

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 1035

Short Title: Education Omnibus/COVID-19. (Public)

Sponsors: Representatives Horn, Fraley, and Clemmons (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

April 28, 2020

A BILL TO BE ENTITLED
AN ACT TO PROVIDE RELIEF TO ELEMENTARY AND SECONDARY SCHOOL
STUDENTS, POSTSECONDARY SCHOOL STUDENTS, SCHOOL PERSONNEL, AND
EDUCATIONAL ENTITIES OF THE STATE TO ACCOMMODATE
EXTRAORDINARY CIRCUMSTANCES DUE TO CORONAVIRUS DISEASE 2019
(COVID-19), AS RECOMMENDED BY THE EDUCATION WORKING GROUP OF THE
HOUSE SELECT COMMITTEE ON COVID-19.

The General Assembly of North Carolina enacts:

PART I. DEFINITIONS

SECTION 1. For the purposes of this act, the following definitions apply:

- (1) Authority. – State Education Assistance Authority.
- (2) Coronavirus disease 2019 (COVID-19) emergency. – The period beginning March 10, 2020, and continuing until the Governor signs an executive order rescinding Executive Order No. 116 (Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19).
- (3) Federal testing waiver. – The testing waiver granted to the State Board of Education by the United States Department of Education for the 2019-2020 school year, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, which, pursuant to G.S. 115C-174.11, eliminated the collection of certain student assessment data for the 2019-2020 school year.
- (4) School closure period. – The period beginning March 16, 2020, and continuing until the latest of the following:
 - a. May 15, 2020.
 - b. The date specified by an executive order superseding the school closure period in Executive Order No. 120 (Additional Limitations on Mass Gatherings, Restrictions on Venues and Long Term Care Facilities, and Extension of School Closure Date).
 - c. The date specified in any executive order superseding the superseding executive order described in sub-subdivision b. of this subdivision.
- (5) State Board. – The State Board of Education.

PART II. INTRODUCTION



1 **SECTION 2.** The purpose of this act is to clarify or modify certain requirements in
2 consideration of actions and circumstances related to the COVID-19 emergency, including, but
3 not limited to, the federal testing waiver and the school closure period.
4

5 **PART III. WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL**
6 **TESTING, ACCOUNTABILITY, GRADE PLACEMENT/PROMOTION, AND**
7 **GRADUATION REQUIREMENTS**

8
9 **TESTS AND ASSESSMENTS**

10 **SECTION 3.1.(a)** EOGs and EOCs. – Consistent with the provisions of
11 G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are
12 waived.

13 **SECTION 3.1.(b)** ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the fall
14 semester of the 2020-2021 school year, public school units shall administer the norm-referenced
15 college admissions test made available by the State Board to all students who were in the eleventh
16 grade during the 2019-2020 school year who were not administered the test during the 2019-2020
17 school year, unless a student has already taken a comparable test and scored at or above a level
18 set by the State Board.

19 **SECTION 3.1.(c)** Diagnostic and Formative Assessments. – For the 2019-2020
20 school year, for the diagnostic and formative reading assessments for kindergarten, first, second,
21 and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional
22 assessments beyond those administered prior to the school closure period are not required.

23 **SECTION 3.1.(d)** WorkKeys. – For the spring semester of the 2019-2020 school
24 year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be
25 required to administer the WorkKeys tests to any students who complete a concentration in career
26 and technical education courses.
27

28 **SCHOOL PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND**
29 **SCHOOL BUILDING REPORTS**

30 **SECTION 3.2.(a)** Calculation and Issuance of School Performance Grades. – For
31 the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of
32 G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding
33 G.S. 115C-83.15(g), the State Board is not required to display school report card information for
34 the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a
35 brief explanation that school report cards were not issued for the 2020-2021 school year because
36 assessment data was not collected during the 2019-2020 school year due to COVID-19.

37 **SECTION 3.2.(b)** Display of School Report Cards. – Notwithstanding
38 G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and
39 Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card
40 information for the 2020-2021 school year based on data from the 2019-2020 school year, but
41 shall display a brief explanation that school report cards were not issued for the 2020-2021 school
42 year because assessment data was not collected during the 2019-2020 school year due to
43 COVID-19.

44 **SECTION 3.2.(c)** Evaluation of Alternative Programs. – Notwithstanding
45 G.S. 115C-12(24), to the extent educational performance and growth of students in alternative
46 schools and alternative programs are measured based on the accountability system developed
47 under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students
48 in alternative schools and alternative programs shall not be evaluated based on data from the
49 2019-2020 school year.

50 **SECTION 3.2.(d)** School Building Reports. – The requirement for local school
51 administrative units to produce and make public a school building report under

1 G.S. 115C-12(9)c3. and G.S. 115C-47(35) shall not apply for the October 15, 2020, report based
2 on building-level data from the 2019-2020 school year.

3 4 **LOW-PERFORMING SCHOOLS**

5 **SECTION 3.3.(a)** Low-Performing Schools. – Notwithstanding G.S. 115C-105.37
6 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following applies:

- 7 (1) The State Board shall not identify additional low-performing schools based
8 on data from the 2019-2020 school year.
- 9 (2) Schools previously identified as low-performing based on data from the
10 2018-2019 school year shall continue to be identified as low-performing.
- 11 (3) Previously identified low-performing schools shall continue to carry out the
12 final plan approved by the local board of education pursuant to
13 G.S. 115C-105.37(a1).
- 14 (4) The State Board and the local board of education shall continue to provide
15 online access to each low-performing school's plan in accordance with
16 G.S. 115C-105.37(a1)(5).
- 17 (5) The written parental notice required by G.S. 115C-105.37(b) is not required
18 to be provided again, but local boards of education of low-performing schools
19 shall include with their online final plans a brief explanation that
20 low-performing identification continues pending assessment data from the
21 2020-2021 school year.

