



PUBLIC EDUCATION: NORTH CAROLINA'S BEST INVESTMENT

2020 Legislative Summary

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2020 COVID-19 Session (September 2-3)

HB 1105 Coronavirus Relief Act 3.0 (Session Law 2020-97)		
Appropriations from the Coronavirus Relief Fund (Non-recurring federal funds)		
Department of Public Instruction (DPI)	FY 2020-2021	Section
Increases the previous appropriation of \$11 million to \$21 million to provide community and home mobile internet access points to improve internet connectivity for students.	\$10,000,000	3.3 (8)
Increases the previous appropriation of \$7 million to \$27 million to provide personal protective equipment (PPE) for public schools and to facilitate in-person instruction. Expands the use of the funds to provide COVID-19 testing for public schools.	\$20,000,000	3.3 (63)
Increases the previous appropriation of \$5 million to \$22 million to award grants for services to exceptional children who lost critical services due to COVID-19 school closures. DPI is encouraged to use the \$17 million increase in funding for “in-person services for qualifying services.”	\$17,000,000	3.3 (64)
Directs DPI to allocate funds to Communities in Schools of North Carolina, Inc. to purchase PPE for staff and to assist students in grades K through 12 with remote instruction, nutrition, family support, and mental health.	\$1,100,000	3.3 (89)
Directs DPI to allocate funds to Mount Airy Schools to establish the Smart School Bus Safety Pilot Program (see section 4.16).	\$115,000	3.3 (90)
Directs DPI to allocate funds to Alamance-Burlington Schools for school nutrition services, transportation services, technology, remote instruction materials, and services, and PPE.	\$1,000,000	3.3 (91)
Directs DPI to allocate funds based on average daily membership to public school units in Bertie, Camden, Chowan, Perquimans, Tyrrell, Washington counties.	\$500,000	3.3 (92)
Directs DPI to make funds available to public school units to purchase one or more Gaggle safety management products to enhance student safety while providing remote instruction. (These products monitor blocked content and communications.)	\$1,000,000	3.3 (100)

University of North Carolina (UNC)		
Funds the New Teacher Support Program to provide mentoring and coaching support to beginning teachers employed in public schools most impacted by COVID-19 at no cost to the LEAs.	\$1,000,000	3.3 (96)
UNC - State Education Assistance Authority (SEAA)		
Provides \$3.65 million to the Personal Education Savings Account Program and \$2.85 million to the Special Education Scholarships for Students with Disabilities Program to award scholarships to students on the waiting list of each program.	\$6,500,000	3.3 (86)
Provides funding to purchase PPE for nonpublic schools that enroll students receiving Opportunity Scholarships.	\$250,000	3.3 (87)
Department of Health and Human Services		
Provides funds to establish a student health collaborative pilot program in collaboration with the State Board of Education (SBE) and DPI (See Section 4.18).	\$300,000	3.3 (109)
Department of Information Technology		
Expands the Growing Rural Economies with Access to Technology Fund (GREAT) that provides grants to private providers to extend broadband service to unserved areas of the State.	\$30,000,000	3.3 (115)
Allows GREAT grant recipients to receive an “initial lump sum grant fund disbursement equal to the total grant award amount minus amounts assessed to the grant recipient for the matching requirement”.		3.3 (46)
Department of Revenue		
Allocates funds to the Department of Revenue for the Extra Credit Grant Program. Taxpayers with a qualifying child will receive a grant of \$335 to assist with virtual schooling and child care costs during the COVID-19 pandemic (see Section 4.12).	\$440,541,000	3.3 (72)
Office of State Budget and Management (OSBM)		
Directs OSBM to allocate funds to the Steve Smith Family Foundation to be used for its virtual learning support program that assists homeless students during the COVID-19 pandemic.	\$150,000	3.3 (82)
Grants		

Allocates funds to the YMCA of the Triangle Area, Inc. to develop and administer a grant program to facilitate remote learning opportunities during the COVID-19 pandemic. Eligible institutions include YMCAs, YWCAs, Boys and Girls clubs, municipal parks and recreation departments and other community-based organizations.	\$19,000,000	3.3 (103a)
Directs OSBM to provide a grant to Backpack Ministry, Inc., to provide food to students that otherwise would not receive a meal at home, to address increased food service demands due to the impact of COVID-19.	\$100,000	3.3 (108)
S.L. 2020-4, Section 3.3		

Section 1.3

Extra Credit Grant Program

Provides a \$335 grant to a taxpayer who filed a 2019 State income tax return on or before October 15, 2020 and (i) was a resident of North Carolina for entire 2019 calendar year and (ii) reported at least one qualifying child on line 10a of the state income tax form D-400. Spouses who filed a joint 2019 State income tax return are considered one eligible individual. The grant is intended to provide economic support to assist with virtual schooling and child care costs during the COVID-19 pandemic. The grants will be paid “as soon as practicable, but no later than December 15, 2020”.

S.L. 2020-4

Temporary Flexibility for Transportation Allotment

For the 2020-2021 school year, allows LEAs to use transportation allotment funds for the following purposes related to the COVID-19 pandemic:

1. School nutrition
2. School- and community-based child care
3. Sanitizing schools and buses
4. To facilitate in-person instruction, PPE that meets applicable federal standards and guidelines from the Centers for Disease Control and Prevention (CDC)
5. Remote instruction

S.L. 2020-4

Smart School Bus Safety Pilot Program

Establishes the Smart School Bus Safety Pilot Program (Program), which uses technology to improve the transportation of public-school students in response to the COVID-19 pandemic.

The Program begins no later than November 23, 2020 and ends on or before January 1, 2024. Prohibits the expenditure of Coronavirus Relief Funds past December 30, 2020.

Participation is authorized for only Mount Airy City Schools. Provides a list of eleven minimum requirements that a qualifying vendor's technology and services must meet. Requires every school bus in a participating LEA that is designed for the transportation of children with disabilities to be outfitted with technology appropriate for those children and provided in a cost-effective manner. Specifies that hardware provided to a participating LEA becomes the property of that LEA at the conclusion of the Program.

Requires DPI, in consultation with participating LEAs, to report at least the following about the Program no later than November 1 and March 1 of each year to the Joint Legislative Education Oversight Committee, any House or Senate committee addressing school safety, and the Fiscal Research Division:

1. An itemized breakdown of software and hardware infrastructure and equipment provided by qualifying vendors to participating LEAs
2. A description of services provided by qualifying vendors to participating LEAs
3. A list of qualifying vendors contracting with participating LEAs
4. The impact and effectiveness of the Program
5. All expenditures of State funds

S.L. 2020-4

Special Supplementary G.R.E.A.T. Act Grant Process

From the funds appropriated in Section 3.3.(115) of this act, provides a special supplementary grant process to accelerate the provision of broadband access through the GREAT grant program. Allows grants to be awarded for applications submitted on or before October 23, 2020. Requires the Department of Information Technology (DIT) to post applications no later than October 28, 2020, begin issuing awards no later than November 9, 2020, and award all grants on or before December 30, 2020. Provides exceptions for how grant applications are submitted and grant funds are awarded.

S.L. 2020-4

Establish Student Health Collaborative Pilot Program

Establishes a student health collaborative pilot program that allows LEAs to collaborate with the county department of social services to assist students with their mental and physical health while in a public school setting, in response to the COVID-19 pandemic. Requires the Division of Social Services, in collaboration with the SBE and DPI, to select at least one LEA to participate in the pilot program. Selected LEAs must provide the required local match to funds

allocated for this collaborative pilot. Prohibits the expenditure of Coronavirus Relief Funds past December 30, 2020.

Requires the Division of Social Services to submit a progress report six months after implementing the pilot program to the Joint Legislative Oversight Committee on Health and Human Service, the Joint Legislative Education Oversight Committee, and the Fiscal Research Division. The report shall include:

1. The number of students served by age, gender, and ethnicity
2. The types of services provided to students and student outcomes
3. Total project costs, including administrative costs
4. The amount of funds needed to expand the program to other counties or statewide

S.L. 2020-4

Section 1.4

When calculating NC taxable income, allows a taxpayer to deduct the \$335 granted to the taxpayer during the taxable year under the *Extra Credit* grant program from their adjusted gross income. Effective for taxable years beginning on or after January 1, 2020 and expires for taxable years beginning on or after January 1, 2021.

G.S.105-153.5(b)

Section 3.1 Average Daily Membership/Hold Harmless

1. For the 2020-2021 fiscal year, the SBE shall determine the allocations for average daily membership (ADM) to applicable public school units by using the higher of the actual or anticipated (allotted) ADM.
2. After funding adjustments are made, the SBE shall not reduce allotments for local school administrative units due to the difference between actual and anticipated (allotted) ADM.

Section 3.1A Revise Definition of ADM in Principal Salary Schedule to Continue Using Membership Amounts from the 2019-2020 School Year

The ADM of a principal's school is determined by using the school's ADM from the 2019-2020 school year. If the school did not have an ADM in the 2019-2020 school year, the school's projected ADM for the 2020-2021 school year must be used.

S.L. 2020-45, Section 4.(b)

Section 3.2 Virtual Charter School Enrollment

Permits North Carolina's two virtual charter schools to increase student enrollment for the 2020-2021 school year as follows:

- NC Cyber Academy can increase enrollment by 1,000 students
- NC Virtual Academy can increase enrollment by 2,800 students

Students enrolled in a virtual charter school prior to this law will have enrollment priority for the 2021-2022 school year.

The virtual charter schools must provide an interim report by March 15, 2021 and a final report by November 15, 2021, to the General Assembly, on the impact of the increase in student enrollment, including data on where students had been previously enrolled.

Section 3.3 Changes to the Opportunity Scholarship Grant Program

Remove Cap on K-1 Grade Funds

Strikes language from G.S. 115C-562.2(2)(b) that limits no more than 40% of remaining funds from being used to award scholarship grants to eligible students entering kindergarten or first grade. Priority to eligible students is now as follows:

1. Eligible students who received a grant the prior school year.
2. Of the remaining funds, at least 50% must be used for eligible students residing in households with an income level not in excess of the amount required for the student to qualify for the federal free or reduced-price lunch program.
3. Any remaining funds are to be used by all other eligible students.

