



## Virtual Instruction Issue Brief

### **Background**

The COVID-19 pandemic required teachers, school staff, students, and families to instantly adapt to a new way of teaching and learning. In March 2020, all NC schools closed, which began the use of emergency remote instruction. Since then, schools have returned to in-person learning, but many students across the State continue to utilize virtual instruction.

### **Legislation**

The General Assembly passed legislation in August 2021 (SB 654/S.L. 2021-130) that gives public school units (PSUs) the authority to provide virtual instruction during the 2021-2022 school year, with consent of a parent or guardian. This authority is repealed as of June 30, 2022.

After this date, school districts can no longer offer virtual instruction in lieu of weather closures (the legislation allows PSUs with good-cause waivers to use up to 15 days/90 hours and all other PSUs to use up to five days/30 hours). Additionally, unless a district was assigned a school code to operate a virtual academy by May 1, 2022, a district does not have the authority to continue providing virtual instruction.<sup>1</sup> Repealing this authority is problematic, as it would not allow districts to meet the needs of students.

### **Virtual Instruction in NC**

The State Superintendent's Working Group on [Virtual Academies report](#), which was due to the General Assembly on March 15, 2022, explains that NC has been providing students with high-quality, purposeful virtual learning for nearly two decades, and that the pandemic has caused a higher demand for virtual instruction. The report notes that schools are currently using virtual instruction to meet the needs of families, and that "remote learning under extreme circumstances...is not to be confused with planned and intentional participation in virtual learning."

According to the report, the number of fully virtual academies in the State has increased from 11 in the 2019-2020 school year to 61 in the 2021-2022 school year. Additionally, the number of hybrid virtual academies has increased from 25 in the 2019-2020 school year to 45 in the 2021-2022 school year.<sup>2</sup>

Each of the State's 115 local school districts submitted a virtual instruction plan to DPI in order to provide virtual instruction to students during the 2021-2022 school year<sup>3</sup>, which was required by S.L. 2021-130.<sup>4</sup> Districts have provided virtual instruction through virtual academies with separate school codes and virtual academies within in-person schools. The Working Group's report recommends that the General Assembly allow virtual academies that do not have a

---

<sup>1</sup> S.L. 2021-130, Parts III, IIIA, IIIB, and IIIC (SB 654)

<sup>2</sup> Study Group Results: Working Group on Virtual Academies, NC Department of Public Instruction

<sup>3</sup> Virtual Instruction Plan, NC Department of Public Instruction

<sup>4</sup> S.L. 2021-130, Part IIIB (SB 654)

separate school code to continue providing virtual instruction. The Working Group proposes that these virtual academies, as well as PSUs that do not have a virtual academy but wish to develop one, be able to apply for a separate school code (the deadline was May 1, 2021).<sup>5</sup>

### **School Choice**

Families in North Carolina have a wide array of options when it comes to choosing the school and education method that best fit the needs of their child. These schooling options include choosing between public and private, traditional and charter, in-person and virtual, and so on. The General Assembly supports school choice, and virtual instruction within a school district should be viewed as another facet of school choice.

### **NCSBA Position**

NCSBA requests that the General Assembly allow local school boards to continue providing virtual instruction options, with consent of a parent or guardian, to best meet the needs of students and their families. NCSBA supports extending the current virtual instruction statute in S.L. 2021-130. The 100% submission rate of virtual instruction plans to DPI for the 2021-2022 school year shows that a virtual instruction option is important to local school districts' efforts to address the needs of students.

Additionally, NCSBA believes that school districts should have the option to provide virtual instruction on days that schools are closed due to severe weather and other emergencies. Since many of those days will not be made up, NCSBA believes that a virtual/remote instructional day is better than no instructional day.

---

<sup>5</sup> Study Group Results: Working Group on Virtual Academies, NC Department of Public Instruction