22 **SECTION 3.3.(b)** Continually Low-Performing Schools. – Notwithstanding
23 G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following
24 applies:

- 25 (1) The State Board shall not identify additional continually low-performing
26 schools based on data from the 2019-2020 school year.
- 27 (2) Schools previously identified as continually low-performing based on data
28 from the 2018-2019 school year shall continue to be identified as continually
29 low-performing.
- 30 (3) Previously identified continually low-performing schools shall continue to
31 carry out the plan approved by the State Board pursuant to
32 G.S. 115C-105.37A(a).
- 33 (4) Assistance and intervention levels provided for the 2019-2020 school year
34 based on designation as low-performing for two years under
35 G.S. 115C-105.37A(b) or low-performing for three years under
36 G.S. 115C-105.37A(c) shall continue.
- 37 (5) Local boards of education may request to reform a continually
38 low-performing school in accordance with G.S. 115C-105.37B.

39 **SECTION 3.3.(c)** Low-Performing Local School Administrative Units. –
40 Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:

- 41 (1) The State Board shall not identify additional low-performing local school
42 administrative units based on data from the 2019-2020 school year.
- 43 (2) Local school administrative units previously identified as low-performing
44 based on data from the 2018-2019 school year shall continue to be identified
45 as low-performing.
- 46 (3) Previously identified low-performing local school administrative units shall
47 continue to carry out the final plan approved by the local board of education
48 pursuant to G.S. 115C-105.39A(b).
- 49 (4) The State Board and the local board of education shall continue to provide
50 online access to each low-performing local school administrative unit's plan
51 in accordance with G.S. 115C-105.39A(b)(5).

- 1 (5) The written parental notice required by G.S. 115C-105.39A(c) is not required
2 to be provided again, but the local board of education shall include with its
3 online final plan a brief explanation that low-performing identification
4 continues pending assessment data from the 2020-2021 school year.
5 (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.
6

7 **INNOVATIVE SCHOOL DISTRICT**

8 **SECTION 3.4.(a)** Notwithstanding the provisions of G.S. 115C-75.7 and
9 G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

- 10 (1) The State Board shall not identify any additional schools as qualifying schools
11 for the Innovative School District based on data from the 2019-2020 school
12 year.
13 (2) Schools identified as qualifying schools for the 2019-2020 school year based
14 on data from the 2018-2019 school year shall remain on the qualifying list,
15 and the provisions of G.S. 115C-75.7(b1), (b2), and (d) shall continue to apply
16 to these schools.

17 **SECTION 3.4.(b)** Section 1(c) of S.L. 2019-248 reads as rewritten:

18 **"SECTION 1.(c)** For the purposes of this subsection, a qualifying school is as defined by
19 G.S. 115C-75.5(5), as amended by this act. Notwithstanding G.S. 115C-75.7, as amended by this
20 act, the State Board of Education shall select the following schools to become innovative schools:

- 21 (1) ~~The lowest scoring qualifying school in the State identified based on the~~
22 ~~school performance score calculated from data for the 2019-2020 school year~~
23 ~~to become an innovative school in the 2021-2022 school year.~~
24 (2) The lowest scoring qualifying school in the State identified based on the
25 school performance score calculated from data for the 2020-2021 school year
26 to become an innovative school in the 2022-2023 school year."
27

28 **THIRD GRADE RETENTION, READING CAMPS, AND FOURTH GRADE READING** 29 **ASSESSMENT**

30 **SECTION 3.5.(a)** Third Grade Retention Determination. – For grade level
31 determination for the 2020-2021 school year, the following applies:

- 32 (1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in
33 G.S. 115C-288(a) that a principal's authority to grade and classify pupils is
34 limited by the requirements of G.S. 115C-83.7(a), principals shall have
35 authority to determine the appropriate 2020-2021 school year grade level for
36 students in the third grade during the 2019-2020 school year in the same
37 manner as for students in all other grade levels. Principals shall designate
38 whether a retained third grade student is retained due to reading deficiencies.
39 Principals are encouraged to consult with a student's 2019-2020 third grade
40 teacher in determining grade classification.
41 (2) Notwithstanding the provisions of G.S. 115C-218.85(b), charter schools shall
42 have authority to determine the appropriate 2020-2021 school year grade level
43 for third grade students in the same manner that grade level classification is
44 determined for other grade levels.

45 **SECTION 3.5.(b)** Parental Notice and Interventions. – Consistent with
46 G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade
47 student demonstrated difficulty with reading development or was not reading at grade level
48 during the 2019-2020 school year based on assessments completed on or before March 13, 2020.
49 The provisions of G.S. 115C-83.9(d) shall apply to this notice.

1 For third grade students retained for the 2019-2020 school year based on data from
2 the 2018-2019 school year, the requirements of G.S. 115C-83.9(c) shall not apply during the
3 school closure period, beginning March 16, 2020.

