



PUBLIC EDUCATION: NORTH CAROLINA'S BEST INVESTMENT

2020 Legislative Short Session – COVID-19

Prepared by:

Leanne E. Winner
Director of Governmental Relations
lwinner@ncsba.org

Bruce Mildwurf
Associate Director of Governmental Relations
bmildwurf@ncsba.org

Richard Bostic
Assistant Director of Governmental Relations
rbostic@ncsba.org

Rebekah Howard
Governmental Relations Research Specialist
rhoward@ncsba.org

North Carolina School Boards Association

7208 Falls of Neuse Road
Suite 301
Raleigh, NC 27615
919.841.4040



© All materials produced by NCSBA are protected by U.S. and international copyright law. Except as otherwise provided, you may print out and photocopy this document for individual or noncommercial educational use. All copies must carry the following notice: "Reproduced with permission. Copyright 2018, North Carolina School Boards Association." By granting this limited license, NCSBA does not waive any of the rights or remedies otherwise available at law or in equity.

HB 1043 2020 COVID-19 Recovery Act (Session Law 2020-4)		
Appropriations from the Coronavirus Relief Fund (Non-recurring federal funds)		
Department of Public Instruction (DPI)	FY 2019-20	Section
Allocate funds to School Nutrition Services in the same manner as reimbursements by school meal receipts or federal funds.	\$75,000,000	3.3 (6)
Purchase and install extended reach mobile Wi-Fi gateway router devices in buses to improve internet connectivity for students	\$1,000,000	3.3 (7)
Provide community and home mobile internet access points to improve internet connectivity for students	\$11,000,000	3.3 (8)
Purchase computers and other electronic devices for students in all public schools	\$30,000,000	3.3 (9)
Purchase computers and other electronic devices for school personnel in all public schools	\$5,000,000	3.3 (10)
Establish a statewide shared cybersecurity infrastructure to protect school business systems and district cybersecurity monitoring and support through the School Connectivity Initiative	\$4,500,000	3.3 (11)
Fund contracted services for additional school counselors, school nurses, school psychologists, and school social workers for remote and in-person services for students	\$10,000,000	3.3 (12)
Provide a supplemental summer learning program that includes reading and math interventions for all public school students who were in grades K-4 in the 2019-20 school year that are not on track to meet year-end expectations	\$70,000,000	3.3 (13)
Expand DPI's learning management platform to all public schools to promote remote instruction	\$1,488,000	3.3 (14)
Provide nondigital remote instruction resources to students with limited connectivity	\$3,000,000	3.3 (15)
Provide reserve for DPI to award grants to public schools experiencing extraordinary costs associated with providing Extended School Year Services or future services for exceptional children	\$15,000,000	3.3 (16)
Fund COVID-19 expenses for the Governor Morehead School for the Blind, Eastern North Carolina School for the Deaf, and North Carolina School for the Deaf	\$660,029	3.3 (17)
Create the Extended Learning and Integrated Student Supports Competitive Grant Program for at-risk students	\$5,000,000	3.3 (18)

Department of Information Technology		
Expand the Growing Rural Economies with Access to Technology Fund (GREAT) that provides grants to private providers to extend broadband service to unserved areas of the State. (program has \$15 million in the base budget)	\$9,000,000	3.3 (46)

Section 3.2 Appropriation of Funds from Relief Fund to OSBM

Directs the funds appropriated in the bill shall not revert at the end of the 2019-20 fiscal year but shall remain available to expend until December 30, 2020.

Section 3.3 Allocation of Funds Appropriated to OSBM

Allocations of Funds – OSBM shall allocate the funds appropriated in Section 3.2 of this act as follows:

(13) *Supplemental Summer Learning Program*: Allocates \$70,000,000 to LEAs, charter schools, and the Innovative School District.

