



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

2021-2022 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	March 10, 2021
Introduced by:	Sens. Ballard, Lee, Hise	Prepared by:	Kara McCraw Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: *The 2nd Edition of SB 220 would require local school administrative units 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 authorize offering Plan A in-person instruction to grades 6-12 when partnering with the ABC Science Collaborative.*

CURRENT LAW: S.L. 2020-3, Sec. 2.11(b), as amended by S.L. 2020-49, Sec. 3(b), authorized up to 5 days of remote learning for the 2020-2021 school year, but allowed a governing board of a public school unit to use additional remote learning days if needed to ensure the health and safety of students, in compliance with all required COVID-19 guidance.

The Department of Health and Human Services (DHHS) has provided the StrongSchoolsNC Public Health Toolkit (K-12) (Toolkit) as guidance for public schools in reopening for the 2020-2021 school year. The Toolkit includes guidance on various issues related to school operation, including social distancing, masks, cleaning, and transportation. Plan A (Minimal Social Distancing) recommends but does not require 6 feet of social distancing be maintained, and Plan B (Six Feet Social Distancing) requires that 6 feet of social distancing be maintained. The Toolkit, as updated March 4, 2021, sets the expectations that Plan A or B be used for students in grades kindergarten through five, and Plan B be used for grades six through 12. Schools must implement remote or other learning options for students self-identified as high risk.

BILL ANALYSIS:

Local Boards of Education

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

- Local boards would be required to comply with the Toolkit requirements for Plan A and Plan B, as that guidance existed on March 4, 2021.
- Local boards would be 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 would be required to provide remote learning for all grades as an option for parents to select.
- Local boards would 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.

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Senate Bill 220

Page 2

- Local boards would be able to revise the existing school calendar to reschedule teacher workdays to prepare for Plan A instruction.
- Local boards would 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.

ABC Science Collaborative

The Department of Public Instruction (DPI) would be required to 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 would be required to 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 would be 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 would be 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 would need to specify reasons specific to that unit, but could be any reason deemed necessary by the Governor.

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

EFFECTIVE DATE: SB 220 would become effective when it becomes law and require local school administrative units 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.