GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 37
Second Edition Engrossed 2/9/21

Short Title:	In-Person Learning Choice for Families.	(Public)
Sponsors:	Senators Ballard, Lee, and Hise (Primary Sponsors).	
Referred to:	Education/Higher Education	

February 2, 2021

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ACCESS TO IN-PERSON LEARNING FOR STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE.

Whereas, the Centers for Disease Control and Prevention (CDC) outlined the dramatic increase in children's mental health visits to hospital emergency rooms from April to October of 2020 over the same time period in 2019, an increase of 24% for children ages 5–11 and 30% for children between the ages of 12–17; and

Whereas, the CDC further found that with mitigation efforts, the COVID-19 transmission risk in schools appears low, showing that with the necessary precautions in place, schools can open during the pandemic and that there is little evidence that schools have contributed meaningfully to increased community transmission; and

Whereas, the ABC Science Collaborative confirms the CDC's findings, as it reported no instances of child-to-adult transmission of COVID-19 were reported within schools during their examination of 11 open school districts in North Carolina serving 90,000 students during the first quarter of the 2020-2021 school year; and

Whereas, high failure rates in remote learning classes among middle and high school students are being reported statewide; and

Whereas, the Organisation for Economic Co-operation and Development found for every one-third of a school year lost, current students will suffer a 3% loss in income across their entire careers; and

Whereas, a study in the Journal of the American Medical Association found that today's students' increased financial stress could be associated with a collective loss of 13.8 million years of life; and

Whereas, even last summer, experts at Harvard University warned that school closures are a disaster that some students may never recover from; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 1A of Chapter 166A of the General Statutes, any executive order, secretarial order or directive authorized pursuant to Article 1A of Chapter 166A of the General Statutes, or any other provision of law, all local school administrative units shall provide the option of in-person instruction to students in grades kindergarten through 12 enrolled in that unit in accordance with this act for the remainder of the scheduled 2020-2021 school year, beginning no later than the first weekday that occurs fifteen days following the effective date of this act.

SECTION 2. In providing for in-person instruction, local school administrative units shall comply with the following:

(1) Local school administrative units shall comply with all requirements of the Strong Schools NC Public Health Toolkit (K-12), as that guidance existed on February 2, 2021, for implementation of Plan A (Minimal Social Distancing) and Plan B (Moderate Social Distancing) that are appropriate to the Plan of reopening, as follows:

a. Local boards of education shall provide the option of in-person instruction under Plan A (Minimal Social Distancing) to all students enrolled in that school with an individualized education program, as defined in G.S. 115C-106.3(8), or a section 504 (29 U.S.C. § 794) plan, unless in-person instruction is not permitted under that student's program or plan. Local boards of education shall provide the option of remote education for these students to elect to participate in, at the discretion of the student's parent or guardian, for the remainder of the 2020-2021 school year.

b. Local boards of education shall provide the option of in-person instruction under Plan A (Minimal Social Distancing) or Plan B (Moderate Social Distancing) for all other students enrolled in grades kindergarten through 12 in that unit. It shall be in the discretion of the local board whether in-person instruction shall be provided under Plan A (Minimal Social Distancing), Plan B (Moderate Social Distancing), or both Plans as necessary to address the needs of different school settings. Local boards of education shall continue to provide remote instruction options for students to elect to participate in, at the discretion of the parent or guardian, for the remainder of the 2020-2021 school year.

(2) Local boards of education may adjust student assignments as necessary for the remainder of the 2020-2021 school year to comply with in-person instruction plan requirements and ensure efficient use of school resources in order to provide both in-person instruction and offer remote instruction alternatives to families.

(3) Local boards of education shall have the authority to make day-to-day decisions concerning whether shifting individual schools or individual classrooms that are providing in-person instruction to remote instruction is necessary due to COVID-19 exposures that result in insufficient school personnel or required student quarantines. A local board of education shall report any shift by a school or classroom from in-person to remote instruction to the Department of Public Instruction within 72 hours of the shift.

SECTION 3. For the purposes of this act, in-person instruction includes all of the following components:

(1) Is offered to the student in person by a teacher of record on a local school administrative unit campus. Continued enrollment in a North Carolina Virtual Public School course or other e-learning course offering or use of prerecorded learning materials integrated in instruction that occurs on a local school administrative unit campus shall be considered to meet this requirement.

(2) Meal service.

(3) Transportation services to the campus where the student is assigned.

SECTION 4. As the Department of Health and Human Services continues to follow the Centers for Disease Control and Prevention guidance for COVID-19 vaccinations of frontline essential workers, local boards of education are encouraged to coordinate with local health departments and other vaccine providers to facilitate coordinating and scheduling COVID-19 vaccination events for frontline K-12 school-based employees.

SECTION 5. This act is effective when it becomes law.