



SENATE BILL 37: In-Person Learning Choice for Families.

2021-2022 General Assembly

Committee:		Date:	February 18, 2022
Introduced by:	Sens. Ballard, Lee, Hise	Prepared by:	Kara McCraw Staff Attorney
Analysis of:	Ratified		

OVERVIEW: *Senate Bill 37 would have required all local school administrative units to offer in-person instruction to students in grades kindergarten through 12 for the remainder of the 2020-2021 school year.*

Senate Bill 37 was ratified by the General Assembly on February 17, 2021, and vetoed by the Governor on February 26, 2021.

CURRENT LAW: 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. Schools must develop three plans for reopening under the Toolkit that each have different health and safety requirements:

- Plan A: Minimal Social Distancing – This plan is used when all students are in attendance.
- Plan B: Moderate Social Distancing – This plan is used to limit density in facilities.
- Plan C: Remote Learning Only – This plan is used when school buildings are closed to students.

Currently, local school administrative units may operate in Plan A, B, or C for grades kindergarten through five, and may operate in Plans B or C for grades six through 12.

BILL ANALYSIS: Local boards of education (local boards) would have been required to provide the option of in-person instruction to students in grades kindergarten through 12 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 February 2, 2021.
- Local boards would be required to offer in-person instruction under Plan A to all special education students (students with an individualized education program or section 504 plan) unless the plan prohibited in-person instruction. Parents would have the discretion to elect for those students to participate in remote instruction instead.
- Local boards would be required to offer in-person instruction under Plan A or Plan B to all other students. Parents would have the discretion to elect for those students to participate in remote instruction instead.
- Local boards could adjust student assignments to comply with the in-person instruction requirements.
- Local boards of education would be required to create a process for teachers and staff to self-identify as high risk from COVID-19 and have a plan in place to address requests for alternative work reassignments. This would include teachers who are the direct caretaker of a minor with an underlying condition identified as high risk from COVID-19.
- Local boards would be able to make day-to-day decisions on shifts of individual classrooms and schools from in-person to remote instruction when needed due to COVID-19 exposures that result in insufficient school personnel or required student quarantines. Closures would be required to be reported within 72 hours to the Department of Public Instruction.

Jeffrey Hudson
Director



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Local boards of education would be encouraged to coordinate with local health departments and other vaccine providers to facilitate coordinating and scheduling COVID-19 vaccination events for frontline K-12 school-based employees.

EFFECTIVE DATE: Senate Bill 37 was ratified by the General Assembly on February 17, 2021, and vetoed by the Governor on February 26, 2021.