

## **Enacted Legislation**

### **Public Schools**

#### **Tests and Assessments Waivers**

S.L. 2020-3, Sec. 2.3 (SB 704, Sec. 2.3) does the following:

- Waives the end-of-grade and end-of-course tests for the 2019-2020 school year.
- Provides that public school units must administer the norm-referenced college admissions test that was made available by the State Board of Education (SBE) to all students who were in the 11th grade during the 2019-2020 school year to any student who was not administered the test during the 2019-2020 school year. The test must be administered during the fall semester of the 2020-2021 school year unless the student has already taken a comparable test and scored at or above a level set by the SBE.
- Waives any required diagnostic and formative reading assessments after March 16, 2020, for the 2019-2020 school year for kindergarten, first, second, and third grade students.
- Provides that, for the spring semester of the 2019-2020 school year, local school administrative units are not required to administer the WorkKeys test to any student who completes a concentration in career and technical education courses.

This section became effective May 4, 2020. (DC)

#### **School Performance, Annual Report Cards for Schools, Evaluation of Alternate Programs, and School Building Reports**

S.L. 2020-3, Sec. 2.4 (SB 704, Sec. 2.4) creates exceptions to various requirements for the 2019-2020 school year due to lack of data collected during the COVID-19 pandemic.

**Calculation and Issuance of School Performance Grades** – The State Board of Education (SBE) is not required to display school report card information for the 2020-2021 school year, but must display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

**Display of School Report Cards** – Public school units are not required to display school report card information for the 2020-2021 school year, but must display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

**Evaluation of Alternative Programs** – To the extent that education performance and growth of students in alternative schools and alternative programs are based on the measures used by the SBE to award school achievement, growth, and performance scores to each school within a local school administrative unit, education performance and growth of students in alternative schools and alternative programs will not be evaluated based on data from the 2019-2020 school year.

**School Building Reports** – The requirement for local school administrative units to produce and make public a school building report does not apply for the October 15, 2020, report based on building-level data from the 2019-2020 school year.

This section became effective May 4, 2020. (SY)

## Low-Performing School Waivers

S.L. 2020-3, Sec. 2.5 (SB 704, Sec. 2.5) waives the requirement to identify new low-performing schools, new continually low-performing schools, and new low-performing local school administrative units, and maintains identifications based on 2018-2019 data.

This section became effective May 4, 2020. (BG)

## Innovative School District

S.L. 2020-3, Sec. 2.6 (SB 704, Sec. 2.6) prohibits the State Board of Education from identifying any additional schools as qualifying schools for the Innovative School District based on data from the 2019-2020 school year. Any schools that were identified as qualifying schools for the 2019-2020 school year based on 2018-2019 school year data will remain on the qualifying list. The lowest scoring qualifying school in the State identified based on the school performance score calculated from 2020-2021 school year data will become an innovative school in the 2022-2023 school year.

This section became effective May 4, 2020. (DC)

## Third Grade Retention, Reading Camps, and Fourth Grade Reading Assessment

S.L. 2020-3, Sec. 2.7 (SB 704, Sec. 2.7) makes the following changes to requirements related to third grade reading:

**Third Grade Retention Determination** – For grade level determination for the 2020-2021 school year, principals and charter schools have the authority to determine the appropriate 2020-2021 school year grade level for students who were in the third grade during the 2019-2020 school year in the same manner as for students in all other grade levels. Principals must designate whether a third grade student is retained due to reading deficiencies. Principals are encouraged to consult with a student's 2019-2020 third grade teacher in determining grade classification.

**Parental Notice and Interventions** – If a first, second, or third grade student demonstrated difficulty with reading development or was not reading at grade level during the 2019-2020 school year based on assessments completed on or before March 13, 2020, the parent or guardian must receive notice. Teachers and principals must provide opportunities, including, but not limited to information sessions, to discuss this notification with parents and guardians.

For third grade students retained for the 2019-2020 school year, no written reports on student progress are required after March 16, 2020.

For third grade students retained for the 2020-2021 school year, all requirements regarding successful reading development and notification of parents and guardians apply, except (i) encouraged enrollment in reading camps and (ii) notification of good cause exemptions from mandatory retention based on failing to demonstrate reading proficiency on a standardized test of reading comprehension.

**Reading Camps** – Local school administrative units are not required to provide reading camps corresponding to the 2019-2020 school year.

**Fourth Grade Reading Assessment** – No later than the tenth day that school buildings are open to students for the 2020-2021 school year, public school units must administer to all fourth grade students the third grade end-of-year diagnostic reading assessment. The results of

the assessment will be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible.

**Reporting Requirements** – For the 2020-2021 school year, accountability reporting published and reported by local boards of education based on data from the 2019-2020 school year is not required, except that by September 1, 2020, local boards of education must report to the State Board of Education (SBE) the following information:

- The number and percentage of first, second, and third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
- The number and percentage of third grade students retained due to reading deficiencies.

For the 2020-2021 school year, accountability reporting published and reported by charter schools based on data from the 2019-2020 school year is not required, except that by September 1, 2020, charter schools and other public school units subject to charter school statutory requirements must report to the SBE the following information:

- The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
- The number and percentage of third grade students retained due to reading deficiencies.

The SBE must compile the information reported and submit a State-level summary of each component by local school administrative unit and charter school to the Joint Legislative Education Oversight Committee by October 15, 2020.

This section became effective May 4, 2020. (SY)

## **Advanced Courses in Mathematics**

S.L. 2020-3, Sec. 2.8 (SB 704, Sec. 2.8) requires initial math placement for the 2020-2021 school year to be consistent with local policies, in consultation with the student's 2019-2020 math teacher. Students who are not initially placed in advanced math can opt to take the 2019-2020 end-of-grade or end-of-course test, and if they score at the highest level on the test, the students must be placed in advanced math for the 2020-2021 school year.

This section became effective May 4, 2020. (BG)

## **CPR Graduation Requirement Waiver**

S.L. 2020-3, Sec. 2.9 (SB 704, Sec. 2.9) waives the cardiopulmonary resuscitation (CPR) graduation requirement for the 2019-2020 school year for any student in grade twelve who has not satisfied the requirement for completion of instruction in CPR. The student is still eligible to graduate if (i) CPR instruction cannot be completed because of the COVID-19 emergency, and (ii) the student is otherwise eligible to graduate.

This section became effective May 4, 2020. (DC)

## **School Calendar for the 2019-2020 School Year**

S.L. 2020-3, Sec. 2.10 (SB 704, Sec. 2.10) adjusts the instructional time requirements for the 2019-2020 school year by deeming that public school units that provided remote instruction have satisfied the minimum days and hours required by State law. For the purposes of this section, remote instruction is defined as learning that takes place outside of the traditional school setting using various media and formats, which can include video conference, telephone conference, print material, online material, or learning management systems. Each public school unit is required to continue remote instruction for the remainder of the 2019-2020 school year.

Additionally, for the 2019-2020 school year, the compulsory student attendance requirements do not apply beginning March 16, 2020.