For the 2020-2021 school year, scholarship funds are to be awarded for the fall semester to provide an alternative educational option during the COVID-19 pandemic to eligible students who:

1. Applied for scholarship funds for the 2020-2021 school year within the application deadlines established by the Authority, and
2. Had not been awarded scholarship funds as of the date this becomes law.

Changes the household income eligibility level to not exceeding 150% (was 133%) of the amount required to qualify for the federal free or reduced-price lunch program. The change begins with applications for the spring semester of the 2020-2021 school year.

G.S. 115C-562.2(a); G.S. 115C-562.1(3)b.

Section 3.4 NC Patriot Star Family Scholarship Program

By October 1, 2020, DPI must transfer \$1 million in nonrecurring funds from the cash balance in the School Bus Replacement Fund (Budget Code: 73510) to UNC System Office (Budget Code:

16015). This is a scholarship for children and spouses of veteran or active duty military to attend eligible post-secondary institutions.

Section 3.7A Flexibility for Certain Child Care Licensing Requirements

Care for School-Age Children During State of Emergency

When remote or virtual learning is required for school-age children due to a declared state of emergency under G.S. 166A-19.20, the following must apply:

1. A community-based organization is authorized to provide care for school-age children at a remote learning facility, provided the organization is registered with the Department through a process consistent with the registration process the Department uses for licensed child care facilities. Provides definitions for (a) Community-based organizations and (b) Remote learning.
2. When providing care to school-age children, the limitations regarding the maximum amount of screen time for children three years of age and older do not apply.
3. Care provided to school-age children pursuant to this section is not considered child care.

Defines what child care is and what it is not.

Requires any community-based organization operating pursuant to subsection (a) during the COVID-19 pandemic to comply with the same COVID-related sanitation requirements as required of licensed child care facilities.

G.S. 110, Article 7; G.S. 110-86

Section 3.14 G.R.E.A.T. Act Revision

GREAT Program

Makes changes to several definitions associated with the program and adds definitions for (1) business and (2) unserved household or business. Makes several technical and conforming changes. Adds ranges of estimated costs for the formula to determine awards.

G.S. 143B-1373; G.S. 143B-1373(a)(5), as amended by S.L. 2019-230, Section 2; G.S. 143B-1373(l)

Section 3.16 CDL Extensions

Modifies the extension on the intrastate medical waivers. The waiver is still for only up to five months but no longer sunsets on August 1. Instead the waiver is extended until Executive Order 116 is rescinded, or an Executive Order is issued lifting restrictions on DMV functions.

S.L. 2020-3, Section 4.7(b1)

Section 3.20 Re-authorize State Agencies to Exercise Regulatory Flexibility During the Coronavirus Emergency in Order to Protect the Economic Well-Being of the Citizens and Businesses of the State

Extends the provision until Executive Order 116 is rescinded or December 31, 2020, whichever is earlier. If due to the coronavirus, it is in the public's best interest, public agencies, including DPI, are allowed to:

1. Delay the collection, or modify the method of collection, of any fees, fines, or late payments, including interest.
2. Delay the renewal dates of permits, licenses, and other similar certifications, registrations, and authorizations.
3. Delay or modify any educational or examination requirements.

Public/Statewide Legislation

House Bills

HB 118: COVID-19 Liab. Safe Harbor (S.L. 2020-89)

Section 1-2. Provides limited immunity for claims based on transmission of COVID-19 if a person owning the premises provides notice of actions taken to reduce the risk of transmission of the disease and does not act with gross negligence, willful or wanton conduct, or intentional wrongdoing. The person is not liable for the failure of individuals to comply with rules and guidelines. Defines person as an “individual; corporation; nonprofit corporation; business trust; estate; trust; partnership; limited liability company; sole proprietorship; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal entity.” This liability protection covers claims made no later than 180 days after the expiration or rescission of Executive Order No. 116 issued on March 10, 2020. It does not apply to Workers' Compensation claims.

G.S. 99E-70 through 72

Section 3. Effective July 2, 2020.

HB 158: COVID-19 New Driver Response (S.L. 2020-30)

Section 1. Temporarily waives the road test requirement to obtain an initial provisional driver’s license (Level 2 limited provisional license) if all other requirements are met. In addition to all other requirements, requires applicants receiving this waiver to pass a road test to obtain a Level 3 full provisional license. Expires when the Division of Motor Vehicles resumes administering driving tests.

G.S. 20-11(d)(3); G.S. 20-11

Section 2. For a student enrolled in classroom driver education in a public school or driving training school between January 2020 and March 16, 2020, considers the student as having completed the classroom instruction requirements if the student completed at least 15 hours prior to March 16, 2020. Allows the student to take and pass the DPI proficiency exam to waive the classroom instruction requirement. Requires all students enrolled in driver education in spring semester 2020 to complete at least six hours of behind-the-wheel instruction before being issued a NC Driver Education Completion Certificate. Authorizes public schools to resume driver education in accordance with guidance issued by DPI.

G.S. 115C-215(b)(1),(2),(4),(5); G.S. 115C-216; SBE Policy DRIV-0004

Section 3. Effective June 19, 2020.

HB 308: Regulatory Reform Act of 2020 (S.L. 2020-74)

Section 9. Extends the period for retirees of the Teachers' and State Employees' Retirement System (TSERS) to return to work early from August 1, 2020 to August 31, 2020. This provision reduces the waiting period from six months to one month for retirees who retired on or after October 1, 2019 but before April 1, 2020 to return to work for a position that is needed due to the COVID-19 pandemic.

S.L. 2020-3, Section 4.23

Section 32. Effective July 1, 2020.

HB 472: NCSU/NC A&T Matching Funds/Umstead Act (S.L. 2020-26)

Section 1.(a) Requires DPI to transfer \$2 million from the cash balance in the School Bus Replacement Fund to NC State University for the development of innovative manufacturing processes for biopharmaceutical products.

Section 2.(a) Requires DPI to transfer \$3 million from the cash balance in the School Bus Replacement Fund to NC A&T State University for agricultural research and cooperative extension program activities.

Section 6. Effective July 1, 2020.

HB 902: P&C Changes/Glob. Tranp./Prison Pilot (S.L. 2020-90)

Section 1. Changes the expenditure benchmarks for State agency contract review as follows:

- From \$25,000 to \$100,000 for the Division of Purchase and Contract to review a bidder's protest on the award of a contract.
- From \$10,000 to \$100,000 for the Secretary of Administration to review the waiver of the competitive bidding process.
- From \$10,000 to \$100,000 for agencies to report to the Division of Purchase and Contract on purchases in response to an emergency.

G.S. 143-52.1; G.S. 143-53; G.S. 143-53.1; G.S. 143-57

Section 7. Effective July 2, 2020.

HB 1023: Coronavirus Relief Funds/Additions & Revisions (S.L. 2020-80)

Section 1.1.(d) Extends the use of \$75 million in emergency school nutrition funds through December 30, 2020 and expands the program to include summer meals (#6). Allocates \$7 million to DPI for personal protective equipment for public schools and to facilitate in-person

instruction for the 2020-2021 school year (#63). Allocates \$5 million to DPI to award grants for services to exceptional children who lost critical services due to COVID-19 school closures (#64). Allocates \$2.5 million to establish the statewide Plasma Games, Inc. pilot program (#62).

S.L. 2020-4, Section 3.3

Section 1.1.(e) Establishes the Plasma Games, Inc. pilot program (pilot): a statewide pilot to promote access to innovative digital and personalized learning solutions for high school students. The pilot is administered by the Department of Commerce and the Office of Science, Technology, and Innovation (Office). Requires LEAs participating in the pilot to submit plans for implementation to the Office and requires the Office to provide funds to participating LEAs. Requires participating LEAs to provide a report by May 1, 2021 to the Office, including use of funds, number of students in the pilot, and teacher feedback. Requires the Office to report to the Joint Legislative Education Oversight Committee, Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division on the implementation of the pilot and information reported by participating LEAs by June 1, 2021.

S.L. 2020-4

Section 2.2. Permits DPI to withhold up to \$12 million from the transportation allotment to cover transportation expenses related to emergency school nutrition services in the summer of 2020. Effective July 1, 2020.

Section 2.3. Requires the SBE to report to the Joint Legislative Education Oversight Committee on unpaid meal charges no later than October 15, 2021. Requires the report to include (i) percentage of students who qualify and participate in reduced-price meals, (ii) percentage of students who do not carry an unpaid meal charge, (iii) total amount of unpaid meal charges for each LEA, (iv) summaries of approaches adopted by LEAs regarding unpaid meal charges, and (v) options for statewide policy on administration of unpaid meal charges (not including preventing students from receiving meals because of an unpaid meal charge). For the 2020-2021 fiscal year, requires DPI to transfer \$3.9 million in nonrecurring funds from the School Bus Replacement Fund to provide school lunches at no cost to students who qualify for reduced-price meals in schools participating in the National School Lunch Program. If funds are insufficient, allows DPI to use excess funds appropriated to the National School Breakfast Program. Effective July 1, 2020.

Section 2.4. Reduces appropriations to the School Technology Fund by \$18 million in nonrecurring funds for the 2020-2021 fiscal year and appropriates these funds to the School Business System Modernization Plan for the implementation of an Enterprise Resource Planning system. Requires that \$650,000 of the \$18 million be transferred to the Government Data Analytics Center to leverage existing public-private partnerships for support of the annual school report card data system and the School Finance reporting system. Effective July 1, 2020.

Section 3.6. Except as otherwise provided, this act is effective July 1, 2020.

HB 1050: PED/Low-Performing School Districts (S.L. 2020-55)

Section 1. Adds a requirement that improvement plans for low-performing LEAs include specific strategies and measurable goals to improve early childhood learning.

G.S. 115C-105.39A

Section 2. Requires DPI to ensure that the comprehensive needs assessment tool for low-performing LEAs includes an examination of early childhood learning by providing, at a minimum, the following for preschool through third grade:

1. Training levels of early childhood teachers and support staff.
2. Ratio of students to teachers.
3. Alignment of pre-k curricula to K-3 curricula.
4. Kindergarten transition supports.
5. Kindergarten preparedness.

Section 3. Effective June 30, 2020. Applies to improvement plans and comprehensive needs assessments based on data from the 2020-2021 school year.