(a) The summer learning program shall include the following:

1. Reading interventions for K-3 students during the 2019-20 school year who were not on track to meet year-end expectations based on diagnostic assessments completed before March 15, 2020.
2. Reading interventions for 4th grade students during the 2019-20 school year who were not on track to meet year-end expectations as identified by their 2019-20 reading teachers.
3. Math interventions for K-4 students during the 2019-20 school year who were not on track to meet year-end expectations as identified by their 2019-20 math teachers.

(b) At least \$35 million will be used to provide reading interventions for 2nd and 3rd grade students during the 2019-20 school year. Up to 25% of these funds may be used to provide supplemental literacy support for 3rd and 4th grade students during the 2020-21 school year who are not on track to meet year-end expectations as identified by their 2020-21 reading teachers. These funds must be used prior to December 30, 2020.

(c) Funds not used in subsection (b) are to be used for: (i) reading interventions for kindergarten, 1st grade, and 4th grade students during the 2019-20 school year, and (ii) math interventions for K-4 students during the 2019-20 school year.

(d) Summer learning program funds may be used for interventions and instruction using digital resources, printed materials, literacy coaches, and face-to-face instruction.

Public school unit governing bodies receiving these summer learning program funds shall consult with 2019-2020 school year K-4 teachers to develop summer learning program plans that deliver targeted instruction to participating students. The plan shall comply with executive orders in effect at the time of the program, including use of public-school buildings, social distancing and other public health guidelines. By June 22, 2020, summer learning program plans shall be submitted to the Department of Public Instruction (DPI). DPI may provide feedback, as necessary. Summer learning programs shall supplement the 2020-2021 school year, not replace 2020-21 instruction time. Public school units are encouraged to identify or prepare resources and strategies that parents or guardians can provide at home for students who qualify for a summer learning program and who (i) do not attend or (ii) attend and would like additional material. Parents or guardians of students who qualify shall make the final decision about attending the programs. By February 15, 2021, the State Board of Education shall report to the Joint Legislative Education Oversight Committee on the implementation and the use of funds for summer learning programs. The State Board will also provide a copy of each plan submitted.

Section 4.1 Appropriation of COVID-19 Federal Grant Funds and Receipts

Appropriates \$1,235,859,000 in federal funds received from the CARES Act (P.L. 116-136) including the following education related programs:

Governor's Emergency Education Relief Fund	\$95,600,000
Elementary and Secondary School Emergency Relief Fund	\$396,300,000

SB 704 COVID-19 Recovery Act (Session Law 2020-3)

Section 2.1 Definitions

Establishes definitions for the education section of SB 704. These definitions are not permanent and only apply to the timeframes established in the provisions of the bill.

The definitions include the following: (1) Authority, (2) Coronavirus disease 2019 (COVID-19) emergency, (3) Federal Testing Waiver, and (5) State Board.

The section also includes definitions for the following:

(4) Modified calendar school – A school that was designated as a modified calendar for the 2003-04 school year or part of a planned program in the 2003-04 school year. (i.e. – no new schools can come under this definition)

(6) Year-round school – A single or multi-track school is considered to be in compliance with the school calendar provision (2.11(b)(1)) beginning 7/1/20 and ending 6/30/21 if one of the following plans is utilized:

- (a) Dividing students into four groups and requiring each group to be in assigned and staggered quarters during the school year
- (b) Students are scheduled to attend 45 instructional days followed by 15 days of vacation, repeated throughout the school year.
- (c) Dividing the calendar into five nine-week sessions and requiring students to attend 4 of the assigned and staggered sessions.

Section 2.3 Tests and Assessments

Waives end-of-grade (EOG) and end-of-course (EOC) tests for the 2019-20 school year. Requires public school units to administer the ACT during the fall semester of the 2020-21 school year for students who were in the eleventh grade in the 2019-20 school year, during which they did not take the test, unless a comparable test was taken and the student scored at or above the level set by the SBE. For the 2019-20 school year, waives diagnostic and formative reading assessments required for K-3 students after March 16, 2020. For the spring semester of the 2019-20 school year, waives LEA requirement to administer WorkKeys tests for students who complete a concentration in CTE courses.

