



SENATE BILL 220: The Reopen Our Schools Act of 2021.

2021-2022 General Assembly

Committee:		Date:	January 28, 2022
Introduced by:		Prepared by:	Drupti Chauhan Staff Attorney
Analysis of:	S.L. 2021-4		

OVERVIEW: *S.L. 2021-4 requires local school administrative units (LEAs) to offer Plan A in-person instruction to all students in grades kindergarten-5 and students with disabilities in grades 6-12, Plan B in-person instruction for grades 6-12, and authorizes offering Plan A in-person instruction to grades 6-12 when partnering with the ABC Science Collaborative.*

This act became effective March 11, 2021, and requires LEAs to begin offering in-person instruction no later than the first instructional day scheduled in the adopted school calendar 21 days after the effective date.

BILL ANALYSIS:

Local Boards of Education

Local boards of education (local boards) are required to provide instruction for the remainder of the 2020-2021 school year as follows:

- Local boards are required to comply with the Toolkit requirements for Plan A and Plan B, as that guidance existed on March 4, 2021.
- Local boards are required to offer in-person instruction:
 - Under Plan A to all students in grades kindergarten through 5.
 - Under Plan A to students in grades 6 through 12 with individualized educational programs and with Section 504 plans.
 - Under Plan B to students in grades 6 through 12.
- Local boards are required to provide remote learning for all grades as an option for parents to select.
- Local boards have the option to provide Plan A to students in grades 6-12 when the board partners with the ABC Science Collaborative to collect and analyze data related to reopening and provides notice to DHHS.
- Local boards can revise the existing school calendar to reschedule teacher workdays to prepare for Plan A instruction.
- Local boards have the authority to shift individual schools or classrooms to remote instruction when necessary due to COVID-19 exposures that result in insufficient school personnel or required student quarantines. Shifts to remote instruction must be reported to the Department of Public Instruction within 72 hours.

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ABC Science Collaborative

The Department of Public Instruction (DPI) must contract with Duke University for the ABC Science Collaborative of the School of Medicine at Duke University (ABC Collaborative) to study COVID-19 related metrics of student, teacher, and staff safety for local school administrative units providing in-person instruction under Plan A for middle and high school students.

The ABC Collaborative must report monthly until June 2021 on its findings to the Joint Legislative Education Oversight Committee, the Senate Education/Higher Education Committee, the House Education K-12 Committee, the Department of Public Instruction, the State Board of Education, the Department of Health and Human Services, and the Office of the Governor.

DPI is authorized to use \$500,000 from the Elementary and Secondary School Emergency Relief II Fund allocated to DPI to contract with the ABC Collaborative as required by Section 2 of the amendment.

Governor's Authority

The Governor is authorized to use executive orders to close, restrict, or reduce operations of individual local school administrative units during the remainder of the 2020-2021 school year when necessary to protect the health and safety of students and employees. The order must specify reasons specific to that unit, but could be any reason deemed necessary by the Governor.

The Governor cannot order statewide closures, restrictions, or reductions of the operation of schools in a single executive order and cannot use the authority granted in the Emergency Management Act to direct statewide school closures during the 2020-2021 school year.

EFFECTIVE DATE: This act became effective March 11, 2021, and requires LEAs to begin offering in-person instruction no later than the first instructional day scheduled in the adopted school calendar 21 days after the effective date.