

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 654

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S654-ATC-67 [v.2]

Page 1 of 6

Amends Title [NO]
Second Edition

Date _____, 2021

Senator Ballard

1 moves to amend the bill on page 2, line 48, through page 5, line 24, by rewriting those lines to
2 read:

3
4 **"PART III. PUBLIC SCHOOL UNIT CALENDARS FOR THE 2021-2022 SCHOOL**
5 **YEAR**

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

8 **"§ 115C-84.3. Remote instruction.**

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

- 12 (1) North Carolina Virtual Public School courses.
13 (2) E-learning courses that meet the requirements of G.S. 115C-238.85.
14 (3) Institution of higher education courses, as provided in Article 16 of this
15 Chapter or G.S. 115D-20(4).
16 (4) Homebound instruction required for a student by an individualized education
17 program, as defined in G.S. 115C-106.3(8), or a section 504 (29 U.S.C. § 794)
18 plan.
19 (5) Instruction provided to a student during a short- or long-term suspension.

20 (b) A public school unit in a county that has received a good cause waiver, as provided
21 in G.S. 115C-84.2(d), for the school year may use up to fifteen remote instruction days or 90
22 remote instruction hours when schools are unable to open due to severe weather conditions,
23 energy shortages, power failures, or other emergency situations, and may use that time towards
24 the required instructional days or hours for the school calendar. All other public school units may
25 use up to five remote instruction days or 30 remote instruction hours when schools are unable to
26 open due to severe weather conditions, energy shortages, power failures, or other emergency
27 situations, and may use that time towards the required instructional days or hours for the school
28 calendar.

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



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S654-ATC-67 [v.2]

Page 2 of 6

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

- 7 (1) Identification of the resources that will be used to facilitate remote instruction.
8 (2) Communication with and training opportunities for teachers, administrators,
9 instructional support staff, parents, and students on how to access and
10 effectively use remote instruction resources, including regular opportunities
11 for students to use those resources during nonremote instructional days to
12 ensure student success during remote instruction.
13 (3) Establishment of methods for tracking and reporting attendance during remote
14 instruction, including protocols for determining attendance, the reporting
15 system to be used, and how attendance procedures will be communicated to
16 parents before remote instruction begins.
17 (4) Establishment of staff roles and expectations for remote instruction days,
18 including teacher workdays, teacher accessibility, and noncertified staff
19 workdays and responsibilities.
20 (5) Communication of learning targets to students on each remote instruction day
21 and development of measures to ensure that remote instruction time, practice,
22 and application components support learning growth that continues towards
23 mastery of the standard course of study.
24 (6) Development of remote instruction options appropriate for teachers and
25 students with limited connectivity capability, including the opportunity for
26 students to download remote instruction materials in advance when
27 practicable.
28 (7) Provision of remote instruction for students with disabilities in a manner
29 consistent with each student's individualized education program (IEP), as
30 defined in G.S. 115C-106.3, or section 504 (29 U.S.C. § 794) plan. Remote
31 instruction supports shall be considered and included, as appropriate for the
32 student, when an IEP or 504 plan is initially developed or at any subsequent
33 review or revision of an IEP or 504 plan.

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

- 37 (1) A copy of each governing board's remote instruction plan.
38 (2) A summary document of the following:
39 a. The number of remote instruction days or hours used by each public
40 school unit in the prior school year.
41 b. Strengths, challenges, and trends noted by the State Board in its review
42 of how governing boards implement remote instruction.

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S654-ATC-67 [v.2]

Page 3 of 6

1 c. Any other data deemed by the State Board to be useful to the Joint
2 Legislative Education Oversight Committee in evaluating the use and
3 delivery of remote instruction in emergency circumstances."

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

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

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

20"

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

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

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

26 "(d) A cooperative innovative high school approved under this Part shall do the following:

27 (1) ~~provide~~ Provide instruction each school year for at least 185 days or 1,025
28 instructional hours during nine calendar months, and may include the use of
29 remote instruction in accordance with G.S. 115C-84.3. The requirements of
30 G.S. 115C-84.2 shall not apply to the school calendar of a program approved
31 under this Part.

32 (2) ~~shall comply~~ Comply with laws and policies relating to the education of
33 students with ~~disabilities,~~ disabilities.

34 (3) ~~and shall comply~~ Comply with Article 27 of this Chapter. ~~The requirements~~
35 ~~of G.S. 115C 84.2 shall not apply to the school calendar of a program~~
36 ~~approved under this Part."~~

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

38 "d. The board of directors shall adopt a school calendar consisting of a
39 minimum of 185 days or 1,025 hours of instruction covering at least
40 nine calendar ~~months.~~ months, and may include the use of remote
41 instruction in accordance with G.S. 115C-84.3."

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

NORTH CAROLINA GENERAL ASSEMBLY

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S654-ATC-67 [v.2]

Page 4 of 6

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

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

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

9 **SECTION 3.(h)** Section 6(d) of S.L. 2018-32 is amended by adding a new
10 subdivision to read:

11 "(5a) G.S. 115C-84.3. Remote instruction."

12
13 **SECTION 3.(i)** This section is effective when it becomes law and applies to the
14 2021-2022 school year. This section is repealed June 30, 2022.

