HOUSE BILL 82:
Summer Learning Choice for NC Families.

2021-2022 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	February 17, 2021
Introduced by:	Reps. Moore, Elmore, Torbett, Zenger	**Prepared by:**	Drupti Chauhan Committee Counsel
Analysis of:	PCS to First Edition H82-CSRQ-1		

OVERVIEW: House Bill 82 would require each local school administrative unit (LEA) to offer a 6 week school extension learning recovery and enrichment program (Program) after the end of the 2020-2021 school year. The Proposed Committee Substitute (PCS) for House Bill 82 would allow funds allocated to the LEAs for reading camps for the 2020-2021 fiscal year rather than the 2021-2022 fiscal year to be used to also support the program and would change the effective date for that section.

CURRENT LAW: Under G.S. 115C-233, LEAs may establish and maintain summer schools with the standards developed by the State Board of Education. Summer school may be funded from monies available for that purpose by the State Board of Education, local funds appropriated to the LEA, and from any other revenues available for that purpose. In addition, G.S. 115C-238.31 provides that LEAs are encouraged to implement extended learning services programs that "expand students' opportunities for educational success during non-school hours." These extended learning programs include and are not limited to after-school hours, before-school hours, evening school, Saturday school, summer school, and year-round school. Instruction may include but is not limited to tutoring, direct instruction, and enrichment activities. The extended learning programs are to be targeted primarily to students who perform significantly below their peers but can also be established for students achieving at or above grade level.

BILL ANALYSIS:

PART I

Purpose of the Program: The PCS would require each LEA to offer a 6 week Program following the end of the 2020-2021 school year with the funds available to the LEA, including federal funds received by the LEA, for purposes of responding to the impacts of COVID-19. The Program's purpose is to provide in-person instruction on specific subjects and offer additional enrichment activities to students in kindergarten through grade 12 to address learning losses due to COVID-19 during the 2020-2021 school year.

LEAs must identify and prioritize students at risk for academic failure and who are not progressing toward grade promotion and graduation for participation in the Program. Students who do not meet this criteria may also participate in the Program if there is available space. The LEA must establish any criteria for prioritizing these additional students for the Program.

Program Plan: Each LEA must submit a plan for its Program to the Department of Public Instruction (DPI) no later than 30 days prior to the final instructional day of the 2020-2021 school year and DPI must

notify LEAs of any necessary plan changes and approve the plan within 21 days of receiving it from an LEA.

Charter schools are encouraged to submit plans to offer Programs consistent with this act depending on the grade levels served by the school.

The submitted plans must include the following components:

- Instruction must be delivered for at least 5 hours a day **not** including time for lunch service, transition periods, and physical activity
- The Program must be offered 5 days per week for a 6 week period
- Lunch service must be provided each instructional day
- A physical activity period must be provided each instructional day
- Grade level course offerings and activities as follows:
  - Grades K-3 must have:
    - In-person instruction in reading and math; science instruction must be added for Grade 3
    - Integration of the LEA's reading camp into the program
    - At least one enrichment activity with the LEA having discretion as to the type of enrichment activity offered such as sports, music, or arts
  - Grades 4-8 must have:
    - In-person instruction in reading, math, and science
    - At least one enrichment activity with the LEA having discretion as to the type of enrichment activity offered such as sports, music, or arts
  - Grades 9-12 must have:
    - In-person instruction in the end-of-course subjects
    - Access to modules and teacher support for credit recovery courses necessary to meet graduation requirements
    - In-person instruction for an elective course
- Transportation from the student's home and the school facility housing the Program
- Voluntary participation by at-risk students with LEAs notifying parents of at-risk students about the students' eligibility in the Program
- Opportunities for additional students (those **not** identified as at-risk) to participate if space is available based on the LEA's criteria for prioritizing non at-risk students
- Outreach to families and students to increase participation in the Program by offering a positive environment with enrichment activities

Kindergarten students who participate in the Program shall be exempt from retention for the 2021-2022 school year with a supplemental support plan developed for the student for first grade if needed. For all other at-risk students who are at-risk of grade retention for the 2021-2022 school year, the student's principal must reassess the student's promotion eligibility upon completion of the program.

Program Operations/Exceptions: Local boards of education must employ teachers and other school personnel as temporary employees on a contract basis for the Program and they will not be considered employees for the purposes of the State Retirement System or the State Health Plan.

No limitations on teacher-to-student class size ratios for K-3 apply to classes offered through an LEA's Program.

Use of Reading Camp Funds: LEAs may use the funds allocated to them for reading camps for the 2020-2021 fiscal year to support their Programs.

Report: DPI must report to the Joint Legislative Education Oversight Committee by October 15, 2021, on the implementation of this act including submitting a copy of each LEA's Program plan and any other data DPI deems useful to the Committee.

PART II

Benchmark Assessments: This section creates a new statute where, within funds available, the State Board of Education must provide for and require LEAs to implement innovative benchmark assessments in certain grades and core subject areas to allow teachers to more frequently measure student learning and address student learning loss throughout the school year. The assessment shall provide for educator flexibility, assessments aligned with the standard course of study, and actionable data.

EFFECTIVE DATE: This act is effective when it becomes law. Section 2 of the act applies beginning with the 2021-2022 school year.