A BILL TO BE ENTITLED

AN ACT TO PROVIDE RELIEF TO ELEMENTARY AND SECONDARY SCHOOL STUDENTS, POSTSECONDARY SCHOOL STUDENTS, SCHOOL PERSONNEL, AND EDUCATIONAL ENTITIES OF THE STATE TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES DUE TO CORONAVIRUS DISEASE 2019 (COVID-19), AS RECOMMENDED BY THE EDUCATION WORKING GROUP OF THE HOUSE SELECT COMMITTEE ON COVID-19.

The General Assembly of North Carolina enacts:

PART I. DEFINITIONS

SECTION 1. For the purposes of this act, the following definitions apply:

(1) Authority. – State Education Assistance Authority.


(3) Federal testing waiver. – The testing waiver granted to the State Board of Education by the United States Department of Education for the 2019-2020 school year, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, which, pursuant to G.S. 115C-174.11, eliminated the collection of certain student assessment data for the 2019-2020 school year.

(4) School closure period. – The period beginning March 16, 2020, and continuing until the latest of the following:
   b. The date specified by an executive order superseding the school closure period in Executive Order No. 120 (Additional Limitations on Mass Gatherings, Restrictions on Venues and Long Term Care Facilities, and Extension of School Closure Date).
   c. The date specified in any executive order superseding the superseding executive order described in sub-subdivision b. of this subdivision.

(5) State Board. – The State Board of Education.

PART II. INTRODUCTION
SECTION 2. The purpose of this act is to clarify or modify certain requirements in consideration of actions and circumstances related to the COVID-19 emergency, including, but not limited to, the federal testing waiver and the school closure period.

PART III. WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL TESTING, ACCOUNTABILITY, GRADE PLACEMENT/PROMOTION, AND GRADUATION REQUIREMENTS

TESTS AND ASSESSMENTS

SECTION 3.1.(a) EOGs and EOCs. – Consistent with the provisions of G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are waived.

SECTION 3.1.(b) ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the fall semester of the 2020-2021 school year, public school units shall administer the norm-referenced college admissions test made available by the State Board to all students who were in the eleventh grade during the 2019-2020 school year who were not administered the test during the 2019-2020 school year, unless a student has already taken a comparable test and scored at or above a level set by the State Board.

SECTION 3.1.(c) Diagnostic and Formative Assessments. – For the 2019-2020 school year, for the diagnostic and formative reading assessments for kindergarten, first, second, and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional assessments beyond those administered prior to the school closure period are not required.

SECTION 3.1.(d) WorkKeys. – For the spring semester of the 2019-2020 school year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be required to administer the WorkKeys tests to any students who complete a concentration in career and technical education courses.

SCHOOL PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND SCHOOL BUILDING REPORTS

SECTION 3.2.(a) Calculation and Issuance of School Performance Grades. – For the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding G.S. 115C-83.15(g), the State Board is not required to display school report card information for the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

SECTION 3.2.(b) Display of School Report Cards. – Notwithstanding G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card information for the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

SECTION 3.2.(c) Evaluation of Alternative Programs. – Notwithstanding G.S. 115C-12(24), to the extent educational performance and growth of students in alternative schools and alternative programs are measured based on the accountability system developed under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students in alternative schools and alternative programs shall not be evaluated based on data from the 2019-2020 school year.

SECTION 3.2.(d) School Building Reports. – The requirement for local school administrative units to produce and make public a school building report under

LOW-PERFORMING SCHOOLS

SECTION 3.3.(a) Low-Performing Schools. – Notwithstanding G.S. 115C-105.37 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following applies:

(1) The State Board shall not identify additional low-performing schools based on data from the 2019-2020 school year.

(2) Schools previously identified as low-performing based on data from the 2018-2019 school year shall continue to be identified as low-performing.

(3) Previously identified low-performing schools shall continue to carry out the final plan approved by the local board of education pursuant to G.S. 115C-105.37(a1).

(4) The State Board and the local board of education shall continue to provide online access to each low-performing school’s plan in accordance with G.S. 115C-105.37(a1)(5).

(5) The written parental notice required by G.S. 115C-105.37(b) is not required to be provided again, but local boards of education of low-performing schools shall include with their online final plans a brief explanation that low-performing identification continues pending assessment data from the 2020-2021 school year.

