

# TABLED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 37

AMENDMENT NO. A4  
(to be filled in by  
Principal Clerk)

S37-ATC-5 [v.5]

Page 1 of 2

Amends Title [NO]  
First Edition

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

Senator Crawford

1 moves to amend the bill on page 2, lines 6-24, by rewriting those lines to read:

- 2
- 3 "a. A local board of education may provide the option of in-person
- 4 instruction under Plan A (Minimal Social Distancing) to all students
- 5 enrolled in that unit with an individualized education program, as
- 6 defined in G.S. 115C-106.3(8), or a section 504 (29 U.S.C. § 794)
- 7 plan. If a local board elects to use this option, it shall notify the
- 8 Department of Public Instruction of this election, and shall receive
- 9 additional funds as provided in Section 5 of this act to hire additional
- 10 personnel and for other costs of this in-person instruction.
- 11 b. Local boards of education shall provide the option of in-person
- 12 instruction under Plan A (Minimal Social Distancing) or Plan B
- 13 (Moderate Social Distancing) for all other students enrolled in grades
- 14 kindergarten through 12 in that unit. It shall be in the discretion of the
- 15 local board whether in-person instruction shall be provided under Plan
- 16 A (Minimal Social Distancing), Plan B (Moderate Social Distancing),
- 17 or both Plans as necessary to address the needs of different school
- 18 settings. In providing in-person instruction as provided in this section,
- 19 local boards of education shall prioritize daily in-person instruction for
- 20 students with disabilities in self-contained classrooms and students
- 21 who are identified, as provided in G.S. 115C-105.41, as at risk for
- 22 academic failure and not successfully progressing toward grade
- 23 promotion and graduation. "Students with disabilities in self-contained
- 24 classrooms" means students whose individualized education plans
- 25 have determined that the nature or severity of the disability is such that
- 26 special classes or separate schooling is the least restrictive
- 27 environment to receive a free appropriate public education for those
- 28 students, consistent with the requirements of the Individuals with
- 29 Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq.,
- 30 (2004).



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1 c. Local boards of education shall continue to provide remote instruction  
2 options for all students to elect to participate in, at the discretion of the  
3 parent or guardian, for the remainder of the 2020-2021 school year.";

4  
5 and on page 2, line 51, by rewriting that line to read:

6  
7 "SECTION 5.(a) Funding. – Notwithstanding G.S. 143C-4-2, G.S. 143C-5-2, or  
8 any other provision of law to the contrary, the State Controller shall transfer from the Savings  
9 Reserve Account to the General Fund the sum of one hundred seventy seven million dollars  
10 (\$177,000,000) for the 2020-2021 fiscal year.

11 SECTION 5.(b) Appropriation. – Funds transferred under this section are hereby  
12 appropriated for the 2020-2021 fiscal year to the Department of Public Instruction. The  
13 Department of Public Instruction shall allocate these funds on a per pupil basis based on the  
14 number of identified exceptional children in grades kindergarten through five in any unit that  
15 notifies the Department within twenty-one days of the effective date of this act that the unit will  
16 provide in-person instruction to all elementary students with an individualized education  
17 program, as defined in G.S. 115C-106.3(8), or a section 504 (29 U.S.C. § 794) plan. The unit  
18 may use this funding to hire additional personnel to provide in-person instruction, or for other  
19 costs identified by the unit related to that instruction."

20 SECTION 6. This act is effective when it becomes law."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_