



# HOUSE BILL 1035: Education Omnibus/COVID-19.

2019-2020 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 29, 2020
<b>Introduced by:</b>	Reps. Horn, Fraley, Clemmons	<b>Prepared by:</b>	Committee Staff*
<b>Analysis of:</b>	PCS to First Edition H1035-CSTC-55		

**OVERVIEW:** *House Bill 1035 would provide relief to elementary and secondary school students, postsecondary school students, school personnel, and educational entities related to extraordinary circumstances resulting from COVID-19 during the 2019-2020 school year/academic year. The PCS to House Bill 1035 makes the following changes: (i) adds detailed requirements for the calendars to be adopted by public school units for the 2020-2021 school year, (ii) provides for an extension of school improvement plans, (iii) removes Section 12 addressing waivers from the limitations on the eligibility period for the Children of Wartime Veterans scholarships, (iv) modifies requirements for advanced math placement, (v) changes the date for submission of summer learning plans, and (vi) corrects typographical errors.*

**BILL ANALYSIS:** The provisions are as follows:

- Section 1 Definitions.** – Defines terms used throughout the draft.
- Section 2 Introduction.** – States the purpose of the act as a response to the COVID-19 emergency.
- Section 3.1 Testing Waivers.** – Clarifies or modifies various testing requirements, including EOGs, EOCs, the ACT, diagnostic and formative assessments for grades K-3, and WorkKeys.
- Section 3.2 School Report Card Waivers.** – Waives the requirements for calculation and display of school report cards. Also waives certain requirements related to the evaluation of alternative schools and public school building-level reports.
- Section 3.3 Low-Performing School Waivers.** – Waives identification of new low-performing schools, new continually low-performing schools, and new low-performing local school administrative units. Maintains identifications based on 2018-2019 data.
- Section 3.4 ISD Waivers.** – Repeals the requirement that a new school be selected for the Innovative School District (ISD) based on data from the 2019-2020 school year. Waives the requirement that schools be added to the qualifying list for the ISD based on 2019-2020 data, and directs that schools added to the qualifying list based on 2018-2019 data remain on the qualifying list for the 2020-2021 school year.
- Section 3.5 Read to Achieve Waivers:**
  - **Subsection (a): Third Grade Retention Determination.** – Allows principals to make third grade promotion decisions in the same manner as for other grades.
  - **Subsection (b): Parental Notice and Interventions.** – Makes the following modifications: (i) directs that statutorily-required notice be provided to parents based

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on data available up until the school closure period, (ii) waives monthly progress reports during the school closure period for students currently retained in third grade, (iii) requires that third graders retained for 2020-2021 based on principal discretion receive the same statutorily-required interventions they would have received had they been retained under mandatory retention.

- **Subsection (c): Reading Camps and Recommendation for Alternative Interventions.** – Waives reading camps corresponding to the 2019-2020 school year. Requires the State Board to submit recommendations to the Joint Legislative Education Oversight Committee on alternative interventions to summer instruction.
- **Subsection (d): Fourth Grade Reading Assessment.** – Requires a reading assessment to be administered to students entering fourth grade in 2020-2021 within 10 days of the start of the school year.
- **Subsection (e): Reporting Requirements.** – Waives online posting of K-3 reading outcomes. Specifies that reading data collected prior to the school closure period be reported to the Joint Legislative Education Oversight Committee.

**Section 3.6 Advanced Math Placement Modifications.** – 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, must be placed in advanced math for the 2020-2021 school year.

**Section 3.7 CPR Graduation Requirement Waiver.** – Waives the statutory CPR graduation requirement for students who cannot complete it due to school closure, but are otherwise qualified to graduate.

**Section 3.8 School Calendar and Attendance Modifications.** –

- **Subsection (a): 2019-2020 School Year Calendar.** – Allows remote instruction to satisfy the statutory instructional time requirement.
- **Subsection (b): Student Attendance Enforcement for 2019-2020.** – Waives attendance enforcement requirements during the school closure period.

**Section 3.9 School Calendar for the 2020-2021 School Year**

- **Subsection (a): Remote Instruction Plans.** – Directs public school units to develop Remote Instruction Plans (Plans) for the 2020-2021 school year and submit the Plans to the SBE by July 20, 2020. The Plans must include information as to how the units will deliver quality remote instruction to all students in the 2020-2021 school year as well as information as to how teachers will be trained, support for students and families, and engagement with community stakeholders.
- **Subsection (b): School Calendar.** – Mandates the following requirements for the 2020-2021 school year only:
  - Each public school unit must adopt a calendar that includes 190 days of instruction with (i) 185 or 1025 hours of instruction that includes 5 remote instruction days in accordance with the remote instruction plan; and (ii) an additional 5 instruction days that can only be satisfied by individually separate and distinct full instruction days, not by hours.

