



# SENATE BILL 654: K-12 COVID-19 Provisions.

2021-2022 General Assembly

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**Committee:**

**Introduced by:** Sens. Ballard, Davis, Lee

**Analysis of:** Fifth Edition

**Date:**

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**Prepared by:**

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**OVERVIEW:** *The 5th edition of SB 654 would make changes to address the impact of COVID-19 in public schools and would direct the use of Elementary and Secondary School Emergency Relief Fund reserve funds.*

## PART I. SCHOOL PERFORMANCE GRADES/ANNUAL REPORT CARDS

**CURRENT LAW:** Under current law, the State Board of Education (State Board) is required to annually calculate scores for schools in achievement, growth, and performance, which are used to calculate a grade for each school. The State Board is also required to issue an annual report card that publicly reports certain information in compliance with federal and State law. On March 26, 2021, the United States Department of Education granted North Carolina a waiver of certain accountability, school identification, and related reporting requirements for the 2020-2021 school year, and required that only limited information be made publicly available in the school report card.

**BILL ANALYSIS:** Section 1.1 would waive the requirement that the State Board calculate achievement, growth, and performance scores or display school performance grades based on data from the 2020-2021 school year, and would require the State Board to provide an explanation that those scores and grades were not calculated and assigned because assessment data was heavily impacted by COVID-19.

Section 1.2 would require that school report cards based on data from the 2020-2021 school year contain only the minimum information required by the federal waiver granted by the United States Department of Education.

## PART II. LOW-PERFORMING SCHOOLS

**CURRENT LAW:** The State Board is required to annually identify low-performing schools, continually low-performing schools, and low-performing local school administrative units based on school performance grades and growth scores. Once identified, public notices of the status are required, and plans for improvement must be developed.

**BILL ANALYSIS:** Section 2.1 would prohibit the State Board from identifying low-performing schools (LPS) based on 2020-2021 data. Previously identified LPS would continue with that identification and plans for improvement. Additional parental notice of LPS status would not be required.

Section 2.2 would prohibit the State Board from identifying continually low-performing schools (CLPS) based on 2020-2021 data. Previously identified CLPS would continue with that identification and plans for improvement. CLPS could continue to request use of a reform model.

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Section 2.3 would prohibit the State Board from identifying low-performing local school administrative units (LP-LEA) based on 2020-2021 data. Previously identified LP-LEAs would continue with that identification and plans for improvement. Additional parental notice of LP-LEA status would not be required to be provided.

## **PART III. PUBLIC SCHOOL UNIT CALENDARS FOR THE 2021-2022 SCHOOL YEAR**

**CURRENT LAW:** For the 2020-2021 school year, S.L. 2020-3, Sec. 2.11(b), as amended by S.L. 2020-49, Sec. 3(b), required all public school units to have a remote learning plan and authorized up to 5 days of remote learning for the 2020-2021 school year. S.L. 2021-4 required in-person instruction to be offered to all students for the remainder of the 2020-2021 school year, effective April 2021, but allowed parents the option to continue in remote learning.

Prior to the 2020-2021 school year, remote learning for public school units was not explicitly authorized by statute or session law, except for the virtual charter school pilot. All public school units (PSUs) are required to provide 185 days or 1025 hours of instructional time in the school calendar.

**BILL ANALYSIS:** Section 3 would authorize local school administrative units (LEAs) for the 2021-2022 school year to use 5 days or 30 hours of remote instruction in the school calendar to address weather closures and other emergencies if the LEA submitted a remote instruction plan to the State Board.

LEAs would not otherwise be authorized to use remote instruction during the 2021-2022 school year, except on a temporary basis for individual schools and classrooms (see Part IIIA below). Participation in remote instruction would be subject to the written consent of the parent or legal guardian, however.

## **PART IIIA. REMOTE INSTRUCTION FOR COVID-19 EMERGENCIES**

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

**BILL ANALYSIS:** Section 3A would authorize public school units to make day-to-day decisions about shifting individual schools or classrooms to temporary remote instruction for the 2021-2022 school year due to COVID-19 exposures that result in insufficient school personnel or required student quarantines. Public school units would be required to notify the Department of Public Instruction of these temporary shifts within 72 hours.