4 For third grade students retained for the 2020-2021 school year due to reading
5 deficiencies, the provisions of G.S. 115C-83.8(b) through (e) and G.S. 115C-83.9 shall apply in
6 the same manner they would have had the student been retained pursuant to G.S. 115C-83.7(a),
7 except that notification regarding the exemptions described in G.S. 115C-83.7(b) shall not apply.

8 **SECTION 3.5.(c)** Reading Camps and Recommendations for Alternative
9 Interventions. – Notwithstanding G.S. 115C-83.6(a), 115C-83.8(a), and 115C-83.11, and any
10 other provision of law to the contrary, local school administrative units are not required to provide
11 reading camps corresponding to the 2019-2020 school year.

12 No later than May 20, 2020, the State Board of Education shall submit to the Joint
13 Legislative Education Oversight Committee recommendations for alternative interventions to
14 summer instruction, to be offered to at-risk students and students recommended for additional
15 support by their 2019-2020 teachers based on student outcome data available up until March 16,
16 2020. The alternative interventions shall be recommended as alternatives to reading camps and
17 summer school that could have been offered but for the COVID-19 emergency.

18 **SECTION 3.5.(d)** Fourth Grade Reading Assessment. – No later than the tenth day
19 that school buildings are open to students for the 2020-2021 school year, public school units shall
20 administer to all fourth grade students the end-of-year diagnostic assessment otherwise required
21 for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The results of
22 the assessment shall be used to identify reading deficiencies and inform instruction and
23 remediation needs in order to ensure that all students achieve proficiency at the earliest date
24 possible.

25 **SECTION 3.5.(e)** Reporting Requirements. – For the 2020-2021 school year, the
26 following applies:

- 27 (1) Accountability reporting described in G.S. 115C-83.10 shall not be required
28 based on data from the 2019-2020 school year, except that by September 1,
29 2020, local boards of education shall report to the State Board the following:
- 30 a. The number and percentage of first grade students on track and not on
31 track to meet year-end expectations based on assessments completed
32 on or before March 13, 2020.
 - 33 b. The number and percentage of second grade students on track and not
34 on track to meet year-end expectations based on assessments
35 completed on or before March 13, 2020.
 - 36 c. The number and percentage of third grade students on track and not on
37 track to meet year-end expectations based on assessments completed
38 on or before March 13, 2020.
 - 39 d. The number and percentage of third grade students retained pursuant
40 to subsection (a) of this section for reading deficiencies.
- 41 (2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be
42 required based on data from the 2019-2020 school year, except that by
43 September 1, 2020, charter schools and other public school units subject to
44 charter school statutory requirements shall report to the State Board the
45 following:
- 46 a. The number and percentage of third grade students on track and not on
47 track to meet year-end expectations based on assessments completed
48 on or before March 13, 2020.
 - 49 b. The number and percentage of third grade students retained pursuant
50 to subsection (a) of this section for reading deficiencies.

- 1 (3) The State Board shall compile the information described in this subsection
2 and shall submit a State-level summary of each component by local school
3 administrative unit and charter school to the Joint Legislative Education
4 Oversight Committee by October 15, 2020.
5

6 **ADVANCED COURSES IN MATHEMATICS**

7 **SECTION 3.6.** The provisions of G.S. 115C-81.36(a1) and (b) shall not apply for
8 the 2020-2021 school year based on data from the 2019-2020 school year. Math placement for
9 the 2020-2021 school year may be determined consistent with local policies, in consultation with
10 a student's 2019-2020 school year math teacher. For the purposes of G.S. 115C-81.36(c), the
11 Department of Public Instruction shall submit its December 15, 2020, report to the Joint
12 Legislative Education Oversight Committee on the number and demographics of students who
13 were (i) enrolled in advanced mathematics courses, including high school level mathematics
14 courses in eighth grade, or (ii) given other advanced learning opportunities for the 2020-2021
15 school year. The report shall include information on the type and format of advanced
16 mathematics courses or advanced learning opportunities provided and shall also include any
17 feedback provided by local boards of education on the implementation of G.S. 115C-81.36.
18

19 **CPR GRADUATION REQUIREMENT**

20 **SECTION 3.7.** Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school year,
21 any student in grade 12 who has not satisfied the requirement for completion of instruction in
22 cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

- 23 (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the
24 COVID-19 emergency.
25 (2) The student is eligible to graduate in all respects other than the statutory
26 requirement described in this section, as determined by the principal of the
27 school to which the student is assigned.
28

29 **SCHOOL CALENDAR AND ATTENDANCE**

30 **SECTION 3.8.(a)** 2019-2020 School Year. – A public school unit that provides
31 remote instruction as required by this subsection shall be deemed to have satisfied the minimum
32 days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12,
33 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of
34 S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the
35 2019-2020 school year, remote instruction is defined as learning that takes place outside of the
36 traditional school setting using various media and formats, including, but not limited to, video
37 conference, telephone conference, print material, online material, or learning management
38 systems. Each public school unit shall provide remote instruction for the remainder of its
39 scheduled 2019-2020 school year.

40 **SECTION 3.8.(b)** Student Attendance Enforcement. – For the 2019-2020 school
41 year, the requirements of G.S. 115C-378(e) through (g) shall not apply during the school closure
42 period.

43 **SECTION 3.8.(c)** Supplemental Jump Start Instruction. – It is the intent of the
44 General Assembly to provide for at-risk students and students recommended for additional
45 support by their 2019-2020 teachers to receive from their public school units two weeks of
46 supplemental jump start instruction during the month of August 2020, based on recommendations
47 to be provided by the State Board. As supplemental instruction, jump start instruction is not
48 intended to be included in scheduled instructional time for the 2020-2021 school year calendar.