15
16 **PART IIIA. REMOTE INSTRUCTION FOR COVID-19 EMERGENCIES.**

17 **SECTION 3A.** Notwithstanding G.S. 115C-84.3, as enacted by this act, a public
18 school unit shall have the authority to make day-to-day decisions for the 2021-2022 school year
19 concerning whether shifting individual schools or individual classrooms that are providing
20 in-person instruction to temporary remote instruction is necessary due to COVID-19 exposures
21 that result in insufficient school personnel or required student quarantines. A public school unit
22 shall report any shift by a school or classroom from in-person to temporary remote instruction as
23 provided in this subsection to the Department of Public Instruction within 72 hours of the shift
24 and shall return to in-person instruction as soon as personnel are available or the required
25 quarantines are complete.

26
27 **PART IIIB. PLANNED VIRTUAL INSTRUCTION.**

28 **SECTION 3B.** Notwithstanding G.S. 115C-84.3, as enacted by this act, public school
29 units shall be authorized to provide virtual instruction during the 2021-2022 school year to a
30 student with the consent of that student's parent or legal guardian in accordance with a virtual
31 instruction plan providing the information required by this subsection, if submitted by the
32 governing board to the Department of Public Instruction by June 1, 2021. The Department of
33 Public Instruction shall make available a copy of each governing board's remote instruction plan
34 to the Joint Legislative Education Oversight Committee and the Working Group on Virtual
35 Academies, as enacted by Section 3C of this act, by July 1, 2021. The virtual instruction plan
36 shall include the following:

- 37 (1) The range of grades for which virtual instruction will be offered. The plan
38 should note throughout the differences in delivery of virtual instruction for
39 elementary, middle and high school students.
40 (2) The types of virtual instruction that will be made available, including whether
41 virtual instruction will be full-time or blended instruction.

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S654-ATC-67 [v.2]

Page 5 of 6

- 1 (3) Whether the virtual instruction will be offered through a (i) school whose
2 primary means of instruction is virtual instruction, (ii) school within a school,
3 or (iii) customized offering unique to specific students.
4 (4) The estimated numbers of students to be served with virtual instruction.
5 (5) A means for identifying students participating in remote instruction that will
6 allow assessment of that subgroup's performance and EVAAS scores for
7 students receiving virtual instruction in a school that does not exclusively
8 provide virtual instruction.
9 (6) Participation requirements, including student eligibility and agreements for
10 participation from students and parents.
11 (7) The methods by which enrollment, daily attendance, course credit accrual,
12 progress toward graduation, and course completion will be monitored for
13 students receiving virtual instruction.
14 (8) Identification of the resources that will be used to facilitate virtual instruction.
15 (9) The methods for communication with and training opportunities for teachers,
16 administrators, instructional support staff, parents, and students engaged in
17 virtual instruction.
18 (10) Establishment of staff roles and expectations when providing virtual
19 instruction, including teacher accessibility.
20 (11) The measures used to ensure that both synchronous and asynchronous virtual
21 instruction time, practice, and application components support learning
22 growth that continues towards mastery of the standard course of study.
23 (12) Any unique infrastructure necessary to support virtual instruction.
24 (13) The methods for ensuring that virtual instruction for students with disabilities
25 is delivered in a manner consistent with each student's individualized
26 education program (IEP), as defined in G.S. 115C-106.3, or section 504 (29
27 U.S.C. § 794) plan. Remote instruction supports shall be considered and
28 included, as appropriate for the student, when an IEP or 504 plan is initially
29 developed or at any subsequent review or revision of an IEP or 504 plan.
30

31 **PART IIIC. VIRTUAL ACADEMIES STUDY**

32 **SECTION 3C.** The Superintendent of Public Instruction shall establish a Working
33 Group on Virtual Academies that includes interested stakeholders from, at a minimum, public
34 school units, parents, and the State Board of Education to make recommendations related to
35 virtual academies. The Working Group shall be chaired by the Superintendent or
36 Superintendent's designee, and shall review in its deliberations data and information gained from
37 the 2020-2021 school year and from the virtual instruction plans submitted by public school units
38 for the 2021-2022 school year. The Working Group shall report on the following to the Joint
39 Legislative Education Oversight Committee no later than January 15, 2022:

- 40 (1) Definitions of virtual instruction and virtual academies.
41 (2) Requirements for authorization of virtual academies.
42 (3) Additional requirements for virtual academies, including, but not limited to:

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S654-ATC-67 [v.2]

Page 6 of 6

- 1 a. Infrastructure requirements, if any, such as access to internet
2 connectivity, equipment, hardware, software, and technical support.
3 b. Instructional requirements, including student monitoring, attendance
4 and testing requirements, measures for completion of instructional
5 days and hours requirements, synchronous instruction minimums, and
6 measures of course credit accrual, progress toward graduation, and
7 course completion.
8 c. Personnel requirements, including professional development.
9 d. Participation requirements, including student eligibility and
10 agreements for participation from students and parents.
11 e. Special education requirements.
12 f. Term of years for approval for a virtual academy and criteria for initial
13 approval and renewal.
14 g. Funding formula for virtual academies that reflects both the costs
15 associated with virtual instruction and the items provided in a
16 traditional setting for which funding is not needed in a virtual
17 academy.
18 h. Distinctions in requirements for different types of public school units."

19
20 and on page 6, lines 10-14, by rewriting those lines to read:

21
22 **"PART VIII. TEACHER LICENSURE REQUIREMENTS**

23 **SECTION 8.** Notwithstanding G.S. 115C-270.15 and G.S. 115C-270.20, applicants
24 for a continuing professional license holding a current initial professional license, residency
25 license, lateral entry license, or limited license expiring June 30, 2021, who have not met the
26 examination requirements established by the State Board as of June 30, 2021, shall be provided
27 an extension until September 30, 2021."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**