SECTION 3.3.(b) Continually Low-Performing Schools. – Notwithstanding G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following applies:

(1) The State Board shall not identify additional continually low-performing schools based on data from the 2019-2020 school year.

(2) Schools previously identified as continually low-performing based on data from the 2018-2019 school year shall continue to be identified as continually low-performing.

(3) Previously identified continually low-performing schools shall continue to carry out the plan approved by the State Board pursuant to G.S. 115C-105.37A(a).

(4) Assistance and intervention levels provided for the 2019-2020 school year based on designation as low-performing for two years under G.S. 115C-105.37A(b) or low-performing for three years under G.S. 115C-105.37A(c) shall continue.

(5) Local boards of education may request to reform a continually low-performing school in accordance with G.S. 115C-105.37B.

SECTION 3.3.(c) Low-Performing Local School Administrative Units. – Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:

(1) The State Board shall not identify additional low-performing local school administrative units based on data from the 2019-2020 school year.

(2) Local school administrative units previously identified as low-performing based on data from the 2018-2019 school year shall continue to be identified as low-performing.

(3) Previously identified low-performing local school administrative units shall continue to carry out the final plan approved by the local board of education pursuant to G.S. 115C-105.39A(b).

(4) The State Board and the local board of education shall continue to provide online access to each low-performing local school administrative unit's plan in accordance with G.S. 115C-105.39A(b)(5).
The written parental notice required by G.S. 115C-105.39A(c) is not required to be provided again, but the local board of education shall include with its online final plan a brief explanation that low-performing identification continues pending assessment data from the 2020-2021 school year.

The provisions of G.S. 115C-105.39(c) through (e) shall not apply.

INNOVATIVE SCHOOL DISTRICT

SECTION 3.4.(a) Notwithstanding the provisions of G.S. 115C-75.7 and G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

(1) The State Board shall not identify any additional schools as qualifying schools for the Innovative School District based on data from the 2019-2020 school year.

(2) Schools identified as qualifying schools for the 2019-2020 school year based on data from the 2018-2019 school year shall remain on the qualifying list, and the provisions of G.S. 115C-75.7(b1), (b2), and (d) shall continue to apply to these schools.

SECTION 3.4.(b) Section 1(c) of S.L. 2019-248 reads as rewritten:

"SECTION 1.(c) For the purposes of this subsection, a qualifying school is as defined by G.S. 115C-75.5(5), as amended by this act. Notwithstanding G.S. 115C-75.7, as amended by this act, the State Board of Education shall select the following schools to become innovative schools:

(1) The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2019-2020 school year to become an innovative school in the 2021-2022 school year.

(2) The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2020-2021 school year to become an innovative school in the 2022-2023 school year."

THIRD GRADE RETENTION, READING CAMPS, AND FOURTH GRADE READING ASSESSMENT

SECTION 3.5.(a) Third Grade Retention Determination. – For grade level determination for the 2020-2021 school year, the following applies:

(1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in G.S. 115C-288(a) that a principal's authority to grade and classify pupils is limited by the requirements of G.S. 115C-83.7(a), principals shall have authority to determine the appropriate 2020-2021 school year grade level for students in the third grade during the 2019-2020 school year in the same manner as for students in all other grade levels. Principals shall designate whether a retained third grade student is retained due to reading deficiencies. Principals are encouraged to consult with a student's 2019-2020 third grade teacher in determining grade classification.

(2) Notwithstanding the provisions of G.S. 115C-218.85(b), charter schools shall have authority to determine the appropriate 2020-2021 school year grade level for third grade students in the same manner that grade level classification is determined for other grade levels.

SECTION 3.5.(b) Parental Notice and Interventions. – Consistent with G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade student demonstrated difficulty with reading development or was not reading at grade level during the 2019-2020 school year based on assessments completed on or before March 13, 2020. The provisions of G.S. 115C-83.9(d) shall apply to this notice.
For third grade students retained for the 2019-2020 school year based on data from the 2018-2019 school year, the requirements of G.S. 115C-83.9(c) shall not apply during the school closure period, beginning March 16, 2020.

For third grade students retained for the 2020-2021 school year due to reading deficiencies, the provisions of G.S. 115C-83.8(b) through (e) and G.S. 115C-83.9 shall apply in the same manner they would have had the student been retained pursuant to G.S. 115C-83.7(a), except that notification regarding the exemptions described in G.S. 115C-83.7(b) shall not apply.