49 **SECTION 3.8.(d)** 2020-2021 School Year. – For the 2020-2021 school year,
50 notwithstanding G.S. 115C-84.2(d) and G.S. 115C-150.12, any public school unit may, in the

1 discretion of its governing body, schedule its opening date for students as early as August 17,
2 2020.

3
4 **PART IV. TEMPORARY BUDGET FLEXIBILITY AND DELAY IN K-3 CLASS SIZE**
5 **REDUCTION FOR LOCAL BOARDS OF EDUCATION**

6
7 **BUDGET FLEXIBILITY**

8 **SECTION 4.1.(a)** Budget Flexibility for the Remainder of FY 2019-2020. –
9 Effective from the date this act becomes law until June 30, 2020, notwithstanding
10 G.S. 115C-105.25 and any other provision of law, local boards of education may transfer and
11 may approve transfers of any unexpended cash balance in an allotment category to another
12 allotment category subject to the following limitations:

- 13 (1) Funds for career and technical education and other purposes may be
14 transferred only as permitted by federal law and the conditions of federal
15 grants or as provided through any rules that the State Board adopts to ensure
16 compliance with federal regulations.
- 17 (2) No funds shall be transferred out of the children with disabilities, students
18 with limited English proficiency, and academically or intellectually gifted
19 students categories.
- 20 (3) No funds shall be transferred into the central office allotment category.
- 21 (4) Positions allocated for classroom teachers may be converted to dollar
22 equivalents to contract for visiting international exchange teachers through a
23 visiting international exchange teacher program approved by the State. These
24 positions shall be converted at the statewide average salary for classroom
25 teachers, including benefits. The converted funds shall be used only to provide
26 visiting international exchange teachers with salaries commensurate with their
27 experience levels, to provide any State-approved bonuses, and to cover the
28 costs associated with supporting visiting international exchange teachers
29 within the local school administrative unit, including programming and
30 related activities, background checks, medical coverage, and other program
31 administration services in accordance with the federal regulations for the
32 Exchange Visitor Program, 22 C.F.R. Part 62.
- 33 (5) Except as provided in subdivision (4) of this subsection, positions allocated
34 for classroom teachers and instructional support personnel may be converted
35 to dollar equivalents for any purpose authorized by the policies of the State
36 Board of Education. These positions shall be converted at the salary on the
37 first step of the "A" Teachers Salary Schedule. Certified position allotments
38 shall not be transferred to dollars to hire the same type of position.
- 39 (6) Funds allocated for school building administration may be converted for any
40 purpose authorized by the policies of the State Board of Education. For funds
41 related to principal positions, the salary transferred shall be based on the first
42 step of the Base column of the Principal Salary Schedule. For funds related to
43 assistant principal months of employment, the salary transferred shall be based
44 on the first step of the "A" Teachers Salary Schedule at the salary level for
45 assistant principals. Certified position allotments shall not be transferred to
46 dollars to hire the same type of position.
- 47 (7) Funds to carry out the elements of the Excellent Public Schools Act that are
48 contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- 49 (8) Funds allotted for textbooks and digital resources may be used only to acquire
50 textbooks and digital resources and related technology, including any
51 hardware, software, or equipment or devices necessary for the use of the

1 digital resources. These funds shall not be transferred out of the allotment for
2 any other purpose.

3 Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a
4 local board of education may transfer the unexpanded cash balance in the drivers education
5 allotment category to another allotment category in accordance with this subsection.

6 **SECTION 4.1.(b)** Budget Flexibility for FY 2020-2021. – Effective July 1, 2020,
7 notwithstanding G.S. 115C-105.25 and any other provision of law, for the 2020-2021 fiscal year
8 only, local boards of education may transfer and may approve transfers of funds in an allotment
9 category to another allotment category subject to the following limitations:

- 10 (1) Funds for career and technical education and other purposes may be
11 transferred only as permitted by federal law and the conditions of federal
12 grants or as provided through any rules that the State Board adopts to ensure
13 compliance with federal regulations.
- 14 (2) No funds shall be transferred out of the children with disabilities, students
15 with limited English proficiency, and academically or intellectually gifted
16 students categories.
- 17 (3) No funds shall be transferred into the central office allotment category.
- 18 (4) Positions allocated for classroom teachers may be converted to dollar
19 equivalents to contract for visiting international exchange teachers through a
20 visiting international exchange teacher program approved by the State. These
21 positions shall be converted at the statewide average salary for classroom
22 teachers, including benefits. The converted funds shall be used only to provide
23 visiting international exchange teachers with salaries commensurate with their
24 experience levels, to provide any State-approved bonuses, and to cover the
25 costs associated with supporting visiting international exchange teachers
26 within the local school administrative unit, including programming and
27 related activities, background checks, medical coverage, and other program
28 administration services in accordance with the federal regulations for the
29 Exchange Visitor Program, 22 C.F.R. Part 62.
- 30 (5) Except as provided in subdivision (4) of this subsection, positions allocated
31 for classroom teachers and instructional support personnel may be converted
32 to dollar equivalents for any purpose authorized by the policies of the State
33 Board of Education. These positions shall be converted at the salary on the
34 first step of the "A" Teachers Salary Schedule. Certified position allotments
35 shall not be transferred to dollars to hire the same type of position.
- 36 (6) Funds allocated for school building administration may be converted for any
37 purpose authorized by the policies of the State Board of Education. For funds
38 related to principal positions, the salary transferred shall be based on the first
39 step of the Base column of the Principal Salary Schedule. For funds related to
40 assistant principal months of employment, the salary transferred shall be based
41 on the first step of the "A" Teachers Salary Schedule at the salary level for
42 assistant principals. Certified position allotments shall not be transferred to
43 dollars to hire the same type of position.
- 44 (7) Funds to carry out the elements of the Excellent Public Schools Act that are
45 contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- 46 (8) Funds allotted for textbooks and digital resources may be used only to acquire
47 textbooks and digital resources and related technology, including any
48 hardware, software, or equipment or devices necessary for the use of the
49 digital resources. These funds shall not be transferred out of the allotment for
50 any other purpose.