HB 1053: PED/Military OL & Audiology Interstate Compact (S.L. 2020-87)

Section 1. Removes the SBE as an occupational licensing board, for the purposes of this section. Requires the SBE to annually report on teacher license applicants that either have military training or are military spouses. The report will contain (i) the number of applicants, (ii) the number granted a license, (iii) the number denied a license, and (iv) a summary of reasons licenses were denied. The report is due no later than October 31 of each year to the Secretary of State, Attorney General, and Joint Legislative Administrative Procedure Oversight Committee.

G.S. 93B-15.1(i); G.S. 93B-2

Section 4. Effective December 1, 2020.

HB 1071: Funds to DPI for ADM Growth (S.L. 2020-27)

Appropriates \$100,923,230 in nonrecurring funds for growth in various ADM categories for the 2020-2021 fiscal year, as shown below:

FY 2020-2021 ADM Adjustments for Public Schools	
Item	ADM
Testing	\$259,051
Noninstructional Support	\$1,262,552
Total School Bldg Admin.	\$2,973,929
Classroom Teachers/Program Enhancement	\$30,105,229
Teacher Assistants	\$3,491,475
Instructional Support	\$199,472
At Risk Student Services	-\$5,379,085
Disadvantaged Student Supplemental Funding	\$4,176,084
Low Wealth Supplement	\$24,476,681
Classroom Supplies	\$175,634
Textbooks and Digital Resources	\$106,282
Career and Technical Education	\$4,660,644
Limited English Proficiency	\$13,453,137
Exceptional Children	\$10,287,548
Academically or Intellectually Gifted	\$248,944
Child and Family Support Teams	\$491,390
Transportation	\$9,934,263
Total	\$100,923,230

The following transfers are made to support the ADM increases:

Section 2. Requires the State Controller to transfer \$75 million in nonrecurring funds from the Civil Penalty and Forfeiture Fund to DPI.

Section 3. Requires DPI to transfer \$3,923,230 in nonrecurring funds from the School Bus Replacement Fund.

Section 4. Appropriates \$22 million in nonrecurring funds from the Coronavirus Relief Fund to the Office of State Budget and Management to be allocated to DPI.

Section 7. Effective July 1, 2020.

HB 1079: Various Sales Tax Changes (S.L. 2020-6)

Section 3.(a) Clarifies that the delivery of instruction/training by public or private K-12 schools or institutions of higher education is a nontaxable educational service. Defines an educational service as the delivery of instruction or training (in real time, on demand, or at another set time) by or on behalf of a qualifying educational entity where at least one of the following apply:

1. The instruction/training is part of the curriculum for a student.
2. The instruction/training is part of the institution's accreditation or prepares a student for employment in a recognized occupation.
3. The participant is evaluated by an instructor (not including being graded, scored, or evaluated by a computer program or interactive, automated method).
4. The participant is connected to the instructor via the Internet or other networks and is providing, receiving, or discussing information through live interaction.

Defines a qualifying educational entity as either an elementary or secondary school or an institution of higher education, according to the United States Codes. Effective retroactively to October 1, 2019 and applies to sales occurring on or after that date.

G.S. 105-164.3

Section 3.(d) Provides a grace period from sales and use tax enforcement actions for providers of digital audio or audiovisual works consisting of professional development instruction for school board members, administrators, or staff that are due for a filing period beginning on or after October 1, 2019 and ending prior to August 1, 2020. This subsection is effective June 5, 2020. This change requires NCSBA to charge sales tax on webinars and other video resources sold to our members.

G.S. 105-Article 9

HB 1087: Water/Wastewater Public Enterprise Reform (S.L. 2020-79)

Part III. Appropriates \$30.7 million from the Volkswagen Litigation Environmental Mitigation Fund. An unspecified portion of this sum will be used to replace or upgrade diesel buses, which includes school buses.

S.L. 2017-57, Section 13.2; S.L. 2018-5, Section 13.11

Part VI. Effective July 1, 2020.

HB 1096: UNC Omnibus Changes/UNC Lab School Funds (S.L. 2020-56)

Part II. Makes the following changes to the laboratory school law:

- Continues the requirement of at least nine lab schools operated by UNC institutions. Authorizes UNC institutions to operate more than one lab school in one or more LEAs. Six lab schools must be open by the 2020-2021 school year, and an additional three schools must be opened by the 2022-2023 school year. No longer limits a qualifying LEA to one lab school.
- Provides lab schools the same immunity granted to local boards of education under G.S. 115C.

- Requires the UNC Board of Governors’ Subcommittee on Laboratory Schools (Subcommittee) to renew the lab school for additional five-year terms if the LEA in which it is located has 25% or more of its schools identified as low-performing, or if the Subcommittee authorizes a waiver submitted by the Chancellor of the 25% threshold requirement. Authorizes the Subcommittee to grant a lab school an additional five-year term if it is successfully meeting its mission. Authorizes the Subcommittee to terminate a lab school at any time for failing to meet expected progress.
- Requires the UNC Board of Governors and the SBE to establish standards for determining the LEA’s cost for the operation and maintenance of a lab school. Upon request of a lab school, requires the LEA to cover the following operating costs: facilities, leases, transportation, food services, and student support services. This change does not apply to existing leases, contracts, or agreements, but will apply beginning with the 2021-2022 school year and to leases and agreements signed on or after that date.
 - Transportation services apply:
 - To any student who resides in the LEA and attends the lab school, including homeless students.
 - Regardless of where the student lives in the LEA or the application of the LEA’s transportation policies and practices to other students.
 - Upon request, to students and personnel participating in extracurricular and educational activities, in the same manner as other schools in the LEA.
- Requires SBE to provide the lab school with the average per pupil allocation for transportation services, unless the current contract or agreement is presented to the SBE showing that the LEA is providing the transportation.
- Changes lab school admission and student assignment policies beginning in the 2020-2021 school year as follows:
 - Allows a child of a lab school employee to attend the school.
 - Allows a lab school to enroll students not meeting the statutory criteria after March 1 each year if the school does not reach its enrollment capacity. The number of students allowed under this exception is capped at 20% of capacity.
 - Requires the lab school to make reasonable efforts in the recruitment of students that reflect the racial, ethnic, and socioeconomic composition of the general population residing within the LEA in which the school is located. Prohibits a lab school from unlawfully discriminating when making admissions decisions.
- Transfers \$200,000 from the Future Teachers of North Carolina Program to the Laboratory School Program for support services for the 2020-2021 school year.

Effective June 30, 2020.

G.S. 116-239.5; G.S. 116-239.7; G.S. 116-239.8(b)(4); G.S. 116-239.11; G.S. 116-239.9; S.L. 2016-94, Section 11.6(d), as amended by S.L. 2017-117, Section 4

Part V. Expands the NC Teaching Fellows Program to be administered in up to eight institutions of higher education (was five) and requires the chosen institutions to represent a diverse selection. This increase in Teaching Fellows institutions applies to the award of

forgivable loans beginning with the 2022-2023 academic year. Raises the amount provided to participants of the NC New Teacher Support Program from \$2,000 to \$2,200 and prioritizes teachers serving in low-performing schools. This increase in per-student New Teacher Support funding is effective July 1, 2020.

G.S. 116-209.62 (f),(c)(3),(g)(4)

HB 1136: Funds for NCSSM-Morganton Campus (S.L. 2020-31)

Section 1. Establishes the Morganton campus of the North Carolina School of Science and Mathematics (NCSSM).

G.S. 116-235.5

Section 2-4. Modifies the following Teachers and State Employees employer contribution rates:

	Original FY 2020-2021 Rates	New FY 2020-2021 Rates
Retirement	14.36%	14.78%
Disability	0.10%	0.09%
Death	0.16%	0.13%
Retiree Health	6.82%	6.68%
NC 401(k)	0.00%	0.00%
Total Contribution Rate	21.44%	21.68%¹

Appropriates \$3,340,591 to the NCSSM-Morganton campus to be used for operating funds, purchase of equipment and supplies, and establishment of 46 new positions for the 2020-2021 fiscal year. Expresses the intent of the General Assembly to appropriate additional funds from the General Fund for opening and operating expenses incurred by the Morganton campus of NCSSM in future years.

S.L. 2019-209, Section 3.15(c)

Section 5-6. Clarifies that the State Budget Act and other legislation enacted during the 2019 Regular Session of the General Assembly appropriating funds to an agency, department, or institution under this act remain in effect.

Section 7. Effective July 1, 2020.

¹ HB 1136 originally reduced the State's employer contribution rates for death benefits for Teachers and State Employees from 0.16% to 0.13%. HB 1136 was amended by Section 1 of HB 1218: Salary-Related Contribs/Debt Service Funds (S.L. 2020-41).

HB 1218: Salary-Related Contribs/Debt Service Funds (S.L. 2020-41)

Section 1. Modifies the following Teachers and State Employees employer contribution rates:

	Original FY 2020-2021 Rates	New FY 2020-2021 Rates
Retirement	14.36%	14.78%
Disability	0.10%	0.09%
Death	0.16%	0.13%
Retiree Health	6.82%	6.68%
NC 401(k)	0.00%	0.00%
Total Contribution Rate	21.44%	21.68%

For the 2020-2021 fiscal year, decreases the maximum annual employer contribution rate to the State Health Plan for Teachers and State Employees for Medicare-eligible employees to \$4,916 and for non-Medicare-eligible employees to \$6,326. ²

S.L. 2019-209, Section 3.15(c), as amended by S.L. 2020-31, Section 2(a); S.L. 2019-209, Section 3.15(e), as amended by S.L. 2020-45, Section 8.1.(c)

Section 5. Effective July 1, 2020.

HB 1235: Modifications to 2020 Appointments (S.L. 2020-92)

Section 2. Appoints Randall Penfield of Guilford County to the North Carolina Professional Educator Preparation and Standards Commission for a term expiring on August 31, 2021, to fill the unexpired term of Ellen McIntyre.

Section 1.9, S.L. 2020-39

Section 9. Effective July 8, 2020.

Senate Bills

SB 113: Education Omnibus (S.L. 2020-49)

Section 1. Modifies the requirement that school psychologists who are public school employees must be licensed, not certified, by the SBE to be exempt from licensure by the North Carolina Psychology Board. Expands the NC Psychology Board licensure exemption to contractors serving as school psychologists.

² HB 1218 originally decreased the maximum annual employer contribution rate to the State Health Plan for Teachers and State Employees for Medicare-eligible employees to \$5,061 and for non-Medicare-eligible employees to \$6,512. HB 1218 was amended by Section 8.1.(c) of SB 818: Compensation for Certain School Employees (S.L. 2020-45).