This section became effective May 4, 2020. (SY)

## 2020-2021 School Calendar and Attendance Modifications

S.L. 2020-3, Sec. 2.11, (SB 704, Sec. 2.11), as amended by S.L. 2020-49, Sec. 3 (SB 113, Sec. 3), requires the following for school calendars for public school units in the 2020-2021 school year:

- **Remote Instruction Plans** – Public school units must develop Remote Instruction Plans (Plans) for the 2020-2021 school year and submit the Plans to the State Board of Education (SBE) by July 20, 2020. The Plans must include information on how the units will deliver quality remote instruction to all students in the 2020-2021 school year, as well as information on teacher training, support for students and families, and engagement of community stakeholders.
- **School Calendar** – The following requirements apply to the 2020-2021 school year only:
  - All public school units must adopt a calendar that includes 190 days of instruction meeting all of the following requirements:
    - 185 days or 1025 hours of instruction that includes five remote instructional days in accordance with the remote instruction plan.
    - An additional five instructional days that can only be satisfied by individually separate and distinct full instructional days, not by hours.
  - Local school administrative unit (LEA) calendars must meet the following additional requirements:
    - An opening date for students of August 17, 2020, except for defined year-round or modified calendar schools.
    - A closing date for students no later than June 11, 2021, except for defined year-round or modified calendar schools.
    - No remote instruction days prior to August 24, 2020.
    - Required remote instruction days can be scheduled for use as teacher workdays.
    - LEAs with good cause waivers cannot have an opening date for students earlier than August 17, 2020, but can use up to five additional remote instruction days for make-up days due to inclement weather or other emergency situations requiring closures.
    - LEAs with qualifying year-round school calendars can make certain calendar modifications if needed for student health and safety.
  - Public school units may use additional remote instruction days to satisfy instructional time requirements if the governing board determines remote instruction is needed to ensure student health and safety. The governing board must comply with required guidance from the SBE, Department of Health and Human Services, and Department of Public Instruction.
- **Reporting Requirement** – The SBE must report to the Joint Legislative Education Oversight Committee on the implementation of remote instruction by September 15, 2020.

This section became effective May 4, 2020. (KM)

## School Improvement Plans

S.L. 2020-3, Sec. 2.12 (SB 704, Sec. 2.12) provides a 6-month extension for school improvement plans set to expire at the end of the 2019-2020 school year. Those plans can remain

in effect until December 31, 2020. The replacement plan will then expire in 18 months rather than 2 years.

This section became effective May 4, 2020. (BG)

## **Principal Recruitment Supplement**

S.L. 2020-3, Sec. 2.13 (SB 704, Sec. 2.13) provides that a school that is eligible to be in the Principal Recruitment Supplement Program (Program) in the 2019-2020 school year will continue to be an eligible school for the Program in the 2020-2021 school year.

This section became effective May 4, 2020. (DC)

## **Teacher Performance Notification Waiver**

S.L. 2020-3, Sec. 2.14 (SB 704, Sec. 2.14) waives the requirement during the 2020-2021 school year that principals notify teachers of updated Education Value-Added Assessment System data from the 2019-2020 school year.

This section became effective May 4, 2020. (KM)

## **Teacher Effectiveness Reporting Requirements**

S.L. 2020-3, Sec. 2.15 (SB 704, Sec. 2.15) removes, for the 2020-2021 school year, the requirement that local school administrative units provide teacher effectiveness data from the 2019-2020 school year to the State Board of Education (SBE). The SBE is not required to include any disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15, 2020, report on the state of the teaching profession in North Carolina.

This section became effective May 4, 2020. (SY)

## **Teacher Evaluation and Observation Requirements**

S.L. 2020-3, Sec. 2.16 (SB 704, Sec. 2.16) permits annual teacher evaluations from the 2019-2020 school year to be based on (i) observations completed in the 2019-2020 school year prior to March 16, 2020, and (ii) other artifacts and evidence from the 2019-2020 school year. This section also waives any required observations not completed prior to March 16, 2020.

This section became effective May 4, 2020. (BG)

## **Extension of K-12 Scholarship Program Report Dates**

S.L. 2020-3, Sec. 2.21 (SB 704, Sec. 2.21) provides a one-month extension for the State Education Assistance Authority to submit the annual reports on the Opportunity Scholarship Grant Program and the Disabilities Grant Program to the Joint Legislative Education Oversight Committee. The reports are now due on November 15, 2020.

This section became effective May 4, 2020. (DC)

## **Teacher Licensure Requirements**

S.L. 2020-3, Sec. 2.25 (SB 704, Sec. 2.25) provides the following extensions for teachers to meet licensure requirements set by the State Board of Education (SBE):

- Individuals in their first year of licensure, including those with an initial professional license (IPL), lateral entry license, or residency license (RL), who have not taken the examination required by the SBE as of March 10, 2020, can take the examination during their second year of licensure.

- Applicants for continuing professional licenses (CPLs) whose lateral entry licenses expired June 30, 2020, who have not met the examination and coursework requirements established by the SBE as of March 10, 2020, are provided an extension until June 30, 2021.
- Applicants for CPLs whose IPLs expired June 30, 2020, who have not met the examination requirement established by the SBE as of March 10, 2020, are provided an extension until June 30, 2021.
- Applicants for CPLs who are elementary education (K-6) or special education general curriculum teachers with IPLs or RLs who were previously granted extensions until June 30, 2020, and who have not met the examination requirement established by the SBE as of March 10, 2020, are provided an extension until June 30, 2021.

This section also provides that any teacher who is required to have at least eight continuing education credits for continuing licensure by June 30, 2020, has until June 30, 2021 to meet those requirements.

This section became effective May 4, 2020. (DC)

## **Extension of School Administrator and School Professional Licensure Exam Requirements and Continuing Education Units for Licensure Renewals**

S.L. 2020-3, Sec. 2.26 (SB 704, Sec. 2.26) provides a one-year extension for both (i) licensure examination requirements set by the State Board of Education for school administrators and other school personnel and (ii) continuing education requirements required for licensure renewal by June 30, 2020, for school administrators.

This section became effective May 4, 2020. (KM)

## **Coronavirus Relief Funding for School Cybersecurity**

S.L. 2020-4, Sec. 3.3(11), (HB 1043, Sec. 3.3(11)) appropriates Coronavirus Relief Funds to the Department of Public Instruction (DPI) for cybersecurity infrastructure and services. DPI must evaluate the sufficiency and sustainability of the provided cybersecurity infrastructure and services and report the evaluation results by October 1, 2020, to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Information Technology.

This subdivision became effective May 4, 2020. (KM)

## **Summer Learning Programs**

S.L. 2020-4, Sec. 3.3(13) (HB 1043, Sec. 3.3(13)) allocates \$70 million of Coronavirus Relief Funds to the Department of Public Instruction (DPI) for local school administrative units (LEAs), charter schools, and the Innovative School District to provide a supplemental summer learning program (Program) for students whose learning has been negatively affected by the impacts of COVID-19.

The Program must include all of the following: (i) reading interventions for students who were in kindergarten through third grade who were not on track to meet 2019-2020 year-end expectations based on assessments completed before March 16, 2020; (ii) reading interventions for students who were in fourth grade who were not on track to meet 2019-2020 year-end expectations as identified by their reading teachers; and (iii) math interventions for students in kindergarten through fourth grade who were not on track to meet 2019-2020 year-end expectations as identified by their math teachers.

At least \$35 million must be used to provide reading interventions for students who were in second and third grades during the 2019-2020 school year. Up to 25% of these funds can be



used to provide supplemental literacy support for students in third and fourth grades during the 2020-2021 school year who are not on track to meet 2020-2021 year-end expectations, as identified by their reading teachers. All of these funds must be used prior to December 30, 2020.

Any remaining funds that are not used to provide the reading and math interventions described above must be used for the following: (i) reading interventions for students who were in kindergarten, first grade, and fourth grade during the 2019-2020 school year, and (ii) math interventions for students who were in kindergarten through fourth grade during the 2019-2020 school year.

