

## Legislative Requests For Ongoing Public School Support During COVID-19

### Modifications to SB 704 and HB 1043

1. **Extend legislative deadlines for submission of Summer Learning and Remote Instruction Plans.**
  - H1043 (S.L. 2020-4) Sec. 3.3(13) requires LEAs to submit their Summer Learning Program Plans to the Department of Public Instruction by June 22, 2020. Because many school districts are still analyzing feasible options for supplemental summer instruction, schools would appreciate any additional time the legislature could provide for submission of summer learning plans.
  - S704 (S.L. 2020-3) Sec. 2.11(a) requires LEAs to submit their Remote Instruction Plans to the State Board of Education by July 20, 2020. Many school districts have raised concerns that they will be unable to accurately provide thorough remote instruction plans this early, as numerous decisions regarding school reopening, such as the need to incorporate remote instruction for safety/social distancing, will not be made until early August, when more COVID-19 data and guidance will be available. As a result, many school districts would greatly appreciate a new deadline of August 3 for submission of these remote instruction plans.
2. **Provide greater flexibility for supplemental summer learning funding.**
  - H1043 (S.L. 2020-4) Sec. 3.3.(13)(b) currently requires school districts to use at least 75% of the \$35 million provided for reading interventions for second and third grade students before the start of the 2020-2021 school year. As districts design high-quality interventions that meet the needs of families, they need greater flexibility on when the funds can be used. For example, some families have voiced their discomfort in sending their students to school during the summer for tutoring. After-school tutoring or intersessions would better serve these families. We respectfully request the ability to use additional, unused summer learning funds to continue to provide needed supplemental instruction throughout the school year.
3. **Allow schools to utilize remote instruction prior to August 24 and remove cap of 5 remote instruction days.**
  - S704 (S.L. 2020-3) Sec. 2.11(b)(2)(c) forbids schools not operating on a year-round or modified calendar to schedule remote instruction days prior to August 24, 2020. To adhere to CDC and NC DHHS social distancing guidelines, districts need greater flexibility in how they use remote learning days. The legislation also only allows the use of additional remote instruction days beyond the required five, for LEAs granted good cause waivers, or in the case of a state of emergency or disaster declared *during* the 2020-21 school year. As many parents have raised concerns regarding the feasibility of full-time, in-person instruction at the start of the 2020-21 school year, districts need the limit on the number of remote learning days lifted and removal of the restriction on when those remote learning days can be implemented.
4. **Allow schools to align newly required 4<sup>th</sup> grade reading diagnostic with existing timelines for Beginning of Year assessments.**

- S704 (S.L. 2020-2) requires public school units to administer to all fourth-grade students an end-of-year diagnostic assessment “no later than the tenth day that school buildings are open for the 2020-2021 school year.” While most educators agree that diagnostic assessments should be required in the upcoming school year to identify reading deficiencies as quickly as possible, many parents and school leaders remain concerned about testing these students as they and their teachers are only beginning to adjust to a new way of learning. As a result, school districts respectfully request that the legislature remove the language requiring schools to administer this diagnostic within the first 10 days of school, and instead allow schools to administer the diagnostic utilizing existing timelines and instruments for Beginning of Year assessments.

**5. Extend deadlines by which federal funds being passed through the state must be spent by the LEAs.**

- H1043 (S.L. 2020-4) Sec. 3.3(6) allocates \$75,000 in federal relief funds to the Department of Public Instruction “for school nutrition services provided in response to COVID-19 by public school units participating in the National School Lunch Program or School Breakfast Program from March 16, 2020, through the end of the 2019-2020 school year.” As many schools will continue to provide meals and nutrition services to students throughout their communities well into the summer, public school units respectfully request the ability to utilize these nutrition and other critical federal funds with quickly approaching deadlines through Dec. 31, 2020, as allowed by the federal appropriation.

**6. Clarify requirements for exceptional children services in the mandatory Remote Instruction Plan.**

- S704 (S.L. 2020-3) Sec. 2.11(a) requires LEAs to develop Remote Instruction Plans detailing the district’s efforts to comply with 13 specific components, including Sec. 2.11(a)(10) that outlines a requirement for equal access to remote instruction for students with disabilities. Attorneys representing several school districts have requested that this subsection be adjusted to ensure these services align with federal law governing exceptional children services rather than being incorrectly perceived as exceeding those requirements, as is now occurring.

**7. Provide greater flexibility in technology funding to allow expenditures on service plans for devices.**

- H1043 (S.L. 2020-4) provides much-needed funding to enhance technology access in LEAs statewide. The funding includes \$1 million for Bus Connectivity, \$11 million for Mobile Connectivity, \$30 million for Student Devices, \$5 million for Staff Devices, and \$1,488,000 for expanding the Learning Management System provided by the Department of Public Instruction to facilitate remote instruction. With each of these COVID-19 relief funding allotments, school districts request the ability to spend a portion of the funds to secure service contracts enabling the devices to be functional in the LEA’s delivery of remote instruction.