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- Each local school administrative unit must adopt a calendar that meets the following requirements: (i) opening date for students of August 17, 2020; (ii) closing date for students no later than June 11, 2021; (iii) no remote instruction days scheduled prior to August 24, 2020; and (iv) remote instruction days may be scheduled for use as teacher workdays. Local school administrative units with good cause waivers for the 2020-2021 school year cannot have an opening date for students earlier than August 17, 2020, but can use up to an additional 5 remote instruction days only for make-up days for closures due to inclement weather or other emergency situations.
- If a state of emergency is declared which closes schools for more than 5 days during the 2020-2021 school year, public school units may use additional remote instruction days to satisfy instructional time requirements.
- **Subsection (c): Reporting Requirement.** – Requires the State Board of Education to report to the Joint Legislative Education Oversight Committee on the implementation of remote instruction by September 15, 2020.

**Section 3.10 School Improvement Plans.** – 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 would then expire in 18 months rather than 2 years.

**Section 3.11 Summer Learning Plan Submission.** – HB 1038 provides funding and requirements for summer learning plans. If HB 1038 is enacted, this provision would extend the submission date of those plans to June 22, 2020.

**Section 4.1 Budget Flexibility for Local Boards of Education.** –

- **Subsection (a): Flexibility for the Remainder of FY 2019-2020.** – Provides increased flexibility for local boards of education to transfer the unexpended cash balance in an allotment category to another allotment category with certain limitations for the remainder of the 2019-2020 fiscal year.
- **Subsection (b): Flexibility for FY 2020-2021.** – Provides increased flexibility for local boards of education to transfer funds from one allotment category to another allotment category with certain limitations for the 2020-2021 fiscal year.

**Section 4.2 Delay K-3 Class Size Reduction/Adjust Program Enhancement Teacher Allotment Funds.** – Delays the kindergarten through third grade class size reduction for one school year and makes a corresponding reduction in the funding for program enhancement teacher positions for the 2020-2021 fiscal year.

**Section 5.1 Principal Recruitment Supplement Eligibility Continuation.** – Would (i) permit eligible schools for purposes of the principal recruitment salary supplement to continue to be eligible schools from the 2019-2020 school year to the 2020-2021 school year and (ii) clarify an incorrect statutory reference.

**Section 5.2 Intent of General Assembly on 2019-2020 School Growth Scores and Principal Salaries.** – Expresses the intent of the General Assembly to refrain from using 2019-2020 school growth scores when establishing the 2020-2021 Principal Salary Schedule and, if school growth scores are used, to use data from the 2018-2019 school year or earlier.

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- Section 5.3 Teacher Performance Notification Waiver.** – Would waive the requirement for the 2020-2021 school year that principals notify teachers of updated Education Value-Added Assessment System (EVAAS) data from the 2019-2020 school year.
- Section 5.4 Teacher Effectiveness Reporting Waivers.** – Would (i) waive requirements that local school administrative units provide the State Board of Education with teacher performance data from the 2019-2020 school year and that the State Board include such data in its own report and (ii) add a missing statutory heading to G.S. 115C-299.5.
- Section 5.5 Revise Teacher Evaluation Requirements and Waive Teacher Observation Requirements.** – Would permit annual teacher evaluations from the 2019-2020 school year to be based on (i) observations completed in the 2019-2020 school year prior to the closure of public schools and (ii) other artifacts and evidence from the 2019-2020 school year. Waives any required observations not completed prior to the closure of public schools.
- Section 6.1 Standardized Testing Waiver for Nonpublic Schools.** – Waives requirements in the 2019-2020 school year for nonpublic schools to administer and maintain records of standardized tests.
- Section 6.2 Attendance and Calendar Waiver for Nonpublic Schools.** – Waives requirements for nonpublic schools to (i) keep attendance records during the closure of public schools by the Governor and (ii) operate for at least nine calendar months in the 2019-2020 school year.
- Section 7.1 Standardized Testing and Reporting Waiver for Nonpublic Schools with Opportunity Scholarship Students.** – Waives requirements in the 2019-2020 school year for nonpublic schools with students receiving opportunity scholarship grants to administer and report on standardized tests.
- Section 7.2 Opportunity Scholarship Grant Late Disbursements.** – Allows the State Education Assistance Authority (Authority) to use carryforward 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.
- Section 7.3 Extension of K-12 Scholarship Program Report Dates.** – Provides a one-month extension for the Authority to submit its annual reports on the Opportunity Scholarship Grant Program and the Disabilities Grant Program to the Joint Legislative Education Oversight Committee.
- Section 8.1 Modifications related to Educator Preparation Programs (EPPs):**
- **Subsection (a): Waiver of Minimum EPP Admission Requirements.** – Waives the following minimum requirements for EPP admissions for the 2020-2021 academic year: (i) the testing requirement, (ii) the individual GPA requirement of at least a 2.7, provided the student has at least a 2.7 before beginning a clinical internship, and (iii) the cohort GPA requirement of at least a 3.0.
  - **Subsection (b): Waiver of EPP Student Clinical Internship Requirement.** – Deems the EPP clinical internship requirement under G.S. 115C-269.25(d)(1) completed under certain conditions, including that the student meet the requirements on the certificate