The governing body of any public school unit receiving these funds must consult with the 2019-2020 school year teachers of kindergarten through fourth grade students to develop summer learning plans that deliver targeted instruction to students participating in the Program. Each plan must comply with any executive order in effect at the time, including requirements on the use of public school buildings, and must comply with social distancing and other public health guidelines provided by the Department of Health and Human Services. LEAs and the Innovative School District must submit their summer learning plans to DPI, which can provide feedback as necessary to ensure that the Program provides the instruction and intervention required in this subdivision.

The Program cannot be included in scheduled instructional time for the 2020-2021 school year calendar but must provide a supplement to that instruction. Each public school unit receiving these funds is encouraged to identify or prepare resources and strategies that parents or guardians can provide at home for students who qualify for a Program who either do not attend or attend but want additional material. Parents or guardians of students who qualify for a Program will make the final decision regarding student attendance at a Program.

By February 15, 2021, the State Board of Education (SBE) must report to the Joint Legislative Education Oversight Committee (JLEOC) on the implementation of this subdivision and the use of funds for Programs. The SBE must submit with its report a copy of each summer learning plan submitted and must include any other data deemed by the SBE to be useful for JLEOC in evaluating the delivery of these programs.

This subdivision became effective May 4, 2020. (SY)

## **Extended Learning and Integrated Student Supports Competitive Grant Program**

S.L. 2020-4, Sec. 3.3(18) (HB 1043, Sec. 3.3(18)) directs the Department of Public Instruction (DPI) to administer the Extended Learning and Integrated Student Supports Competitive Grant Program (Program) for the 2019-2020 and 2020-2021 fiscal years. The Program will fund high-quality, independently validated extended learning and integrated student support service programs for at-risk students whose learning has been negatively affected by COVID-19. Nonprofit grant participants are eligible to receive grants in an amount of up to \$500,000 each year. Grants must be matched on the basis of \$3 in grant funds for every \$1 in nongrant funds (excluding State funds).

Programs should focus on serving (i) at-risk students not performing at grade level, (ii) students at risk of dropout, and (iii) students at risk of school displacement due to suspension or expulsion as a result of antisocial behaviors. Priority consideration must be given to applications demonstrating models that focus services and programs in schools that are identified as low-performing, as well as applicants that are nonprofit corporations (i) working in partnership with a local school administrative unit and (ii) using a match that includes federal or local funds.

Grant recipients must report to DPI on the progress of the Program for the year in which the grant funds were expended, as well as provide a final report on key performance data. The final report must include results of the Program and recommendations regarding (i) effective program models, standards, and performance measures based on student performance, (ii) leveraging community-based resources to expand student access to learning activities, (iii) academic and behavioral support services, and (iv) potential opportunities for the State to invest

in proven models for future grant programs. DPI must submit this report on the Program to the Joint Legislative Education Oversight Committee by February 15, 2021.

This subdivision became effective May 4, 2020. (BG)

## Temporary Flexibility for Transportation Allotment

S.L. 2020-4, Sec. 4.13 (HB 1043, Sec. 4.13), as enacted by S.L. 2020-97, Sec. 1.3 (HB 1105, Sec. 1.3), authorizes local school administrative units, for the 2020-2021 school year, to use funds from the transportation allotment for additional purposes, including:

- School nutrition.
- School- and community-based child care.
- Sanitizing schools and buses.
- Personal protective equipment.
- Remote instruction.

This section became effective September 4, 2020. (BG)

## Smart School Bus Safety Pilot Program

S.L. 2020-4, Sec. 4.16 (HB 1043, Sec. 4.16), as enacted by S.L. 2020-97, Sec. 1.3 (HB 1105, Sec. 1.3) directs the Department of Public Instruction (DPI) to establish the Smart School Bus Safety Pilot Program (Program) by November 23, 2020, and end it on or before January 1, 2024. The Program is to improve the transportation of public school students through technology in response to the COVID-19 pandemic. All funds from the Coronavirus Relief Fund must be expended by December 30, 2020.

**Minimum Technology and Services** – Local school administrative units (LEAs) must identify and contract with qualifying vendors to provide technology and services for school buses. Authorized LEAs can elect not to participate in the Program. Qualifying vendors must provide technology and services for school buses in participating LEAs, with the LEAs having discretion over the specific technology and services provided as long as the following minimum requirements are met:

- Improve overall communications and reporting on school buses.
- Include automated school bus safety cameras and on-board integration with those cameras.
- Enable employee time tracking, student ridership tracking, and contact tracing in the event of a COVID-19 infection.
- Enable global positioning system (GPS) tracking of school buses.
- Enable turn-by-turn navigation along bus routes.
- Optimize time, expenditure, and safety of bus routes.
- Provide pre- and post-trip vehicle inspections that may be transmitted to DPI on a regular basis.
- Communicate ridership information to the student information management system.
- Permit parents or legal guardians to access applicable information.
- Conform to applicable guidance provided by the North Carolina Department of Health and Human Services for the transportation of students during the COVID-19 pandemic.
- Include implementation and project management assistance, training, radio frequency identification technology, and check-in and check-out security stickers or other badges for students.

**LEA Requirements** – The following requirements and contingencies apply to each participating LEA:

- Every school bus designed for the transportation of children with disabilities must be outfitted with technology provided pursuant to the Program as long as the technology



is appropriate for children with disabilities and can be provided in a cost-effective manner.

- At the conclusion of the Program, all hardware provided to an LEA becomes the property of that LEA.

**Reports** – No later than November 1 and March 1 of each year the Program is in effect, DPI, in consultation with each participating LEA, must report at least all the following information to the Joint Legislative Education Oversight Committee, any committee constituted by the House of Representatives or Senate to address school safety, and the Fiscal Research Division:

- An itemized breakdown of software infrastructure, hardware infrastructure, and equipment provided by qualifying vendors to participating LEAs pursuant to the Program.
- A description of all services provided by qualifying vendors to participating LEAs pursuant to the Program.
- A list of qualifying vendors contracting with participating LEAs pursuant to the Program.
- The impact and effectiveness of the Program.
- All expenditures of State funds pursuant to the Program.

This section became effective September 4, 2020. (DC)

## **School-Based Mental Health**

S.L. 2020-7 (SB 476) requires each K-12 school unit to adopt a school-based mental health plan that includes the minimum requirements set by the State Board of Education (SBE) and a mental health training program and suicide risk referral protocol consistent with the models developed by the SBE. A K-12 school unit is defined as a local school administrative unit, a charter school, a regional school, an innovative school, or a laboratory school. The school-based mental health plan must be adopted by each K-12 school unit by July 1, 2021.

Each K-12 school unit must provide its adopted mental health training program and suicide risk referral program to school personnel with six hours of training in the first six months of employment and then two hours of training in the following school year and annually thereafter.

The Superintendent of Public Instruction must review the minimum requirements for a school-based mental health plan, model mental health training program, and model suicide risk referral protocol starting in August 2025 and every five years thereafter and recommend any changes needed.

By September 15 of each year, each K-12 school unit must report to the Department of Public Instruction (DPI) on its school-based mental health plan and its prior school year compliance. DPI must report this information to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services by December 15 annually.

The act does not impose any additional duties on a K-12 school unit to provide referrals, treatments, follow-ups, or other mental health and suicide prevention services to students of a K-12 school unit. It limits the civil liability of the governing body of the K-12 school unit and its members, employees, designees, agents, or volunteers.

