



## House Files Bill Requiring Districts To Offer Summer School Program

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House Speaker Tim Moore and other representatives on Tuesday filed [House Bill 82: Summer Learning Choice for NC Families](#), which would require all NC school districts to create and offer 6-week “learning recovery and enrichment” summer programs for all K-12 students. Specifically, the bill requires LEAs to develop guidelines for prioritizing at-risk students for the voluntary program, although students not identified as at-risk could also participate within available space. Members of the House K-12 Education Committee discussed an [updated version of the bill](#) at length during a meeting on Wednesday, in preparation for a vote by committee members next week, likely Tuesday, February 23. If approved by the committee, H82 could quickly move through the House Rules Committee and House floor before being sent to the Senate.

The updated bill made only technical changes allowing districts to utilize summer reading camp funds from 2019-2020 rather than funds for 2021-2022 that have not yet been released. The NC Association of School Administrators (NCASA) is currently working with members and lawmakers to propose helpful amendments to strengthen the bill, including but not limited to: providing districts with more scheduling flexibility for the program; improving employment options for participating teachers and other staff; and clarifying 2021-2022 school calendar requirements.

Major points of the current bill are summarized below:

- **Funding** — No additional funds would be provided for LEAs to implement the summer program. LEAs are encouraged to use existing COVID relief funding from the recent \$1.6 billion in federal funds appropriated by the General Assembly in Senate Bill 36, as well as funds already allocated for “at-risk students” and summer reading camps.
- **Staffing** — LEAs shall employ teachers and other school personnel as “temporary employees” on a contract basis for the six-week period of the program. They would not be considered employees and would not be deemed as earning “compensation,” and therefore, would not earn retirement credit or accrue leave time. During Wednesday’s committee meeting, House Speaker Tim Moore stated he hoped districts would offer “very compelling packages for teachers” to incentivize their participation in the programs.
- **Program Planning Deadline** — LEAs would have to submit plans for these summer programs no later than 30 days prior to the final instructional day of the 2020-2021 school year.
- **Mandatory Only for LEAs** — The bill applies only to LEAs and not other public school units that include charter, lab, and regional schools. Charter schools are encouraged, but not required to hold the summer learning programs. During Wednesday’s committee meeting, bill sponsor Rep. Jeffrey Elmore said he was “unsure” if charter school students whose charters did not offer the summer program could attend a program through the LEA.
- **Instructional Day Requirements** — Instruction shall be delivered for at least five hours a day, five days per week, for a six-week period. Curriculum requirements would vary for K-3 students, grade 4-8 students, and high school students. LEAs must also offer transportation, lunch service,

and a period of physical activity every day. Representatives from the NC Department of Public Instruction and the State Superintendent's office shared they would support changing the "five days per week" mandate to instead require a total of 150 hours over the summer. NCASA is seeking similar flexibility in how the summer program may be scheduled.

- **Grade Promotion** — Kindergarten students who participate in the program shall be exempt from retention for the 2021-2022 school year; for all other at-risk students, school principals would reassess the student's promotion eligibility upon program completion.
- **K-3 Class Size Waiver** — Class size limitations for K-3 would not apply to the summer program.
- **Innovative Benchmark Assessments** – The bill would require the State Board of Education to provide for and require LEAs to implement innovative benchmark assessments in certain grades and core subject areas to allow teachers to more frequently measure student learning and address student learning loss throughout the school. The State Superintendent's Chief of Staff, Shelby Armentrout, noted in the House K-12 Committee that this provision was included by lawmakers at the Superintendent's request, based on her wishes to contract with a specific product vendor soon.

School leaders should review this legislation and share thoughts or concerns with lawmakers, starting with House members, immediately. Please also send NCASA a copy of any communication with, or feedback from, lawmakers on this issue to assist with our advocacy on your behalf.

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