## **PART IIIB. VIRTUAL ACADEMIES**

**BILL ANALYSIS:** Sections 3B.(a)-(c) would authorize local boards of education to apply to the State Board for approval of virtual academies that meet the requirements set forth in the section. The State Board must limit the total enrollment in all virtual academies granted to an LEA to no more than 10% of the LEA's total enrollment, in addition to limiting the total number of virtual academies per LEA based on the LEA's size.

Virtual academies would be public schools that provide a majority of instructional hours through virtual instruction. Virtual instruction would be defined as instruction that primarily uses technology to deliver

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the instructional content over the internet to students in a non-school location both synchronously and asynchronously. Virtual academies may include any combination of grade levels.

These subsections would set the parameters for eligibility requirements, general governance, and virtual academy approval process.

The State Board would be required to approve plans that meet the established requirements. A virtual academy must be approved for a period of 5 school years and can be renewed for additional 5-year terms upon resubmission of an application. The State Board may revoke approval of a virtual academy at any time on the basis of substantial noncompliance of the requirements or of the approved plan.

The State Board would be required to evaluate the success of virtual academies by looking at school performance scores and grades, retention rates, attendance rates, and for grades 9-12, high school completion and dropout rates. The State Board must report by November 15 of each year to the Joint Legislative Education Oversight Committee on the evaluation of these schools and on any recommended statutory changes. The first evaluation report shall be made by November 15, 2022. The State Board must adopt emergency rules for remote academies for the 2021-2022 school year.

Section 3B.(d) would authorize LEAs that have assigned school codes by May 1, 2021 to operate schools with virtual instruction as the primary means of instruction to operate those schools with virtual instruction as the primary means of instruction to satisfy the minimum instructional time requirements for the 2021-2022 school year.

Section 3B.(e) would authorize a charter school to provide blended learning with virtual instruction during the 2021-2022 school year if the Office of Charter Schools, by September 1, 2021, has approved a curriculum amendment allowing for the blended learning for that school.

## **PART IV. PRINCIPAL RECRUITMENT SUPPLEMENT**

**CURRENT LAW:** The Principal Recruitment Supplement Program provides significant, time-limited salary supplements to qualifying principals who accept employment as principals at selected low-performing schools that placed in the bottom five percent (5%) of all schools in the State in the prior school year.

**BILL ANALYSIS:** Section 4 would allow schools identified as eligible to receive principal recruitment supplements for 2019-2020 and 2020-2021 to be identified as eligible for 2021-2022.

## **PART V. NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

**CURRENT LAW:** Principals must annually notify teachers when Education Value-Added Assessment System (EVAAS) data has been updated to reflect teacher performance from the previous school year.

**BILL ANALYSIS:** When EVAAS data in the 2021-2022 school year based on performance in the 2019-2020 and 2020-2021 school years is available, Section 5 would require principals to contextualize the reported data to clarify when the information reflects performance over multiple years and multiple teachers.

## **PART VI. TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

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**CURRENT LAW:** The annual State of the Teaching Profession Report must include data on teachers leaving the profession that disaggregates that information by teacher effectiveness status at a statewide level.

**BILL ANALYSIS:** When EVAAS data in the 2021-2022 school year based on performance in the 2019-2020 and 2020-2021 school years is available, Section 6 would require local school administrative units and the State Board to contextualize the reported data to clarify when the information reflects performance over multiple years and multiple teachers.

## **PART VII. TEMPORARILY EXTEND CPR GRADUATION REQUIREMENT CHANGES**

**CURRENT LAW:** Currently, students must complete instruction in cardiopulmonary resuscitation (CPR) in order to graduate from high school.

**BILL ANALYSIS:** Section 7 would allow students graduating in Spring 2021 who met all other graduation requirement to graduate if they were otherwise unable to complete CPR instruction due to COVID-19.

## **PART VIII. DELAY IMPLEMENTATION OF SOCIAL STUDIES CHANGES**

**CURRENT LAW:** G.S. 115C-81.5 requires the State Board to adopt a standard course of study, providing, among other things, "a set of competencies, by grade level, for each curriculum area." G.S. 115C-12(9c) goes into more detail about the process the State Board must follow to develop content standards, including surveying parents, teachers, and the public, and ensuring the standards meet certain criteria.