SECTION 3.5.(c) Reading Camps and Recommendations for Alternative Interventions. – Notwithstanding G.S. 115C-83.6(a), 115C-83.8(a), and 115C-83.11, and any other provision of law to the contrary, local school administrative units are not required to provide reading camps corresponding to the 2019-2020 school year.

No later than May 20, 2020, the State Board of Education shall submit to the Joint Legislative Education Oversight Committee recommendations for alternative interventions to summer instruction, to be offered to at-risk students and students recommended for additional support by their 2019-2020 teachers based on student outcome data available up until March 16, 2020. The alternative interventions shall be recommended as alternatives to reading camps and summer school that could have been offered but for the COVID-19 emergency.

SECTION 3.5.(d) Fourth Grade Reading Assessment. – No later than the tenth day that school buildings are open to students for the 2020-2021 school year, public school units shall administer to all fourth grade students the end-of-year diagnostic assessment otherwise required for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The results of the assessment shall be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible.

SECTION 3.5.(e) Reporting Requirements. – For the 2020-2021 school year, the following applies:

(1) Accountability reporting described in G.S. 115C-83.10 shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, local boards of education shall report to the State Board the following:

a. The number and percentage of first grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.

b. The number and percentage of second grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.

c. The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.

d. The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.

(2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, charter schools and other public school units subject to charter school statutory requirements shall report to the State Board the following:

a. The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.

b. The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.
The State Board shall compile the information described in this subsection and shall submit a State-level summary of each component by local school administrative unit and charter school to the Joint Legislative Education Oversight Committee by October 15, 2020.

ADVANCED COURSES IN MATHEMATICS

SECTION 3.6. The provisions of G.S. 115C-81.36(a1) and (b) shall not apply for the 2020-2021 school year based on data from the 2019-2020 school year. Math placement for the 2020-2021 school year may be determined consistent with local policies, in consultation with a student's 2019-2020 school year math teacher. For the purposes of G.S. 115C-81.36(c), the Department of Public Instruction shall 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 mathematics courses, including high school level mathematics courses in eighth grade, or (ii) given other advanced learning opportunities for the 2020-2021 school year. The report shall include information on the type and format of advanced mathematics courses or advanced learning opportunities provided and shall also include any feedback provided by local boards of education on the implementation of G.S. 115C-81.36.

CPR GRADUATION REQUIREMENT

SECTION 3.7. Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school year, any student in grade 12 who has not satisfied the requirement for completion of instruction in cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

1. Instruction in cardiopulmonary resuscitation cannot be completed due to the COVID-19 emergency.
2. The student is eligible to graduate in all respects other than the statutory requirement described in this section, as determined by the principal of the school to which the student is assigned.

SCHOOL CALENDAR AND ATTENDANCE

SECTION 3.8.(a) 2019-2020 School Year. – A public school unit that provides remote instruction as required by this subsection shall be deemed to have satisfied the minimum days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the 2019-2020 school year, remote instruction is defined as learning that takes place outside of the traditional school setting using various media and formats, including, but not limited to, video conference, telephone conference, print material, online material, or learning management systems. Each public school unit shall provide remote instruction for the remainder of its scheduled 2019-2020 school year.

SECTION 3.8.(b) Student Attendance Enforcement. – For the 2019-2020 school year, the requirements of G.S. 115C-378(e) through (g) shall not apply during the school closure period.

SECTION 3.8.(c) Supplemental Jump Start Instruction. – It is the intent of the General Assembly to provide for at-risk students and students recommended for additional support by their 2019-2020 teachers to receive from their public school units two weeks of supplemental jump start instruction during the month of August 2020, based on recommendations to be provided by the State Board. As supplemental instruction, jump start instruction is not intended to be included in scheduled instructional time for the 2020-2021 school year calendar.

SECTION 3.8.(d) 2020-2021 School Year. – For the 2020-2021 school year, notwithstanding G.S. 115C-84.2(d) and G.S. 115C-150.12, any public school unit may, in the
discretion of its governing body, schedule its opening date for students as early as August 17, 2020.

PART IV. TEMPORARY BUDGET FLEXIBILITY AND DELAY IN K-3 CLASS SIZE REDUCTION FOR LOCAL BOARDS OF EDUCATION

BUDGET FLEXIBILITY

SECTION 4.1.(a) Budget Flexibility for the Remainder of FY 2019-2020. – Effective from the date this act becomes law until June 30, 2020, notwithstanding G.S. 115C-105.25 and any other provision of law, local boards of education may transfer and may approve transfers of any unexpended cash balance in an allotment category to another allotment category subject to the following limitations:

1. Funds for career and technical education and other purposes may be transferred only as permitted by federal law and the conditions of federal grants or as provided through any rules that the State Board adopts to ensure compliance with federal regulations.