Section 2.4 School Performance, Annual Report Cards for Schools, and School Building Reports

For the 2020-21 school year, waives the calculation, issuance, and display of 2019-20 school year school performance grades and school report card information, but requires the SBE and public school units to provide explanation that school report cards were not issued for the 2020-21 school year because data was not collected due to COVID-19. Waives the evaluation of alternative programs based on 2019-20 school year data. Waives LEA requirements to produce a school building report for October 15, 2020 based on 2019-20 school year data.

Section 2.5 Low-Performing Schools

The SBE will not identify additional low-performing schools, continually low-performing schools, or low-performing LEAs for the 2020-21 school year, based on 2019-20 data. Schools and LEAs previously identified as low-performing or continually low-performing will continue to be identified as such and continue to carry out the plan approved by either the SBE or the LEA. Assistance for continually low-performing schools will continue, and LEAs may request to reform a continually low-performing school. Waives provisions that allow that SBE to appoint an interim superintendent and suspend certain powers and duties of the local board of education of an LEA identified as low performing.

Section 2.6 Innovative School District

For the 2020-2021 school year, The State Board of Education shall not identify any qualifying schools for the Innovative School District (ISD) based on 2019-20 data. Schools identified as qualifying schools for the 2019-2020 school year shall remain on the qualifying list. The lowest scoring qualifying school in the State from the 2020-21 school year will become an innovative school in the 2022-2023 school year.

Section 2.7 Third Grade Retention, Reading Camps, and Fourth Grade Reading Assessment

(a) Third Grade Retention Determination: For the 2020-21 school year, principals have the authority to determine the appropriate 2020-21 school year grade level for 3rd grade students during the 2019-20 school year in the same manner as for students in all other grade levels. If a 3rd grade student is retained, principals shall designate whether it is due to reading deficiencies. Principals are encouraged to consult with a student's 2019-20 3rd grade teacher in determining grade classification.

(b) Parental Notice and Interventions: Parents or guardians must be notified that a 1st, 2nd, or 3rd grade student struggled with reading development or was not reading at grade level during the 2019-20 school year based on assessments completed on or before March 13, 2020. Teachers and principals shall provide opportunities to discuss the notice with parents and guardians. Monthly written reports on student progress toward reading proficiency for 3rd grade students retained for the 2019-20 school year are not required beginning March 16, 2020. Prior notification laws remain for 3rd grade students retained for the 2020-21 school year due to reading deficiencies except for notifications described in G.S. 115C-83.7(b).

(c) Reading Camps: LEAs are not required to provide reading camps corresponding to the 2019-20 school year.

(d) Fourth Grade Reading Assessment: All 4th grade students in the 2020-21 school year are required to take an end-of-year diagnostic assessment (normally required for 3rd grade students) no later than the 10th day that school buildings are open to students for the 2020-21 school year. Assessment results will be used to identify reading deficiencies, inform instruction, and remediation needs.

(e) Waives accountability reporting described in G.S. 115C-83.10 for the 2019-20 school year. Requires LEAs to report to the SBE by September 1, 2020 the number and percentage of students in first-third grades who are on track and not on track to meet year-end expectations of reading proficiency based on assessments completed by March 13, 2020, as well as the number and percentage of third grade students retained for reading deficiencies. Requires the SBE to submit a summary of each component by LEA and charter school to the Joint Legislative Education Oversight Committee by October 15, 2020.

Section 2.8 Advanced Courses in Mathematics

In addition to math placement requirements in G.S. 115C-81.38(a1) and (b), math placements for the 2020-21 school year will be made consistent with local policies, in consultation with 2019-20 school year math teachers. Allows a student or student's parent to request administration of the math EOG or EOC for that student's 2019-20 grade/course for determining math placement for the 2020-21 school year. A student who scores at the highest level on the math EOG or EOC will be placed as provided in G.S. 115C-81.38(a1) and (b). Requires DPI to submit its December 15, 2020 report to the Joint Legislative Education Oversight Committee on the number and demographics of students who were (i) enrolled in advanced math courses, including high school math courses in eighth grade, and (ii) given other advanced learning opportunities for the 2020-21 school year. Requires the report to include feedback provided by local boards of education.

