

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

**H.B. 82**  
**Feb 15, 2021**  
**HOUSE PRINCIPAL CLERK**

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**HOUSE BILL DRH10028-MK-22D**

Short Title: Summer Learning Choice for NC Families. (Public)

Sponsors: Representatives Moore, Elmore, Torbett, and Zenger (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH SCHOOL EXTENSION LEARNING RECOVERY AND  
3 ENRICHMENT PROGRAMS IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT  
4 TO MITIGATE THE IMPACTS OF COVID-19 ON AT-RISK STUDENTS AND TO  
5 REQUIRE THE IMPLEMENTATION OF INNOVATIVE BENCHMARK  
6 ASSESSMENTS.

7 The General Assembly of North Carolina enacts:

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9 **PART I. SCHOOL EXTENSION LEARNING RECOVERY AND ENRICHMENT**  
10 **PROGRAMS**

11 **SECTION 1.1.** Program Established; Purpose. – Notwithstanding Part 3 of Article  
12 16 of Chapter 115C of the General Statutes or any other provision of law, following the end of  
13 the 2020-2021 school year, within funds available, including federal funds received by a local  
14 school administrative unit for the purpose of responding to the impacts of the coronavirus disease  
15 2019 (COVID-19), each local school administrative unit shall offer a six-week school extension  
16 learning recovery and enrichment program (program) outside of the instructional school  
17 calendar. The purpose of the program shall be to provide in-person instruction on specific  
18 subjects, as well as offer additional enrichment activities, to students in kindergarten through  
19 grade 12 to address learning losses and negative impacts students have experienced due to  
20 COVID-19 during the 2020-2021 school year. Each local school administrative unit shall identify  
21 and prioritize at-risk students, consistent with G.S. 115C-105.41(a), for participation in the  
22 program. Students who are not identified as at-risk under G.S. 115C-105.41(a) may also  
23 participate in a program within space available.

24 **SECTION 1.2.** Program Plan; Requirements. – Each local school administrative unit  
25 shall develop and submit a plan for its program that meets the requirements of this act to the  
26 Department of Public Instruction no later than 30 days prior to the final instructional day of the  
27 2020-2021 school year. The Department shall notify the local school administrative unit of any  
28 necessary changes and approve the program plan with those changes within 21 days of receiving  
29 the plan from a local school administrative unit. A charter school is also encouraged to submit a  
30 plan that meets the requirements of this section depending on the grade levels served by the  
31 school to offer a program consistent with this act. The plan shall include at least the following as  
32 components of the program:

- 33 (1) Instruction shall be delivered for at least five hours a day, which shall not  
34 include the time for lunch service, transition periods, and the physical activity  
35 period as required by this section. The program shall be offered five days per  
36 week for a six-week period.



- 1 (2) Lunch service for each instructional day.
- 2 (3) A period of physical activity during the instructional day.
- 3 (4) Grade level course offerings and activities in the following:
  - 4 a. For students in kindergarten through third grade, in-person instruction
  - 5 in the following:
    - 6 1. Reading and math, in addition to science instruction for third
    - 7 grade students.
    - 8 2. Integration of the local school administrative unit's reading
    - 9 camp, as defined in G.S. 115C-83.3(4a), into the program.
    - 10 3. At least one enrichment activity. The local school
    - 11 administrative unit shall have discretion in the type of
    - 12 enrichment activity offered, such as a sports, music, or arts
    - 13 program.
    - 14 b. For students in fourth through eighth grade, in-person instruction in
    - 15 the following:
      - 16 1. Reading, math, and science.
      - 17 2. At least one enrichment activity. The local school
      - 18 administrative unit shall have discretion in the type of
      - 19 enrichment activity offered, such as a sports, music, or arts
      - 20 program.
      - 21 c. For high school students:
        - 22 1. In-person instruction in end-of-course subjects.
        - 23 2. Access to modules and teacher support for credit recovery
        - 24 courses necessary to meet graduation requirements.
        - 25 3. In-person instruction for an elective course.
    - 26 (5) Transportation between a student's residence and the school facility housing
    - 27 the program.
    - 28 (6) Voluntary participation by at-risk students in the program. Each local school
    - 29 administrative unit shall notify parents of students identified as at-risk,
    - 30 pursuant to G.S. 115C-105.41(a), and the student's eligibility for participation
    - 31 in the program. Parents of students who qualify for the program shall make
    - 32 the final decision regarding student attendance at the program. However, for
    - 33 students who do attend the program the following shall apply:
      - 34 a. Kindergarten students who participate in the program shall be exempt
      - 35 from retention for the 2021-2022 school year. At the end of the
      - 36 program, if necessary, a supplemental support plan shall be developed
      - 37 for the student for promotion to the first grade.
      - 38 b. For all other students who are at-risk of grade retention for the
      - 39 2021-2022 school year, the student's principal shall reassess the
      - 40 student's promotion eligibility upon completion of the program.
    - 41 (7) Opportunity for additional students to participate, within the space available,
    - 42 after students are prioritized for attendance in the program under subdivision
    - 43 (6) of this section. The local school administrative unit shall establish any
    - 44 criteria for prioritizing additional students participating in the program.
    - 45 (8) Outreach to families and students to increase participation in the program by
    - 46 not only addressing learning losses, but by offering a fun, positive
    - 47 environment with enrichment activities to counteract the negative impacts
    - 48 from COVID-19 on student social interactions and development.

