



# HOUSE BILL 82: Summer Learning Choice for NC Families.

2021-2022 General Assembly

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<b>Committee:</b>		<b>Date:</b>	February 28, 2022
<b>Introduced by:</b>		<b>Prepared by:</b>	Kara McCraw Staff Attorney
<b>Analysis of:</b>	S.L. 2021-7		

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**OVERVIEW:** *S.L. 2021-7 (HB 82) required each local school administrative unit (LEA) to offer a school extension learning recovery and enrichment program (Program) at the end of the 2020-2021 school year. Within available funds, residential schools were also required to offer a Program to students. The Program's purpose was to provide in-person instruction on specific subjects and offer additional enrichment activities to students in kindergarten through grade 12 to address learning losses due to COVID-19 during the 2020-2021 school year. Students at risk for academic failure who were not progressing toward grade promotion and graduation were identified and prioritized for participation in the Program.*

*LEAs were required and charter schools were encouraged to submit plans for the Program to the Department of Public Instruction (DPI). The plans were required to meet certain components, including a minimum of 150 hours or 30 days of instruction, as well as meal service and physical activities on each instructional day. The plans were also required to include certain instruction based on the grade level served and provide access to enrichment activities for grades K-8 and elective courses for grades 9-12. Transportation, in-person learning, and social-emotional learning supports for all students were also required as part of the Program.*

*Participation in the Program by students was voluntary. Kindergarten students who participated in the Program were exempt from retention. For all other students at-risk of grade retention, the student's principal was required to reassess the student's promotion eligibility upon completion of the Program.*

*Teachers and other school personnel were employed temporarily on a contract basis for the Program. Certain retired teachers were also eligible for employment without violating separation of service requirements. LEAs were encouraged to incentivize highly effective teachers through various means and were required to offer both signing bonuses to teachers meeting certain criteria and performance bonuses for third-grade teachers whose students became proficient in reading during the Program.*

*The State Board of Education provided competency-based assessments for students in grades K-8 to LEAs for use at the beginning and end of the Program, with the assessment results provided to the student's teacher for the 2021-2022 school year.*

*LEAs were required to report to DPI by October 15, 2021, on the results of the competency-based assessments, as well as the number of students who progressed or were retained in the same grade, and the number of students who received credit recovery in high school. DPI was required to report by January 15, 2022, to the Joint Legislative Education Oversight Committee on implementation of the Program and related reported information, including copies of the Program plans.*

*This act became effective April 9, 2021.*

Jeffrey Hudson  
Director



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**CURRENT LAW:** Under G.S. 115C-233, LEAs may establish and maintain summer schools with the standards developed by the State Board of Education. Summer school may be funded from monies available for that purpose by the State Board of Education, local funds appropriated to the LEA, and from any other revenues available for that purpose. In addition, G.S. 115C-238.31 provides that LEAs are encouraged to implement extended learning services programs that "expand students' opportunities for educational success during non-school hours." These extended learning programs include and are not limited to after-school hours, before-school hours, evening school, Saturday school, summer school, and year-round school. Instruction may include but is not limited to tutoring, direct instruction, and enrichment activities. The extended learning programs are to be targeted primarily to students who perform significantly below their peers but can also be established for students achieving at or above grade level.

## **BILL ANALYSIS:**

### **PART I**

**Purpose of the Program:** House Bill 82 required each LEA to offer the Program following the end of the 2020-2021 school year with the funds available to the LEA, including federal funds received by the LEA, for purposes of responding to the impacts of COVID-19. The Program was to be separate and apart from the 2020-2021 school year. The Program's purpose was to provide in-person instruction on specific subjects and offer additional enrichment activities to students in kindergarten through grade 12 to address learning losses due to COVID-19 during the 2020-2021 school year. Year-round schools were permitted to conduct the Program through October 1, 2021 during periods of vacation.

LEAs had to identify and prioritize students at risk for academic failure and who were not progressing toward grade promotion and graduation for participation in the Program. Students who did not meet this criteria could also participate in the Program when there was available space. The LEA were permitted to establish any criteria for prioritizing these additional students for the Program.

**Program Plan:** Each LEA was required to submit a plan for its Program to the Department of Public Instruction (DPI) no later than 30 days prior to the final instructional day of the 2020-2021 school year and DPI was required to notify LEAs of any necessary plan changes and approve the plan within 21 days of receiving it from an LEA.

Charter schools were encouraged to submit plans to offer Programs consistent with this act depending on the grade levels served by the school.

The submitted plans were required to include the following components:

- Instruction must be delivered for at least 150 hours or 30 days over the course of the Program which does **not** including time for lunch service, transition periods, and physical activity.
- No instruction can be provided on Saturdays.
- Meal service must be provided each instructional day.
- A physical activity period must be provided each instructional day.
- Grade level course offerings and activities as follows:
  - Grades K-3 must have:
    - In-person instruction in reading and math; science instruction must be added for Grade 3.
    - Integration of the LEA's reading camp into the program.
    - At least one enrichment activity with the LEA having discretion as to the type of enrichment activity offered such as sports, music, or arts.
  - Grades 4-8 must have:
    - In-person instruction in reading, math, and science.

