

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 82

Short Title: Summer Learning Choice for NC Families. (Public)

Sponsors: Representatives Moore, Elmore, Torbett, and Zenger (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

February 16, 2021

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH SCHOOL EXTENSION LEARNING RECOVERY AND
ENRICHMENT PROGRAMS IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT
TO MITIGATE THE IMPACTS OF COVID-19 ON AT-RISK STUDENTS AND TO
REQUIRE THE IMPLEMENTATION OF INNOVATIVE BENCHMARK
ASSESSMENTS.

The General Assembly of North Carolina enacts:

PART I. SCHOOL EXTENSION LEARNING RECOVERY AND ENRICHMENT PROGRAMS

SECTION 1.1. Program Established; Purpose. – Notwithstanding Part 3 of Article 16 of Chapter 115C of the General Statutes or any other provision of law, following the end of the 2020-2021 school year, within funds available, including federal funds received by a local school administrative unit for the purpose of responding to the impacts of the coronavirus disease 2019 (COVID-19), each local school administrative unit shall offer a six-week school extension learning recovery and enrichment program (program) outside of the instructional school calendar. The purpose of the program shall be to provide in-person instruction on specific subjects, as well as offer additional enrichment activities, to students in kindergarten through grade 12 to address learning losses and negative impacts students have experienced due to COVID-19 during the 2020-2021 school year. Each local school administrative unit shall identify and prioritize at-risk students, consistent with G.S. 115C-105.41(a), for participation in the program. Students who are not identified as at-risk under G.S. 115C-105.41(a) may also participate in a program within space available.

SECTION 1.2. Program Plan; Requirements. – Each local school administrative unit shall develop and submit a plan for its program that meets the requirements of this act to the Department of Public Instruction no later than 30 days prior to the final instructional day of the 2020-2021 school year. The Department shall notify the local school administrative unit of any necessary changes and approve the program plan with those changes within 21 days of receiving the plan from a local school administrative unit. A charter school is also encouraged to submit a plan that meets the requirements of this section depending on the grade levels served by the school to offer a program consistent with this act. The plan shall include at least the following as components of the program:

- (1) Instruction shall be delivered for at least five hours a day, which shall not include the time for lunch service, transition periods, and the physical activity



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- 1 period as required by this section. The program shall be offered five days per
2 week for a six-week period.
- 3 (2) Lunch service for each instructional day.
- 4 (3) A period of physical activity during the instructional day.
- 5 (4) Grade level course offerings and activities in the following:
- 6 a. For students in kindergarten through third grade, in-person instruction
7 in the following:
- 8 1. Reading and math, in addition to science instruction for third
9 grade students.
- 10 2. Integration of the local school administrative unit's reading
11 camp, as defined in G.S. 115C-83.3(4a), into the program.
- 12 3. At least one enrichment activity. The local school
13 administrative unit shall have discretion in the type of
14 enrichment activity offered, such as a sports, music, or arts
15 program.
- 16 b. For students in fourth through eighth grade, in-person instruction in
17 the following:
- 18 1. Reading, math, and science.
- 19 2. At least one enrichment activity. The local school
20 administrative unit shall have discretion in the type of
21 enrichment activity offered, such as a sports, music, or arts
22 program.
- 23 c. For high school students:
- 24 1. In-person instruction in end-of-course subjects.
- 25 2. Access to modules and teacher support for credit recovery
26 courses necessary to meet graduation requirements.
- 27 3. In-person instruction for an elective course.
- 28 (5) Transportation between a student's residence and the school facility housing
29 the program.
- 30 (6) Voluntary participation by at-risk students in the program. Each local school
31 administrative unit shall notify parents of students identified as at-risk,
32 pursuant to G.S. 115C-105.41(a), and the student's eligibility for participation
33 in the program. Parents of students who qualify for the program shall make
34 the final decision regarding student attendance at the program. However, for
35 students who do attend the program the following shall apply:
- 36 a. Kindergarten students who participate in the program shall be exempt
37 from retention for the 2021-2022 school year. At the end of the
38 program, if necessary, a supplemental support plan shall be developed
39 for the student for promotion to the first grade.
- 40 b. For all other students who are at-risk of grade retention for the
41 2021-2022 school year, the student's principal shall reassess the
42 student's promotion eligibility upon completion of the program.
- 43 (7) Opportunity for additional students to participate, within the space available,
44 after students are prioritized for attendance in the program under subdivision
45 (6) of this section. The local school administrative unit shall establish any
46 criteria for prioritizing additional students participating in the program.
- 47 (8) Outreach to families and students to increase participation in the program by
48 not only addressing learning losses, but by offering a fun, positive
49 environment with enrichment activities to counteract the negative impacts
50 from COVID-19 on student social interactions and development.

1 **SECTION 1.3.** Applicable Exceptions for Program Operations. – For each local
2 school administrative unit operating the program, the following shall apply:

- 3 (1) Employment of school personnel. – Notwithstanding Articles 19, 20, 21, and
4 Part 3 of Article 22 of Chapter 115C of the General Statutes, a local board of
5 education shall employ teachers and other school personnel as temporary
6 employees on a contract basis for the six-week period of the program. School
7 personnel employed as temporary employees by a local board of education
8 pursuant to this act shall not be considered an "employee" as defined in
9 G.S. 135-1(10) or a "teacher" as defined in G.S. 135-1(25), nor shall it cause
10 school personnel to be considered an "employee or State employee" under
11 G.S. 135-48.1(10). In addition, school personnel shall not be deemed as
12 earning "compensation" as defined in G.S. 135-1(7a) and shall not be eligible
13 to accrue paid leave during their temporary employment.
- 14 (2) K-3 class size. – Notwithstanding G.S. 115C-301(c) or any other provision of
15 law, limitations on teacher-to-student class size ratios for kindergarten
16 through third grade shall not apply to classes offered through the local school
17 administrative unit's program.

18 **SECTION 1.4.** Use of Reading Camp Funds. – Notwithstanding
19 G.S. 115C-105.25(b)(10) and any other provision of law, local school administrative units may
20 use funds allocated to the units for reading camps for the 2021-2022 fiscal year to also support
21 the operation of a school extension learning recovery and enrichment program pursuant to this
22 act.

23 **SECTION 1.5.** Report. – By October 15, 2021, the Department of Public Instruction
24 shall report to the Joint Legislative Education Oversight Committee on the implementation of
25 this act. The Department shall submit with its report a copy of each program plan submitted to
26 the Department and shall include any other data deemed by the Department to be useful to the
27 Joint Legislative Education Oversight Committee in evaluating the delivery of programs.

28 **PART II. INNOVATIVE BENCHMARK ASSESSMENTS**

29 **SECTION 2.** Benchmark Assessments. – Part 4 of Article 10A of Chapter 115C of
30 the General Statutes is amended by adding a new section to read:

31 "§ 115C-174.23. Benchmark assessments.

32 Within funds available, the State Board of Education shall provide for and require local
33 school administrative units to implement innovative benchmark assessments in certain grades
34 and core subject areas to allow teachers to more frequently measure student learning and address
35 student learning loss throughout the school year. An innovative benchmark assessment shall
36 provide for educator flexibility, assessments aligned with the standard course of study, and
37 actionable data for teachers, schools, and local school administrative units."
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39 **PART III. EFFECTIVE DATE**

40 **SECTION 3.** Effective Date. – Section 1.4 of this act becomes effective July 1, 2021.
41 The remainder of this act becomes effective when the act becomes law. Section 2 of this act
42 applies beginning with the 2021-2022 school year.
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