S.L. 2019-82 requires the development and implementation of a required Economics and Personal Finance course for high school students. Additionally, the law requires the State Board to revise the standard course of study for social studies to reflect this new course and other changes to the social studies standards.

**BILL ANALYSIS:** Section 8 would delay implementation of the revisions to the social studies standard course of study until the 2022-2023 school year.

## **PART IX. TEACHER LICENSURE REQUIREMENTS**

**CURRENT LAW:** Teachers holding an introductory license, such as an initial professional license (IPL) or residency license, must complete their licensure examinations before being issued a continuing professional license (CPL). A teacher who fails to pass the examination by their third year of teaching cannot convert their license to a CPL.

A residency license can be issued to individuals who have not yet completed an educator preparation program (EPP). An individual applying for a residency license must have a bachelor's degree and must complete EPP coursework prior to converting to an IPL or CPL.

**BILL ANALYSIS:** Section 9 would allow applicants for a CPL to have an extension until September 30, 2021, to complete the required examinations or coursework if they (i) have a license expiring June 30, 2021, and (ii) have not met the examination or coursework requirements by that date. Additionally, Section 9 would allow individuals to receive a residency license if they have a bachelor's degree or an advanced degree (or both).

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## **PART X. CLARIFY THE DEFINITION OF YEAR-ROUND SCHOOL**

**CURRENT LAW:** The school calendar law, beginning with the 2021-2022 school year, defines a year-round school as one that meets one of three possible approaches to scheduling students throughout the year. These options included multi-track schools that stagger student attendance in groups, and single-track schools that alternate a set number of days of instruction with a set number of days of vacation year round.

**BILL ANALYSIS:** Section 10 would modify one of the year-round calendar options to cover a plan that schedules students four quarters between 43 and 47 instructional days each school calendar year, with vacation periods for students of between 14 and 18 days separating each quarter. Additionally, it would create a fourth year-round calendar option to cover a plan for a single-track instructional calendar that is identical to at least one track of a statutorily compliant multi-track instructional calendar in the same LEA.

## **PART XI. DELAY THE IMPLEMENTATION OF CLASS SIZE REQUIREMENTS FOR KINDERGARTEN CLASSES**

**CURRENT LAW:** Beginning with the 2021-2022 school year, G.S. 115C-301 requires that the average class size for kindergarten in a local school administrative unit must at no time exceed one teacher per 18 students. At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten must not exceed one teacher per 21 students.

**BILL ANALYSIS:** Section 11 would modify, for the 2021-2022 school year only, class size requirements for kindergarten under G.S. 115C-301. For the 2021-2022 school year, if the total kindergarten average daily membership for the first month of the school year is 5% or more than the total kindergarten average daily membership for the first month of the 2019-2020 school year for that unit, the following would apply:

- The average class size for kindergarten in that unit must not exceed one teacher per 20 students.
- At the end of the second school month and for the remainder of the school year, the size of an individual class in kindergarten in that unit must not exceed one teacher per 23 students.

## **PART XII. ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND/USE OF RESERVE FUNDS**

**BILL ANALYSIS:** Section 12 would do the following:

- Subsection (a) would appropriate additional federal funds received by the State under the American Rescue Plan Act from the Elementary and Secondary School Emergency Relief Fund.
- Subsection (b) would direct the Department of Public Instruction to allocate federal funds received under the Elementary and Secondary School Emergency Relief (ESSER) Fund to support various programs and entities in response to the COVID-19 pandemic.
- Subsection (c) would direct the Department of Public Instruction to seek a letter of determination from the United States Department of Education on whether the use of federal grant funds from the ESSER Fund for the Student Success Program, as described under the authorizing legislation in subsection (b) of the bill, is consistent with the federal law and guidelines. Upon receipt of a letter of determination that the use of federal funds would be consistent with federal law and

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guidelines, the State Education Assistance Authority would begin an application phase of the Program.

**EFFECTIVE DATE:** Except as otherwise provided, the bill would become effective when it becomes law.

*\*Kara McCraw, Staff Attorney with the Legislative Analysis Division, Leslie Karkanawi, Staff Attorney with the Legislative Drafting Division, and Matt Pagett, Staff Attorney with the Legislative Drafting Division, substantially contributed to this summary.*