

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**SENATE BILL 654
Education/Higher Education Committee Substitute Adopted 4/28/21**

Short Title: K-12 COVID-19 Provisions.

(Public)

Sponsors:

Referred to:

April 7, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE RELIEF TO PUBLIC SCHOOLS IN RESPONSE TO THE
3 CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC.
4 The General Assembly of North Carolina enacts:

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6 **PART I. SCHOOL PERFORMANCE GRADES/ANNUAL REPORT CARDS**

7 **SECTION 1.1.** Display of School Performance Grades. – Notwithstanding
8 G.S. 115C-12(9)c1. and G.S. 115C-83.15, the State Board of Education shall not calculate
9 achievement, growth, and performance scores nor display performance scores, growth
10 designations, and letter grades for schools for the 2021-2022 school year, based on data from the
11 2020-2021 school year, but shall display a brief explanation that achievement, growth, and
12 performance scores and letter grades were not calculated and assigned for the 2021-2022 school
13 year because assessment data was heavily impacted by COVID-19 during the 2020-2021 school
14 year.

15 **SECTION 1.2.(a)** Annual Report Cards. – Notwithstanding G.S. 115C-12(9)c1. and
16 Part 1B of Article 8 of Chapter 115C of the General Statutes, the State Board of Education shall
17 issue an annual report card for public school units for the 2021-2022 school year, based on data
18 from the 2020-2021 school year, that only meets the minimum accountability, school
19 identification, and related reporting requirements of the Elementary and Secondary Education
20 Act of 1965 (ESEA), as amended, required under the federal waiver granted by the United States
21 Department of Education to the State of North Carolina for the 2020-2021 school year, dated
22 March 26, 2021.

23 **SECTION 1.2.(b)** Notwithstanding G.S. 115C-47(58), 115C-75.8(d)(7),
24 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and sub-subdivision 6(d)(2) of S.L. 2018-32,
25 for the 2021-2022 school year, based on data from the 2020-2021 school year, public school units
26 shall only be required to display the annual report card information issued by the State Board of
27 Education pursuant to this Part.

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29 **PART II. LOW-PERFORMING SCHOOLS**

30 **SECTION 2.1.** Low-Performing Schools. – Notwithstanding G.S. 115C-105.37 and
31 G.S. 115C-218.94(a), for the 2021-2022 school year, the following apply:

- 32 (1) The State Board shall not identify additional low-performing schools based
33 on data from the 2020-2021 school year.
34 (2) Schools previously identified as low-performing based on data from the
35 2018-2019 school year shall continue to be identified as low-performing.



- 1 (3) Previously identified low-performing schools shall continue to carry out the
2 final plan approved by the local board of education pursuant to
3 G.S. 115C-105.37(a1).
4 (4) The State Board and the local board of education shall continue to provide
5 online access to each low-performing school's plan in accordance with
6 G.S. 115C-105.37(a1)(5).
7 (5) The written parental notice required by G.S. 115C-105.37(b) is not required
8 to be provided again, but local boards of education of low-performing schools
9 shall include with their online final plans a brief explanation that
10 low-performing identification continues pending assessment data from the
11 2021-2022 school year.

12 **SECTION 2.2.** Continually Low-Performing Schools. – Notwithstanding
13 G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2021-2022 school year, the following
14 apply:

- 15 (1) The State Board shall not identify additional continually low-performing
16 schools based on data from the 2020-2021 school year.
17 (2) Schools previously identified as continually low-performing based on data
18 from the 2018-2019 school year shall continue to be identified as continually
19 low-performing.
20 (3) Previously identified continually low-performing schools shall continue to
21 carry out the plan approved by the State Board pursuant to
22 G.S. 115C-105.37A(a).
23 (4) Assistance and intervention levels provided for the 2019-2020 school year
24 based on designation as low-performing for two years under
25 G.S. 115C-105.37A(b) or low-performing for three years under
26 G.S. 115C-105.37A(c) shall continue.
27 (5) Local boards of education may request to reform a continually
28 low-performing school in accordance with G.S. 115C-105.37B.

