

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35184-TC-29

Short Title: School Calendar Compliance Act. (Public)

Sponsors: Senators Lee, Proctor, and Barnes (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A CAUSE OF ACTION FOR SCHOOL CALENDARS THAT ARE
3 NOT STATUTORILY COMPLIANT AND TO AUTHORIZE A HIGH SCHOOL
4 REMOTE INSTRUCTION FLEXIBILITY PILOT.

5 The General Assembly of North Carolina enacts:

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7 **PART I. CAUSE OF ACTION FOR SCHOOL CALENDARS THAT ARE NOT**
8 **STATUTORILY COMPLIANT**

9 **SECTION 1.** Part 2 of Article 8 of Chapter 115C of the General Statutes is amended
10 by adding a new section to read:

11 "**§ 115C-84.4. Cause of action for school calendar violation.**

12 (a) Any person residing within a local school administrative unit shall have standing to
13 bring a declaratory judgment action against a local board of education for a violation of the
14 requirements of G.S. 115C-84.2(d) at any time after a local board of education has adopted a
15 school calendar that fails to comply with the requirements of that subsection.

16 (b) The Superintendent of Public Instruction shall have standing to bring a declaratory
17 judgment action against a local board of education for a violation of the requirements of
18 G.S. 115C-84.2(d) at any time after a local board of education has adopted a school calendar that
19 fails to comply with the requirements of that subsection.

20 (c) Any person who successfully asserts a claim under this section may recover
21 declaratory relief, injunctive relief, damages of a minimum of ten thousand dollars (\$10,000),
22 reasonable attorneys' fees and costs, and any other appropriate relief."

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24 **PART II. HIGH SCHOOL REMOTE INSTRUCTION FLEXIBILITY PILOT**

25 **SECTION 2.(a)** Notwithstanding G.S. 115C-84.3(c), for the 2023-2024 through
26 2027-2028 school years, the Superintendent of Public Instruction shall select 10 local school
27 administrative units to participate in a remote instruction flexibility pilot. The pilot shall
28 authorize local boards of education to establish a school calendar for high schools that use up to
29 five days or 30 hours of remote instruction, as defined in G.S. 115C-84.3, to ensure that all final
30 examinations for the fall semester are administered to students prior to December 31 of the school
31 year. The remote instruction days or hours used as part of the pilot shall be in addition to any
32 days or hours authorized by G.S. 115C-84.3(b).

33 **SECTION 2.(b)** Each participating local board of education shall, beginning July
34 15, 2024, and ending July 15, 2028, annually report the following to the Superintendent of Public
35 Instruction:

- 36 (1) The high schools that participated in the pilot.



- 1 (2) A copy of the high school calendars that designate remote instruction time.
- 2 (3) The methods for providing instruction outside of the school facility.
- 3 (4) The impact on academic outcomes for students in comparison to the recent
- 4 years where final examinations for the fall semester were administered after
- 5 December 31.
- 6 (5) Identified advantages to using the pilot calendar and additional remote
- 7 learning.
- 8 (6) Identified disadvantages to using the pilot calendar and additional remote
- 9 learning.

10 **SECTION 2.(c)** The Superintendent of Public Instruction shall annually summarize
11 the information provided by the participating local boards of education and provide a report of
12 that information, including a copy of each participating local board of education's report, to the
13 Joint Legislative Education Oversight Committee beginning September 15, 2024, and ending
14 September 15, 2028.

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16 **PART III. EFFECTIVE DATE**

17 **SECTION 3.** This act is effective when it becomes law.