**8. Clarify the new “year-round” calendar definition to ensure stability for parents and students who planned schedules around the 2020-21 calendar already adopted by their district.**

- S704 (S.L. 2020-3) Sec. 2.1.(6) creates a new definition of “year-round” school calendars that makes it difficult, if not impossible, for LEAs to operate a single-track year-round calendar in which all students in the district take learning breaks simultaneously. Since this type of

schedule had been possible and utilized under previous law prior to the passage of S704 in April, numerous school boards across the state had already adopted 2020-21 school calendars built on that option, and parents and students had made plans under that schedule. Lawmakers are requested to adjust this new law to allow single-track year-round calendars to be utilized as already planned in those districts and to support the student-focused schedules that have been widely supported in local communities.

## **New Coronavirus Response Requests**

*As the impact of coronavirus on K-12 education has changed over the past few weeks, additional legislative action is necessary to allow for successful reentry this fall.*

### **1. Delay K-3 Class Size Phase-In.**

- A one-year delay in new K-3 class size requirements and increased funding for Program Enhancement Teachers is critical because of difficulties districts are facing in determining ADM for 2020-21, particularly with kindergarten enrollment impacted by the stay-home orders. Resolution on this issue is important for this package now because districts are in their peak times for setting staffing patterns and recruiting teachers for the year that begins July 1.

### **2. Provide greater flexibility for calculating student average daily membership (ADM).**

- Currently, schools must submit ADM calculations based on student attendance within the first 40 days of school. Many districts have heard concerns from parents who are hesitant to allow their children to attend school at the very beginning of the new school year but would like to send their children at a later date. As a result, ADM calculations are unlikely to reflect true student attendance. For the 2020-21 school year school districts and charter schools should be held harmless on their ADM projection.

### **3. Provide greater flexibility for districts to utilize existing funds provided through state allotments and grant programs.**

- To help districts manage the evolving and unique needs of their communities in responding to COVID-19, districts need the ability to carry over unused state funds, as well as the flexibility to move funds between certain allotments.
- Specifically, many districts request extensions to use funds they were awarded for School Safety Grants, Coding and Mobile App Grants, and Digital Teaching and Learning Grants to help address new concerns created by the coronavirus. These grant funds are set to revert on June 30, before many districts have had the opportunity to fully utilize these grants on behalf of their students. Granting an extension until December 2020 to use these funds will allow districts to provide critical safety and technological support for their students as they return in the fall.

### **4. Oppose changing requirement for numerical grading of high school seniors in the 2019-2020 school year.**

- The State Board of Education voted in March to use Pass/Withdrawal designations for graduating seniors to help alleviate the effects of inequity in remote instruction across our State. Members of the State Board reaffirmed their initial decision on May 7, and school districts across the state have moved forward accordingly and issued senior grades, determined valedictorians and salutatorians, and conducted graduations. Numerous school

leaders have expressed concerns that allowing numerical grading of high school seniors at this point would create a domino effect in which current valedictorians will be unseated and floods of families across every LEA will seek transcript revisions on behalf of their students. For these reasons school administrators respectfully request that no legislation move forward that would mandate a change in grades already issued to 2019-20 high school seniors.

**5. Hold principal pay harmless for the 2020-2021 school year.**

- Currently, legislatively mandated changes to the principal salary schedule and performance-based bonuses are set to take effect on Jan. 1, based on accountability measures that the legislature waived for the 2019-20 year. Legislative action is now needed to ensure principal pay, including the bonuses that are a significant portion of principal performance-based pay, remains stable in the absence of these school growth and school performance grade measures.

**6. Support a statewide school construction and improvement bond.**

- The pandemic has caused budget shortfalls in many districts, and districts with capital needs will have to use greatly-needed operational funds for necessary maintenance and improvements on school buildings. To offset this hardship from the pandemic and help counties and school districts address the more than \$8.1 billion backlog in school facility construction and renovation needs that existed before COVID-19, the General Assembly is requested to authorize a significant statewide school bond referendum in the next election.

**7. Increase funding for school technology to support expanded usage of remote instruction.**

- Provide additional state funding to ensure all students, teachers and administrators have access to modern technology, equipment and software that supports a positive learning environment and facilitates newly enacted requirements and ongoing needs for remote instruction in response to COVID-19.

**8. Ensure ongoing phase-in of School Business System Modernization plan already in progress.**

- Provide additional state funding to continue the phase-in of the School Business System Modernization initiative, with remaining costs of \$207.5 million, to upgrade school finance and human resource software and increase efficiencies and data interaction capacity with the Department of Public Instruction. Funding of \$30 million non-recurring and \$30 million recurring is needed in 2020-21 to ensure stability in payroll processing and other systems for LEAs already midstream with this upgrade. Funding carry-forward until project completion is also essential for this transition.

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