29 **SECTION 2.3.** Low-Performing Local School Administrative Units. –
30 Notwithstanding G.S. 115C-105.39A, for the 2021-2022 school year, the following apply:

- 31 (1) The State Board shall not identify additional low-performing local school
32 administrative units based on data from the 2020-2021 school year.
33 (2) Local school administrative units previously identified as low-performing
34 based on data from the 2018-2019 school year shall continue to be identified
35 as low-performing.
36 (3) Previously identified low-performing local school administrative units shall
37 continue to carry out the final plan approved by the local board of education
38 pursuant to G.S. 115C-105.39A(b).
39 (4) The State Board and the local board of education shall continue to provide
40 online access to each low-performing local school administrative unit's plan
41 in accordance with G.S. 115C-105.39A(b)(5).
42 (5) The written parental notice required by G.S. 115C-105.39A(c) is not required
43 to be provided again, but the local board of education shall include with its
44 online final plan a brief explanation that low-performing identification
45 continues pending assessment data from the 2021-2022 school year.
46 (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.
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48 **PART III. LOCAL SCHOOL ADMINISTRATIVE UNIT CALENDARS FOR THE**
49 **2021-2022 SCHOOL YEAR**

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

1 **"§ 115C-84.3. Remote instruction.**

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

5 (1) North Carolina Virtual Public School courses.

6 (2) E-learning courses that meet the requirements of G.S. 115C-238.85.

7 (3) Institution of higher education courses, as provided in Article 16 of this
8 Chapter or G.S. 115D-20(4).

9 (4) Homebound instruction required for a student by an individualized education
10 program, as defined in G.S. 115C-106.3(8), or a section 504 (29 U.S.C. § 794)
11 plan.

12 (5) Instruction provided to a student during a short- or long-term suspension.

13 (b) A local board of education may use up to five remote instruction days or 30 remote
14 instruction hours when schools are unable to open due to severe weather conditions, energy
15 shortages, power failures, or other emergency situations, and may use that time towards the
16 required instructional days or hours for the school calendar.

17 (c) Except as provided in subsection (b) of this section, a local school administrative unit
18 shall not use remote instruction to satisfy the minimum required number of instructional days or
19 hours for the school calendar.

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

26 (1) Identification of the resources that will be used to facilitate remote instruction.

27 (2) Communication with and training opportunities for teachers, administrators,
28 instructional support staff, parents, and students on how to access and
29 effectively use remote instruction resources, including regular opportunities
30 for students to use those resources during nonremote instructional days to
31 ensure student success during remote instruction.

32 (3) Establishment of methods for tracking and reporting attendance during remote
33 instruction, including protocols for determining attendance, the reporting
34 system to be used, and how attendance procedures will be communicated to
35 parents before remote instruction begins.

36 (4) Establishment of staff roles and expectations for remote instruction days,
37 including teacher workdays, teacher accessibility, and noncertified staff
38 workdays and responsibilities.

39 (5) Communication of learning targets to students on each remote instruction day
40 and development of measures to ensure that remote instruction time, practice,
41 and application components support learning growth that continues towards
42 mastery of the standard course of study.

43 (6) Development of remote instruction options appropriate for teachers and
44 students with limited connectivity capability, including the opportunity for
45 students to download remote instruction materials in advance when
46 practicable.

47 (7) Provision of remote instruction for students with disabilities in a manner
48 consistent with each student's individualized education program (IEP), as
49 defined in G.S. 115C-106.3, or section 504 (29 U.S.C. § 794) plan. Remote
50 instruction supports shall be considered and included, as appropriate for the

1 student, when an IEP or 504 plan is initially developed or at any subsequent
2 review or revision of an IEP or 504 plan.

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

6 (1) A copy of each local board's remote instruction plan.

7 (2) A summary document of the following:

8 a. The number of remote instruction days or hours used by each local
9 school administrative unit in the prior school year.

10 b. Strengths, challenges, and trends noted by the State Board in its review
11 of how local boards implement remote instruction.

12 c. Any other data deemed by the State Board to be useful to the Joint
13 Legislative Education Oversight Committee in evaluating the use and
14 delivery of remote instruction."

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

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

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

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32 **SECTION 3.(c)** Notwithstanding the limitations on remote instruction established
33 by G.S. 115C-84.3, as enacted by this act, a local school administrative unit may offer remote
34 instruction to address health and safety concerns related to COVID-19 in the 2021-2022 school
35 year when determined necessary by the local board of education following consideration of
36 available public health guidance. Participation in remote instruction offered by the local school
37 administrative unit pursuant to this subsection shall be subject to the written consent of the parent
38 or legal guardian.

39 **SECTION 3.(d)** This section is effective when it becomes law and applies to the
40 2021-2022 school year. This section is repealed June 30, 2022.