49 **SECTION 1.3.** Applicable Exceptions for Program Operations. – For each local  
50 school administrative unit operating the program, the following shall apply:

- 1 (1) Employment of school personnel. – Notwithstanding Articles 19, 20, 21, and  
2 Part 3 of Article 22 of Chapter 115C of the General Statutes, a local board of  
3 education shall employ teachers and other school personnel as temporary  
4 employees on a contract basis for the six-week period of the program. School  
5 personnel employed as temporary employees by a local board of education  
6 pursuant to this act shall not be considered an "employee" as defined in  
7 G.S. 135-1(10) or a "teacher" as defined in G.S. 135-1(25), nor shall it cause  
8 school personnel to be considered an "employee or State employee" under  
9 G.S. 135-48.1(10). In addition, school personnel shall not be deemed as  
10 earning "compensation" as defined in G.S. 135-1(7a) and shall not be eligible  
11 to accrue paid leave during their temporary employment.
- 12 (2) K-3 class size. – Notwithstanding G.S. 115C-301(c) or any other provision of  
13 law, limitations on teacher-to-student class size ratios for kindergarten  
14 through third grade shall not apply to classes offered through the local school  
15 administrative unit's program.

16 **SECTION 1.4.** Use of Reading Camp Funds. – Notwithstanding  
17 G.S. 115C-105.25(b)(10) and any other provision of law, local school administrative units may  
18 use funds allocated to the units for reading camps for the 2021-2022 fiscal year to also support  
19 the operation of a school extension learning recovery and enrichment program pursuant to this  
20 act.

21 **SECTION 1.5.** Report. – By October 15, 2021, the Department of Public Instruction  
22 shall report to the Joint Legislative Education Oversight Committee on the implementation of  
23 this act. The Department shall submit with its report a copy of each program plan submitted to  
24 the Department and shall include any other data deemed by the Department to be useful to the  
25 Joint Legislative Education Oversight Committee in evaluating the delivery of programs.

## 26 **PART II. INNOVATIVE BENCHMARK ASSESSMENTS**

27 **SECTION 2.** Benchmark Assessments. – Part 4 of Article 10A of Chapter 115C of  
28 the General Statutes is amended by adding a new section to read:  
29 "**§ 115C-174.23. Benchmark assessments.**

30 Within funds available, the State Board of Education shall provide for and require local  
31 school administrative units to implement innovative benchmark assessments in certain grades  
32 and core subject areas to allow teachers to more frequently measure student learning and address  
33 student learning loss throughout the school year. An innovative benchmark assessment shall  
34 provide for educator flexibility, assessments aligned with the standard course of study, and  
35 actionable data for teachers, schools, and local school administrative units."  
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## 37 **PART III. EFFECTIVE DATE**

38 **SECTION 3.** Effective Date. – Section 1.4 of this act becomes effective July 1, 2021.  
39 The remainder of this act becomes effective when the act becomes law. Section 2 of this act  
40 applies beginning with the 2021-2022 school year.  
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