G.S. 90-270.4(c)

Section 2. Clarifies that Digital Learning Plan funds allotted to economically distressed counties to support adoption of the selected digital literacy curriculum provider be used solely for software licenses from that vendor. Effective July 1, 2020.

Section 3. Modifies the requirements for a single-track year-round school calendar for the 2020-2021 school year: If the calendar was adopted prior to March 1, 2020 and required students to attend an average of 44 to 46 instructional days followed by an average of 15 to 20 vacation days repeated throughout the year but needed to be modified to address the health and safety of students for the 2020-2021 school year, they could still operate on a year-round schedule as long as the altered calendar meets all other requirements for year-round schools. Authorizes LEAs to use more than five remote instruction days when needed to address the health and safety of students for the 2020-2021 school year. Requires public school units to follow all required COVID-19 guidance related to the operation of elementary and secondary schools issued by the SBE, DPI, and the Department of Health and Human Services.

S.L. 2020-3, Subdivision (6) of Section 2.1 and Section 2.11(b)

Section 4. Extends the use of \$75 million in emergency school nutrition funds through December 30, 2020 and expands the program to include summer meals.

S.L. 2020-4, Section 3.3

Section 5. Adds public school units as a qualifying local management entity/managed care organization (LME/MCO) reinvestment plan expenditure for student behavioral health needs within the area served by the LME/MCO.

G.S. 122C-125.2(a)

Section 8. Revises the school administrator intern stipend to be based on the higher of the beginning salary of an assistant principal or, for a teacher who becomes an intern, at least as much as they would earn as a teacher on the teacher salary schedule.

S.L. 2020-45, Section 6(c)

Section 9. Extends the maximum grant term from five to six years for the NC Transforming Principal Preparation Program.

G.S. 116-74.46(c)(1)

Section 11. Except as otherwise provided, effective June 29, 2020.

SB 212: Capital Appropriations/R&R/DIT/Cybersecurity (S.L. 2020-81)

Section 10. Provides a permanent definition for a year-round school: A school with a single- or multi-track instructional calendar providing instructional days throughout the entire school calendar year, beginning July 1 and ending June 30. At least one of the following plans would need to be utilized to be considered year-round:

1. A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.
2. A plan providing students be scheduled to attend 45 instructional days followed by 15 days of vacation, repeated throughout the school calendar year.
3. A plan dividing the school calendar year into five nine-week sessions of classes and requiring each student to attend four assigned and staggered sessions out of the five nine-week sessions to complete the student's instructional year.

Applies beginning with the 2021-2022 school year.³

G.S. 115C-84.2

Section 12. Effective July 1, 2020.

SB 232: Repeal Death Invest Conf/Masks/Health&Safety (S.L. 2020-93)

Section 3. Makes it permanently legal to wear a mask to ensure physical health and safety.

G.S. 14-12.11, as amended by S.L. 2020-3

Section 5. Effective July 8, 2020.

SB 379: Retirement Systems Admin. Changes (S.L. 2020-29)

Section 1. Rewrites the creditable service purchase provisions in TSERS and other State retirement systems. Requires a member to be an active employee to purchase service. Limits the amount of purchases to five years of credit. All credit purchases must be made in lump sum payments based on formulas prescribed in the bill. Effective December 31, 2021.

G.S. 135-4

Section 4. Sets the date for the contribution-based benefit cap liability to be 12 months after the effective date of retirement for when an employer has defaulted on payments owed to TSERS.

³ SB 704 COVID-19 Recovery Act (Session Law 2020-3) provides the definition of a year-round school for the 2020-2021 school year.

G.S. 135-8(f)(3)

Section 7. Allows TSERS to require an employing agency to pay a portion of a return-to-work overpayment assessed to a retiree if the employer's actions resulted in or contributed to the overpayment. Effective July 1, 2021.

G.S. 135-3(8)c1

Section 13. Except as otherwise provided, effective June 19, 2020.

SB 476: School-Based Mental Health (S.L. 2020-7)

Section 1.(a-g) Requires the SBE to adopt a school-based mental health policy no later than December 1, 2020, that must include:

1. A model mental health training program provided to teachers, instructional support personnel, principals, and assistant principals (and other school employees at the discretion of the K-12 school unit) who work with students in grades K-12, which addresses the following topics:
 - a. Youth mental health
 - b. Suicide prevention
 - c. Substance abuse
 - d. Sexual abuse prevention
 - e. Sex trafficking prevention
 - f. Teenage dating violence
2. A model suicide risk referral protocol provided to teachers, instructional support personnel, principals, and assistant principals (and other school employees at the discretion of the K-12 school unit) who work with students in grades 6-12, which provides both of the following:
 - a. Guidelines on the identification of students at risk of suicide.
 - b. Procedures and referral sources for students identified to be at risk.

Requires the State Superintendent to ensure that the adopted school-based mental health policy is made available to each LEA by December 31, 2020. Requires each K-12 school unit to adopt a School-Based Mental Health Plan by July 1, 2021. Outlines the minimum requirements that must be met. Trainings are provided at no cost to school employees. Employees receive at least six hours of initial training in the first six months of employment and at least two hours in each subsequent year. Training requirements can be met through any of the following ways:

1. Electronic delivery
2. Videoconferencing
3. Group, in-person
4. Self-study

Requires K-12 school units to report the contents of their adopted plan, along with the prior school year compliance, to DPI by September 15 of each year. Requires DPI to report to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services by December 15 of each year. Provides civil liability protection.

G.S. 115C-376.5; S.L. 2018-32, Section 6(d); S.L. 2018-32, Section 6(d)

Section 2. Requires school personnel, according to this act, to complete their initial mental health training by the end of the 2021-2022 school year. Effective June 8, 2020.

SB 681: Agency Policy Directives/2019-2020 (S.L. 2020-78)

Contains the following K-12 education provisions that were included in HB 966, the 2019 budget bill vetoed by Governor Cooper:

Section 2.1. Requires LEAs to publish the schedule of fees, charges, and solicitations on the LEA website by October 15 each school year instead of reporting to the Superintendent of Public Instruction. If the schedule is subsequently revised, it must be posted to the LEA website within 30 days of the revision. Applies beginning with the 2020-2021 school year.

G.S. 115C-47(6)

Section 2.2. Requires the North Carolina Education and Workforce Innovation Commission to collaborate with the North Carolina Career and Technical Education Foundation, Inc. in awarding career and technical education grants.

G.S. 115C-64.15; G.S. 115C-64.17(c)

Section 2.3. Broadens charter school enrollment priority to include the following:

- Siblings who apply to the charter school for admission beginning in the same school year, such as when a sibling was not initially admitted due to grade level capacity.
- Children of persons employed full time by the charter school or employed by an education management organization or charter management organization for the charter school.

Applies beginning with the 2020-2021 school year.

G.S. 115C-218.45(f)

Section 2.4. Expands the Schools That Lead Pilot Program from 60 to 75 schools.

S.L. 2018-5, Section 7.25(a)

Section 2.5. Directs the SBE to include the completion of one arts education credit between grades six and 12 as a graduation requirement, beginning with students entering the sixth grade in 2022. Requires the SBE to establish procedures, a timeline for

implementation, and minimum criteria for the graduation requirement. By December 15, 2022, requires the SBE to report the Joint Legislative Education Oversight Committee on the statewide implementation of components of arts education and the graduation requirement.

Section 2.6. Codifies the advanced teaching roles program established by session law in 2016 that links teacher performance and professional growth to salary increases.

G.S. 115C-Article 20; G.S. 115C-105.25(e)

Section 22.4. Effective July 1, 2020.

SB 719: Retirement Tech/Protect/& Other Changes (S.L. 2020-48)

Makes mostly technical changes to the Teacher's and State Employees' Retirement System (TSERS) and other State retirement systems. A few sections are highlighted below:

Section 1.2. Increases the age at which a member must begin receiving payments from the retirement system from 70½ to 72, unless they are still employed by the State or a local government. Effective January 1, 2021.

G.S. 135-5(m4); G.S. 135-74(c1)

Section 1.8. Clarifies that the Retirement System may provide a credit to an employing agency that paid an anti-pension spiking invoice on a retiree who, subsequently, is subject to a felony forfeiture of retirement benefit.

G.S. 135-8(f1)

Section 1.16. Clarifies that the pension spiking “watch reports” provided by chief financial officers to chief executive officers and governing boards must be treated as confidential information, as though it were still held by the Retirement System under the public records law.

G.S. 135-6.1(e1); G.S. 135-8(f)(2)f; G.S.135-8(j)

Section 2.1. Requires the TSERS Board of Trustees to perform a “stress test” of the pension system every five years, as recommended by the Pew Charitable Trusts. This test requires an actuary to complete an actuarial experience review of the mortality, service, and compensation experience of the members and beneficiaries.

G.S.135-6(n); G.S.135-6(n1-n2)

Section 4.3. Repeals four statutes that have reduced the clarity of the correct treatment of retirement benefits for public officers whose felony cases do not proceed to a separate sentencing phase when a plea bargain results in a finding of guilt. This section does not apply retroactively.

G.S.135-18.10A(b); G.S. 135-75.1A(b)

Section 7.1. Effective June 26, 2020.

SB 814: NC Promise Tuition Plan Funds (S.L. 2020-43)

Section 1.(a) Transfers \$10 million in nonrecurring funds from the Education Lottery Reserve Fund to the UNC Board of Governors.

Section 1.(b) Requires DPI to transfer \$5 million from the cash balance in the School Bus Replacement Fund to the UNC Board of Governors to be used for the NC Promise Tuition Plan.

Section 6. Effective July 1, 2020.

SB 816: CC Funds/CIHS Funds/CR Funds and Offsets (S.L. 2020-64)

Section 4A.(b) Appropriates \$1.88 million in nonrecurring funds to local school administrative units from the Civil Penalty and Forfeiture Fund as supplemental funding for the following cooperative innovative high schools for the 2020-2021 school year:

1. The Center for Industry, Technology, and Innovation
2. The Innovation Early College High School
3. The Marine Sciences and Technologies Early College High School
4. The Roanoke Rapids Early College High School
5. The Southeast Area Technical High School
6. Halifax Early College High School
7. Stanly STEM Early College High School
8. Gaston Early College of Medical Sciences High School

Amounts allocated to local school administrative units is based on Tier I, II, and III funding in S.L. 2017-57, Section 7.22.

