



# HOUSE BILL 82: Summer Learning Choice for NC Families.

2021-2022 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	February 23, 2021
<b>Introduced by:</b>	Reps. Moore, Elmore, Torbett, Zenger	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	Third Edition		Committee Counsel

**OVERVIEW:** *House Bill 82 would require each local school administrative unit (LEA) to offer a school extension learning recovery and enrichment program (Program) after the end of the 2020-2021 school year*

**CURRENT LAW:** Under G.S. 115C-233, LEAs may establish and maintain summer schools with the standards developed by the State Board of Education. Summer school may be funded from monies available for that purpose by the State Board of Education, local funds appropriated to the LEA, and from any other revenues available for that purpose. In addition, G.S. 115C-238.31 provides that LEAs are encouraged to implement extended learning services programs that "expand students' opportunities for educational success during non-school hours." These extended learning programs include and are not limited to after-school hours, before-school hours, evening school, Saturday school, summer school, and year-round school. Instruction may include but is not limited to tutoring, direct instruction, and enrichment activities. The extended learning programs are to be targeted primarily to students who perform significantly below their peers but can also be established for students achieving at or above grade level.

## BILL ANALYSIS:

### PART I

**Purpose of the Program:** House Bill 82 would require each LEA to offer the Program following the end of the 2020-2021 school year with the funds available to the LEA, including federal funds received by the LEA, for purposes of responding to the impacts of COVID-19. The Program is to be separate and apart from the 2020-2021 school year. The Program's purpose is to provide in-person instruction on specific subjects and offer additional enrichment activities to students in kindergarten through grade 12 to address learning losses due to COVID-19 during the 2020-2021 school year.

LEAs must identify and prioritize students at risk for academic failure and who are not progressing toward grade promotion and graduation for participation in the Program. Students who do not meet this criteria may also participate in the Program if there is available space. The LEA must establish any criteria for prioritizing these additional students for the Program.

**Program Plan:** Each LEA must submit a plan for its Program to the Department of Public Instruction (DPI) no later than 30 days prior to the final instructional day of the 2020-2021 school year and DPI must notify LEAs of any necessary plan changes and approve the plan within 21 days of receiving it from an LEA.

Charter schools are encouraged to submit plans to offer Programs consistent with this act depending on the grade levels served by the school.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 82

Page 2

The submitted plans must include the following components:

- Instruction must be delivered for at least 150 hours or 30 days over the course of the Program which does **not** including time for lunch service, transition periods, and physical activity
- No instruction can be provided on Saturdays
- Meal service must be provided each instructional day
- A physical activity period must be provided each instructional day
- Grade level course offerings and activities as follows:
  - Grades K-3 must have:
    - In-person instruction in reading and math; science instruction must be added for Grade 3
    - Integration of the LEA's reading camp into the program
    - At least one enrichment activity with the LEA having discretion as to the type of enrichment activity offered such as sports, music, or arts
  - Grades 4-8 must have:
    - In-person instruction in reading, math, and science
    - At least one enrichment activity with the LEA having discretion as to the type of enrichment activity offered such as sports, music, or arts
  - Grades 9-12 must have:
    - In-person instruction in the end-of-course subjects
    - Access to modules and teacher support for credit recovery courses necessary to meet graduation requirements
    - In-person instruction for an elective course
- Transportation services to the school facility housing the Program that is provided in accordance with Plan A of the StrongSchoolsNC Public Health Toolkit issued on February 2, 2021
- Time built into the instructional day for individual or small group instruction for at-risk students
- In-person social-emotional learning supports for all students
- Voluntary participation by at-risk students with LEAs notifying parents of at-risk students about the students' eligibility in the Program
- Opportunities for additional students (those **not** identified as at-risk) to participate if space is available based on the LEA's criteria for prioritizing non at-risk students
- Outreach to families and students to increase participation in the Program by offering a positive environment with enrichment activities

Kindergarten students who participate in the Program shall be exempt from retention for the 2021-2022 school year with a supplemental support plan developed for the student for first grade if needed. For all other at-risk students who are at-risk of grade retention for the 2021-2022 school year, the student's principal must reassess the student's promotion eligibility upon completion of the program.

**Program Operations/Exceptions:** Local boards of education must employ teachers and other school personnel as temporary employees on a contract basis for the Program and they will not be considered

# House Bill 82

Page 3

employees for the purposes of the Teachers' and State Employees' Retirement System (TSERS) or the State Health Plan.

Individuals who retired under TSERS on or after December 1, 2020, but on or before March 1, 2021, only have to have one month separation of service rather than six months and any time worked in the Program will not be considered work for the purposes of the six month separation required in the TSERS laws. The section expires on August 1, 2021 and is only applicable for temporary employment for this Program. LEAs must certify to TSERS that a TSERS beneficiary is employed in this capacity by the local board of education.

**K-3 Class Size:** No limitations on teacher-to-student class size ratios for K-3 apply to the Program.

**Use of Reading Camp Funds:** LEAs may use the funds allocated to them for reading camps for the 2020-2021 fiscal year to support their Programs.

**Funds from ESSER II:** The General Assembly appropriated \$1,442,331,888 to public school units for the purposes of responding to COVID-19, including addressing learning loss and returning to in-person instruction. This section provides that it is the intent of the General Assembly to direct the State Board of Education to reserve some remaining funds made available in the ESSER II Fund to meet the emergency needs of the schools of the State to be held in reserve by DPI to then be allocated to the LEAs and charter schools to support in-person programs to address learning loss and provide enrichment activities in the summer as required by this act. These funds will be prioritized to LEAs and charter schools based on need as shown by the expenditure of existing federal funding received for COVID-19 related impacts.

**Participation by Student Not Enrolled in the LEA:** If there is space available after all of the eligible students enrolled in a LEA during the 2020-2021 school year have had a chance to register for the Program, the LEA may allow students who were not enrolled in the LEA during the 2020-2021 school year to participate in the Program.

**Report:** By September 1, 2021, LEAs must report all of the following to DPI:

- Results of competency-based assessments given to K-8 students at the beginning of the Program
- Results of competency-based assessments given to K-8 students at the conclusion of the Program
- The number of students who progressed to the next grade level after participating in the Program
- The number of students who were retained in the same grade after participating in the Program
- The number of students who received credit recovery in high school.

By January 15, 2022, DPI must report to the Joint Legislative Education Oversight Committee (Committee) on the implementation of this act and all of the above information section. DPI must submit with its report a copy of each Program plan submitted to DPI, an explanation of the Program outcomes completed by DPI, and any other data deemed to be useful to the Committee in evaluating the Program.

## **PART II**

**Benchmark Assessments:** This section directs, within funds available, the SBE to develop innovative benchmark assessments for use by the LEAs to frequently measure student learning and address student learning loss throughout the school year. The assessments are to provide for educator flexibility, assessments aligned with the standard course of study, and actionable data. LEAs can use the assessments developed by the SBE or develop their own.

**EFFECTIVE DATE:** This act is effective when it becomes law. Section 2 of the act applies beginning with the 2021-2022 school year.