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

PART I. SCHOOL PERFORMANCE GRADES/ANNUAL REPORT CARDS

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

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

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

PART II. LOW-PERFORMING SCHOOLS

SECTION 2.1. Low-Performing Schools. – Notwithstanding G.S. 115C-105.37 and
G.S. 115C-218.94(a), for the 2021-2022 school year, the following apply:
(1) The State Board shall not identify additional low-performing schools based
on data from the 2020-2021 school year.
(2) Schools previously identified as low-performing based on data from the
2018-2019 school year shall continue to be identified as low-performing.
PREVIOUSLY IDENTIFIED LOW-PERFORMING SCHOOLS SHALL CONTINUE TO CARRY OUT THE FINAL PLAN APPROVED BY THE LOCAL BOARD OF EDUCATION PURSUANT TO G.S. 115C-105.37(a1).

(4) The State Board and the local board of education shall continue to provide online access to each low-performing school's plan in accordance with G.S. 115C-105.37(a1)(5).

(5) The written parental notice required by G.S. 115C-105.37(b) is not required to be provided again, but local boards of education of low-performing schools shall include with their online final plans a brief explanation that low-performing identification continues pending assessment data from the 2021-2022 school year.

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

(1) The State Board shall not identify additional continually low-performing schools based on data from the 2020-2021 school year.

(2) Schools previously identified as continually low-performing based on data from the 2018-2019 school year shall continue to be identified as continually low-performing.

(3) Previously identified continually low-performing schools shall continue to carry out the plan approved by the State Board pursuant to G.S. 115C-105.37A(a).

(4) Assistance and intervention levels provided for the 2019-2020 school year based on designation as low-performing for two years under G.S. 115C-105.37A(b) or low-performing for three years under G.S. 115C-105.37A(c) shall continue.

(5) Local boards of education may request to reform a continually low-performing school in accordance with G.S. 115C-105.37B.

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

(1) The State Board shall not identify additional low-performing local school administrative units based on data from the 2020-2021 school year.

(2) Local school administrative units previously identified as low-performing based on data from the 2018-2019 school year shall continue to be identified as low-performing.

(3) Previously identified low-performing local school administrative units shall continue to carry out the final plan approved by the local board of education pursuant to G.S. 115C-105.39A(b).

(4) The State Board and the local board of education shall continue to provide online access to each low-performing local school administrative unit's plan in accordance with G.S. 115C-105.39A(b)(5).

(5) The written parental notice required by G.S. 115C-105.39A(c) is not required to be provided again, but the local board of education shall include with its online final plan a brief explanation that low-performing identification continues pending assessment data from the 2021-2022 school year.

(6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.

PART III. LOCAL SCHOOL ADMINISTRATIVE UNIT CALENDARS FOR THE 2021-2022 SCHOOL YEAR

SECTION 3.(a) Part 2 of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:
§ 115C-84.3. Remote instruction.

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

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

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

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

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

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

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

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

(2) A summary document of the following:
   a. The number of remote instruction days or hours used by each local
      school administrative unit in the prior school year.
   b. Strengths, challenges, and trends noted by the State Board in its review
      of how local boards implement remote instruction.
   c. Any other data deemed by the State Board to be useful to the Joint
      Legislative Education Oversight Committee in evaluating the use and
delivery of remote instruction.”

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

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

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

...."

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

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

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

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

SECTION 3A.(b) The Superintendent of Public Instruction shall establish a
Working Group on Virtual Academies that includes interested stakeholders from, at a minimum,
public school units, parents, and the State Board of Education to make recommendations on the
following related to virtual academies to the Joint Legislative Education Oversight Committee
no later than January 15, 2022:

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

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

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

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

PART VII. TEMPORARILY EXTEND CPR GRADUATION REQUIREMENT
CHANGES
SECTION 7. Notwithstanding G.S. 115C-12(9d)a., for the 2020-2021 school year, any student in grade 12 who has not satisfied the requirement for completion of instruction in cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

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

PART VIII. TEACHER LICENSURE REQUIREMENTS

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

PART IX. CLARIFY THE DEFINITION OF YEAR-ROUND SCHOOL

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

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

a. A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.

b. A plan providing students be scheduled to attend 45 instructional days followed by 15 days of vacation, repeated throughout the school calendar year.

c. A plan dividing the school calendar year into five nine-week sessions of classes and requiring each student to attend four assigned and staggered sessions out of the five nine-week sessions to complete the student's instructional year.

d. In a local school administrative unit with both single- and multi-track instructional calendars, a plan for a single-track instructional calendar that is identical to at least one track of a multi-track instructional calendar adopted by the local board that meets the requirements of either sub-subdivision a. or sub-subdivision c. of this subdivision."

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

PART X. EFFECTIVE DATE

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