



HOUSE BILL 129: Graduations/School Calendar/Certain Counties.

2021-2022 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 13, 2021
Introduced by:	Reps. K. Hall, Lambeth, Carter, Stevens	Prepared by:	Kara McCraw
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *HB 129 would apply only to Rockingham, Stokes, and Surry Counties and would:*

- *Authorize public and nonpublic schools to establish attendance capacity for graduation ceremonies for the 2020-2021 school year.*
- *Allow local school administrative school units to align school calendars with the calendar of the local community college.*

SECTION 1:

Current Law: Executive Order 204, issued by Gov. Cooper on March 23, 2021, limits guests in spectator stands and viewing areas at a sporting facility, stadium, or arena to 50% of the stated fire capacity for each indoor and outdoor space controlled by the facility. These restrictions apply to educational institutions.

Bill Analysis: Sec. 1 would authorize the governing board of a public or nonpublic school in Rockingham, Stokes, and Surry Counties, in consultation with the local health department, to establish the number of individuals who are permitted to attend graduation or commencement ceremonies held for the 2020-2021 school year. The occupancy and fire capacity for the venue would still be applicable.

Background: Section 1 may give rise to Constitutional considerations:

- Article II, Section 24(1)(a) of the North Carolina Constitution prohibits local acts relating to health, sanitation, and the abatement of nuisances and provides that such local acts are void. In March of 2020, the Governor began issuing Executive Orders to address the COVID-19 health pandemic. If House Bill 129 was determined to be within one of these categories, then it could be subject to a constitutional challenge.
- Article I, Section 6 of the North Carolina Constitution provides that the three branches of government's powers "shall be forever separate and distinct from each other." Whether or not a local act may override an Executive Order under the Emergency Management Act has not been explicitly addressed by the courts.

SECTION 2:

Current Law: Under G.S. 115C-84.2, a school calendar must include a minimum of 185 days or 1025 hours of instruction covering at least nine calendar months. Except for year-round schools, the opening date for students cannot be earlier than the Monday closest to August 26 and the closing date for students cannot be later than the Friday closest to June 11.

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Bill Analysis: HB 129 would allow local boards of education in Rockingham, Stokes, and Surry Counties to schedule the school opening and closing dates for any school in the local school administrative unit to coincide with the opening and closing dates of community college in the county in which the school is located, beginning with the 2021-2022 school year.

EFFECTIVE DATE: HB 129 would become effective when it becomes law.