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SESSION 2021

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SENATE BILL DRS45323-MT-102

Short Title: K-12 COVID-19 Provisions.

(Public)

Sponsors: Senators Ballard, Davis, and Lee (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE RELIEF TO PUBLIC SCHOOLS IN RESPONSE TO THE
3 CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC.

4 The General Assembly of North Carolina enacts:

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6 **PART I. SCHOOL PERFORMANCE GRADES/ANNUAL REPORT CARDS**

7 **SECTION 1.1.** Display of School Performance Grades. – Notwithstanding
8 G.S. 115C-12(9)c1. and G.S. 115C-83.15, the State Board of Education shall not calculate
9 achievement, growth, and performance scores nor display performance scores, growth
10 designations, and letter grades for schools for the 2021-2022 school year, based on data from the
11 2020-2021 school year, but shall display a brief explanation that achievement, growth, and
12 performance scores and letter grades were not calculated and assigned for the 2021-2022 school
13 year because assessment data was heavily impacted by COVID-19 during the 2020-2021 school
14 year.

15 **SECTION 1.2.(a)** Annual Report Cards. – Notwithstanding G.S. 115C-12(9)c1. and
16 Part 1B of Article 8 of Chapter 115C of the General Statutes, the State Board of Education shall
17 issue an annual report card for public school units for the 2021-2022 school year, based on data
18 from the 2020-2021 school year, that only meets the minimum accountability, school
19 identification, and related reporting requirements of the Elementary and Secondary Education
20 Act of 1965 (ESEA), as amended, required under the federal waiver granted by the United States
21 Department of Education to the State of North Carolina for the 2020-2021 school year, dated
22 March 26, 2021.

23 **SECTION 1.2.(b)** Notwithstanding G.S. 115C-47(58), 115C-75.8(d)(7),
24 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and sub-subdivision 6(d)(2) of S.L. 2018-32,
25 for the 2021-2022 school year, based on data from the 2020-2021 school year, public school units
26 shall only be required to display the annual report card information issued by the State Board of
27 Education pursuant to this Part.

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29 **PART II. LOW-PERFORMING SCHOOLS**

30 **SECTION 2.1.** Low-Performing Schools. – Notwithstanding G.S. 115C-105.37 and
31 G.S. 115C-218.94(a), for the 2021-2022 school year, the following apply:

- 32 (1) The State Board shall not identify additional low-performing schools based
33 on data from the 2020-2021 school year.
34 (2) Schools previously identified as low-performing based on data from the
35 2018-2019 school year shall continue to be identified as low-performing.



- 1 (3) Previously identified low-performing schools shall continue to carry out the
2 final plan approved by the local board of education pursuant to
3 G.S. 115C-105.37(a1).
4 (4) The State Board and the local board of education shall continue to provide
5 online access to each low-performing school's plan in accordance with
6 G.S. 115C-105.37(a1)(5).
7 (5) The written parental notice required by G.S. 115C-105.37(b) is not required
8 to be provided again, but local boards of education of low-performing schools
9 shall include with their online final plans a brief explanation that
10 low-performing identification continues pending assessment data from the
11 2021-2022 school year.

12 **SECTION 2.2.** Continually Low-Performing Schools. – Notwithstanding
13 G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2021-2022 school year, the following
14 apply:

- 15 (1) The State Board shall not identify additional continually low-performing
16 schools based on data from the 2020-2021 school year.
17 (2) Schools previously identified as continually low-performing based on data
18 from the 2018-2019 school year shall continue to be identified as continually
19 low-performing.
20 (3) Previously identified continually low-performing schools shall continue to
21 carry out the plan approved by the State Board pursuant to
22 G.S. 115C-105.37A(a).
23 (4) Assistance and intervention levels provided for the 2019-2020 school year
24 based on designation as low-performing for two years under
25 G.S. 115C-105.37A(b) or low-performing for three years under
26 G.S. 115C-105.37A(c) shall continue.
27 (5) Local boards of education may request to reform a continually
28 low-performing school in accordance with G.S. 115C-105.37B.

29 **SECTION 2.3.** Low-Performing Local School Administrative Units. –
30 Notwithstanding G.S. 115C-105.39A, for the 2021-2022 school year, the following apply:

- 31 (1) The State Board shall not identify additional low-performing local school
32 administrative units based on data from the 2020-2021 school year.
33 (2) Local school administrative units previously identified as low-performing
34 based on data from the 2018-2019 school year shall continue to be identified
35 as low-performing.
36 (3) Previously identified low-performing local school administrative units shall
37 continue to carry out the final plan approved by the local board of education
38 pursuant to G.S. 115C-105.39A(b).
39 (4) The State Board and the local board of education shall continue to provide
40 online access to each low-performing local school administrative unit's plan
41 in accordance with G.S. 115C-105.39A(b)(5).
42 (5) The written parental notice required by G.S. 115C-105.39A(c) is not required
43 to be provided again, but the local board of education shall include with its
44 online final plan a brief explanation that low-performing identification
45 continues pending assessment data from the 2021-2022 school year.
46 (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.