This act became effective June 8, 2020. School personnel who are required to complete the training and are employed in a K-12 school unit as of that date must complete initial mental health training by the end of the 2021-2022 school year. (BG)

## **Accommodations for Driver Education Coursework Interrupted by Spring 2020 School Closures**

S.L. 2020-30, Sec. 2 (HB 158, Sec. 2) deems completed required classroom instruction for students enrolled in classroom driver education between January 2020 and March 16, 2020, if those students completed at least 15 hours of classroom instruction. Students who completed less than 15 hours can be offered the opportunity to take a proficiency examination to waive the

classroom instruction requirement entirely. Behind-the-wheel instruction is not waived for students, however.

Public schools are authorized to resume driver education programs in accordance with guidance issued by the Department of Public Instruction.

This section became effective June 19, 2020. (KM)

## **School Psychologist Licensure Exemption**

S.L. 2020-49, Sec. 1 (SB 113, Sec. 1) extends the exemption from licensure by the North Carolina Psychology Board to contracted school psychologists and those employed by any public school unit in North Carolina. These school psychologists must still be licensed by the State Board of Education.

This section became effective June 29, 2020. (DC)

## **Charter School Report Date Change**

S.L. 2020-49, Sec. 6 (SB 113, Sec. 6) adjusts the due date of an annual State Board of Education report to the Joint Legislative Education Oversight Committee on the educational effectiveness of charter schools and the effect of charter schools on the public schools in the local school administrative unit in which the charter schools are located from February 15 to June 15.

This section became effective June 29, 2020. (SY)

## **Superintendent May Approve Bonds to Finance or Refinance a Charter School Facility**

S.L. 2020-49, Sec. 7 (SB 113, Sec. 7) designates the Superintendent of Public Instruction as an applicable elected representative under the Internal Revenue Code who can approve issuance of a private activity bond to finance a charter school facility, following a public hearing conducted in the county where the charter school facility is or will be located in accordance with the Internal Revenue Code and applicable State and federal laws and regulations.

This section became effective June 29, 2020. (BG)

## **PED/Low-Performing School Districts**

S.L. 2020-55 (HB 1050) requires that the superintendent of a low-performing local school administrative unit (LEA) must include specific strategies to improve early childhood learning along with measurable goals in the preliminary plan submitted to the local board of education for improving the school performance grade and school growth score of each low-performing school in the LEA. The act also requires that the Department of Public Instruction must ensure that the comprehensive needs assessment tool used to provide support for low-performing LEAs include an examination of early childhood learning. The assessment must examine the following, at a minimum, for preschool through grade 3: (i) training levels of early childhood teachers and support staff, (ii) the ratio of students to teachers, (iii) alignment of preschool curricula to kindergarten through grade 3 curricula, (iv) kindergarten transition supports, including collaboration with preschool educators, and (v) kindergarten preparedness.

This act became effective June 30, 2020, and applies beginning with plans of improvement and comprehensive needs assessments for LEAs identified as low-performing based on data from the 2020-2021 school year. (DC)

## **Exempt North Carolina School of the Arts and North Carolina School of Science and Mathematics from Public School Unit Definition**

S.L. 2020-56, Sec. 6 (HB 1096, Sec. 6) removes the North Carolina School of the Arts and the North Carolina School of Science and Mathematics from the definition of public school unit in Chapter 115C of the General Statutes.

This section became effective June 30, 2020. (BG)

## **Cooperative Innovative High School Changes**

S.L. 2020-64, Secs. 4A-7, (SB 816, Secs. 4A-7) provide supplemental funding for certain cooperative innovative high schools (CIHSs) for the 2020-2021 school year and authorize the operation of three additional CIHSs.

The Department of Public Instruction (DPI) must report to the Joint Legislative Education Oversight Committee by January 15, 2021, on CIHSs approved to receive funds by the General Assembly, including the development tier used for funding in the 2020-2021 school year. DPI must include in the report projected adjustments to required funding based on the development tier designation for CIHSs, effective for the 2021-2022 fiscal year, and the projected total difference in required State funding for the 2020-2021 and 2021-2022 fiscal years for the CIHSs, if all currently funded schools are funded for 2021-2022 in accordance with the updated development tier designations.

The State Board of Education (SBE) cannot approve new CIHSs that require General Assembly funding for the 2021-2022 school year.

For applicants for CIHSs opening in the 2022-2023 school year and after, the SBE can conditionally approve up to three CIHSs to open in a school year, if those schools request General Assembly funding, and can prioritize CIHSs in local school administrative school units that do not currently have CIHSs.

These sections became effective July 1, 2020. (KM)

## **Elimination of Report to Superintendent on the Adopted Schedule of Fees**

S.L. 2020-78, Sec. 2.1 (SB 681, Sec. 2.1) eliminates the requirement that all schedules of fees, charges, and solicitations be reported by the local boards of education to the Superintendent of Public Instruction. Instead, each local board of education must publish a schedule of fees, charges, and solicitations approved by the local board on the local school administrative unit's Web site by October 15 of each school year and within 30 days of each subsequent revision.

This section became effective July 1, 2020, and applies beginning with the 2020-2021 school year. (SY)

## **Authorize the NC CTE Education Foundation to Administer Certain Grants**

S.L. 2020-78, Sec. 2.2 (SB 681, Sec. 2.2) requires the NC Education and Workforce Innovation Commission to collaborate with the NC Career and Technical Education (CTE) Foundation in its administration of two career and technical education grant programs: The Education and Workforce Innovation Program and the CTE Grade Expansion Program. The NC CTE Foundation will serve as a grant administrator by providing assistance and support to grantees for initiating, expanding, improving, and promoting CTE initiatives.

This section became effective July 1, 2020, and applies to the administration of grant programs on or after that date. (BG)

## **Broaden Certain Charter School Enrollment Priorities**

S.L. 2020-78, Sec. 2.3 (SB 681, Sec. 2.3) expands the categories of students that a charter school can give enrollment priority to, to include siblings who apply to the charter school for admission beginning in the same school year, such as when a sibling was not initially admitted due to grade level capacity. This section also allows charter schools to give priority enrollment to children of individuals who work full-time in the daily operations of the charter school, including children of individuals employed by an education management organization or charter management organization for the charter school.

This section became effective July 1, 2020, and applies beginning with the 2020-2021 school year. (DC)

## **Expand Schools That Lead Pilot Program**

S.L. 2020-78, Sec. 2.4 (SB 681, Sec. 2.4) expands the number of possible schools from 60 to 75 in the Schools That Lead Pilot Program providing professional development to teachers and principals.

This section became effective July 1, 2020. (KM)

## **Arts Education Graduation Requirement**

S.L. 2020-78, Section 2.5 (SB 681, Section 2.5) requires the State Board of Education (SBE) to modify the high school graduation requirements to include one required credit in arts education to be completed by each student at any time in sixth grade through twelfth grade. The implementation of this requirement begins with students entering the sixth grade in 2022.

The SBE must include an exemption from this requirement for students transferring into a North Carolina public school beginning in the ninth grade or later, if the arts education requirement would prevent the student from graduating on time. Additionally, the SBE must establish procedures and a timeline for phasing in the arts education graduation requirement and the minimum criteria to meet the arts education requirement.

The SBE must report to the Joint Legislative Education Oversight Committee by December 15, 2022, on the statewide implementation of the three interdependent components of comprehensive arts education (arts education, arts integration, and arts exposure) and the arts education graduation requirement.