2. No funds shall be transferred out of the children with disabilities, students with limited English proficiency, and academically or intellectually gifted students categories.

3. No funds shall be transferred into the central office allotment category.

4. Positions allocated for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers through a visiting international exchange teacher program approved by the State. These positions shall be converted at the statewide average salary for classroom teachers, including benefits. The converted funds shall be used only to provide visiting international exchange teachers with salaries commensurate with their experience levels, to provide any State-approved bonuses, and to cover the costs associated with supporting visiting international exchange teachers within the local school administrative unit, including programming and related activities, background checks, medical coverage, and other program administration services in accordance with the federal regulations for the Exchange Visitor Program, 22 C.F.R. Part 62.

5. Except as provided in subdivision (4) of this subsection, positions allocated for classroom teachers and instructional support personnel may be converted to dollar equivalents for any purpose authorized by the policies of the State Board of Education. These positions shall be converted at the salary on the first step of the "A" Teachers Salary Schedule. Certified position allotments shall not be transferred to dollars to hire the same type of position.

6. Funds allocated for school building administration may be converted for any purpose authorized by the policies of the State Board of Education. For funds related to principal positions, the salary transferred shall be based on the first step of the Base column of the Principal Salary Schedule. For funds related to assistant principal months of employment, the salary transferred shall be based on the first step of the "A" Teachers Salary Schedule at the salary level for assistant principals. Certified position allotments shall not be transferred to dollars to hire the same type of position.

7. Funds to carry out the elements of the Excellent Public Schools Act that are contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.

8. Funds allotted for textbooks and digital resources may be used only to acquire textbooks and digital resources and related technology, including any hardware, software, or equipment or devices necessary for the use of the
digital resources. These funds shall not be transferred out of the allotment for any other purpose.

Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a local board of education may transfer the unexpanded cash balance in the drivers education allotment category to another allotment category in accordance with this subsection.

SECTION 4.1(b) Budget Flexibility for FY 2020-2021. – Effective July 1, 2020, notwithstanding G.S. 115C-105.25 and any other provision of law, for the 2020-2021 fiscal year only, local boards of education may transfer and may approve transfers of funds in an allotment category to another allotment category subject to the following limitations:

(1) Funds for career and technical education and other purposes may be transferred only as permitted by federal law and the conditions of federal grants or as provided through any rules that the State Board adopts to ensure compliance with federal regulations.

(2) No funds shall be transferred out of the children with disabilities, students with limited English proficiency, and academically or intellectually gifted students categories.

(3) No funds shall be transferred into the central office allotment category.

(4) Positions allocated for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers through a visiting international exchange teacher program approved by the State. These positions shall be converted at the statewide average salary for classroom teachers, including benefits. The converted funds shall be used only to provide visiting international exchange teachers with salaries commensurate with their experience levels, to provide any State-approved bonuses, and to cover the costs associated with supporting visiting international exchange teachers within the local school administrative unit, including programming and related activities, background checks, medical coverage, and other program administration services in accordance with the federal regulations for the Exchange Visitor Program, 22 C.F.R. Part 62.

(5) Except as provided in subdivision (4) of this subsection, positions allocated for classroom teachers and instructional support personnel may be converted to dollar equivalents for any purpose authorized by the policies of the State Board of Education. These positions shall be converted at the salary on the first step of the "A" Teachers Salary Schedule. Certified position allotments shall not be transferred to dollars to hire the same type of position.

(6) Funds allocated for school building administration may be converted for any purpose authorized by the policies of the State Board of Education. For funds related to principal positions, the salary transferred shall be based on the first step of the Base column of the Principal Salary Schedule. For funds related to assistant principal months of employment, the salary transferred shall be based on the first step of the "A" Teachers Salary Schedule at the salary level for assistant principals. Certified position allotments shall not be transferred to dollars to hire the same type of position.

(7) Funds to carry out the elements of the Excellent Public Schools Act that are contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.