41 42 **PART IIIA. VIRTUAL ACADEMIES STUDY AND EXCEPTIONS FOR EXISTING** 43 **PROGRAMS IN LOCAL SCHOOL ADMINISTRATIVE UNITS**

44 **SECTION 3A.(a)** Notwithstanding the limitations established by G.S. 115C-84.3,
45 as enacted by this act, a local school administrative unit that has been assigned a school code to
46 operate a school with virtual instruction as the primary means of instruction by May 1, 2021,
47 may continue to operate that school and provide virtual instruction at that school to satisfy the
48 minimum required number of instructional days or hours for the school calendar during the
49 2021-2022 school year.

50 **SECTION 3A.(b)** The Superintendent of Public Instruction shall establish a
51 Working Group on Virtual Academies that includes interested stakeholders from, at a minimum,

1 public school units, parents, and the State Board of Education to make recommendations on the
2 following related to virtual academies to the Joint Legislative Education Oversight Committee
3 no later than January 15, 2022:

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

25 26 **PART IV. PRINCIPAL RECRUITMENT SUPPLEMENT**

27 **SECTION 4.** Notwithstanding G.S. 115C-285.1, for purposes of administering the
28 principal recruitment supplement in the 2021-2022 fiscal year, a school identified as an eligible
29 school in the 2019-2020 and 2020-2021 school years pursuant to G.S. 115C-285.1(a)(2) and
30 Section 2.13(a) of S.L. 2020-3, respectively, shall continue to be an eligible school in the
31 2021-2022 school year.

32 33 **PART V. NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

34 **SECTION 5.** Notwithstanding G.S. 115C-333.2, for the 2021-2022 school year, to
35 the extent the Education Value-Added Assessment System (EVAAS) data regarding a teacher's
36 performance includes data from more than one school year, when a principal notifies a teacher
37 that the teacher's EVAAS data has been updated, the principal shall provide the teacher with
38 additional context regarding the years on which the data is based and the extent to which the
39 students on which the data is based were taught by another teacher.

40 41 **PART VI. TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

42 **SECTION 6.** Notwithstanding G.S. 115C-299.5, for the 2021-2022 school year, to
43 the extent teacher effectiveness data reported pursuant to G.S. 115C-299.5 is based on more than
44 one school year, local school administrative units and the State Board of Education shall
45 contextualize that data by specifying the years on which it is based and the extent to which it is
46 not reflective of teacher performance because the students on which the data is based were taught
47 by more than one teacher.

48 49 **PART VII. TEMPORARILY EXTEND CPR GRADUATION REQUIREMENT** 50 **CHANGES**

1 **SECTION 7.** Notwithstanding G.S. 115C-12(9d)a., for the 2020-2021 school year,
2 any student in grade 12 who has not satisfied the requirement for completion of instruction in
3 cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

- 4 (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the
5 COVID-19 emergency.
- 6 (2) The student is eligible to graduate in all respects other than the statutory
7 requirement described in this section, as determined by the principal of the
8 school to which the student is assigned.

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10 **PART VIII. TEACHER LICENSURE REQUIREMENTS**

11 **SECTION 8.** Notwithstanding G.S. 115C-270.15 and G.S. 115C-270.20, applicants
12 for a continuing professional license expiring June 30, 2021, who have not met the examination
13 requirements established by the State Board as of June 30, 2021, shall be provided an extension
14 until September 30, 2021.

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16 **PART IX. CLARIFY THE DEFINITION OF YEAR-ROUND SCHOOL**

17 **SECTION 9.(a)** G.S. 115C-84.2(f)(5) reads as rewritten:

18 "(5) Year-round school. – A school with a single- or multi-track instructional
19 calendar to provide instructional days throughout the entire school calendar
20 year, beginning July 1 and ending June 30, by utilizing at least one of the
21 following plans:

- 22 a. A plan dividing students into four groups and requiring each group to
23 be in school for assigned and staggered quarters each school calendar
24 year.
- 25 b. A plan providing students be scheduled to attend 45 instructional days
26 followed by 15 days of vacation, repeated throughout the school
27 calendar year.
- 28 c. A plan dividing the school calendar year into five nine-week sessions
29 of classes and requiring each student to attend four assigned and
30 staggered sessions out of the five nine-week sessions to complete the
31 student's instructional year.
- 32 d. In a local school administrative unit with both single- and multi-track
33 instructional calendars, a plan for a single-track instructional calendar
34 that is identical to at least one track of a multi-track instructional
35 calendar adopted by the local board that meets the requirements of
36 either sub-subdivision a. or sub-subdivision c. of this subdivision."

37 **SECTION 9.(b)** This section is effective when it becomes law and applies beginning
38 with the 2021-2022 school year.

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40 **PART X. EFFECTIVE DATE**

41 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes
42 law.