This section became effective July 1, 2020. (SY)

## **Advanced Teaching Roles Changes**

S.L. 2020-78, Sec. 2.6 (SB 681, Sec. 2.6) codifies the Advanced Teaching Roles Program (Program). Local boards of education will be required to submit their proposals by October 15, 2020, and annually thereafter, to participate in the Program. This section does not limit the number of local school administrative units (LEAs) that can participate in the Program, but it prioritizes funding for up to 15 LEAs that fit in certain size categories. Additionally, LEAs participating in the existing pilot program in the 2020-2021 school year are guaranteed approval, provided that their application is not inconsistent with the codified program's requirements.

This section includes several changes from the pilot in the requirements for participation in the Program, such as:

- Requiring information on how the LEA would utilize and train classroom teachers in advanced teaching roles.

- Requiring the minimum qualifications for advanced teaching roles positions to meet two of the identified criteria rather than one.
- Requiring teachers who qualify for advanced teaching roles based on student growth to have an average Education Value-Added Assessment System (EVAAS) student growth index score of 1.5 or greater (and no score below zero) over the previous three years.
- Requiring a description of how the LEA could partner with local educator preparation programs, institutions of higher education, or community colleges to improve teacher effectiveness.

Initially selected LEAs will implement their plans beginning with the 2021-2022 school year. The State Board of Education (SBE) will review participating LEAs every 5 years to ensure compliance with the approved plan. After review, the SBE can renew or terminate the plan.

Schools that are included in an LEA's approved application will receive class size flexibility, and LEAs that participate in the program will receive budget flexibility for the purpose of providing salary supplements.

Funds awarded for this Program are subject to availability and can be awarded for a term of up to three years. LEAs are only eligible to receive funding for one term. Unlike the pilot program, awarded funds cannot be used for salary supplements.

The SBE must contract with an independent research organization to provide an evaluation during the first two years of the Program. Beginning October 15, 2023, and annually thereafter, the SBE will perform the evaluation and provide the annual reports.

The codified language of this section became effective July 1, 2020. The current Pilot will be repealed June 30, 2021. (BG)

## **Student Meal Debt Report and Reduced-Price Lunch Co-Pays**

S.L. 2020-80, Sec. 2.3 (HB 1023, Sec. 2.3) directs the State Board of Education to report by October 15, 2021, to the Joint Legislative Education Oversight Committee on unpaid meal charges in local school administrative units (LEAs). The report must include the following information:

- The percentage of students of all grade levels in each LEA who (i) qualify for and participate in reduced-price meals and (ii) do not carry an unpaid meal charge.
- The total amount of debt carried by each LEA related to unpaid meal charges.
- Summaries of approaches adopted by each LEA regarding unpaid meal charges.
- Options for a statewide policy on the uniform administration of unpaid meal charges in local LEAs. Every option shall ensure that students are not prevented from receiving nutritious meals because of an unpaid meal charge.

This section also directs the Department of Public Instruction (DPI) to transfer \$3.9 million in nonrecurring funds from the School Bus Replacement Fund to the State Public School Fund for the 2020-2021 fiscal year. These funds must be used to provide free school lunches to students of all grade levels qualifying for reduced-price meals in all schools participating in the National School Lunch Program in the 2020-2021 school year. If the funds are insufficient to provide lunch for all qualifying students, DPI must use any excess funds appropriated for the National School Breakfast Program to cover the costs.

This section became effective July 1, 2020. (VB)

## **Definition of Year-Round School**

S.L. 2020-81, Sec. 10 (SB 212, Sec. 10) defines the term "year-round" school for purposes of school calendars established for local school administrative units. A year-round school is one that provides a single- or multi-track instructional calendar throughout the entire school calendar

year, by utilizing at least one of three possible plans that either stagger student attendance or alternate instruction and vacation days on a regular schedule.

This section became effective July 1, 2020, and applies beginning with the 2021-2022 school year. (KM)

## **Average Daily Membership Hold Harmless**

S.L. 2020-97, Sec. 3.1 (HB 1105, Sec. 3.1), for the 2020-2021 fiscal year, prohibits the State Board of Education from reducing allocations to innovative schools, charter schools, regional schools, the North Carolina Virtual Public School, laboratory schools, virtual charter schools, and local school administrative units due to a discrepancy between the actual and anticipated average daily membership.

This section became effective September 4, 2020. (SY)

## **Virtual Charter School Enrollment**

S.L. 2020-97, Sec. 3.2 (HB 1105, Sec. 3.2) authorizes schools participating in the State's virtual charter school pilot program to increase enrollment for the 2020-2021 school year. The North Carolina Cyber Academy is authorized to increase enrollment by 1,000 students and the North Carolina Virtual Academy is authorized to increase enrollment by 2,800 students.

For the 2021-2022 school year, each virtual charter school must give enrollment priority to students who were enrolled for the 2020-2021 school year prior to September 4, 2020. Each virtual charter school must provide an interim report by March 15, 2021, and a final report by November 15, 2021, to the Joint Legislative Education Oversight Committee on the impact of the increase in student enrollment.

This section became effective September 4, 2020. (BG)

## **Nonpublic Schools**

### **COVID-19 Recovery Act/Standardized Testing Requirements for Nonpublic Schools Waivers**

S.L. 2020-3, Sec. 2.17 (SB 704, Sec. 2.17) waives requirements for the 2019-2020 school year for nonpublic schools to administer and maintain records of standardized tests.

This section became effective May 4, 2020. (DC)

### **Attendance and Calendar Waiver for Nonpublic Schools**

S.L. 2020-3, Sec. 2.18 (SB 704, Sec. 2.18) waives requirements for nonpublic schools to (i) keep attendance records after March 16, 2020, for the 2019-2020 school year, and (ii) operate for at least nine calendar months in the 2019-2020 school year.

This section became effective May 4, 2020. (KM)

### **Standardized Testing and Reporting Requirements for Nonpublic Schools with Students Receiving Opportunity Scholarships**



S.L. 2020-3, Sec. 2.19 (SB 704, Sec. 2.19) establishes that nonpublic schools that accept eligible students receiving scholarship grants are not required to do any of the following for the 2019-2020 school year:

- Provide the eligible student's scores on standardized achievement tests to the parent or guardian.
- Administer a nationally standardized test or other nationally standardized equivalent measurement to any eligible students in grades three and higher.
- Submit standardized test performance data from the 2019-2020 school year to the State Education Assistance Authority (SEAA).
- For nonpublic schools enrolling more than 25 students whose tuition and fees are paid in whole or in part with a scholarship grant, the following: (i) report to SEAA on the aggregate standardized test performance of eligible students, and (ii) provide standardized test performance data from the 2019-2020 school year to an independent research organization.

This section became effective May 4, 2020. (SY)

## **Opportunity Scholarship Program Disbursement of Funds**

S.L. 2020-3, Sec. 2.20 (SB 704, Sec. 2.20) allows the State Education Assistance Authority to use carryforward funds from the Opportunity Scholarship Program to remit scholarship grant funds by October 1, 2020, to a nonpublic school that was unable to complete a parent endorsement for those funds for the spring semester of the 2019-2020 school year.

This section became effective May 4, 2020. (BG)

## **COVID-19 Pandemic Alternative Education Options For Students With Disabilities**

S.L. 2020-4, Sec. 3.3(86) (HB 1043, Sec. 3.3(86), as enacted by S.L. 2020-97, Sec. 1.2, (HB 1105, Sec. 1.2)), provides additional funds to the State Education Assistance Authority to fund Personal Education Savings Accounts (PESAs) and Special Education Scholarships for Students with Disabilities (SWD Scholarships). Eligible students who (i) applied for these scholarships for the 2020-2021 school year within the established application deadlines and (ii) were not awarded scholarships as of September 4, 2020, must be awarded funds for the fall semester of the 2020-2021 school year only. If feasible, any remaining scholarship funds must be distributed to additional eligible students under the same conditions.