Section 5. Requires DPI to report to the Joint Legislative Education Oversight Committee by January 15, 2021, on Cooperative Innovative High School Funding by Development Tier Area Location. Provides more detailed information as to what must be included in the report.

Section 5. Effective July 1, 2020.

SB 818: Compensation of Certain School Employees (S.L. 2020-45)

Part I. Authorizes step increases in the 2020-2021 fiscal year for teachers and instructional support personnel paid on the Teacher Salary Schedule. The salary schedule is unchanged from the 2019-2020 fiscal year.

Part II. Provides a one-time, lump sum bonus of \$350 to teachers and instructional support personnel employed by an LEA, charter, regional, innovative, or lab school as of October 1, 2020. The \$37.8 million needed to fund these bonuses in the 2020-2021 fiscal year is taken from funds appropriated for the following teacher bonus programs: (i) AP/IB/Cambridge

AICE; (ii) Industry Certifications and Credentials; (iii) Third Grade Read to Achieve; (iv) Fourth and Fifth Grade Reading; and (v) Fourth to Eighth Grade Math.

Part III. Encourages the Governor to allocate federal funds from the CARES Act to provide a one-time, lump sum bonus of \$600 to teachers, instructional support personnel, and noncertified personnel employed in public schools.

Part IV. Authorizes the 2020-2021 Principal Annual Salary Schedule, which is identical to the 2019-2020 fiscal year schedule. School growth is measured by data from 2016-2017, 2017-2018, and 2018-2019. The ADM of a principal's school is determined by using the school's ADM from the 2019-2020 school year. If the school did not have an ADM in the 2019-2020 school year, the school's projected ADM for the 2020-2021 school year must be used.⁴

Part V. Provides the same bonus to principals who received a bonus in the 2019-2020 fiscal year, if he/she is still employed as a public school principal as of October 1, 2020.

Part VI. Authorizes assistant principal salaries in the 2020-2021 fiscal year to be based on the same salary schedule as the 2019-2020 fiscal year. Placement on the schedule reflects the total number of years of experience as a certified public school employee. Permits participants in an approved full-time master's in school administration program to receive an internship stipend that is based on the higher of the beginning salary of an assistant principal or, for a teacher who becomes an intern, at least as much as they would earn as a teacher on the teacher salary schedule.⁵

Part VII. Authorizes employees of schools operated by State agencies to be paid on the same Teacher Salary Schedule as public school teachers.

Part VIII. For the 2020-2021 fiscal year, decreases the maximum annual employer contribution rate to the State Health Plan for Teachers and State Employees for Medicare-eligible employees to \$4,916 and for non-Medicare-eligible employees to \$6,326. Provides \$56.2 million in nonrecurring funds to increase the average salary of public school positions.

S.L. 2019-209, Section 3.15(e)

Part X. Effective July 1, 2020.

SB 866: Additions to 2020 Appointments Bill (S.L. 2020-39)

President Pro Tem Appointments:

⁴ SB 818 originally required ADM of a principal's school to be determined using the numbers during the following time periods: (1) Between July 1, 2020, and December 31, 2020, the ADM for the school from the 2019-2020 school year. If the school did not have an ADM in the 2019-2020 school year, the projected ADM for the school for the 2020-2021 school year. (2) Between January 1, 2021, and June 30, 2021, the ADM for the school for the 2020-2021 school year. SB 818 was amended by Section 3.1A of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

⁵ SB 818 originally prohibited the stipend from exceeding the difference between the beginning salary of an assistant principal plus the cost of tuition, fees, books, and any fellowship funds received as a full-time student. SB 818 was amended by Section 8 of SB 113: Education Omnibus (S.L. 2020-49).

Section 1.9. Appoints Lauren M. Genesky of Wake County, Patrick C. Miller of Greene County, Dr. Christopher G. Blanton of Watauga County, and Dr. Hank Weddington of Catawba County to the North Carolina Professional Educator Preparation and Standards Commission. Effective September 1, 2020. Terms expire on August 31, 2022. Appoints Randall Penfield of Guilford County to the North Carolina Professional Educator Preparation and Standards Commission for a term expiring on August 31, 2021, to fill the unexpired term of Ellen McIntyre. Effective July 8, 2020.⁶

Section 1.20. Appoints Cory S. Causby of Haywood County and Julie L. Hart of Henderson County to the North Carolina Center for the Advancement of Teaching Board of Trustees. Effective July 1, 2020. Terms expire on June 30, 2024.

Speaker Appointments:

Section 2.15. Appoints Representative Hugh Blackwell of Burke County to the Education Commission of the States for a term expiring on December 31, 2021.

Section 2.31. Appoints Dr. Charles Westley Wood of Wilkes County, Dr. Van O. Dempsey, III, of New Hanover County, Dr. Connie O. Locklear of Robeson County, and Samuel H. Houston, Jr., of Wake County to the North Carolina Professional Educator Preparation and Standards Commission. Effective September 1, 2020. Terms expire on August 31, 2022.

Section 2.40. Appoints Dr. Donald L. Martin, Jr., of Forsyth County to the Board of Trustees of the State Health Plan for Teachers and State Employees. Effective July 1, 2020. Term expires on June 30, 2022.

Local Legislation

House Bills

HB 1151: Asheville-Buncombe Bd. of Trustees (S.L. 2020-20)

Section 1-2. Modifies the procedure to elect trustees to the Asheville-Buncombe Technical Community College Board of Trustees. Authorizes the Asheville City Board of Education to elect two trustees: one for a term beginning on July 1, 2021 and one for a term beginning on July 1, 2023. Authorizes the Buncombe County Board of Education to elect two trustees: one for a term beginning on July 1, 2022 and one for a term beginning on July 1, 2024. Authorizes the Madison County Board of Education to elect one trustee for a term beginning on

⁶ SB 866 originally appointed Randall Penfield for a term expiring on August 31, 2022, effective September 1, 2020. SB 866 was amended by HB 1235: Modifications to 2020 Appointments (S.L. 2020-92).

July 1, 2021. Each board of education is authorized to elect trustees quadrennially thereafter the initial elections.

G.S. 115D-12(a) as amended by S.L. 2013-175, Section 1

Section 3. Effective June 17, 2020. Applies to appointments made on or after July 1, 2021.

HB 1199: Graduating Sr. Numeric Grade (S.L. 2020-13)

Section 1. Authorizes the Union County Board of Education to allow graduating seniors the option of a numeric grade or a pass/withdrawal grade for spring courses during the 2019-2020 school year. A numeric grade will be the highest of (i) the grade as of March 13, 2020, or (ii) if numeric grades were given during remote instruction, the grade as improved during the remainder of the semester.

G.S. 116-11(10a); SBE Policy GRAD-009

Section 2. Clarifies that this act only applies to the Union County Public School System.

Section 3. Effective June 11, 2020.

Senate Bill

SB 796: Carteret Co. Bd. of Educ. Districts (S.L. 2020-34)

Section 1. Repeals certain district election requirements for the Carteret County Board of Education.

S.L. 1997-389, Section 5(b)

Section 2-3. Requires members of the Carteret County Board of Education to be elected from the same districts established by the Carteret County Board of Commissioners for election of Commissioners. If the districts for the Board of Commissioners are revised, the Board of Education districts will automatically align. The Board of Education primary election requires qualified voters of each district to nominate a candidate from their district for the designated seat. The Board of Education general election requires qualified voters of the county to elect members for each designated seat.

S.L. 1997-389, Section 5(d), as amended by S.L. 2017-78

Section 4. Effective June 24, 2020.

2020 COVID-19 Session (April 28 – May 2)

HB 1043 2020 COVID-19 Recovery Act (Session Law 2020-4)		
Appropriations from the Coronavirus Relief Fund (Non-recurring federal funds)		
Department of Public Instruction (DPI)	FY 2019-2020	Section
Allocate funds (in the same manner as reimbursements by school meal receipts or federal funds) for emergency school nutrition services through the school lunch, breakfast, and summer meals programs to be used through December 30, 2020. ⁷	\$75,000,000	3.3 (6)
Purchase and install extended reach mobile Wi-Fi gateway router devices in buses to improve internet connectivity for students.	\$1,000,000	3.3 (7)
Provide community and home mobile internet access points to improve internet connectivity for students.	\$21,000,000	3.3 (8) ⁸
Purchase computers and other electronic devices for students in all public schools.	\$30,000,000	3.3 (9)
Purchase computers and other electronic devices for school personnel in all public schools.	\$5,000,000	3.3 (10)
Establish a statewide shared cybersecurity infrastructure to protect school business systems and district cybersecurity monitoring and support through the School Connectivity Initiative.	\$4,500,000	3.3 (11)
Fund contracted services for additional school counselors, school nurses, school psychologists, and school social workers for remote and in-person services for students.	\$10,000,000	3.3 (12)
Provide a supplemental summer learning program that includes reading and math interventions for all public school students who were in grades K-4 in the 2019-2020 school year that are not on track to meet year-end expectations.	\$70,000,000	3.3 (13)
Expand DPI's learning management platform to all public schools to promote remote instruction.	\$1,488,000	3.3 (14)
Provide nondigital remote instruction resources to students with limited connectivity.	\$3,000,000	3.3 (15)

⁷ HB 1043 originally allowed for funds to be used through the end of the 2019-2020 school year for the school lunch and breakfast programs. HB 1043 was amended by Section 1.1.(d)(6) of HB 1023: Coronavirus Relief Funds/Additions & Revisions (S.L. 2020-80) and Section 4 of SB 113: Education Omnibus (S.L. 2020-49).