(8) Funds allotted for textbooks and digital resources may be used only to acquire textbooks and digital resources and related technology, including any hardware, software, or equipment or devices necessary for the use of the digital resources. These funds shall not be transferred out of the allotment for any other purpose.
Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a local board of education may transfer funds in the drivers education allotment category to another allotment category in accordance with this subsection.

**DELAY K-3 CLASS SIZE REDUCTION/ADJUST PROGRAM ENHANCEMENT TEACHER ALLOTMENT FUNDING**

**SECTION 4.2.(a)** Delay K-3 Class Size Reduction for One Year. – Part II of S.L. 2018-2 reads as rewritten:

"PART II. CLASS SIZE PHASE IN

..."

**SECTION 2.(b)** Notwithstanding G.S. 115C-301, as amended by this act, and any other provision of law, for the 2019-2020 and 2020-2021 school years, the average class size for kindergarten through third grade in a local school administrative unit shall not exceed one teacher per 19 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 through third grade shall not exceed one teacher per 22 students.

**SECTION 2.(c)** Notwithstanding G.S. 115C-301, as amended by this act, and any other provision of law, for the 2020-2021-2021-2022 school year, the average class size for kindergarten through third grade in a local school administrative unit shall not 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 through third grade shall not exceed one teacher per 21 students.

**SECTION 2.(d)** The class size requirements set forth in G.S. 115C-301, as amended by this act, shall apply beginning with the 2021-2022-2022-2023 school year.

**SECTION 4.2.(b)** Delay Teacher Position Allotment Change. – Section 3(b) of S.L. 2018-2 reads as rewritten:

"SECTION 3.(b) Effective July 1, 2021, 2022, G.S. 115C-301(a1), as enacted by subsection (a) of this section, reads as rewritten:

..."

**SECTION 4.2.(c)** Delay Restriction on Transfers for Teacher Position Allotments.

– Section 4(b) of S.L. 2018-2 reads as rewritten:

"SECTION 4.(b) Effective July 1, 2021, 2022, G.S. 115C-105.25(b), as amended by subsection (a) of this section, reads as rewritten:

..."

**SECTION 4.2.(d)** Adjustment to the Appropriation for Program Enhancement Teachers. – Notwithstanding Section 1.1 of S.L. 2019-242, effective beginning with the 2020-2021 fiscal year, G.S. 115C-301(c2)(3) reads as rewritten:

"(3) Appropriation. – Beginning with the 2019-2020 fiscal year, there is appropriated from the General Fund to the Department of Public Instruction for the allotment for program enhancement teachers for kindergarten through fifth grade an amount equal to the percentage of the total funds required to allot program enhancement teacher positions for kindergarten through fifth grade on a basis of one teacher per 191 students for each fiscal year as follows:

<table>
<thead>
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<th>Fiscal Year</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>2019-2020</td>
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</tr>
<tr>
<td>2020-2021</td>
<td>75%</td>
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<tr>
<td>2021-2022</td>
<td>75%</td>
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<tr>
<td>2021-2022-2022-2023 and each subsequent fiscal year thereafter</td>
<td>100%</td>
</tr>
</tbody>
</table>

When developing the base budget, as defined by G.S. 143C-1-1, for each fiscal year specified in this subdivision, the Director of the Budget shall include the appropriated amount for that fiscal year."
PART V. MODIFICATIONS TO SCHOOL PERSONNEL EMPLOYMENT AND EVALUATION PROVISIONS

PRINCIPAL RECRUITMENT SUPPLEMENT

SECTION 5.1.(a) Notwithstanding G.S. 115C-285.1, as enacted by S.L. 2019-247, for the 2020-2021 school year, a school identified as an eligible school in the 2019-2020 school year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school in the 2020-2021 school year.

SECTION 5.1.(b) G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as rewritten:
"(e) Additional Funds. – In the event an eligible employer is unable to award funds for the salary supplement because of resignation, dismissal, reduction in force, death, retirement, or failure to execute a contract with a qualifying principal, the Department shall award the funds, as soon as is practicable, to another eligible employer identified in subdivision (a)(2)-(a)(1) of this section."

INTENT OF THE GENERAL ASSEMBLY TO REFRAIN FROM USING SCHOOL GROWTH SCORES FROM THE 2019-2020 SCHOOL YEAR TO DETERMINE PRINCIPAL SALARIES FOR THE 2020-2021 FISCAL YEAR

SECTION 5.2. It is the intent of the General Assembly that, for purposes of establishing the 2020-2021 Principal Salary Schedule, the following shall occur:

1. School growth scores from the 2019-2020 school year shall not be used.
2. To the extent school growth scores from other school years are used to determine principal salaries, data used to calculate those school growth scores shall be from the 2018-2019 school year or earlier.

NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA

SECTION 5.3. Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year, principals are not required to notify teachers that Education Value-Added Assessment System (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.

TEACHER EFFECTIVENESS REPORTING REQUIREMENTS

SECTION 5.4.(a) Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school year, local school administrative units are not required to provide teacher effectiveness data from the 2019-2020 school year to the State Board, and the State Board is not required to include any disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15, 2020, report on the state of the teaching profession in North Carolina.

SECTION 5.4.(b) G.S. 115C-299.5(d) reads as rewritten:
"(d) Teacher Effectiveness. – The annual teacher transition report by the State Board of Education shall disaggregate the data included in subsection (c) of this section by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education, for the purposes of this report, any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment. The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher."

TEACHER EVALUATION AND OBSERVATION REQUIREMENTS
SECTION 5.5. Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for the 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school year prior to the school closure period and (ii) other artifacts and evidence from the 2019-2020 school year. Schools are not required to complete any observations required in the 2019-2020 school year pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior to the school closure period.

PART VI. WAIVERS FOR NONPUBLIC SCHOOLS RELATED TO TESTING AND ATTENDANCE

STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC SCHOOLS

SECTION 6.1. Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

1. Administer nationally standardized tests or other nationally standardized equivalent measurements for the 2019-2020 school year.
2. Make, maintain, or make available records of test results received by their students in the 2019-2020 school year.

ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC SCHOOLS

SECTION 6.2. Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

1. Make, maintain, and render attendance records of children of compulsory school age during the school closure period.
2. For the 2019-2020 school year, operate on a regular schedule at least nine calendar months of the year.

PART VII. K-12 SCHOLARSHIP PROGRAMS ADMINISTERED BY THE STATE EDUCATION ASSISTANCE AUTHORITY

STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR NONPUBLIC SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY SCHOLARSHIP GRANTS

SECTION 7.1.(a) For purposes of this section, the definitions from G.S. 115C-562.1 shall apply.

SECTION 7.1.(b) Notwithstanding G.S. 115C-562.5, for the 2019-2020 school year, a nonpublic school that accepts eligible students receiving scholarship grants is not required to do any of the following:

1. Provide to the parent or guardian of an eligible student, whose tuition and fees are paid in whole or in part with a scholarship grant, the student's scores on standardized achievement tests.
2. Administer a nationally standardized test or other nationally standardized equivalent measurement to any eligible students whose tuition and fees are paid in whole or in part with a scholarship grant in grades three and higher.
3. Submit standardized test performance data from the 2019-2020 school year to the Authority.
4. If the nonpublic school enrolls more than 25 students whose tuition and fees are paid in whole or in part with a scholarship grant, either of the following:
a. Report to the Authority on the aggregate standardized test performance of eligible students.
b. Provide standardized test performance data from the 2019-2020 school year to an independent research organization.

OPPORTUNITY SCHOLARSHIP PROGRAM DISBURSEMENT OF FUNDS

SECTION 7.2. Notwithstanding G.S. 115C-562.8, from the funds carried forward at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a result of the closure of nonpublic schools due to the COVID-19 emergency, the Authority may remit a scholarship grant awarded to a student for the spring semester of the 2019-2020 school year to a nonpublic school on or before October 1, 2020.

EXTENSION OF K-12 SCHOLARSHIP PROGRAM REPORT DATES

SECTION 7.3.(a) Opportunity Scholarship Grant Program. – Notwithstanding G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity Scholarship Grant Program.

SECTION 7.3.(b) Disabilities Grant Program. – Notwithstanding G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Special Education Scholarships for Children with Disabilities Program.

PART VIII. MODIFICATIONS FOR EDUCATOR PREPARATION PROGRAMS/SCHOOL ADMINISTRATOR PREPARATION PROGRAMS

EDUCATOR PREPARATION PROGRAMS

SECTION 8.1.(a) Minimum Admission Requirements for EPPs. – Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

(1) An individual student shall not be required to meet any of the criteria set forth in G.S. 115C-269.15(a).

(2) An individual student shall not be required to have earned a grade point average of at least 2.7 under G.S. 115C-269.15(c). However, the EPP shall not permit a student to commence with a clinical practice as required by G.S. 115C-269.25(d) until the student has earned a grade point average of at least 2.7.