Students awarded PESAs with these funds will not receive priority in the award of future PESA scholarships. Students awarded SWD Scholarships will be deemed to meet the public school enrollment requirements for eligibility for SWD Scholarships in the 2021-2022 school year, but will not receive priority in the award of those scholarships.

This subdivision became effective September 4, 2020. (KM)

## **COVID-19 Immunity for Nonpublic Schools**

S.L. 2020-49, Sec. 10 (SB 113, Sec. 10) grants limited immunity to nonpublic schools for claims related to tuition and fees paid for the 2019-2020 academic year that arise from alleged acts or omissions by the school between March 10 and July 1, 2020, in response to COVID-19. The immunity can be asserted if the alleged acts or omissions were reasonably related to protecting the public health, safety, or welfare in response to COVID-19 executive orders or guidance from the Centers for Disease Control and Prevention, and if the nonpublic school offered remote learning

options for students to complete the academic year. The immunity cannot be asserted for losses or damages resulting solely from breach of an express contractual provision that allocated pandemic liability, or if the losses or damages were caused by an act or omission that was in bad faith or malicious.

This section became effective June 29, 2020, and applies to actions commenced on or after that date. (KM)

## **Changes to the Opportunity Scholarship Grant Program**

S.L. 2020-97, Sec. 3.3 (HB 1105, Sec. 3.3) makes several changes to the Opportunity Scholarship Grant Program (Program).

**Remove Cap on K-1 Grade Funds** – This section removes the cap on the amount of funds that can be used to award scholarship grants to eligible students entering kindergarten or first grade. For the 2020-2021 school year, from the funds that are made available by the removal of the restriction, the State Education Assistance Authority must award scholarship grants for the 2020 fall semester to provide alternative educational options during the COVID-19 pandemic to eligible students who had applied for the scholarship grants for the 2020-2021 school year but had not been awarded scholarship grants as of September 4, 2020.

**Change to Income Eligibility Threshold** – This section also requires that a student eligible for the Program must reside in a household with an income level not in excess of 150% of the amount required for the student to qualify for the federal free or reduced-price lunch program.

This section became effective September 4, 2020. The removal of the cap on K-1 grade funds applies beginning with applications for scholarship grants for the 2020-2021 school year. The income eligibility change applies beginning with applications for scholarship grants for the spring semester of the 2020-2021 school year. (DC)

## **Higher Education**

### **Transforming Principal Preparation Grant Program Requirements**

S.L. 2020-3, Sec. 2.24 (SB 704, Sec. 2.24) provides that the school leader clinical practice requirement under G.S. 116-209.72(a)(2)e. will be deemed completed for the 2019-2020 school year if the candidate (i) completed as much time in the clinical practice as practicable prior to March 10, 2020, and (ii) has been engaged in school leader duties as practicable while the school is closed for the remainder of the 2019-2020 school year.

Additionally, a grant recipient must not have grant funds retrieved for failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours in duration as part of the program during the 2019-2020 academic year.

This section became effective May 4, 2020. (BG)

### **Extend Grant Term for NC Transforming Principal Preparation Program**

S.L. 2020-49, Sec. 9 (SB 113, Sec. 9) extends the maximum grant term for a grant awarded under the NC Transforming Principal Preparation Program from 5 years to 6 years.

This section became effective July 1, 2020, and applies to grants awarded or renewed on or after that date. (DC)

## UNC System Office/Create Searchable Database of Military Credit Equivalencies

S.L. 2020-78, Sec. 3.2 (SB 681, Sec. 3.2) requires The University of North Carolina System Office, in collaboration with the North Carolina Community College System through the Military Credit Advisory Council, to create a searchable database of military credit equivalencies to complete the initial phase of military credit evaluations.

This section became effective July 1, 2020. (KM)

## NC Patriot Star Family Scholarship Program

S.L. 2020-97, Sec. 3.4 (HB 1105, Sec. 3.4) provides funding in the form of grants to the Patriot Foundation and the Marine Corps Scholarship Foundation, Inc., (nonprofits) to establish the North Carolina Patriot Star Family Scholarship Program (Program) for postsecondary scholarships for eligible children and spouses of certain qualifying veterans and members of the Armed Forces.

The following criteria must be met for award of a scholarship by the nonprofits:

- Children - An eligible child must meet the following criteria:
  - Attend or be accepted to enroll in an eligible postsecondary institution.
  - Be a legal resident of the State when the scholarship documentation is completed. For children claimed as a dependent by their parent, residency can be established based on the parent being an active duty service member permanently stationed in the State.
  - Have complied with the requirements of the Selective Service System.
  - Have a parent who is a veteran or a currently serving member of the Armed Forces that meets both of the following criteria:
    - One of the following residency conditions:
      - A resident of the State at the time of scholarship documentation completion.
      - A resident of the State at the time of service entrance.
      - Permanently stationed in the State at the time of death.
      - An active duty service member permanently stationed in the State at the time of scholarship documentation completion.
    - One of the following service conditions:
      - A service member killed in action or the line of duty, or who died of wounds or other causes not due to willful misconduct during a period of war or national emergency.
      - A service member who died of service-connected injuries, wounds, illness, or other causes incurred or aggravated while enlisted during a period of war or national emergency.
      - A service veteran who incurred traumatic injuries or wounds or sustained a major illness while enlisted during a period of war or national emergency and is receiving compensation for a wartime service-connected disability of at least fifty percent (50%).
      - A current service member who incurred traumatic injuries or wounds or sustained a major illness while enlisted during a period of war or national emergency.
- Spouse – An eligible spouse must meet the following criteria:
  - Attend or be accepted to enroll in an eligible postsecondary institution.
  - Be a legal resident of the State when the scholarship documentation is completed.
  - Have complied with the requirements of the Selective Service System.

- Was married to a service member killed in action or in the line of duty, or died of wounds or other causes not due to the service member's willful misconduct during a period of war or national emergency.

The nonprofits must establish criteria for administration of the Program. A scholarship awarded to an eligible child or spouse must not exceed the cost of attendance at the eligible postsecondary institution and must be reduced by other scholarships and grants covering costs of attendance. The nonprofits must each report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the use of State funds and activities related to the Program administration by April 1, 2021.

This section became effective September 4, 2020. (KM)

## **Community Colleges**

### **Community College Tuition Waiver for Students in Apprenticeship Programs**

S.L. 2020-3, Sec. 2.27 (SB 704, Sec. 2.27) allows a student who has been unable to continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19 emergency to be eligible for a tuition waiver for community college courses in the student's documented plan of study related to a job-specific occupational or technical skill until December 31, 2020.

This section became effective May 4, 2020. (SY)

### **Education in Prisons**

S.L. 2020-54 (HB 463) removes the restriction that prohibited funds appropriated for community college courses for prison inmates from being used for Associate of Arts, Associate of Science, and Associate of General Education degrees.