⁸ Increased from \$11 million to \$21 million by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

Provide reserve for DPI to award grants to public schools experiencing extraordinary costs associated with providing Extended School Year Services or future services for exceptional children.	\$15,000,000	3.3 (16)
Fund COVID-19 expenses for the Governor Morehead School for the Blind, Eastern North Carolina School for the Deaf, and North Carolina School for the Deaf.	\$660,029	3.3 (17)
Create the Extended Learning and Integrated Student Supports Competitive Grant Program for at-risk students.	\$5,000,000	3.3 (18)
Provide personal protective equipment for public schools and to facilitate in-person instruction.	\$27,000,000	3.3 (63) ^{9 10}
Award grants for services to exceptional children who lost critical services due to COVID-19 school closures.	\$22,000,000	3.3 (64) ^{11 12}
Directs DPI to allocate funds to Communities in Schools of North Carolina, Inc. to purchase PPE for staff and to assist students in grades K through 12 with remote instruction, nutrition, family support, and mental health.	\$1,100,000	3.3 (89) ¹³
Directs DPI to allocate funds to Mount Airy Schools to establish the Smart School Bus Safety Pilot Program (see section 4.16).	\$115,000	3.3 (90) ¹⁴
Directs DPI to allocate funds to Alamance-Burlington Schools for school nutrition services, transportation services, technology, remote instruction materials, and services, and PPE.	\$1,000,000	3.3 (91) ¹⁵
Directs DPI to allocate funds based on average daily membership to public school units in Bertie, Camden, Chowan, Perquimans, Tyrrell, Washington counties.	\$500,000	3.3 (92) ¹⁶
Directs DPI to make funds available to public school units to purchase one or more Gaggle safety management products to enhance student safety while providing remote instruction. (These products monitor blocked content and communications.)	\$1,000,000	3.3 (100) ¹⁷
University of North Carolina (UNC)		
Funds the New Teacher Support Program to provide mentoring and coaching support to beginning teachers	\$1,000,000	3.3 (96) ¹⁸

⁹ Added by section 1.1.(d) of HB 1023: Coronavirus Relief Funds/Additions & Revisions (S.L. 2020-80).

¹⁰ Increased from \$7 million to \$27 million by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

¹¹ Added by section 1.1.(d) of HB 1023: Coronavirus Relief Funds/Additions & Revisions (S.L. 2020-80).

¹² Increased from \$5 million to \$22 million by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

¹³ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

¹⁴ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

¹⁵ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

¹⁶ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

¹⁷ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

¹⁸ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

employed in public schools most impacted by COVID-19 at no cost to the LEAs.		
UNC - State Education Assistance Authority (SEAA)		
Provides \$3.65 million to the Personal Education Savings Account Program and \$2.85 million to the Special Education Scholarships for Students with Disabilities Program to award scholarships to students on the waiting list of each program.	\$6,500,000	3.3 (86) ¹⁹
Provides funding to purchase PPE for nonpublic schools that enroll students receiving Opportunity Scholarships.	\$250,000	3.3 (87) ²⁰
Department of Health and Human Services		
Provides funds to establish a student health collaborative pilot program in collaboration with the SBE and DPI (See Section 4.18).	\$300,000	3.3 (109) ²¹
Department of Information Technology		
Expands the GREAT Fund that provides grants to private providers to extend broadband service to unserved areas of the State. (Program has \$15 million in the base budget.) Allows GREAT grant recipients to receive an “initial lump sum grant fund disbursement equal to the total grant award amount minus amounts assessed to the grant recipient for the matching requirement”. ²²	\$9,000,000	3.3 (46)
Expands the GREAT Fund that provides grants to private providers to extend broadband service to unserved areas of the State.	\$30,000,000	3.3 (115) ²³
Department of Commerce		
Establish the statewide Plasma Games, Inc. pilot program.	\$2,500,000	3.3 (62) ²⁴
Department of Revenue		
Allocates funds to the Department of Revenue for the Extra Credit Grant Program. Taxpayers with a qualifying child will receive a grant of \$335 to assist with virtual schooling and child care costs during the COVID-19 pandemic (see Section 4.12).	\$440,541,000	3.3 (72) ²⁵

¹⁹ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

²⁰ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

²¹ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

²² Amended by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

²³ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

²⁴ Added by section 1.1.(d) of HB 1023: Coronavirus Relief Funds/Additions & Revisions (S.L. 2020-80).

²⁵ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

Office of State Budget and Management (OSBM)		
Directs OSBM to allocate funds to the Steve Smith Family Foundation to be used for its virtual learning support program that assists homeless students during the COVID-19 pandemic.	\$150,000	3.3 (82) ²⁶
Grants		
Allocates funds to the YMCA of the Triangle Area, Inc. to develop and administer a grant program to facilitate remote learning opportunities during the COVID-19 pandemic. Eligible institutions include YMCAs, YWCAs, Boys and Girls clubs, municipal parks and recreation departments and other community-based organizations.	\$19,850,000	3.3 (103a) ²⁷
Directs OSBM to provide a grant to Backpack Ministry, Inc., to provide food to students that otherwise would not receive a meal at home, to address increased food service demands due to the impact of COVID-19.	\$100,000	3.3 (108) ²⁸

Section 3.2 Appropriation of Funds from Relief Fund to OSBM

Directs the funds appropriated in the bill shall not revert at the end of the 2019-2020 fiscal year but shall remain available to expend until December 30, 2020.

Section 3.3 Allocation of Funds Appropriated to OSBM

Allocations of Funds – OSBM shall allocate the funds appropriated in Section 3.2 of this act as follows:

(13) *Supplemental Summer Learning Program*: Allocates \$70,000,000 to LEAs, charter schools, and the Innovative School District.

(a) The summer learning program shall include the following:

1. Reading interventions for K-3 students during the 2019-2020 school year who were not on track to meet year-end expectations based on diagnostic assessments completed before March 15, 2020.
2. Reading interventions for fourth grade students during the 2019-2020 school year who were not on track to meet year-end expectations as identified by their 2019-2020 reading teachers.

²⁶ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

²⁷ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

²⁸ Added by section 1.2 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

3. Math interventions for K-4 students during the 2019-2020 school year who were not on track to meet year-end expectations as identified by their 2019-2020 math teachers.

(b) At least \$35 million will be used to provide reading interventions for second and third grade students during the 2019-2020 school year. Up to 25% of these funds may be used to provide supplemental literacy support for third and fourth grade students during the 2020-2021 school year who are not on track to meet year-end expectations as identified by their 2020-2021 reading teachers. These funds must be used prior to December 30, 2020.

(c) Funds not used in subsection (b) are to be used for: (i) reading interventions for kindergarten, first grade, and fourth grade students during the 2019-2020 school year, and (ii) math interventions for K-4 students during the 2019-2020 school year.

(d) Summer learning program funds may be used for interventions and instruction using digital resources, printed materials, literacy coaches, and face-to-face instruction.

Public school unit governing bodies receiving these summer learning program funds shall consult with 2019-2020 school year K-4 teachers to develop summer learning program plans that deliver targeted instruction to participating students. The plan shall comply with executive orders in effect at the time of the program, including use of public-school buildings, social distancing and other public health guidelines. By June 22, 2020, summer learning program plans shall be submitted to the DPI. DPI may provide feedback, as necessary. Summer learning programs shall supplement the 2020-2021 school year, not replace 2020-2021 instruction time. Public school units are encouraged to identify or prepare resources and strategies that parents or guardians can provide at home for students who qualify for a summer learning program and who (i) do not attend or (ii) attend and would like additional material. Parents or guardians of students who qualify shall make the final decision about attending the programs. By February 15, 2021, the SBE shall report to the Joint Legislative Education Oversight Committee on the implementation and the use of funds for summer learning programs. The SBE shall also provide a copy of each plan submitted.

Section 4.1 Appropriation of COVID-19 Federal Grant Funds and Receipts

Appropriates \$1,235,859,000 in federal funds received from the CARES Act (P.L. 116-136) including the following education related programs:

Governor's Emergency Education Relief Fund	\$95,600,000
Elementary and Secondary School Emergency Relief Fund	\$396,300,000

Section 4.2D Plasma Games Pilot Program

Establishes the Plasma Games, Inc. pilot program (pilot): a statewide pilot to promote access to innovative digital and personalized learning solutions for high school students. The pilot is administered by the Department of Commerce and the Office of Science, Technology, and Innovation (Office). Requires LEAs participating in the pilot to submit plans for implementation to the Office and requires the Office to provide funds to the participating LEAs. Requires participating LEAs to provide a report by May 1, 2021 to the Office, including use of funds, number of students in the pilot, and teacher feedback. Requires the Office to report to the Joint Legislative Education Oversight Committee, Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division on the implementation of the pilot and information reported by participating LEAs by June 1, 2021.²⁹

Section 4.12 Extra Credit Grant Program

Provides a \$335 grant to a taxpayer who filed a 2019 State income tax return on or before October 15, 2020 and (i) was a resident of North Carolina for entire 2019 calendar year and (ii) reported at least one qualifying child on line 10a of the state income tax form D-400. Spouses who filed a joint 2019 State income tax return are considered one eligible individual. The grant is intended to provide economic support to assist with virtual schooling and child care costs during the COVID-19 pandemic. The grants will be paid “as soon as practicable, but no later than December 15, 2020”.³⁰

Section 4.13 Temporary Flexibility for Transportation Allotment

For the 2020-2021 school year, allows LEAs to use transportation allotment funds for the following purposes related to the COVID-19 pandemic:

1. School nutrition
2. School- and community-based child care
3. Sanitizing schools and buses
4. To facilitate in-person instruction, PPE that meets applicable federal standards and guidelines from the Centers for Disease Control and Prevention (CDC)
5. Remote instruction³¹

Section 4.16 Smart School Bus Safety Pilot Program

Establishes the Smart School Bus Safety Pilot Program (Program), which uses technology to improve the transportation of public-school students in response to the COVID-19 pandemic.

²⁹ Section 4.2.D was added by Section 1.1.(e) of HB 1023: Coronavirus Relief Funds/Additions & Revisions (S.L. 2020-80).

³⁰ Section 4.12 was added by Section 1.3 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

³¹ Section 4.13 was added by Section 1.3 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

The Program begins no later than November 23, 2020 and ends on or before January 1, 2024. Prohibits the expenditure of Coronavirus Relief Funds past December 30, 2020.

Participation is authorized for only Mount Airy City Schools. Provides a list of eleven minimum requirements that a qualifying vendor's technology and services must meet. Requires every school bus in a participating LEA that is designed for the transportation of children with disabilities to be outfitted with technology appropriate for those children and provided in a cost-effective manner. Specifies that hardware provided to a participating LEA becomes the property of that LEA at the conclusion of the Program.

