation. Illustration: Mr. Jones is a substitute for Ms. Knight, who is on maternity leave for September 1 to November 30. Mr. Jones is eligible for compensation for a missed instructional day.

In contrast, an ad hoc substitute who was not scheduled to work on a missed instructional day is not eligible for compensation.

***19. How do we determine the amount to compensate the hourly employees, such as bus drivers?***

The legislation states employees and contractors shall be compensated in the same manner they would have if they had worked on the scheduled instructional days missed” (Section 8.1.(c)). Therefore, the LEA should pay the hourly employees for the number of hours they would have worked. Such payment may be based upon an estimate based on past work history and/or work schedules.

***20. Can hourly staff get paid overtime for their work cleaning and repairing PSUs in addition to absence code 55?***

Yes, hourly staff may be paid from local or federal funds in addition to absence code 55.

***21. Is the compensation subject to social security and retirement contribution?***

Yes.

***22. An LEA had resignations and start dates during the days we were closed due to the hurricane. Should that LEA pay teachers based on the effective start or resignation date in these situations?***

The LEA is required to pay all employees for the time that they were employed. If the resignation day is during the window that the LEA missed instructional days, the employee is eligible for compensation for those days before the resignation. An employee who has not started employment is not eligible for compensation.

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**23. *If waiving an instructional day is allowable, how do LEAs handle pay for personnel who reported in for an optional workday?***

Employees are only compensated for missed scheduled instructional days. If the day was originally an instructional day and then was changed to an optional workday, the employee is eligible for compensation.

If the employee took annual leave on the optional work day, the LEA should credit the annual leave back and compensate the employee.

**24. *Can comp days be provided to employees who worked on a waived instructional day since employees who did not report to work are required by law to be paid as if they had worked?***

PSUs may not provide comp days to employees who worked on a waived instructional day.

**25. *Are employees on leave of absence eligible for compensation for missed instructional days?***

An employee who was on scheduled leave (sick, vacation, FMLA) on a missed instructional day would not have been scheduled to work on the missed instructional day and is, therefore, not eligible for compensation.

**Other**

**26. *What PRCs are available for Hurricane relief?***

Please use local PRCs 0318-0327 for FEMA assistance. Please flag the revenue and expenditures as federal and use federal revenue code 37000-Federal Revenue-Other Funds. Since it is a local PRC, DPI will not provide account codes, but your PSU will still need to follow the valid account codes located within DPI's chart of accounts.

State PRC 0230 – Hurricane Relief and Recovery should be used for School Nutrition relief funds allotted by DPI. A Chart of Accounts will be available.

PRC 0426 should be used for local Hurricane Relief. Please flag the revenue and expenditures as state and use state revenue code 32000-State Revenue-Other Funds. Since it is a local PRC, DPI will not provide account codes, but your PSU will still need to follow the valid account codes located within DPI's chart of accounts.

Local PRC 0427 should be used for Aid to Students and Teachers of NC (FAST NC). Please flag the revenue and expenditures as state and use state revenue code 32000-State Revenue-Other Funds. Since it is a local PRC, DPI will not provide account codes, but your PSU will still need to follow the valid account codes located within DPI's chart of accounts.

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**27. *If a PSU has some remaining C-19 inventory, can they use those items for this disaster relief and cleanup effort?***

PSUs may use those supplies. However, be sure to keep receipts and funding sources documented. Keep in mind that if you get reimbursed with Federal disaster funds and you originally used Federal COVID funds, the feds won't want to pay for the same thing twice.

## Reporting Requirements

**28. *What will the public schools be required to report on?***

- (1) Any days missed due to Hurricane Helene or PTC8 before, on, or after the effective date of this act.
- (2) Of the days missed, any scheduled make up days due to Hurricane Helene or PTC8 before, on, or after the effective date of this act, and the dates of those make up days.
- (3) Of the days missed, any days and hours deemed completed by the public school unit.
- (4) Any compensation provided to employees and contractors for instructional days missed and compensated.

For each component of the report, separate information shall be included on any individual schools within the public school unit whose information differs from the rest of the unit as a whole.

**29. *Who is required to report?***

All public school units (LEAs, Lab schools, charter schools). DPI will send out more information about how PSUs shall complete the report later this Fall.

**30. *Who will receive the information?*** The Joint Legislative Education Oversight Committee, and the Fiscal Research Division of the General Assembly

**31. *When is the report due?***

Public school units are to report by February 15, 2025. School Business Services will issue a survey in January to collect this information. State Superintendent will submit by March 15, 2025.