This act became effective July 1, 2020. (BG)

## **Universities**

### **Modifications Related to Educator Preparation Programs**

S.L. 2020-3, Sec. 2.22 (SB 704, Sec. 2.22) makes the following changes for Educator Preparation Programs (EPPs):

- Waiver of Minimum EPP Admission Requirements. – The following minimum requirements for EPP admissions are waived for the 2020-2021 academic year:
  - The admissions testing requirement.
  - The individual grade point average (GPA) requirement of at least a 2.7, provided the student has at least a 2.7 before beginning a clinical internship.
  - The cohort GPA requirement of at least a 3.0.
- Waiver of EPP Student Clinical Internship Requirement. – The EPP required clinical internship for Spring 2020 is deemed completed under certain conditions, including that the student meets the requirements on the certificate of teacher capacity and continues to work with a school to engage in remote learning as practicable.
- Pedagogy Assessments for Certain Teacher Candidates. – Students whose clinical internships are deemed completed for Spring 2020 cannot be required by the State Board of Education (SBE) to complete a pedagogy assessment as a requirement for

completion of the EPP program for the 2019-2020 academic year. Those students will be required to attempt the pedagogy assessment by the end of their first year of licensure and must pass the assessment by the end of their third year of licensure.

- Waiver of the Report of Certain EPP Performance Data. – In submitting data to the SBE for the purposes of performance standards in 2020, EPPs are only required to report data that is practicably available from the 2019-2020 academic year, due to the lack of student assessment data and the closure of schools for in-person instruction.
- Use of Certain EPP Data Prohibited in Assigning Sanctions. – The SBE is prohibited from considering data related to the 2019-2020 school year that was not practicably available when assigning sanctions to an EPP.
- Suspension of EPP Report Card Publication. – Publication of EPP report cards on the SBE Web site for the 2019-2020 academic year is suspended. The SBE must, however, report the information to the Joint Legislative Education Oversight Committee.

This section became effective May 4, 2020. (KM)

## **School Administrator Preparation Programs**

S.L. 2020-3, Sec. 2.23 (SB 704, Sec. 2.23) allows certain statutory requirements for a school administrator enrolled in a school administrator preparation program that meets the approval standards established by the State Board of Education to be deemed completed for the 2019-2020 academic year.

The requirement that a candidate complete a year-long internship is deemed completed under the following conditions: (i) the candidate completed as much time in the internship as practicable before March 10, 2020, (ii) the candidate would be unable to complete the preparation program by August 15, 2020, unless the internship is deemed completed, (iii) the candidate was engaged in administrative duties as practicable while schools were closed for the remainder of the 2019-2020 school year, and (iv) the candidate has otherwise met the competencies identified in the certification of capacity utilized by the preparation program.

The candidate must complete a portfolio for emerging leaders to demonstrate the application of his or her training to actual school needs and training to the extent practicable prior to the completion of the preparation program.

This section became effective May 4, 2020. (SY)

## **Waiver of Interest Charges on UNC Student Debt**

S.L. 2020-3, Sec. 2.28 (SB 704, Sec. 2.28) prohibits a constituent institution from accruing or charging interest to a past due account receivable held by a student between March 13, 2020, and September 15, 2020.

This section became effective May 4, 2020. (BG)

## **Extension of UNC Report Dates**

S.L. 2020-3, Sec. 2.29 (SB 704, Sec. 2.29) provides an additional 60 days to the Board of Governors of The University of North Carolina (BOG) to submit the following reports to the Joint Legislative Education Oversight Committee (JLEOC):

- The annual report due by April 15 each year on teacher education efforts at The University of North Carolina.
- The annual report due by April 15 each year on the supply and demand of school administrators to determine the number of school administrators to be trained in school administrator training programs within the constituent institutions of The University of North Carolina in each year of the fiscal biennium.

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

This section also allows the BOG until June 15, 2020, to submit its annual report on the UNC-NCCCS 2+2 E-Learning Initiative which is due by April 15 each year to the JLEOC, the State Board of Education (SBE), the Office of State Budget and Management, and the Fiscal Research Division. Finally, this section allows The University of North Carolina System Office until June 15, 2020, to submit its annual report on the UNC-NCCCS Joint Initiative for Teacher Education and Recruitment which is due by April 15 each year to the SBE, the BOG, the State Board of Community Colleges, the Education Cabinet, the JLEOC, and the Office of State Budget and Management.

This section became effective May 4, 2020. (DC)

## **NCSU/NC A&T Matching Funds/Umstead Act**

S.L. 2020-26, Sec. 3 (HB 472, Sec. 3) allows the sale of dairy products at facilities owned by North Carolina Agricultural and Technical State University (NC A&T), if the products are produced by the University Farm at NC A&T and any profits from the sales are used to support the Agricultural Research Program and the College of Agricultural and Environmental Sciences at NC A&T.

This section became effective July 1, 2020. (DC)

## **Authorize Morganton Campus of the North Carolina School of Science and Mathematics**

S.L. 2020-31, Sec. 1 (HB 1136, Sec. 1) authorizes the Board of Trustees of the North Carolina School of Science and Mathematics (NCSSM) to establish a western campus of NCSSM located in Morganton, North Carolina.

This section became effective July 1, 2020. (SY)

## **Repeal of Mandatory Board of Governors Review of Certain UNC Human Resources Actions**

S.L. 2020-56, Sec. 1 (HB 1096, Sec. 1) repeals the requirement that the Board of Governors monitor the following human resources actions taken at constituent institutions or The University of North Carolina System Office: (i) nonlegislative annual employee salary increases of 5% or more granted to employees that have annual salaries of \$100,000 or more, or would have salaries at or above \$100,000 after the salary increase and (ii) new personnel positions created having annual salaries of \$70,000 or more.

This section became effective June 30, 2020. (SY)

## **UNC Laboratory School Modifications/Funds**

S.L. 2020-56, Sec. 2 (HB 1096, Sec. 2) makes the following changes to laboratory schools:

- Requires nine laboratory schools to be established, but allows a constituent institution to operate more than one laboratory school. This section changes requirements on when schools must open by, requiring six to be opened by the 2020-2021 school year, and an additional three by the 2022-2023 school year.
- Provides laboratory schools, in addition to other granted immunities, the same immunities granted under Chapter 115C to local boards of education.



- Authorizes a laboratory school to be renewed for additional five-year terms even if the LEA criteria are not met, if the governing Subcommittee finds the school is successfully meeting its mission. This section also authorizes the governing Subcommittee to terminate the operation of a laboratory school at any time for failing to meet expected progress.
- Requires the Board of Governors and State Board of Education to jointly develop maximum cost standards for facilities and services an LEA can provide a laboratory school. Laboratory schools have the ability to request any of the following to be provided by an LEA, who will be required to provide the services based on those cost standards: facilities, transportation, food services, and student services.
- Makes a conforming change to provide transportation funding to laboratory schools.

These changes apply beginning with the 2021-2022 school year, and apply to leases and agreements entered on or after June 30, 2020. The changes do not apply to existing leases, contracts, or agreements, unless mutually modified by the parties.

Section 2 also makes the following changes regarding laboratory school admissions and student assignment:

- Allows a child of a laboratory school employee to be eligible to attend the school.
- Allows a laboratory school to enroll students not meeting any of the statutory criteria after March 1 annually if the school does not reach enrollment capacity by that date. The number of students admitted under this provision would be capped at 20% of total capacity.
- Requires reasonable efforts to be made by the laboratory school to reflect the demographics of the general population of the LEA within one year of opening.

These changes become effective with the 2020-2021 school year.

Section 2 also transfers \$200,000 from funds provided for the Future Teachers of North Carolina program to the Laboratory School Program for support services for the 2020-2021 school year.

Except as otherwise provided, this section became effective June 30, 2020. (BG)

## **Extend Report Date for UNC Board of Governors Planning Task Force**

S.L. 2020-56, Sec. 3 (HB 1096, Sec. 3) gives the UNC Board of Governors Planning Task Force an extension until July 30, 2020, to submit its report containing the UNC System Plan and any legislative recommendations to the Joint Legislative Capital Improvements Oversight Committee and the Fiscal Research Division.