47
48 **PART III. PUBLIC SCHOOL UNIT CALENDARS FOR THE 2021-2022 SCHOOL**
49 **YEAR**

50 **SECTION 3.(a)** Part 2 of Article 8 of Chapter 115C of the General Statutes is
51 amended by adding a new section to read:

1 **"§ 115C-84.3. Remote instruction.**

2 (a) Remote instruction means instruction delivered to students in a remote location
3 outside the school facility, whether synchronously or asynchronously. Instructional days or hours
4 provided through any of the following shall not be considered remote instruction:

5 (1) North Carolina Virtual Public School courses.

6 (2) E-learning courses that meet the requirements of G.S. 115C-238.85.

7 (3) Institution of higher education courses, as provided in Article 16 of this
8 Chapter or G.S. 115D-20(4).

9 (4) Homebound instruction required for a student by an individualized education
10 program, as defined in G.S. 115C-106.3(8), or a section 504 (29 U.S.C. § 794)
11 plan.

12 (5) Instruction provided to a student during a short- or long-term suspension.

13 (b) A public school unit may use up to five remote instruction days or 30 remote
14 instruction hours when schools are unable to open due to severe weather conditions, energy
15 shortages, power failures, or other emergency situations, and may use that time towards the
16 required instructional days or hours for the school calendar.

17 (c) Except as provided in subsection (b) of this section, a public school unit shall not use
18 remote instruction to satisfy the minimum required number of instructional days or hours for the
19 school calendar.

20 (d) A governing board that chooses to use remote instruction as provided in subsection
21 (b) of this section shall submit to the State Board, by July 1 annually, a remote instruction plan
22 that provides a detailed framework for delivering quality remote instruction to students for the
23 upcoming school year and information on the number of remote instruction days or hours used
24 in the prior school year to satisfy instructional requirements, when applicable. At a minimum,
25 the plans submitted by local boards shall include the following:

26 (1) Identification of the resources that will be used to facilitate remote instruction.

27 (2) Communication with and training opportunities for teachers, administrators,
28 instructional support staff, parents, and students on how to access and
29 effectively use remote instruction resources, including regular opportunities
30 for students to use those resources during nonremote instructional days to
31 ensure student success during remote instruction.

32 (3) Establishment of methods for tracking and reporting attendance during remote
33 instruction, including protocols for determining attendance, the reporting
34 system to be used, and how attendance procedures will be communicated to
35 parents before remote instruction begins.

36 (4) Establishment of staff roles and expectations for remote instruction days,
37 including teacher workdays, teacher accessibility, and noncertified staff
38 workdays and responsibilities.

39 (5) Communication of learning targets to students on each remote instruction day
40 and development of measures to ensure that remote instruction time, practice,
41 and application components support learning growth that continues towards
42 mastery of the standard course of study.

43 (6) Development of remote instruction options appropriate for teachers and
44 students with limited connectivity capability, including the opportunity for
45 students to download remote instruction materials in advance when
46 practicable.

47 (7) Provision of remote instruction for students with disabilities in a manner
48 consistent with each student's individualized education program (IEP), as
49 defined in G.S. 115C-106.3, or section 504 (29 U.S.C. § 794) plan. Remote
50 instruction supports shall be considered and included, as appropriate for the

1 student, when an IEP or 504 plan is initially developed or at any subsequent
 2 review or revision of an IEP or 504 plan.

3 (e) The State Board of Education shall report by September 15 annually to the Joint
 4 Legislative Education Oversight Committee on the following information related to remote
 5 instruction:

- 6 (1) A copy of each governing board's remote instruction plan.
- 7 (2) A summary document of the following:
 - 8 a. The number of remote instruction days or hours used by each
 9 governing board in the prior school year.
 - 10 b. Strengths, challenges, and trends noted by the State Board in its review
 11 of how governing boards implement remote instruction.
 - 12 c. Any other data deemed by the State Board to be useful to the Joint
 13 Legislative Education Oversight Committee in evaluating the use and
 14 delivery of remote instruction."