Section 2.9 CPR Graduation Requirement

For the 2019-20 school year, waives the CPR graduation requirement for students in grade 12 if CPR instruction cannot be completed due to the COVID-19 emergency and if the student is eligible to graduate in all respects other than the statutory CPR requirement, as determined by the student's principal.

Section 2.10 School Calendar for the 2019-2020 School Year

Provides that remote instruction satisfies the statutory days and hours requirements for public schools for the 2019-20 school year. Remote instruction is defined for the 2019-2020 school year as learning that takes place outside of the traditional school setting using various means and formats including, but not limited to, video conference, telephone conference, print material, online material or learning management systems. Public schools are further instructed to use remote learning for the rest of the school year.

Section 2.11 School Calendar for the 2020-2021 School Year

Requires local boards of education to develop Remote Instruction Plans for the 2020-21 school year by July 20, 2020. The purpose of the plan is to provide a detailed framework for delivering quality remote instruction to all students during the 2020-21 school year. Further specifies 13 specific things the plan must address. One of those is that students with disabilities must have equal access to the remote instruction and must be provided consistent with the student's IEP or 504 plan. Remote learning day supports shall be considered and included as appropriate for the student in the initial plan or any review or revision. The SBE shall report on the Plans to the Joint Legislative Education Oversight Committee by September 15, 2020.

Provides that the school calendar for the 2020-21 school year shall consist of 190 days of instruction with the following:

- (1) 185 days or 1,025 hours of instruction that include 5 remote instruction days in accordance with the school district's Remote Instruction Plan.
- (2) Five additional instructional days that are separate and distinct days and are not satisfied by the accumulation of instructional hours.

Requires the following of the 2020-21 school calendar:

- (1) Opening date for students of August 17, 2020 and closing date no later than June 11, 2021, unless the school complies with the definitions of modified or year-round in Section 2.1.
- (2) Remote learning days cannot be scheduled before August 24, 2020. For schools on a modified or year-round calendar, remote learning days cannot be scheduled before the 6th instructional day.
- (3) Remote instruction days may be scheduled for use as teacher workdays.
- (4) For LEAs that have good cause waivers (weather waivers), the opening day cannot be before August 17 and an additional 5 remote learning days can be used as make-up days for inclement weather or other emergency situations.
- (5) If during the 2020-21 school year, a state of emergency or disaster is declared and school is closed more than 5 days, a school district may use additional remote instructional days provided they are in accordance with the LEA's Plan.

Section 2.12 School Improvement Plans

Extends until December 31, 2020 school improvement plans set to expire at the end of the 2019-20 school year. For plans receiving an extension, their replacement plans shall expire in 18 months instead of 2 years.

Section 2.13 Principal Recruitment Supplement

A school identified as an eligible school in the 2019-2020 school year pursuant to G.S. 115C-285.1(a)(2) (a low performing school that is in the bottom 5% of all schools in the State) shall continue to be an eligible school in the 2020-2021 school year for the principal recruitment bonus.

Section 2.14 Notification Requirement for Teacher Performance Data

For the 2020-21 school year, waives requirement that principals notify teachers of updated Education Value-Added Assessment System (EVAAS) data from the 2019-20 school year.

Section 2.15 Teacher Effectiveness Reporting Requirements

For the 2020-21 school year, waives the requirements that LEAs provide teacher effectiveness data from the 2019-20 school year to the SBE and that the SBE include the data in its December 15, 2020 report on the state of the teaching profession in NC.