This section became effective June 30, 2020. (DC)

## **Modify Future Teachers of North Carolina**

S.L. 2020-56, Sec. 4 (HB 1096, Sec. 4) changes the structure of the Future Teachers of North Carolina program from a high school-based course developed with a college partner to a symposium-based program administered by the Future Teachers of North Carolina Advisory Council that introduces high school students to the teaching profession.

This section became effective June 30, 2020. (KM)

## **Modifications to the NC Teaching Fellows Program**

S.L. 2020-56, Sec. 5 (HB 1096, Sec. 5) adjusts the number of institutions of higher education to be selected to participate in the North Carolina Teaching Fellows Program from five to up to eight that represent a diverse selection of institutions within The University of North Carolina system and private postsecondary institutions operating in the State.

This section also raises the amount provided for all program participants to participate in the New Teacher Support Program from \$2,000 to \$2,200, with a priority for teachers serving in low-performing schools.

The increase in Teaching Fellows institutions applies to the award of forgivable loans beginning with the 2022-2023 school year, and the increase in per-student Teaching Fellows funding for the New Teacher Support Program became effective July 1, 2020. (SY)

## **Millennial Campus Designation for UNC-Affiliated Institutions**

S.L. 2020-56, Sec. 8 (HB 1096, Sec. 8) allows an affiliated institution of The University of North Carolina to have real property designated as a "Millennial Campus" of that affiliated institution.

This section became effective June 30, 2020. (DC)

## **Immunity for Institutions of Higher Education for Claims Related to COVID-19 Closures for Spring 2020**

S.L. 2020-70 (SB 208) creates a new Article in the General Statutes granting limited immunity for institutions of higher education (IHEs) for claims related to tuition and fees paid for the spring 2020 semester that arise from alleged acts or omissions by the IHE in response to COVID-19. IHEs can assert this immunity if the alleged acts or omissions were reasonably related to protecting the public health, safety, or welfare in response to COVID-19 executive orders or guidance from the Centers for Disease Control and Prevention, and if the IHE offered remote learning options for students to complete spring semester coursework.

IHEs cannot assert this immunity for losses or damages resulting solely from the breach of an express contractual provision that allocated liability in the event of a pandemic, or if the losses or damages were caused by an act or omission that was in bad faith or malicious.

This Article is limited to alleged acts or omissions occurring between March 10, 2020, and June 1, 2020. Additionally, provisions in the Article are severable if a court invalidates certain sections.

This act became effective July 1, 2020, and applies to all actions commenced on or after March 27, 2020. (SY)

## **UNC Report on State Budget Allocations and Policies**

S.L. 2020-78, Sec. 3.1 (SB 681, Sec. 3.1) directs the Board of Governors of The University of North Carolina to report by February 1 of each year to the Joint Legislative Education Oversight Committee, the Senate Appropriations Committee on Education/Higher Education, the House of Representatives Appropriations Subcommittee on Education, and the Fiscal Research Division of the General Assembly on the actions and adjustments necessary to its budgetary policies, regulations, and standards that result from the Current Operations Appropriations Act for the administration and operation of The University of North Carolina and the distribution of State and federal funds to its constituent institutions. This report must include at least the following information for each constituent institution:

- Guidelines related to State salaries of The University of North Carolina employees, including range, median, and mean of faculty salaries at the institution.
- Budget allocations and reductions, including for operating expenses and specific programs.
- Distribution of additional State allocations for enrollment funding.
- Use of State funds and budget flexibility.
- Availability of federal funds.
- Tuition and fees.

- Composition of the student population at the constituent institution, including headcount enrollment and full-time student enrollment for both undergraduate and graduate students, and aggregate data on residency status, median household income, gender, race, and ethnicity.
- Student retention and graduation rates.
- Postsecondary educational attainment rate at the constituent institution, including comparison to statewide data.
- A comparison to prior fiscal year expenditures and appropriations.

This section became effective July 1, 2020. (DC)

## **Need-Based Scholarships for Dependents of Veterans and Active Duty Military**

S.L. 2020-78, Sec. 3A.1 (SB 681, Sec. 3A.1) creates the following two additional criteria that a student can meet to be eligible to receive a need-based scholarship to attend a private institution of higher education: (i) be the dependent relative of a veteran abiding in North Carolina if the relative lives with the veteran and provides the private institution a letter of intent to establish residency in North Carolina, and (ii) be the dependent relative of an active duty member of the Armed Forces abiding in North Carolina because of active military duty while the relative lives with the active duty member.

This section became effective July 1, 2020, and applies beginning with the award of scholarships for the 2021-2022 school year. (SY)

## **Expansion of Authority for UNC to Designate Counsel**

S.L. 2020-97, Sec. 3.6 (HB 1105, Sec. 3.6) allows the Board of Governors (BOG) of The University of North Carolina (UNC) to authorize the President of UNC to designate legal counsel, including private counsel, as the President deems necessary to represent the interests of the BOG, UNC, any constituent institution, or officer or employee of UNC in any matter in or before any court or agency in North Carolina, any other state, or the United States. This authority includes the discretion to determine if legal representation in any matter is provided by the Attorney General's office, attorneys employed on the legal affairs staff of UNC, private counsel, or any combination. When the President employs counsel in addition to or other than the Attorney General, the President may designate the lead counsel that will have final decision-making authority with respect to representation, counsel, or service for UNC.

This section became effective September 4, 2020. (SY)

## **Studies**

### **Referrals to Departments, Agencies, Etc.**

#### **Plasma Games Pilot Program**

S.L. 2020-4, Sec. 4.2D (HB 1043, Sec. 4.2D), as enacted by S.L. 2020-80, Sec. 1.1.(e) (HB 1023, Sec. 1.1.(e)), establishes a pilot program for the 2020-2021 school year to promote access to innovative digital and personalized learning solutions for high school students that bridge the gap between chemistry and physical science classes and career and technical education (CTE) career pathways. The pilot program will be administered by the Office of Science, Technology, and Innovation (the Office) in the Department of Commerce. Participating local school administrative

units (LEAs) will use educational software developed by Plasma Games, Inc. in select classes and CTE programs to encourage student interest and workforce development for chemistry-dependent industries located in North Carolina. Participating LEAs must provide the Office with a plan for using Plasma Games, Inc.'s educational technology in its schools, which must include professional development and training for school personnel. LEAs must report to the Office by May 1, 2021, on the implementation of the pilot program, including:

- How the pilot program funds were used.
- The number of students impacted by the pilot program and the number of students pursuing STEM-related CTE career pathways as a result of the pilot program, measured by the number of students declaring interest in a career with a chemistry-dependent industry located in North Carolina and the number of students pursuing higher education in a chemistry-related major or technical certification at a school in North Carolina.
- Demand for and feedback by teachers on the use of the STEM-focused educational technology.
- Any other information requested by the Office.

The Office must report by June 1, 2021, to the Joint Legislative Education Oversight Committee, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division on the implementation of the pilot program and information reported by participating LEAs.

This section became effective July 1, 2020. (BG)

## **Accelerated Degree Completion Study by UNC**

S.L. 2020-56, Sec. 8A (HB 1096, Sec. 8A) requires the Board of Governors of The University of North Carolina to study the feasibility of offering accelerated undergraduate degree programs at constituent institutions. The Board of Governors must report on its findings to the Joint Legislative Education Oversight Committee by March 1, 2021.

This section became effective June 30, 2020. (KM)