



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 82: Summer Learning Choice for NC Families.

2021-2022 General Assembly

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| Committee: | Senate Education/Higher Education. If favorable, re-refer to Pensions and Retirement and Aging. If favorable, re-refer to Rules and Operations of the Senate | Date: | March 30, 2021 |
| Introduced by: | Reps. Moore, Elmore, Torbett, Zenger | Prepared by: | Kara McCraw* Staff Attorney |
| Analysis of: | PCS to Fourth Edition H82-CSBE-11 | | |

OVERVIEW: House Bill 82 would require each local school administrative unit (LEA) to offer a school extension learning recovery and enrichment program (Program) after the end of the 2020-2021 school year.

The PCS would make the following changes:

- Clarify that year-round schools may provide the Program through October 1, 2021 when the track is on vacation.
- Allow the use of North Carolina Virtual Public School courses for high school students in the Program.
- Clarify the Program must be aligned to the StrongSchoolsNC Public Health Toolkit issued on March 24, 2021.
- Clarify that supplemental support plan must be developed for kindergarten students participating in the Program when needed for the student's first grade year.
- Requires a local board of education (LBE) to provide a signing bonus for teachers for the Program who have received past performance bonuses or hold National Board for Professional Teaching Standards Certification.
- Encourages a LBE to incentivize highly effective teachers to participate in the Program, through different strategies, such as increased compensation and varied contract durations.
- Requires a LBE to provide a performance bonus to a teacher who provides instruction that enables a third-grade student to become proficient in reading during the Program.
- Extend the expiration for the employment of school personnel for the Program from August 1, 2021 to October 1, 2021.
- Clarifies that reading camp funds may only be used to support reading instruction for 1st, 2nd, and 3rd grade students in the Program.
- Removes Part II providing for benchmark assessments beginning in 2021-2022, and replaces it with a single competency-based assessment for the Program for students in grades K-8.
- Requires reports to be submitted by October 1, 2021, rather than September 1, 2021.

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

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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 would require 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 is to be separate and apart from the 2020-2021 school year. The Program's purpose is 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 may conduct the Program through October 1, 2021 during periods of vacation.

LEAs must identify and prioritize students at risk for academic failure and who are not progressing toward grade promotion and graduation for participation in the Program. Students who do not meet this criteria may also participate in the Program if there is available space. The LEA must establish any criteria for prioritizing these additional students for the Program.

Program Plan: Each LEA must 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 must notify LEAs of any necessary plan changes and approve the plan within 21 days of receiving it from an LEA.

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

The submitted plans must 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** include 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 participate in the Program shall be 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 are at-risk of grade retention for the 2021-2022 school year, the student's principal must reassess the student's promotion eligibility upon completion of the program.

Program Operations/Exceptions: Local boards of education must employ teachers and other school personnel as temporary employees on a contract basis for the Program and they will not be 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 have to have one month separation of service rather than six months and any time worked in the Program will not be considered work for the purposes of the six month separation required in the TSERS laws. The section expires on August 1, 2021 and is only applicable for temporary employment for this Program. LEAs must certify to TSERS that a TSERS beneficiary is employed in this capacity by the local board of education.

LEAs are encouraged to incentivize highly effective teachers through various means, and must provide signing bonuses to teachers receiving past performance bonuses or with National Board for Professional Teaching Standards Certification. LEAs must also provide performance bonuses to teachers for third-grade students who become proficient in reading during the Program.

K-3 Class Size: No limitations on teacher-to-student class size ratios for K-3 apply to the Program.

Use of Reading Camp Funds: LEAs may 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 it is the intent of the General Assembly 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

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support in-person programs to address learning loss and provide enrichment activities in the summer as required by this act. These funds will be prioritized to LEAs and charter schools based on need as shown by the expenditure of existing federal funding received for COVID-19 related impacts.

Participation by Student Not Enrolled in the LEA: If there is space available after all of the eligible students enrolled in a LEA during the 2020-2021 school year have had a chance to register for the Program, the LEA may allow students not enrolled in the LEA during the 2020-2021 school year to participate in the Program.

Residential Schools for Visual and Hearing Impaired: If funds are made available, the residential schools under Article 9C of Chapter 115C must offer a school extension learning recovery and enrichment program outside of the instructional school calendar to their students. This program must provide in-person instruction in core subjects to address learning losses from COVID-19 during the 2020-2021 school year and must include a minimum of 150 hours or 30 days of instruction. Each residential school must 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 must 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 must be provided to the student's teacher for the 21-22 school year.

Report: By October 1, 2021, LEAs must 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 must report to the Joint Legislative Education Oversight Committee (Committee) on the implementation of this act and all of the above information section. DPI must 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 is effective when it becomes law.

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