Section 2.16 Teacher Evaluation and Observation Requirements

Requires that annual teacher evaluations for the 2019-20 school year be based on (i) observations completed during the 2019-20 school year prior to March 16, 2020, and (ii) other artifacts and evidence from the 2019-20 school year. Waives required observations not completed prior to March 16, 2020.

Section 2.22 Educator Preparation Programs (EPPs)

(a) Minimum Admission Requirements for EPPs: For the 2020-21 school year only, a recognized EPP can admit students as follows:

1. A student is not required to meet any of the criteria in G.S. 115C-269.15(a)
2. A student is not required to have a grade point average (GPA) of at least 2.7. However, the student shall not commence to a clinical practice until he/she earns at least a 2.7 GPA.
3. The minimum entering cohort grade point average to an EPP for the 2020-21 academic year is not required to be at least 3.0.

(b) Clinical Internships: Notwithstanding G.S. 115C-269.25(d)(1), a student in a recognized EPP may have the clinical internship deemed completed for the 2019-20 academic year as follows:

1. Student completed as much time in a clinical internship as practicable prior to March 10, 2020.
2. Student would be unable to complete the EPP by August 15, 2020, unless the clinical internship is deemed completed pursuant to this section.
3. Student was engaged in remote instruction as practicable while schools are closed for the remainder of the 2019-20 school year.
4. Student has otherwise met the descriptors identified on the certification of teacher capacity utilized by the EPP and the elementary or secondary school partner.

(c) Pedagogy Assessments: Notwithstanding G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed per subsection (b), the following applies:

1. For the 2019-20 academic year, completing a nationally normed and valid pedagogy assessment is not required to determine clinical practice performance.
2. For the 2019-20 academic year, completing the pedagogy assessment is not required as a condition of EPP completion.
3. Pedagogy assessment must be attempted by the end of their 1st year of licensure and passed by the end of their 3rd year of licensure.

(d) Accountability: Notwithstanding requirements of G.S. 115C-269.35(a), for the 2019-20 academic year, EPPs are only required to submit information to the State Board that is practicably available in the annual report. (This is due to the lack of student assessment data and the closure of schools for in-person instruction)

(e) Sanctions: Notwithstanding G.S. 115C-269.45(c), the State Board will not consider data that was not practicably available for the 2019-20 school year when assigning sanctions for an EPP.

(f) EPP Report Cards: Notwithstanding G.S. 115C-269.50, the State Board will create and submit annual report cards for EPPs by December 15, 2020 to the Joint Legislative Education Oversight Committee (JLEOC). However, the annual report cards will not be made public through the State Board's website for the 2019-20 academic year. The report to JLEOC will also include the following aggregated information:

1. Number and overall percentage of admitted students to an EPP with less than a 2.7 GPA.
2. Number and overall percentage of students who had their clinical internships deemed completed per subsection (b) of this section.

Section 2.23 School Administrator Preparation Programs

Deems requirements as completed for school administrator candidates for the 2019-20 academic year for (i) the year-long internship requirement under G.S. 115C-284(c2)(7) if as much time as practicable was completed prior to March 10, 2020, if the preparation program is unable to be completed by August 15, 2020, if the candidate has engaged in administrative duties as practicable during school closure for the 2019-20 school year, and if the candidate has otherwise met the competencies identified by the preparation program; and (ii) the portfolio for emerging leaders requirement, provided it was completed to the extent practicable prior to completion of the preparation program.

Section 2.24 Transforming Principal Preparation Grant Program Requirements

Deems the clinical practice requirement for school leader candidates enrolled in a school leader preparation program receiving a grant pursuant to Part 4 of Chapter 116 of G.S. completed for the 2019-20 academic year if the candidate (i) completed as much time in clinical practice as practicable prior to March 10, 2020 and (ii) has engaged in school leader duties as practicable during school closure for the 2019-20 school year. Prohibits a grant recipient from having grant funds retrieved for failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours during the 2019-20 academic year.