(3) The minimum cohort grade point average for the entering cohort to an EPP for the 2020-2021 academic year shall not be required to be at least 3.0 under G.S. 115C-269.15(d).

SECTION 8.1.(b) Clinical Internships. – Notwithstanding G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to G.S. 115C-269.5 may have the clinical internship requirement set forth in G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following conditions:

(1) The student has completed as much time in a clinical internship as practicable prior to March 10, 2020.

(2) The student would be unable to complete the EPP by August 15, 2020, unless the clinical internship is deemed completed pursuant to this section.

(3) The student has been engaged in remote instruction as practicable while the school is closed during the school closure period.
(4) The student has otherwise met the descriptors identified on the certification of teacher capacity utilized by the EPP and the elementary or secondary school partner.

SECTION 8.1.(c) Pedagogy Assessments. – Notwithstanding G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed pursuant to subsection (b) of this section, the following shall apply:

1. The State Board shall not require EPPs to require these individuals for the 2019-2020 academic year to complete a nationally normed and valid pedagogy assessment to determine clinical practice performance.
2. The State Board shall not require these individuals for the 2019-2020 academic year to complete the pedagogy assessment as a condition of EPP completion.
3. These individuals shall attempt the pedagogy assessment by the end of their first year of licensure and shall pass the assessment by the end of their third year of licensure.

SECTION 8.1.(d) Accountability. – Due to the lack of student assessment data and the school closure period, notwithstanding the requirements of G.S. 115C-269.35(a), EPPs shall only be required to submit information that is practically available in the annual report to the State Board required under G.S. 115C-269.35(b) for the 2019-2020 academic year.

SECTION 8.1.(e) Sanctions. – Notwithstanding G.S. 115C-269.45(c), the State Board shall not consider data that was not practically available related to the 2019-2020 school year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

SECTION 8.1.(f) EPP Report Cards. – Due to limited available information and the waiver of the requirement to submit certain information to the State Board under subsection (c) of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit annual report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the Joint Legislative Education Oversight Committee (Committee) but shall not make the annual report cards created pursuant to this section available to the public through the State Board’s Web site for the 2019-2020 academic year. The State Board shall also include in its report to the Committee aggregated information on the following:

1. The number and overall percentage of students who were admitted to an EPP with a GPA that was less than 2.7 as permitted by subdivision (2) of subsection (a) of this section.
2. The number and overall percentage of students who had their clinical internships deemed completed pursuant to subsection (b) of this section.

SCHOOL ADMINISTRATOR PREPARATION PROGRAMS

SECTION 8.2. Notwithstanding G.S. 115C-284(c2), a school administrator candidate who is enrolled in a school administrator preparation program meeting the approval standards established by the State Board pursuant to G.S. 115C-284 may have certain requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as follows:

1. The requirement that a candidate shall complete a year-long internship under G.S. 115C-284(c2)(7) shall be deemed completed under the following conditions:
   a. The candidate has completed as much time in the year-long internship as practicable prior to March 10, 2020.
   b. The candidate would be unable to complete the program by August 15, 2020, unless the internship is deemed completed pursuant to this section.
c. The candidate has been engaged in administrative duties as practicable while the school is closed during the school closure period.
d. The candidate has otherwise met the competencies identified in the certification of capacity utilized by the school administrator preparation program.

(2) The candidate shall complete a portfolio for emerging leaders to demonstrate the application of his or her training to actual school needs and training to the extent practicable prior to completion of the school administrator preparation program.

**TRANSFORMING PRINCIPAL PREPARATION GRANT PROGRAM REQUIREMENTS**

**SECTION 8.3.(a)** Notwithstanding G.S. 116-209.72(a)(2)e., a school leader candidate who is enrolled in a school leader preparation program receiving a grant pursuant to Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following conditions:

(1) The candidate has completed as much time in the clinical practice as practicable prior to March 10, 2020.

(2) The candidate has been engaged in school leader duties as practicable while the school is closed during the school closure period.

**SECTION 8.3.(b)** Notwithstanding G.S. 116-209.73(c)(1a)a., the Authority shall not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a recipient's failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part of the program during the 2019-2020 academic year.