15 **SECTION 3.(b)** G.S. 115C-84.2(a) reads as rewritten:

16 "(a) School Calendar. – Each local board of education shall adopt a school calendar
 17 consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include
 18 the following:

- 19 (1) A minimum of 185 days or 1,025 hours of instruction covering at least nine
 20 calendar months. The local board shall designate when the instructional days
 21 shall occur. The number of instructional hours in an instructional day may
 22 vary according to local board policy and does not have to be uniform among
 23 the schools in the administrative unit. Local boards may approve school
 24 improvement plans that include days with varying amounts of instructional
 25 time. If school is closed early due to inclement weather, the day and the
 26 scheduled amount of instructional hours may count towards the required
 27 minimum to the extent allowed by State Board policy. The school calendar
 28 shall include a plan for making up days and instructional hours missed when
 29 schools are not opened due to inclement ~~weather~~weather, and may include
 30 the use of remote instruction in accordance with G.S. 115C-84.3.

31"

32 **SECTION 3.(c)** G.S. 115C-218.85(a)(1) reads as rewritten:

- 33 "(1) The school shall provide instruction each year for at least 185 days or 1,025
 34 hours over nine calendar ~~months~~months, and may include the use of remote
 35 instruction in accordance with G.S. 115C-84.3."

36 **SECTION 3.(d)** G.S. 115C-238.53(d) reads as rewritten:

- 37 "(d) A cooperative innovative high school approved under this Part shall do the following:
 38 (1) ~~provide~~Provide instruction each school year for at least 185 days or 1,025
 39 instructional hours during nine calendar months, and may include the use of
 40 remote instruction in accordance with G.S. 115C-84.3. The requirements of
 41 G.S. 115C-84.2 shall not apply to the school calendar of a program approved
 42 under this Part.
 43 (2) ~~shall comply~~Comply with laws and policies relating to the education of
 44 students with ~~disabilities~~disabilities.
 45 (3) ~~and shall comply~~Comply with Article 27 of this Chapter. ~~The requirements~~
 46 ~~of G.S. 115C-84.2 shall not apply to the school calendar of a program~~
 47 ~~approved under this Part."~~

48 **SECTION 3.(e)** G.S. 115C-238.66(1)d. reads as rewritten:

- 49 "d. The board of directors shall adopt a school calendar consisting of a
 50 minimum of 185 days or 1,025 hours of instruction covering at least

1 nine calendar ~~months~~-months, and may include the use of remote
2 instruction in accordance with G.S. 115C-84.3."

3 **SECTION 3.(f)** G.S. 116-239.8(b)(2)c. reads as rewritten:

4 "c. The chancellor shall adopt a school calendar consisting of a minimum
5 of 185 days or 1,025 hours of instruction covering at least nine
6 calendar ~~months~~-months, and may include the use of remote
7 instruction in accordance with G.S. 115C-84.3."

8 **SECTION 3.(g)** Subdivision 6(e)(1) of S.L. 2018-32 reads as rewritten:

9 "(1) Provide instruction each year for at least 185 days or 1,025 hours over nine
10 calendar ~~months~~-months, and may include the use of remote instruction in
11 accordance with G.S. 115C-84.3."

12 **SECTION 3.(h)** This section is effective when it becomes law and applies to the
13 2021-2022 school year. This section is repealed June 30, 2022.

14 **PART IV. PRINCIPAL RECRUITMENT SUPPLEMENT**

15 **SECTION 4.** Notwithstanding G.S. 115C-285.1, for purposes of administering the
16 principal recruitment supplement in the 2021-2022 fiscal year, a school identified as an eligible
17 school in the 2019-2020 and 2020-2021 school years pursuant to G.S. 115C-285.1(a)(2) and
18 Section 2.13(a) of S.L. 2020-3, respectively, shall continue to be an eligible school in the
19 2021-2022 school year.

20 **PART V. NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

21 **SECTION 5.** Notwithstanding G.S. 115C-333.2, for the 2021-2022 school year, to
22 the extent the Education Value-Added Assessment System (EVAAS) data regarding a teacher's
23 performance includes data from more than one school year, when a principal notifies a teacher
24 that the teacher's EVAAS data has been updated, the principal shall provide the teacher with
25 additional context regarding the years on which the data is based and the extent to which the
26 students on which the data is based were taught by another teacher.

27 **PART VI. TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

28 **SECTION 6.** Notwithstanding G.S. 115C-299.5, for the 2021-2022 school year, to
29 the extent teacher effectiveness data reported pursuant to G.S. 115C-299.5 is based on more than
30 one school year, local school administrative units and the State Board of Education shall
31 contextualize that data by specifying the years on which it is based and the extent to which it is
32 not reflective of teacher performance because the students on which the data is based were taught
33 by more than one teacher.

34 **PART VII. EFFECTIVE DATE**

35 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
36 law.
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