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- At least one enrichment activity with the LEA having discretion as to the type of enrichment activity offered such as sports, music, or arts.
- Grades 9-12 must have:
  - In-person instruction in the end-of-course subjects.
  - Access to modules and teacher support for credit recovery courses necessary to meet graduation requirements.
  - In-person instruction for an elective course.
- Transportation services to the school facility housing the Program that is provided in accordance with Plan A of the StrongSchoolsNC Public Health Toolkit issued on February 2, 2021.
- Time built into the instructional day for individual or small group instruction for at-risk students.
- In-person social-emotional learning supports for all students.
- Voluntary participation by at-risk students with LEAs notifying parents of at-risk students about the students' eligibility in the Program.
- Opportunities for additional students (those **not** identified as at-risk) to participate if space is available based on the LEA's criteria for prioritizing non at-risk students.
- Outreach to families and students to increase participation in the Program by offering a positive environment with enrichment activities.

Kindergarten students who participated in the Program were exempt from retention for the 2021-2022 school year with a supplemental support plan developed for the student for first grade if needed. For all other at-risk students who were at-risk of grade retention for the 2021-2022 school year, the student's principal was required to reassess the student's promotion eligibility upon completion of the program.

**Program Operations/Exceptions:** Local boards of education were required to employ teachers and other school personnel as temporary employees on a contract basis for the Program and they were not considered employees for the purposes of the Teachers' and State Employees' Retirement System (TSERS) or the State Health Plan.

Individuals who retired under TSERS on or after December 1, 2020, but on or before March 1, 2021, only had to have one month separation of service rather than six months and any time worked in the Program was not considered work for the purposes of the six month separation required in the TSERS laws. The section expired on August 1, 2021 and was only applicable for temporary employment for this Program. LEAs were required to certify to TSERS that a TSERS beneficiary was employed in this capacity by the local board of education.

LEAs were encouraged to incentivize highly effective teachers through various means, and were required to provide signing bonuses of a minimum of \$1,200 to teachers receiving past performance bonuses or with National Board for Professional Teaching Standards Certification. LEAs were also required to provide performance bonuses of a minimum of \$150 per student to teachers for third-grade students who become proficient in reading during the Program.

**Use of Reading Camp Funds:** LEAs were allowed to use the funds allocated to them for reading camps for the 2020-2021 fiscal year to support their Programs for reading instruction for 1st, 2nd, and 3rd graders.

**Funds from ESSER II:** The General Assembly appropriated \$1,442,331,888 to public school units for the purposes of responding to COVID-19, including addressing learning loss and returning to in-person instruction. This section provides that the intent of the General Assembly was to direct the State Board of Education to reserve some remaining funds made available in the ESSER II Fund to meet the emergency needs of the schools of the State to be held in reserve by DPI to then be allocated to the LEAs and charter schools to support in-person programs to address learning loss and provide enrichment activities in the summer as required by this act. These funds were prioritized to LEAs and charter schools based on need as shown by the expenditure of existing federal funding received for COVID-19 related impacts.

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**Residential Schools for Visual and Hearing Impaired:** If funds were made available, the residential schools under Article 9C of Chapter 115C were required to offer a school extension learning recovery and enrichment program outside of the instructional school calendar to their students. This program had to provide in-person instruction in core subjects to address learning losses from COVID-19 during the 2020-2021 school year and had to include a minimum of 150 hours or 30 days of instruction. Each residential school had to submit a program plan to DPI no later than 30 days before the final instructional day of the 2020-2021 school year.

**Program Assessments:** Within funds available, the SBE was required to provide a competency-based assessment to LEAs for use at the beginning and end of the Program for students in grades K-8. The results of the assessments were required to be provided to the student's teacher for the 21-22 school year.

**Report:** By October 15, 2021, LEAs were required to report all of the following to DPI:

- Results of competency-based assessments given to K-8 students at the beginning of the Program.
- Results of competency-based assessments given to K-8 students at the conclusion of the Program.
- The number of students who progressed to the next grade level after participating in the Program.
- The number of students who were retained in the same grade after participating in the Program.
- The number of students who received credit recovery in high school.

By January 15, 2022, DPI was required to report to the Joint Legislative Education Oversight Committee (Committee) on the implementation of this act and all of the above information section. DPI was required to submit with its report a copy of each Program plan submitted to DPI, an explanation of the Program outcomes completed by DPI, and any other data deemed to be useful to the Committee in evaluating the Program.

**EFFECTIVE DATE:** This act became effective April 9, 2021.

*\*This summary was substantially contributed to by Drupti Chauhan, Committee Counsel.*