Section 2.25 Teacher Licensure Requirements

Provides a one-year extension to meet licensure requirements for first-year teachers that had not taken the licensure exam by March 10, 2020 and applicants for a continuing professional license

(CPL) whose lateral entry license expires June 30, 2020. Also gives teachers who are required to have at least eight continuing education credits by June 30, 2020, an additional year to meet their licensure requirement.

Section 2.26 Licensure Requirements for Other School Personnel

Provides one-year extension for school administrators and other school personnel who have not met licensure examination requirement by March 10, 2020. Also gives school administrators a one-year extension to obtain required continuing education credits in high-quality, integrated digital teaching and learning.

Section 4.14 Limited Business Immunity for Essential Businesses

Defines “essential business” to include educational institutions and governmental entities identified in the COVID-19 essential business executive order.

Provides immunity from civil liability for an essential business that provides goods and services to claims from any customer or employee for any injuries or death alleged to have been caused as a result of said person contracting COVID-19 while doing business or while employed by the business. The immunity does not apply if the injuries or death were caused by an act or omission constituting gross negligence, reckless misconduct, or intentional infliction or harm.

This applies on or after the issuance of the COVID 19 essential business executive order and expires when the COVID-19 emergency declaration is rescinded or expires.

Section 4.23 Temporarily Remove Barriers to Allow Retirees of the Teachers’ and State Employees’ Retirement System and the Local Government Employees’ Retirement System to Return to Work on a Part-Time, Temporary, or Interim Basis During State of Emergency Related to COVID-19

Reduces the waiting period from six months to one month, for retirees to return to work who retired on or after 10/1/19 but before 4/1/20. The retiree must return to a position that is needed due to the COVID-19 pandemic, as certified to the Retirement System Division of the Department of the State Treasurer by the employing agency. This section expires August 1, 2020.

For individuals who retired before 4/1/20, earnings received between 3/10/20 and 8/1/20 do not count against the earnings cap if the position is needed due to the COVID-19 pandemic as certified to the Retirement System Division of the Department of the State Treasurer by the employing agency.

Section 4.31 Public Bodies/Remote Meetings During Declared Emergencies

Provides explicit authority for public bodies, including school boards, to hold remote meetings when a declaration of emergency under G.S. 166A-19.20 has been declared as long as certain conditions are met (see below). The remote meetings shall also be held in accordance with Article 33 of Chapter 143 (the open meetings law).

The public body shall:

- (1) Give proper notice including how the public can access the remote meetings as it is occurring.
- (2) Any member of the public body participating remotely that cannot be seen by the public body must identify him/herself when (a) the roll is taken; (b) prior to participating in deliberations and (3) prior to voting.
- (3) All documents shall be provided to each member of the public body.
- (4) The method used for the remote meeting shall allow for any member of the public body to do all of the following: (a) hear what is said by other members, (2) hear what is said by an individual addressing the public body, and (3) to be heard by other members of the public body when speaking to the public body.
- (5) All votes shall be roll call. No secret or written ballots are allowed.
- (6) The public body must comply with 143-318.13(c) which ensures that the public knows what is being voted upon.
- (7) The minutes must reflect that the meeting was held remotely and if members left or joined the meeting.
- (8) All chats, instant messages, texts or other written communication between members of the public body regarding the transaction of public business during the meeting are deemed a public record.
- (9) The remote meeting shall simultaneously streamed live online available to the public.

Establishes that participation by a member remotely counts towards establishing a quorum.

Provides that votes by a member remotely are to be considered the same as if the member were physically present.

Provides that public hearings may be held remotely as long as written comments of the hearing are allowed to be submitted from the time of notice until 24 hours **after** the public hearing.

Quasi-judicial hearings may be conducted remotely with the following stipulations.

- (1) The right to a hearing or decision occurs during the emergency
- (2) All persons subject to the hearing have been given notice and **consent**
- (3) All due process rights are protected

This statute only applies to emergency declarations and does not supersede any authority for electronic meetings under Article 33C of Chapter 143 (open meetings law).