



## Legislators Finalize Bill To Reopen Schools, Governor Signals He Won't Accept It As Is

*Katherine Joyce | NCASA Executive Director*

House and Senate negotiators reached final agreement Tuesday on a [revised version of Senate Bill 37](#) to reopen schools. The Senate voted 31-16 that afternoon to approve the bill, and the House voted 76-42 Wednesday to approve as well. Before the House vote, Governor Roy Cooper issued a statement indicating his concerns with the final legislation.

"Children should be back in the classroom safely, and I can sign this legislation if it adheres to DHHS health safety guidance for schools and protects the ability of state and local leaders to respond to emergencies," Cooper's statement reads. "This bill currently falls short on both of these fronts."

The Governor reiterated those concerns in a press conference earlier today and emphasized the bill's provision allowing Grades 6-12 to go back to classrooms under Plan A without social distancing violates DHHS safety guidelines. Cooper said he would entertain a new bill on school reopening that addresses his concerns, or the state can let the current process of school reopening "run its course." He said 91 of 115 LEAs are offering in-person instruction as of today, and by mid-March, 95% of NC districts will have some of, or all, their students back in-person, with those districts serving 96% of K-12 students in the state.

"I'll continue to discuss potential new legislation on reopening schools with General Assembly leaders before taking action on the bill that's on my desk," Cooper said today. "It is critical for students and teachers that we get this right."

The Governor has 10 days for action on S37, and his comments indicate a veto is possible. If that occurs, the bill will return to the Senate, where 30 of the 50 Senators, if all are present, would need to approve a veto override for the bill to remain viable. While 3 of the chamber's 22 Democrats voted in favor of the bill this week, it is not known if they also would support overriding the Governor's objections.

Also this week, State Superintendent Catherine Truitt issued a statement supporting the bill. "I commend the General Assembly for this bipartisan effort, as SB 37 provides local discretion for school districts while allowing our students to be back in the classroom for in-person instruction," Truitt's statement said. "This bill is in line with DHHS health and safety guidance, requiring school districts to meet all stipulations as set forth in the StrongSchoolsNC Public Health Toolkit. Parents still have a choice in which learning environment is best for their child, while teachers and staff who are uncomfortable returning have alternative options to minimize face-to-face contact and risk of exposure. This is a win for students, parents and districts across the state."

The revised S37 emerged from negotiations Tuesday, after lawmakers resolved the only section in dispute between the two chambers. Section 2.(3) on reasonable accommodations for teachers and other employees was updated in the final bill and now reads as follows:

"In accordance with the requirements of the StrongSchoolsNC Public Health Toolkit, local boards of education shall create a process for teachers and staff to self-identify as high-risk from COVID-19 and have a plan in place to address requests for alternative work reassignments. For teachers and staff who self-identify as high-risk from COVID-19, local boards are strongly encouraged to enable them to minimize face-to-face contact and to allow those teachers and staff to maintain a distance of six feet from others, modify job responsibilities to minimize exposure risk, or allow them to telework if possible. For the purposes of this subdivision, a teacher or staff member may also self-identify as high-risk from COVID-19 if that teacher or staff member is the direct caretaker of a minor with an underlying condition identified as high-risk from COVID-19."

The NC Association of School Administrators (NCASA) had raised concerns about the previous “accommodations” language the House had added to the bill, since superintendents and human resource directors were concerned it would encourage teachers to request remote-work options rather than returning to classrooms. While the House provision did not require accommodations to be granted, school leaders raised concerns it would exacerbate workforce issues and hinder their efforts to increase in-person instruction.

In addition to amending that section, the final legislation would do the following if it becomes law:

- Require local school boards to provide:
  - An in-person Plan A option for ALL students who have an IEP or a 504 Plan,
  - An in-person Plan A or Plan B option for all other students in grades K-12 (boards could opt for all Plan A, all Plan B, or a combination thereof), and
  - A remote option for families who want it.
- Allow local school boards to shift individual schools or classrooms to remote learning due to COVID-19 exposures that result in staffing shortages or required student quarantines.
- Require that the bill be implemented on the first workday 15 days after becoming law.

NCASA will provide additional updates on S37, once the Governor decides whether to veto, sign, or allow it to become law without his signature by his Feb. 27<sup>th</sup> deadline for action.

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