1 Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a
 2 local board of education may transfer funds in the drivers education allotment category to another
 3 allotment category in accordance with this subsection.
 4

5 **DELAY K-3 CLASS SIZE REDUCTION/ADJUST PROGRAM ENHANCEMENT**
 6 **TEACHER ALLOTMENT FUNDING**

7 **SECTION 4.2.(a)** Delay K-3 Class Size Reduction for One Year. – Part II of S.L.
 8 2018-2 reads as rewritten:

9 **"PART II. CLASS SIZE PHASE IN**

10 ...

11 **SECTION 2.(b)** Notwithstanding G.S. 115C-301, as amended by this act, and any other
 12 provision of law, for the 2019-2020 and 2020-2021 school ~~year, years,~~ the average class size for
 13 kindergarten through third grade in a local school administrative unit shall not exceed one teacher
 14 per 19 students. At the end of the second school month and for the remainder of the school year,
 15 the size of an individual class in kindergarten through third grade shall not exceed one teacher
 16 per 22 students.

17 **SECTION 2.(c)** Notwithstanding G.S. 115C-301, as amended by this act, and any other
 18 provision of law, for the ~~2020-2021–2021-2022~~ school year, the average class size for
 19 kindergarten through third grade in a local school administrative unit shall not exceed one teacher
 20 per 18 students. At the end of the second school month and for the remainder of the school year,
 21 the size of an individual class in kindergarten through third grade shall not exceed one teacher
 22 per 21 students.

23 **SECTION 2.(d)** The class size requirements set forth in G.S. 115C-301, as amended by this
 24 act, shall apply beginning with the ~~2021–2022–2022–2023~~ school year."

25 **SECTION 4.2.(b)** Delay Teacher Position Allotment Change. – Section 3(b) of S.L.
 26 2018-2 reads as rewritten:

27 **"SECTION 3.(b)** Effective July 1, ~~2021,–2022,~~ G.S. 115C-301(a1), as enacted by subsection
 28 (a) of this section, reads as rewritten:

29"

30 **SECTION 4.2.(c)** Delay Restriction on Transfers for Teacher Position Allotments.
 31 – Section 4(b) of S.L. 2018-2 reads as rewritten:

32 **"SECTION 4.(b)** Effective July 1, ~~2021,–2022,~~ G.S. 115C-105.25(b), as amended by
 33 subsection (a) of this section, reads as rewritten:

34"

35 **SECTION 4.2.(d)** Adjustment to the Appropriation for Program Enhancement
 36 Teachers. – Notwithstanding Section 1.1 of S.L. 2019-242, effective beginning with the
 37 2020-2021 fiscal year, G.S. 115C-301(c2)(3) reads as rewritten:

38 "(3) Appropriation. – Beginning with the 2019-2020 fiscal year, there is
 39 appropriated from the General Fund to the Department of Public Instruction
 40 for the allotment for program enhancement teachers for kindergarten through
 41 fifth grade an amount equal to the percentage of the total funds required to
 42 allot program enhancement teacher positions for kindergarten through fifth
 43 grade on a basis of one teacher per 191 students for each fiscal year as follows:

Fiscal Year	Appropriation
2019-2020	50%
2020-2021	75% 50%
<u>2021-2022</u>	<u>75%</u>

44 ~~2021–2022–2022–2023~~ and each subsequent fiscal year thereafter 100%.

45 When developing the base budget, as defined by G.S. 143C-1-1, for each
 46 fiscal year specified in this subdivision, the Director of the Budget shall
 47 include the appropriated amount for that fiscal year."
 48
 49
 50
 51

1
2 **PART V. MODIFICATIONS TO SCHOOL PERSONNEL EMPLOYMENT AND**
3 **EVALUATION PROVISIONS**

4
5 **PRINCIPAL RECRUITMENT SUPPLEMENT**

6 **SECTION 5.1.(a)** Notwithstanding G.S. 115C-285.1, as enacted by S.L. 2019-247,
7 for the 2020-2021 school year, a school identified as an eligible school in the 2019-2020 school
8 year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school in the 2020-2021
9 school year.