**PART IX. MODIFICATIONS FOR TEACHER LICENSURE REQUIREMENTS/REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

**TEACHER LICENSURE REQUIREMENTS**

**SECTION 9.1.(a)** Extension for Licensure Requirements. – Notwithstanding G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:

(1) An individual who is in the first year of licensure, including an initial professional licensure (IPL), lateral entry license, or residency license (RL), as of March 10, 2020, who has not taken the examination required by the State Board may take the examination during the individual's second year of licensure.

(2) An applicant for a continuing professional license (CPL) whose lateral entry license expires June 30, 2020, including a teacher granted an extension pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination and coursework requirements established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

(3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

(4) An applicant for a CPL who is an elementary education (K-6) or special education general curriculum teacher with an IPL or RL who was granted an
extension until June 30, 2020, pursuant to Section 1.2 of S.L. 2019-71, as
amended by Section 8(d) of S.L. 2019-212, who has not met the examination
requirement established by the State Board as of March 10, 2020, shall be
provided an extension until June 30, 2021.

SECTION 9.1.(b) Extension for CEU Requirement. – Notwithstanding
G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education
credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the
requirements under G.S. 115C-270.30(b).

LICENSURE REQUIREMENTS FOR OTHER SCHOOL PERSONNEL

SECTION 9.2.(a) Extension for Examination Requirement. – Notwithstanding
G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure
additional time to meet the examination requirements as follows:

(1) Pursuant to G.S. 115C-284, an individual applying for a school administrator
license who has not met the examination requirements established by the State
Board as of March 10, 2020, shall be permitted to meet the examination
requirements in the first year of licensure.

(2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a
professional position in a public elementary or secondary school who has not
met the examination requirements established by the State Board as of March
10, 2020, shall be permitted to meet the examinations requirement in the first
year of licensure.

SECTION 9.2.(b) Extension for CEU Requirement. – Notwithstanding
G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits
in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020,
shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).

PART X. NORTH CAROLINA COMMUNITY COLLEGE MODIFICATIONS

COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN
APPRENTICESHIP PROGRAMS

SECTION 10. Notwithstanding G.S. 115D-5(b)(16), a student who is unable to
continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19
emergency may be eligible for a tuition waiver for community college courses in the student's
documented plan of study related to a job-specific occupational or technical skill until December

PART XI. UNIVERSITY OF NORTH CAROLINA MODIFICATIONS

WAIVER OF INTEREST CHARGES ON UNC STUDENT DEBT

SECTION 11.1. Notwithstanding G.S. 147-86.23, a constituent institution of The
University of North Carolina shall not accrue or charge any interest to a past-due account
receivable held by a student between March 13, 2020, and September 15, 2020.

EXTENSION OF UNC REPORT DATES

SECTION 11.2.(a) Notwithstanding G.S. 116-11(12d), 116-74.21, and
143-613(b1), the Board of Governors of The University of North Carolina shall have an
additional 60 days to submit the following reports to the Joint Legislative Education Oversight
Committee:

(1) The annual report due by April 15 each year on teacher education efforts at
The University of North Carolina.
The annual report due by April 15 each year on the supply and demand of school administrators to determine the number of school administrators to be trained in school administrator training programs within the constituent institutions of The University of North Carolina in each year of the fiscal biennium.

The biennial report due by May 15 every two years on the goals for State-operated health professional schools that offer training programs for licensure or certification of physician assistants, nurse practitioners, and nurse midwives for increasing the percentage of the graduates of those programs who enter clinical programs and careers in primary care.

SECTION 11.2.(b) Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative due by April 15 each year to the Joint Legislative Education Oversight Committee, the State Board of Education, the Office of State Budget and Management, and the Fiscal Research Division.

SECTION 11.2.(c) Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education and Recruitment due by April 15 each year to the State Board of Education, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, the Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State Budget and Management.

PART XII. NORTH CAROLINA SCHOLARSHIP FOR CHILDREN OF WARTIME VETERANS

SECTION 12. Notwithstanding G.S. 143B-1225(a), due to the COVID-19 emergency, a student who receives a scholarship pursuant to Part 2 of Article 14 of Chapter 143B of the General Statutes for the spring semester of the 2019-2020 academic year may receive a waiver from the limitation on the period of time to receive a scholarship under G.S. 143B-1225(a) for an additional semester from the institution in which the student is enrolled if the institution submits documentation of the waiver to the Department of Military and Veterans Affairs.

PART XIII. EFFECTIVE DATE

SECTION 13. Except as otherwise provided, this act is effective when it becomes law.