



House, Senate To Negotiate On Bill To Reopen Schools

NCASA Advocacy Team

A bill requiring school districts to offer in-person instruction was sent back to the negotiation table this afternoon after members of the Senate voted not to concur with changes made to the bill in the House. [Senate Bill 37](#) (S37), which is fully summarized by legislative staff [here](#), quickly moved through various committees this week with limited amendments, and House lawmakers approved the revised version this afternoon in a 74-44 vote. The bill lost traction minutes later, however, when the bill sponsor, Sen. Deanna Ballard (R-Watauga) asked senators not to concur because of “confusing changes” she said the House had made. The bill was then sent to a conference committee for further negotiation by designated House and Senate lawmakers. The Senate and House both could vote on the final version as early as Monday 2/15 at 7 p.m.

Since the bill’s introduction last week, the NC Association of School Administrators (NCASA) has been working with lawmakers to seek improvements to the legislation, based on member concerns and feedback. Many administrators reached out to NCASA regarding the safety of classroom teachers and other on-site staff members, especially those who were at high-risk for contracting the coronavirus. As a result, NCASA proposed language which would have required the NC Department of Health and Human Services (NCDHHS) to prioritize school-based employees in the group of future vaccinations designated for all essential workers. While Governor Roy Cooper [approved the vaccine prioritization](#) in a press conference on Wednesday, the language was not ultimately added to the bill.

Instead, the House Rules Committee on Wednesday evening added a requirement for LEAs to provide “reasonable accommodations” for classroom teachers presenting medical documentation that they or minors they take care of are high-risk for serious illness from COVID-19. While this provision in Section 2.(2) of the bill does not require LEAs to keep these teachers in remote instruction only, many superintendents and personnel directors shared concerns it would spur teachers to seek this placement, making it more difficult for districts to open more classrooms for in-person instruction.

This provision and other parts of the bill received lengthy debate on the House floor this morning before the bill was approved. Rep. John Bradford (R-Mecklenburg) attempted to clarify the “reasonable accommodations” language by proposing a successful amendment stating local boards of education did not have to provide any accommodation to an employee “where no reasonable accommodations exist.” Prior to the final House vote, several Democrats unsuccessfully attempted amendments that *would have* done the following:

- Limit the in-person instruction requirements for students with IEPs and Section 504 Plans to only those in self-contained classrooms;
- Increase the transition time for reopening schools from 15 days to 21 days;
- Require LEAs to report to DPI on classroom or school closures within one week instead of 72 hours; and
- Remove language in the bill viewed as restricting Gov. Roy Cooper’s authority on opening or closing schools the remainder of this school year.

Today’s House floor debate clarified the bill may indeed supersede further action by the Governor to close or force reopening of district-led schools in 2020-21. Also today, and despite some ambiguity in

the bill, legislative staff said **it would allow middle and high schools to return to in-person instruction in Plan A**, which is currently prohibited through the Governor's orders in conjunction with directives and guidance from DHHS.

The amended bill was then sent back to the Senate on Thursday afternoon, but quickly rejected in a vote of 41-1. The Senate has announced the following members as its conferees: Republican Sens. Deanna Ballard (Watauga), Ralph Hise (Mitchell), Michael V. Lee (New Hanover), Kathy Harrington (Gaston), as well as Democratic Sens. Kirk deViere (Cumberland) and Ben Clark (Cumberland). The House had not yet announced its conferees as of the time of this publication.

Once all conferees agree on compromise language, the bill will again face "yes" or "no" votes in both chambers, with no additional amendments allowed. Those votes could occur Monday night. The bill then will face action by the Governor, who will have 10 days to veto, sign, or let it become law without his signature. While he has expressed concerns on the bill as it has progressed, it is not known at this time how he will react to the final bill.

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