10 **SECTION 5.1.(b)** G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as
11 rewritten:

12 "(e) Additional Funds. – In the event an eligible employer is unable to award funds for the
13 salary supplement because of resignation, dismissal, reduction in force, death, retirement, or
14 failure to execute a contract with a qualifying principal, the Department shall award the funds,
15 as soon as is practicable, to another eligible employer identified in subdivision ~~(a)(2)~~(a)(1) of
16 this section."
17

18 **INTENT OF THE GENERAL ASSEMBLY TO REFRAIN FROM USING SCHOOL**
19 **GROWTH SCORES FROM THE 2019-2020 SCHOOL YEAR TO DETERMINE**
20 **PRINCIPAL SALARIES FOR THE 2020-2021 FISCAL YEAR**

21 **SECTION 5.2.** It is the intent of the General Assembly that, for purposes of
22 establishing the 2020-2021 Principal Salary Schedule, the following shall occur:

- 23 (1) School growth scores from the 2019-2020 school year shall not be used.
24 (2) To the extent school growth scores from other school years are used to
25 determine principal salaries, data used to calculate those school growth scores
26 shall be from the 2018-2019 school year or earlier.
27

28 **NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

29 **SECTION 5.3.** Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year,
30 principals are not required to notify teachers that Education Value-Added Assessment System
31 (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.
32

33 **TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

34 **SECTION 5.4.(a)** Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school
35 year, local school administrative units are not required to provide teacher effectiveness data from
36 the 2019-2020 school year to the State Board, and the State Board is not required to include any
37 disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15,
38 2020, report on the state of the teaching profession in North Carolina.

39 **SECTION 5.4.(b)** G.S. 115C-299.5(d) reads as rewritten:

40 "(d) Teacher Effectiveness. – The annual teacher transition report by the State Board of
41 Education shall disaggregate the data included in subsection (c) of this section by teacher
42 effectiveness status at a statewide level. The report shall not disaggregate data on teacher
43 effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of
44 this Chapter, local school administrative units shall provide to the State Board of Education, for
45 the purposes of this report, any North Carolina Educator Evaluation System (NCEES)
46 effectiveness status assigned to teachers who left employment. The State Board of Education
47 shall not report disaggregated data that reveals confidential information in a teacher's personnel
48 file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally
49 identifiable to an individual teacher."
50

51 **TEACHER EVALUATION AND OBSERVATION REQUIREMENTS**

1 **SECTION 5.5.** Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for the
2 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a) and
3 G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school year
4 prior to the school closure period and (ii) other artifacts and evidence from the 2019-2020 school
5 year. Schools are not required to complete any observations required in the 2019-2020 school
6 year pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior to the
7 school closure period.

8
9 **PART VI. WAIVERS FOR NONPUBLIC SCHOOLS RELATED TO TESTING AND**
10 **ATTENDANCE**

11
12 **STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC SCHOOLS**

13 **SECTION 6.1.** Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558,
14 and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either
15 of the following:

- 16 (1) Administer nationally standardized tests or other nationally standardized
17 equivalent measurements for the 2019-2020 school year.
- 18 (2) Make, maintain, or make available records of test results received by their
19 students in the 2019-2020 school year.

20
21 **ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC SCHOOLS**

22 **SECTION 6.2.** Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and
23 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of
24 the following:

- 25 (1) Make, maintain, and render attendance records of children of compulsory
26 school age during the school closure period.
- 27 (2) For the 2019-2020 school year, operate on a regular schedule at least nine
28 calendar months of the year.

29
30 **PART VII. K-12 SCHOLARSHIP PROGRAMS ADMINISTERED BY THE STATE**
31 **EDUCATION ASSISTANCE AUTHORITY**

32
33 **STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR NONPUBLIC**
34 **SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY SCHOLARSHIP**
35 **GRANTS**

36 **SECTION 7.1.(a)** For purposes of this section, the definitions from G.S. 115C-562.1
37 shall apply.

38 **SECTION 7.1.(b)** Notwithstanding G.S. 115C-562.5, for the 2019-2020 school
39 year, a nonpublic school that accepts eligible students receiving scholarship grants is not required
40 to do any of the following:

- 41 (1) Provide to the parent or guardian of an eligible student, whose tuition and fees
42 are paid in whole or in part with a scholarship grant, the student's scores on
43 standardized achievement tests.
- 44 (2) Administer a nationally standardized test or other nationally standardized
45 equivalent measurement to any eligible students whose tuition and fees are
46 paid in whole or in part with a scholarship grant in grades three and higher.
- 47 (3) Submit standardized test performance data from the 2019-2020 school year to
48 the Authority.
- 49 (4) If the nonpublic school enrolls more than 25 students whose tuition and fees
50 are paid in whole or in part with a scholarship grant, either of the following:

- a. Report to the Authority on the aggregate standardized test performance of eligible students.
- b. Provide standardized test performance data from the 2019-2020 school year to an independent research organization.

OPPORTUNITY SCHOLARSHIP PROGRAM DISBURSEMENT OF FUNDS

SECTION 7.2. Notwithstanding G.S. 115C-562.8, from the funds carried forward at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a result of the closure of nonpublic schools due to the COVID-19 emergency, the Authority may remit a scholarship grant awarded to a student for the spring semester of the 2019-2020 school year to a nonpublic school on or before October 1, 2020.

EXTENSION OF K-12 SCHOLARSHIP PROGRAM REPORT DATES

SECTION 7.3.(a) Opportunity Scholarship Grant Program. – Notwithstanding G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity Scholarship Grant Program.

SECTION 7.3.(b) Disabilities Grant Program. – Notwithstanding G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Special Education Scholarships for Children with Disabilities Program.

