



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

2021-2022 General Assembly

<b>Committee:</b>		<b>Date:</b>	August 24, 2021
<b>Introduced by:</b>	Sens. Ballard, Davis, Lee	<b>Prepared by:</b>	Brian Gwyn* Committee Co-Counsel
<b>Analysis of:</b>	Conference Committee Substitute (S654-CCSBE-3)		

**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. The Conference Committee Substitute would make the following changes:*

- **Remove provisions related to Elementary and Secondary School Emergency Relief (ESSER) Fund.**
- **Modify provisions related to virtual instruction for the 2021-2022 school year.**
- **Require all public school units to adopt a policy regarding the use of face coverings and review it at least once a month.**
- **Remove the provision delaying the implementation of social studies changes.**
- **Remove the provision delaying the implementation of class size requirements for kindergarten classes.**
- **Change licensure extension for certain teachers to December 31, 2021.**
- **Temporarily waive certain requirements that relate to driving eligibility certificates.**
- **Restore certain driving permits and provisional licenses revoked due to certificate ineligibility.**

## 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.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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## **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.

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).

## **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.

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**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. PLANNED VIRTUAL INSTRUCTION**

**BILL ANALYSIS:** For the 2021-2022 school year only, Section 3B would authorize schools to offer virtual instruction to students with the consent of the students' parents or guardians in accordance with a virtual instruction plan submitted to DPI by October 1, 2021. The virtual instruction plan would be required to include several components, including estimated enrollment and the methods by which enrollment, daily attendance, course credit accrual, progress toward graduation, and course completion will be monitored for students receiving virtual instruction. Public school units would not be authorized to use virtual instruction after June 30, 2022, without express authorization from the General Assembly, except for schools that were assigned a school code to operate primarily through virtual instruction as of May 1, 2021.

## **PART IIIC. VIRTUAL ACADEMIES STUDY**

**BILL ANALYSIS:** The Superintendent of Public Instruction would be required to establish a Working Group on Virtual Academies to make recommendations on the requirements for the virtual academy model to the Joint Legislative Education Oversight Committee no later than March 15, 2022.

## **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. 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 8 would allow applicants for a CPL to have an extension until December 31, 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, this section would allow individuals to receive a residency license if they have a bachelor's degree or an advanced degree (or both).

## **PART IX. 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 9 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.

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## **PART X. LOCAL FACE COVERING POLICIES**

**BILL ANALYSIS:** Section 10 would require all public school units to adopt a policy for the 2021-2022 school year regarding the use of face coverings by employees and students. Public school units would be required to review the policies at least once a month.

## **PART XI. TEMPORARILY WAIVE CERTAIN REQUIREMENTS THAT RELATE TO DRIVING ELIGIBILITY CERTIFICATES**

**CURRENT LAW:** Individuals must receive a driving eligibility certificate (DEC) or a high school diploma or its equivalent to obtain and maintain a limited learner's permit or provisional license under the graduated licensing program. A DEC must meet conditions outlined under G.S. 20-11(n), which include form and timing requirements, and:

- A determination that one of the following requirements is met:
  - The person is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.
  - A substantial hardship would be placed on the person or the person's family if the person does not receive a certificate.
  - The person cannot make progress toward obtaining a high school diploma or its equivalent.
- A determination that the person is not subject to the Lose Control; Lose License law under G.S. 20-11(n1), or is subject and is otherwise eligible.

DMV is required to revoke a learner's permit or provisional license when the DMV receives notification from the proper school authority that a person no longer meets the requirements for a DEC. School authorities are also required to implement rules, and follow statutory requirements for issuing DEC's, and informing the DMV when conditions for DEC's are not met.

**BILL ANALYSIS:** Section 11 would temporarily require a DEC to be issued without requiring the person to whom it is issued be making progress toward obtaining a high school diploma or its equivalent, and would also prohibit a school authority from notifying the DMV of DEC ineligibility based on making progress grounds. This waiver would become effective when it becomes law and would expire on January 30, 2022.

## **PART XII. RESTORE CERTAIN PERMITS AND PROVISIONAL LICENSES REVOKED DUE TO CERTIFICATE INELIGIBILITY**

**BILL ANALYSIS:** Section 12 would require the DMV to restore a person's permit or provisional license that was revoked due to ineligibility for a DEC based on making progress grounds. This restoration requirement would apply to revocations dated on or after March 1, 2020, and through the effective date of this provision.

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

*\*Kara McCraw and Howard Marsilio, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*