



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 654**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S654-ATC-60 [v.3]

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Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2021

Senator Ballard

1 moves to amend the bill on page 2, line 48, through page 5, line 13, by rewriting those lines to  
2 read:

3  
4 **"PART III. LOCAL SCHOOL ADMINISTRATIVE UNIT CALENDARS FOR THE**  
5 **2021-2022 SCHOOL YEAR**

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

8 **"§ 115C-84.3. Remote instruction.**

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

12 (1) North Carolina Virtual Public School courses.

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

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

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

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

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

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

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



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- (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:

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- (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~~ 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

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1 days and hours requirements, synchronous instruction minimums, and  
2 measures of course credit accrual, progress toward graduation, and  
3 course completion.

4 c. Personnel requirements, including professional development.

5 d. Participation requirements, including student eligibility and  
6 agreements for participation from students and parents.

7 e. Special education requirements.

8 f. Term of years for approval for a virtual academy and criteria for initial  
9 approval and renewal.

10 g. Funding formula for virtual academies that reflects both the costs  
11 associated with virtual instruction and the items provided in a  
12 traditional setting for which funding is not needed in a virtual  
13 academy.

14 h. Distinctions in requirements for different types of public school  
15 units.";

16  
17 and on page 5, lines 38-40, by rewriting those lines to read:

18  
19 **"PART VII. TEMPORARILY EXTEND CPR GRADUATION REQUIREMENT**  
20 **CHANGES**

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

24 (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the  
25 COVID-19 emergency.

26 (2) The student is eligible to graduate in all respects other than the statutory  
27 requirement described in this section, as determined by the principal of the  
28 school to which the student is assigned.

29  
30 **PART VIII. TEACHER LICENSURE REQUIREMENTS**

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

35  
36 **PART IX. CLARIFY THE DEFINITION OF YEAR-ROUND SCHOOL**

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

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