PART VIII. MODIFICATIONS FOR EDUCATOR PREPARATION PROGRAMS/SCHOOL ADMINISTRATOR PREPARATION PROGRAMS

EDUCATOR PREPARATION PROGRAMS

SECTION 8.1.(a) Minimum Admission Requirements for EPPs. – Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

- (1) An individual student shall not be required to meet any of the criteria set forth in G.S. 115C-269.15(a).
- (2) An individual student shall not be required to have earned a grade point average of at least 2.7 under G.S. 115C-269.15(c). However, the EPP shall not permit a student to commence with a clinical practice as required by G.S. 115C-269.25(d) until the student has earned a grade point average of at least 2.7.
- (3) The minimum cohort grade point average for the entering cohort to an EPP for the 2020-2021 academic year shall not be required to be at least 3.0 under G.S. 115C-269.15(d).

SECTION 8.1.(b) Clinical Internships. – Notwithstanding G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to G.S. 115C-269.5 may have the clinical internship requirement set forth in G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following conditions:

- (1) The student has completed as much time in a clinical internship as practicable prior to March 10, 2020.
- (2) The student would be unable to complete the EPP by August 15, 2020, unless the clinical internship is deemed completed pursuant to this section.
- (3) The student has been engaged in remote instruction as practicable while the school is closed during the school closure period.

- 1 (4) The student has otherwise met the descriptors identified on the certification of
2 teacher capacity utilized by the EPP and the elementary or secondary school
3 partner.

4 **SECTION 8.1.(c)** Pedagogy Assessments. – Notwithstanding G.S. 115C-269.25(g),
5 for individuals who have their clinical internship deemed completed pursuant to subsection (b)
6 of this section, the following shall apply:

- 7 (1) The State Board shall not require EPPs to require these individuals for the
8 2019-2020 academic year to complete a nationally normed and valid
9 pedagogy assessment to determine clinical practice performance.
10 (2) The State Board shall not require these individuals for the 2019-2020
11 academic year to complete the pedagogy assessment as a condition of EPP
12 completion.
13 (3) These individuals shall attempt the pedagogy assessment by the end of their
14 first year of licensure and shall pass the assessment by the end of their third
15 year of licensure.

16 **SECTION 8.1.(d)** Accountability. – Due to the lack of student assessment data and
17 the school closure period, notwithstanding the requirements of G.S. 115C-269.35(a), EPPs shall
18 only be required to submit information that is practicably available in the annual report to the
19 State Board required under G.S. 115C-269.35(b) for the 2019-2020 academic year.

20 **SECTION 8.1.(e)** Sanctions. – Notwithstanding G.S. 115C-269.45(c), the State
21 Board shall not consider data that was not practicably available related to the 2019-2020 school
22 year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

23 **SECTION 8.1.(f)** EPP Report Cards. – Due to limited available information and the
24 waiver of the requirement to submit certain information to the State Board under subsection (c)
25 of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit annual
26 report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the Joint
27 Legislative Education Oversight Committee (Committee) but shall not make the annual report
28 cards created pursuant to this section available to the public through the State Board's Web site
29 for the 2019-2020 academic year. The State Board shall also include in its report to the
30 Committee aggregated information on the following:

- 31 (1) The number and overall percentage of students who were admitted to an EPP
32 with a GPA that was less than 2.7 as permitted by subdivision (2) of subsection
33 (a) of this section.
34 (2) The number and overall percentage of students who had their clinical
35 internships deemed completed pursuant to subsection (b) of this section.
36

37 **SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

38 **SECTION 8.2.** Notwithstanding G.S. 115C-284(c2), a school administrator
39 candidate who is enrolled in a school administrator preparation program meeting the approval
40 standards established by the State Board pursuant to G.S. 115C-284 may have certain
41 requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as
42 follows:

- 43 (1) The requirement that a candidate shall complete a year-long internship under
44 G.S. 115C-284(c2)(7) shall be deemed completed under the following
45 conditions:
46 a. The candidate has completed as much time in the year-long internship
47 as practicable prior to March 10, 2020.
48 b. The candidate would be unable to complete the program by August
49 15, 2020, unless the internship is deemed completed pursuant to this
50 section.

- 1 c. The candidate has been engaged in administrative duties as practicable
2 while the school is closed during the school closure period.
3 d. The candidate has otherwise met the competencies identified in the
4 certification of capacity utilized by the school administrator
5 preparation program.

- 6 (2) The candidate shall complete a portfolio for emerging leaders to demonstrate
7 the application of his or her training to actual school needs and training to the
8 extent practicable prior to completion of the school administrator preparation
9 program.
10

11 **TRANSFORMING PRINCIPAL PREPARATION GRANT PROGRAM** 12 **REQUIREMENTS**

13 **SECTION 8.3.(a)** Notwithstanding G.S. 116-209.72(a)(2)e., a school leader
14 candidate who is enrolled in a school leader preparation program receiving a grant pursuant to
15 Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under
16 G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following
17 conditions:

- 18 (1) The candidate has completed as much time in the clinical practice as
19 practicable prior to March 10, 2020.
20 (2) The candidate has been engaged in school leader duties as practicable while
21 the school is closed during the school closure period.