Requires DPI, in consultation with participating LEAs, to report at least the following about the Program no later than November 1 and March 1 of each year to the Joint Legislative Education Oversight Committee, any House or Senate committee addressing school safety, and the Fiscal Research Division:

1. An itemized breakdown of software and hardware infrastructure and equipment provided by qualifying vendors to participating LEAs
2. A description of services provided by qualifying vendors to participating LEAs
3. A list of qualifying vendors contracting with participating LEAs
4. The impact and effectiveness of the Program
5. All expenditures of State funds³²

Section 4.17 Special Supplementary G.R.E.A.T. Act Grant Process

From the funds appropriated in Section 3.3.(115) of this act, provides a special supplementary grant process to accelerate the provision of broadband access through the GREAT grant program. Allows grants to be awarded for applications submitted on or before October 23, 2020. Requires the Department of Information Technology (DIT) to post applications no later than October 28, 2020, begin issuing awards no later than November 9, 2020, and award all grants on or before December 30, 2020. Provides exceptions for how grant applications are submitted and grant funds are awarded.³³

Section 4.18 Establish Student Health Collaborative Pilot Program

Establishes a student health collaborative pilot program that allows LEAs to collaborate with the county department of social services to assist students with their mental and physical health while in a public school setting, in response to the COVID-19 pandemic. Requires the Division of Social Services, in collaboration with the SBE and DPI, to select at least one LEA to participate in the pilot program. Selected LEAs must provide the required local match to funds

³² Section 4.16 was added by Section 1.3 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

³³ Section 4.17 was added by Section 1.3 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

allocated for this collaborative pilot. Prohibits the expenditure of Coronavirus Relief Funds past December 30, 2020.

Requires the Division of Social Services to submit a progress report six months after implementing the pilot program to the Joint Legislative Oversight Committee on Health and Human Service, the Joint Legislative Education Oversight Committee, and the Fiscal Research Division. The report shall include:

1. The number of students served by age, gender, and ethnicity
2. The types of services provided to students and student outcomes
3. Total project costs, including administrative costs
4. The amount of funds needed to expand the program to other counties or statewide³⁴

SB 704 COVID-19 Recovery Act (Session Law 2020-3)

Section 2.1 Definitions

Establishes definitions for the education section of SB 704. These definitions are not permanent and only apply to the timeframes established in the provisions of the bill.

The definitions include the following: (1) Authority, (2) Coronavirus disease 2019 (COVID-19) emergency, (3) Federal Testing Waiver, and (5) State Board.

The section also includes definitions for the following:

(4) Modified calendar school – A school that was designated as a modified calendar for the 2003-04 school year or part of a planned program in the 2003-04 school year. (i.e. – no new schools can come under this definition)

(6) Year-round school – A single or multi-track school with a calendar that was adopted prior to March 1, 2020 and is in compliance with the school calendar provision (2.11(b)(1)) beginning July 1, 2020 and ending June 30, 2021, if one of the following plans is utilized³⁵:

(a) Dividing students into four groups and requiring each group to be in assigned and staggered quarters during the school year.

(b) Students are scheduled to attend an average of between 44 and 46 instructional days followed by an average of between 15 and 20 days of vacation, repeated throughout the school year.³⁶

³⁴ Section 4.18 was added by Section 1.3 of HB 1105: Coronavirus Relief Act 3.0 (S.L. 2020-97).

³⁵ Section 3(a) of SB 113: Education Omnibus (S.L. 2020-49) added that the school calendar must be adopted prior to March 1, 2020.

³⁶ SB 704 originally defined year-round school plan b as when students are scheduled to attend 45 instructional days followed by 15 days of vacation, repeated throughout the school year. SB 704 was amended by Section 3(a) of SB 113: Education Omnibus (S.L. 2020-49).

(c) Dividing the calendar into five nine-week sessions and requiring students to attend 4 of the assigned and staggered sessions.³⁷

Section 2.3 Tests and Assessments

Waives end-of-grade (EOG) and end-of-course (EOC) tests for the 2019-2020 school year. Requires public school units to administer the ACT during the fall semester of the 2020-2021 school year for students who were in the eleventh grade in the 2019-2020 school year, during which they did not take the test, unless a comparable test was taken and the student scored at or above the level set by the SBE. For the 2019-2020 school year, waives diagnostic and formative reading assessments required for K-3 students after March 16, 2020. For the spring semester of the 2019-2020 school year, waives LEA requirement to administer WorkKeys tests for students who complete a concentration in CTE courses.

Section 2.4 School Performance, Annual Report Cards for Schools, and School Building Reports

For the 2020-2021 school year, waives the calculation, issuance, and display of 2019-2020 school year school performance grades and school report card information, but requires the SBE and public school units to provide explanation that school report cards were not issued for the 2020-2021 school year because data was not collected due to COVID-19. Waives the evaluation of alternative programs based on 2019-2020 school year data. Waives LEA requirements to produce a school building report for October 15, 2020 based on 2019-2020 school year data.

Section 2.5 Low-Performing Schools

The SBE will not identify additional low-performing schools, continually low-performing schools, or low-performing LEAs for the 2020-2021 school year, based on 2019-2020 data. Schools and LEAs previously identified as low-performing or continually low-performing will continue to be identified as such and continue to carry out the plan approved by either the SBE or the LEA. Assistance for continually low-performing schools will continue, and LEAs may request to reform a continually low-performing school. Waives provisions that allow that SBE to appoint an interim superintendent and suspend certain powers and duties of the local board of education of an LEA identified as low performing.

Section 2.6 Innovative School District

³⁷ SB 212: Capital Appropriations/R&R/DIT/Cybersecurity (S.L. 2020-81) provides a permanent definition of a year-round school, starting with the 2021-2022 school year.

For the 2020-2021 school year, the SBE shall not identify any qualifying schools for the Innovative School District (ISD) based on n 2019-2020 data. Schools identified as qualifying schools for the 2019-2020 school year shall remain on the qualifying list. The lowest scoring qualifying school in the State from the 2020-2021 school year will become an innovative school in the 2022-2023 school year.

Section 2.7 Third Grade Retention, Reading Camps, and Fourth Grade Reading Assessment

(a) Third Grade Retention Determination: For the 2020-2021 school year, principals have the authority to determine the appropriate 2020-2021 school year grade level for third grade students during the 2019-2020 school year in the same manner as for students in all other grade levels. If a third-grade student is retained, principals shall designate whether it is due to reading deficiencies. Principals are encouraged to consult with a student’s 2019-2020 third grade teacher in determining grade classification.

(b) Parental Notice and Interventions: Parents or guardians must be notified that a first, second, or third grade student struggled with reading development or was not reading at grade level during the 2019-2020 school year based on assessments completed on or before March 13, 2020. Teachers and principals shall provide opportunities to discuss the notice with parents and guardians. Monthly written reports on student progress toward reading proficiency for third grade students retained for the 2019-2020 school year are not required beginning March 16, 2020. Prior notification laws remain for third grade students retained for the 2020-2021 school year due to reading deficiencies except for notifications described in G.S. 115C-83.7(b).

(c) Reading Camps: LEAs are not required to provide reading camps corresponding to the 2019-2020 school year.

(d) Fourth Grade Reading Assessment: All fourth grade students in the 2020-2021 school year are required to take an end-of-year diagnostic assessment (normally required for third grade students) no later than the tenth day that school buildings are open to students for the 2020-2021 school year. Assessment results will be used to identify reading deficiencies, inform instruction, and remediation needs.

(e) Waives accountability reporting described in G.S. 115C-83.10 for the 2019-2020 school year. Requires LEAs to report to the SBE by September 1, 2020 the number and percentage of students in first-third grades who are on track and not on track to meet year-end expectations of reading proficiency based on assessments completed by March 13, 2020, as well as the number and percentage of third grade students retained for reading deficiencies. Requires the SBE to submit a summary of each component by LEA and charter school to the Joint Legislative Education Oversight Committee by October 15, 2020.

Section 2.8 Advanced Courses in Mathematics

In addition to math placement requirements in G.S 115C-81.38(a1) and (b), math placements for the 2020-2021 school year will be made consistent with local policies, in consultation with 2019-2020 school year math teachers. Allows a student or student's parent to request administration of the math EOG or EOC for that student's 2019-2020 grade/course for determining math placement for the 2020-2021 school year. A student who scores at the highest level on the math EOG or EOC will be placed as provided in G.S. 115C-81.38(a1) and (b). Requires DPI to submit its December 15, 2020 report to the Joint Legislative Education Oversight Committee on the number and demographics of students who were (i) enrolled in advanced math courses, including high school math courses in eighth grade, and (ii) given other advanced learning opportunities for the 2020-2021 school year. Requires the report to include feedback provided by local boards of education.

Section 2.9 CPR Graduation Requirement

For the 2019-2020 school year, waives the CPR graduation requirement for students in grade 12 if CPR instruction cannot be completed due to the COVID-19 emergency and if the student is eligible to graduate in all respects other than the statutory CPR requirement, as determined by the student's principal.

Section 2.10 School Calendar for the 2019-2020 School Year

Provides that remote instruction satisfies the statutory days and hours requirements for public schools for the 2019-2020 school year. Remote instruction is defined for the 2019-2020 school year as learning that takes place outside of the traditional school setting using various means and formats including, but not limited to, video conference, telephone conference, print material, online material or learning management systems. Public schools are further instructed to use remote learning for the rest of the school year.

Section 2.11 School Calendar for the 2020-2021 School Year

Requires local boards of education to develop Remote Instruction Plans for the 2020-2021 school year by July 20, 2020. The purpose of the plan is to provide a detailed framework for delivering quality remote instruction to all students during the 2020-2021 school year. Further specifies 13 specific things the plan must address. One of those is that students with disabilities must have equal access to the remote instruction and must be provided consistent with the student's IEP or 504 plan. Remote learning day supports shall be considered and included as appropriate for the student in the initial plan or any review or revision. The SBE shall report on the Plans to the Joint Legislative Education Oversight Committee by September 15, 2020.

Provides that the school calendar for the 2020-2021 school year shall consist of 190 days of instruction with the following:

1. 185 days or 1,025 hours of instruction that include 5 remote instruction days in accordance with the school district's Remote Instruction Plan.
2. Five additional instructional days that are separate and distinct days and are not satisfied by the accumulation of instructional hours.

