

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 90
Feb 16, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30069-TC-11

Short Title: In-Person Learning. (Local)

Sponsors: Representative McElraft.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE IN-PERSON LEARNING FOR STUDENTS IN ASHEBORO CITY
3 SCHOOLS, CARTERET COUNTY SCHOOLS, HAYWOOD COUNTY SCHOOLS,
4 RANDOLPH COUNTY SCHOOLS, AND YANCEY COUNTY SCHOOLS.

5 Whereas, the CDC further found that with mitigation efforts, the COVID-19
6 transmission risk in schools appears low, showing that with the necessary precautions in place,
7 schools can open during the pandemic and that there is little evidence that schools have
8 contributed meaningfully to increased community transmission; and

9 Whereas, the ABC Science Collaborative confirms the CDC's findings, as it reported
10 that no instances of child-to-adult transmission of COVID-19 were reported within schools
11 during their examination of 11 open school districts in North Carolina serving 90,000 students
12 during the first quarter of the 2020-2021 school year; and

13 Whereas, the American Academy of Pediatrics strongly advocates that all policy
14 considerations for school COVID-19 plans should start with a goal of having students physically
15 present in school; and

16 Whereas, the World Health Organization, in its school reopening guidance,
17 recommends that a physical distance be maintained of at least 1 meter (3.28 feet) between
18 individuals where feasible; and

19 Whereas, high failure rates in remote learning classes among middle and high school
20 students are being reported statewide; and

21 Whereas, the Organisation for Economic Co-operation and Development found for
22 every one-third of a school year lost, current students will suffer a 3% loss in income across their
23 entire careers; and

24 Whereas, a study in the Journal of the American Medical Association found that
25 today's students' increased financial stress could be associated with a collective loss of 13.8
26 million years of life; and

27 Whereas, even last summer, experts at Harvard University warned that school
28 closures are a disaster that some students may never recover from; Now, therefore,
29 The General Assembly of North Carolina enacts:

30 **SECTION 1.** Notwithstanding Article 1A of Chapter 166A of the General Statutes,
31 any executive order, secretarial order or directive, or any county or city ordinance authorized
32 pursuant to Article 1A of Chapter 166A of the General Statutes, or any other provision of law,
33 local school administrative units shall have the option to provide in-person instruction to students
34 enrolled in grades kindergarten through 12 in accordance with this act for the remainder of the
35 scheduled 2020-2021 school year.



1 **SECTION 2.** Local boards of education shall provide in-person instruction to all
2 students under Plan A (Minimal Social Distancing). Schools shall follow the requirements for
3 implementation of Plan A provided in the StrongSchoolsNC Public Health Toolkit (K-12), as
4 that guidance existed on February 2, 2021, and are encouraged to require at least 3.5 feet of social
5 distancing when possible for all students. Local boards of education shall continue to provide
6 remote instruction options for students to participate in, at the discretion of the parent or guardian,
7 for the remainder of the 2020-2021 school year.

8 **SECTION 3.** Local boards of education, following consultation with the local health
9 director and local school superintendent, shall have the authority to make day-to-day decisions
10 concerning whether shifting individual schools or individual classrooms that are providing
11 in-person instruction to remote instruction is necessary due to COVID-19 exposures that result
12 in insufficient school personnel or required student quarantines. A local board of education shall
13 report any shift by a school or classroom from in-person to remote instruction to the Department
14 of Public Instruction within 72 hours of the shift.

15 **SECTION 4.** For the purposes of this act, in-person instruction includes all of the
16 following components:

- 17 (1) Is offered to the student in person by a teacher of record on a local school
18 administrative unit campus. Continued enrollment in a North Carolina Virtual
19 Public School course or other e-learning course offering or use of prerecorded
20 learning materials integrated in instruction that occurs on a local school
21 administrative unit campus shall be considered to meet this requirement.
- 22 (2) Lunch service.
- 23 (3) Transportation services to the campus where the student is assigned.

24 **SECTION 5.** This act applies only to the Asheboro City Schools, Carteret County
25 Schools, Haywood County Schools, Randolph County Schools, and Yancey County Schools.

26 **SECTION 6.** This act is effective when it becomes law.