22 **SECTION 8.3.(b)** Notwithstanding G.S. 116-209.73(c)(1a)a., the Authority shall
23 not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a
24 recipient's failure to require school leader candidates to complete a full-time paid clinical practice
25 of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part
26 of the program during the 2019-2020 academic year.
27

28 **PART IX. MODIFICATIONS FOR TEACHER LICENSURE** 29 **REQUIREMENTS/REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

30 **TEACHER LICENSURE REQUIREMENTS**

31 **SECTION 9.1.(a)** Extension for Licensure Requirements. – Notwithstanding
32 G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section
33 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional
34 time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:
35

- 36 (1) An individual who is in the first year of licensure, including an initial
37 professional licensure (IPL), lateral entry license, or residency license (RL),
38 as of March 10, 2020, who has not taken the examination required by the State
39 Board may take the examination during the individual's second year of
40 licensure.
41 (2) An applicant for a continuing professional license (CPL) whose lateral entry
42 license expires June 30, 2020, including a teacher granted an extension
43 pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L.
44 2019-212, who has not met the examination and coursework requirements
45 established by the State Board as of March 10, 2020, shall be provided an
46 extension until June 30, 2021.
47 (3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the
48 examination requirement established by the State Board as of March 10, 2020,
49 shall be provided an extension until June 30, 2021.
50 (4) An applicant for a CPL who is an elementary education (K-6) or special
51 education general curriculum teacher with an IPL or RL who was granted an

1 extension until June 30, 2020, pursuant to Section 1.2 of S.L. 2019-71, as
2 amended by Section 8(d) of S.L. 2019-212, who has not met the examination
3 requirement established by the State Board as of March 10, 2020, shall be
4 provided an extension until June 30, 2021.

5 **SECTION 9.1.(b)** Extension for CEU Requirement. – Notwithstanding
6 G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education
7 credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the
8 requirements under G.S. 115C-270.30(b).

9 10 **LICENSURE REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

11 **SECTION 9.2.(a)** Extension for Examination Requirement. – Notwithstanding
12 G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure
13 additional time to meet the examination requirements as follows:

- 14 (1) Pursuant to G.S. 115C-284, an individual applying for a school administrator
15 license who has not met the examination requirements established by the State
16 Board as of March 10, 2020, shall be permitted to meet the examination
17 requirements in the first year of licensure.
- 18 (2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a
19 professional position in a public elementary or secondary school who has not
20 met the examination requirements established by the State Board as of March
21 10, 2020, shall be permitted to meet the examinations requirement in the first
22 year of licensure.

23 **SECTION 9.2.(b)** Extension for CEU Requirement. – Notwithstanding
24 G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits
25 in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020,
26 shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).

27 28 **PART X. NORTH CAROLINA COMMUNITY COLLEGE MODIFICATIONS**

29 30 **COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN** 31 **APPRENTICESHIP PROGRAMS**

32 **SECTION 10.** Notwithstanding G.S. 115D-5(b)(16), a student who is unable to
33 continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19
34 emergency may be eligible for a tuition waiver for community college courses in the student's
35 documented plan of study related to a job-specific occupational or technical skill until December
36 21, 2020.

37 38 **PART XI. UNIVERSITY OF NORTH CAROLINA MODIFICATIONS**

39 40 **WAIVER OF INTEREST CHARGES ON UNC STUDENT DEBT**

41 **SECTION 11.1.** Notwithstanding G.S. 147-86.23, a constituent institution of The
42 University of North Carolina shall not accrue or charge any interest to a past-due account
43 receivable held by a student between March 13, 2020, and September 15, 2020.

44 45 **EXTENSION OF UNC REPORT DATES**

46 **SECTION 11.2.(a)** Notwithstanding G.S. 116-11(12d), 116-74.21, and
47 143-613(b1), the Board of Governors of The University of North Carolina shall have an
48 additional 60 days to submit the following reports to the Joint Legislative Education Oversight
49 Committee:

- 50 (1) The annual report due by April 15 each year on teacher education efforts at
51 The University of North Carolina.

1 (2) The annual report due by April 15 each year on the supply and demand of
2 school administrators to determine the number of school administrators to be
3 trained in school administrator training programs within the constituent
4 institutions of The University of North Carolina in each year of the fiscal
5 biennium.

6 (3) The biennial report due by May 15 every two years on the goals for
7 State-operated health professional schools that offer training programs for
8 licensure or certification of physician assistants, nurse practitioners, and nurse
9 midwives for increasing the percentage of the graduates of those programs
10 who enter clinical programs and careers in primary care.

11 **SECTION 11.2.(b)** Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended
12 by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina
13 shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative
14 due by April 15 each year to the Joint Legislative Education Oversight Committee, the State
15 Board of Education, the Office of State Budget and Management, and the Fiscal Research
16 Division.

17 **SECTION 11.2.(c)** Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended
18 by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit
19 by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education
20 and Recruitment due by April 15 each year to the State Board of Education, the Board of
21 Governors of The University of North Carolina, the State Board of Community Colleges, the
22 Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State
23 Budget and Management.

24 25 **PART XII. NORTH CAROLINA SCHOLARSHIP FOR CHILDREN OF WARTIME** 26 **VETERANS**

27 **SECTION 12.** Notwithstanding G.S. 143B-1225(a), due to the COVID-19
28 emergency, a student who receives a scholarship pursuant to Part 2 of Article 14 of Chapter 143B
29 of the General Statutes for the spring semester of the 2019-2020 academic year may receive a
30 waiver from the limitation on the period of time to receive a scholarship under G.S. 143B-1225(a)
31 for an additional semester from the institution in which the student is enrolled if the institution
32 submits documentation of the waiver to the Department of Military and Veterans Affairs.

33 34 **PART XIII. EFFECTIVE DATE**

35 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
36 law.