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of teacher capacity and continues to work with a school to engage in remote learning as practicable.

- **Subsection (c): Pedagogy Assessments for Certain Teacher Candidates.** – Provides that students whose clinical internship requirement is deemed completed pursuant to subsection (b) of this section shall not be required by an EPP to complete a nationally normed and valid pedagogy assessment to determine clinical practice performance or for completion of the EPP program for the 2019-2020 academic year but that those students shall 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.
- **Subsection (d): Waiver of the Report of Certain EPP Performance Data.** – Only requires EPPs to report data to the State Board for the purposes of performance standards that is practicably available during the 2019-2020 academic year due to the lack of student assessment data and the school closure period.
- **Subsection (e): Prohibits Certain EPP Data in Assigning Sanctions.** – Prohibits the State Board from considering data that was not practicably available related to the 2019-2020 school year when assigning sanctions to an EPP under G.S. 115C-269.45(c).
- **Subsection (f): Suspension of EPP Report Card Publication.** – Suspends publication of EPP report cards on the State Board Web site for the 2019-2020 academic year but continues the report to the Joint Legislative Education Oversight Committee.

**Section 8.2 Waiver of Certain School Administrator Prep Program Requirements.** – Provides that requirements will be deemed completed for (i) the year-long internship school administrator requirement under G.S. 115C-284(c2)(7) under certain conditions, including that competencies identified in the certification of capacity are met and the candidate continues to work with a school to engage in administrative duties as practicable and (ii) the portfolio requirement for emerging leaders, provided it is finished to the extent practicable prior to completion of the school administrator preparation program.

**Section 8.3 Waiver of Certain Transforming Principal Prep Program Requirements.** – Provides that the school leader clinical practice requirement under G.S. 116-209.72(a)(2)e. will be deemed completed under certain conditions and that a grant recipient shall 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.

**Section 9.1 Extension of Teacher Licensure Requirements and CEUs for Continuing Licensure.** – Provides one-year extensions for teachers to meet licensure requirements set by the State Board and for teachers who are required to meet continuing education requirements for continuing licensure by June 30, 2020, provides a one-year extension to meet those requirements.

**Section 9.2 Extension of School Administrator and School Professional Licensure Exam Requirements and CEUs for Licensure Renewal.** – Provides one-year extensions for school administrators and other school personnel to meet licensure examination requirements set by the State Board and for school administrators who are required to meet

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continuing education requirements for licensure renewal by June 30, 2020, provides a one-year extension to meet those requirements.

**Section 10 Waiver of Apprenticeship Requirement for Community College Tuition Waiver.** – Provides that a student who is unable to participate in an apprenticeship program due to the COVID-19 emergency may be eligible for a tuition waiver for community college courses until December 31, 2020.

**Section 11.1 Waiver of Interest Charges on UNC Student Debt.** – Provides that a constituent institution shall not accrue or charge interest to a past due account receivable held by a student between March 13, 2020, and September 15, 2020.

**Section 11.2 Extension of UNC Report Dates.** – Extends various report dates for The University of North Carolina.

**EFFECTIVE DATE:** Except as otherwise provided, this act would be effective when it becomes law.

*\*Caroline Sorensen, Leslie Karkanawi, and Matt Pagett, staff attorneys in the Bill Drafting Division, substantially contributed to this summary.*