Requires the following of the 2020-2021 school calendar:

1. Opening date for students of August 17, 2020 and closing date no later than June 11, 2021, unless the school complies with the definitions of modified or year-round in Section 2.1.
2. Remote learning days cannot be scheduled before August 24, 2020. For schools on a modified or year-round calendar, remote learning days cannot be scheduled before the sixth instructional day.
 - a. Single-track year-round calendars are provided flexibility when addressing the health and safety of students, as long as the altered calendar meets all other requirements for year-round schools.³⁸
3. Remote instruction days may be scheduled for use as teacher workdays.
4. For LEAs that have good cause waivers (weather waivers), the opening day cannot be before August 17 and an additional 5 remote learning days can be used as make-up days for inclement weather or other emergency situations.
5. If during the 2020-2021 school year a LEA determines that remote instruction days must be used to ensure the health and safety of students, LEAs may use more than the given five remote instruction days.³⁹
6. Public school units are to follow all required COVID-19 guidance related to the operation of elementary and secondary schools issued by the SBE, DPI, and the Department of Health and Human Services.⁴⁰

Section 2.12 School Improvement Plans

Extends until December 31, 2020 school improvement plans set to expire at the end of the 2019-2020 school year. For plans receiving an extension, their replacement plans shall expire in 18 months instead of 2 years.

Section 2.13 Principal Recruitment Supplement

A school identified as an eligible school in the 2019-2020 school year pursuant to G.S. 115C-285.1(a)(2) (a low performing school that is in the bottom 5% of all schools in the State) shall

³⁸ Added by Section 3(b) of SB 113: Education Omnibus (S.L. 2020-49).

³⁹ SB 704 originally allowed the use of additional remote instruction days during the 2020-2021 school year if a state of emergency or disaster is declared and school is closed for more than five days. SB 704 was amended by Section 3(b) of SB 113: Education Omnibus (S.L. 2020-49).

⁴⁰ Added by Section 3(b) of SB 113: Education Omnibus (S.L. 2020-49).

continue to be an eligible school in the 2020-2021 school year for the principal recruitment bonus.

Section 2.14 Notification Requirement for Teacher Performance Data

For the 2020-2021 school year, waives requirement that principals notify teachers of updated Education Value-Added Assessment System (EVAAS) data from the 2019-2020 school year.

Section 2.15 Teacher Effectiveness Reporting Requirements

For the 2020-2021 school year, waives the requirements that LEAs provide teacher effectiveness data from the 2019-2020 school year to the SBE and that the SBE include the data in its December 15, 2020 report on the state of the teaching profession in NC.

Section 2.16 Teacher Evaluation and Observation Requirements

Requires that annual teacher evaluations for the 2019-2020 school year be based on (i) observations completed during the 2019-2020 school year prior to March 16, 2020, and (ii) other artifacts and evidence from the 2019-2020 school year. Waives required observations not completed prior to March 16, 2020.

Section 2.22 Educator Preparation Programs (EPPs)

(a) Minimum Admission Requirements for EPPs: For the 2020-2021 school year only, a recognized EPP can admit students as follows:

1. A student is not required to meet any of the criteria in G.S. 115C-269.15(a)
2. A student is not required to have a grade point average (GPA) of at least 2.7. However, the student shall not commence to a clinical practice until he/she earns at least a 2.7 GPA.
3. The minimum entering cohort grade point average to an EPP for the 2020-2021 academic year is not required to be at least 3.0.

(b) Clinical Internships: Notwithstanding G.S. 115C-269.25(d)(1), a student in a recognized EPP may have the clinical internship deemed completed for the 2019-2020 academic year as follows:

1. Student completed as much time in a clinical internship as practicable prior to March 10, 2020.
2. Student would be unable to complete the EPP by August 15, 2020, unless the clinical internship is deemed completed pursuant to this section.
3. Student was engaged in remote instruction as practicable while schools are closed for the remainder of the 2019-2020 school year.
4. Student has otherwise met the descriptors identified on the certification of teacher capacity utilized by the EPP and the elementary or secondary school partner.

(c) Pedagogy Assessments: Notwithstanding G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed per subsection (b), the following applies:

1. For the 2019-2020 academic year, completing a nationally normed and valid pedagogy assessment is not required to determine clinical practice performance.
2. For the 2019-2020 academic year, completing the pedagogy assessment is not required as a condition of EPP completion.
3. Pedagogy assessment must be attempted by the end of their first year of licensure and passed by the end of their third year of licensure.

(d) Accountability: Notwithstanding requirements of G.S. 115C-269.35(a), for the 2019-2020 academic year, EPPs are only required to submit information to the SBE that is practicably available in the annual report. (This is due to the lack of student assessment data and the closure of schools for in-person instruction.)

(e) Sanctions: Notwithstanding G.S. 115C-269.45(c), the SBE will not consider data that was not practicably available for the 2019-2020 school year when assigning sanctions for an EPP.

(f) EPP Report Cards: Notwithstanding G.S. 115C-269.50, the SBE will create and submit annual report cards for EPPs by December 15, 2020 to the Joint Legislative Education Oversight Committee (JLEOC). However, the annual report cards will not be made public through the SBE's website for the 2019-2020 academic year. The report to JLEOC will also include the following aggregated information:

1. Number and overall percentage of admitted students to an EPP with less than a 2.7 GPA.
2. Number and overall percentage of students who had their clinical internships deemed completed per subsection (b) of this section.

Section 2.23 School Administrator Preparation Programs

Deems requirements as completed for school administrator candidates for the 2019-2020 academic year for (i) the year-long internship requirement under G.S. 115C-284(c2)(7) if as much time as practicable was completed prior to March 10, 2020, if the preparation program is unable to be completed by August 15, 2020, if the candidate has engaged in administrative duties as practicable during school closure for the 2019-2020 school year, and if the candidate has otherwise met the competencies identified by the preparation program; and (ii) the portfolio for emerging leaders requirement, provided it was completed to the extent practicable prior to completion of the preparation program.

Section 2.24 Transforming Principal Preparation Grant Program Requirements

Deems the clinical practice requirement for school leader candidates enrolled in a school leader preparation program receiving a grant pursuant to Part 4 of Chapter 116 of G.S. completed for the 2019-2020 academic year if the candidate (i) completed as much time in clinical practice as

practicable prior to March 10, 2020 and (ii) has engaged in school leader duties as practicable during school closure for the 2019-2020 school year. Prohibits a grant recipient from having grant funds retrieved for failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours during the 2019-2020 academic year.

Section 2.25 Teacher Licensure Requirements

Provides a one-year extension to meet licensure requirements for first-year teachers that had not taken the licensure exam by March 10, 2020 and applicants for a continuing professional license (CPL) whose lateral entry license expires June 30, 2020. Also gives teachers who are required to have at least eight continuing education credits by June 30, 2020, an additional year to meet their licensure requirement.

Section 2.26 Licensure Requirements for Other School Personnel

Provides one-year extension for school administrators and other school personnel who have not met licensure examination requirement by March 10, 2020. Also gives school administrators a one-year extension to obtain required continuing education credits in high-quality, integrated digital teaching and learning.

Section 4.14 Limited Business Immunity for Essential Businesses

Defines “essential business” to include educational institutions and governmental entities identified in the COVID-19 essential business executive order.

Provides immunity from civil liability for an essential business that provides goods and services to claims from any customer or employee for any injuries or death alleged to have been caused as a result of said person contracting COVID-19 while doing business or while employed by the business. The immunity does not apply if the injuries or death were caused by an act or omission constituting gross negligence, reckless misconduct, or intentional infliction or harm.

This applies on or after the issuance of the COVID 19 essential business executive order and expires when the COVID-19 emergency declaration is rescinded or expires.

Section 4.23 Temporarily Remove Barriers to Allow Retirees of the Teachers’ and State Employees’ Retirement System and the Local Government Employees’ Retirement System to Return to Work on a Part-Time, Temporary, or Interim Basis During State of Emergency Related to COVID-19

Reduces the waiting period from six months to one month, for retirees to return to work who retired on or after October 1, 2019 but before April 1, 2020. The retiree must return to a position that is needed due to the COVID-19 pandemic, as certified to the Retirement System Division of

the Department of the State Treasurer by the employing agency. This section expires August 31, 2020.⁴¹

For individuals who retired before April 1, 2020, earnings received between March 10, 2020 and August 1, 2020 do not count against the earnings cap if the position is needed due to the COVID-19 pandemic, as certified to the Retirement System Division of the Department of the State Treasurer by the employing agency.

Section 4.31 Public Bodies/Remote Meetings During Declared Emergencies

Provides explicit authority for public bodies, including school boards, to hold remote meetings when a declaration of emergency under G.S. 166A-19.20 has been declared as long as certain conditions are met (see below). The remote meetings shall also be held in accordance with Article 33 of Chapter 143 (the open meetings law).

The public body shall:

1. Give proper notice including how the public can access the remote meetings as it is occurring.
2. Any member of the public body participating remotely that cannot be seen by the public body must identify him/herself when (a) the roll is taken; (b) prior to participating in deliberations and (c) prior to voting.
3. All documents shall be provided to each member of the public body.
4. The method used for the remote meeting shall allow for any member of the public body to do all of the following: (a) hear what is said by other members, (b) hear what is said by an individual addressing the public body, and (c) to be heard by other members of the public body when speaking to the public body.
5. All votes shall be roll call. No secret or written ballots are allowed.
6. The public body must comply with 143-318.13(c) which ensures that the public knows what is being voted upon.
7. The minutes must reflect that the meeting was held remotely and if members left or joined the meeting.
8. All chats, instant messages, texts or other written communication between members of the public body regarding the transaction of public business during the meeting are deemed a public record.
9. The remote meeting shall simultaneously stream live online available to the public.

Establishes that participation by a member remotely counts towards establishing a quorum.

Provides that votes by a member remotely are to be considered the same as if the member were physically present.

⁴¹ SB 704 originally expired this section on August 1, 2020. SB 704 was amended by Section 9 of HB 308: Regulatory Reform Act of 2020 (S.L. 2020-74).

Provides that public hearings may be held remotely as long as written comments of the hearing are allowed to be submitted from the time of notice until 24 hours **after** the public hearing.

Quasi-judicial hearings may be conducted remotely with the following stipulations.

1. The right to a hearing or decision occurs during the emergency
2. All persons subject to the hearing have been given notice and **consent**
3. All due process rights are protected

This statute only applies to emergency declarations and does not supersede any authority for electronic meetings under Article 33C of Chapter 143 (open meetings law).