



# PUBLIC SCHOOLS OF NORTH CAROLINA

STATE BOARD OF EDUCATION Eric C. Davis, Chairman

DEPARTMENT OF PUBLIC INSTRUCTION Catherine Truitt, Superintendent of Public Instruction

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## Guidance Summary Document: Session Law 2021-130 / Senate Bill 654

### **PART I: School Performance Grades/Annual Report Cards**

- The State Board of Education is not permitted to calculate achievement, growth, or performance scores, nor display performance scores, growth designations, or letter grades based on 2020-21 test data.
- The State Board of Education must display on public data reports an explanation that achievement, growth, and performance scores and letter grades were not calculated and assigned for the 2021-2022 school years because assessment data from the 2020-2021 school years was heavily impacted by COVID 19.
- The State Board of Education must still issue an annual report card, but it must be based on 2020-2021 data, and only provide the minimum accountability, school identification and related reporting requirements specified in the U.S. Department of Education waiver. There are additional elements required by federal law and not affected by the waiver.
- Public school units will only be required to display or provide a link to the annual report card information issued by the State Board of Education.

### **PART II: Low Performing Status**

- The status of low performing schools, continually low performing schools and low performing LEAs shall not change.
- There is no requirement to notify parents.

### **PART III: Instructional Calendar and General Remote Instruction Provisions**

Part III Section 3.(a) will be codified into a new General Statute – Section 115C-84.3 Remote Instruction. It is intended to give public school units a limited ability to use remote instruction during severe weather or other emergencies that have traditionally caused school closures. It is separate from the special COVID 19 remote instruction provisions in the bill, which are discussed further in this document. However, note that legislation includes a provision that it will be repealed automatically effective June 30, 2022. So, it is effective only for the current academic year.

Note that PARTS III, IIIA, IIIB, and IIIC of this legislation apply to:

- Local education agencies
  - Including cooperative innovative high schools
  - Restart schools
- Charter schools
- Regional schools
- Lab schools
- Renewal school system

### **Definition of Remote Instruction**

Instruction delivered to students in a remote location outside of the school facility. The instruction may be asynchronous or synchronous.

Excludes

- NCVPS
- E-learning courses that meet the requirements of GS 115C-238.85\*
- IHE courses
- Homebound instruction
- Instruction provided to a student during a short- or long-term suspension

\* LEAs may use e-learning providers other than NCVPS if the provider meets all of the following requirements:

- (1) Obtain accreditation by a regional accrediting agency such as, but not limited to, AdvancEd or the Southern Association of Colleges and Schools (SACS);
- (2) Employ teachers who hold teaching licenses from states that participate in the NASDTEC Educator Identification Clearinghouse; and
- (3) Ensure that courses offered to North Carolina students are aligned to the North Carolina Standard Course of Study.

### **Remote Instruction Plan (RIP)**

All PSUs who plan to provide remote instruction in lieu of closing during severe weather or other emergencies must submit a remote instruction plan to the State Board of Education. (Note: The statute says that the plans must be submitted by July 1 of 2021. PSUs may use their SL 2020-03 Remote Instruction Plan from the 2020-21 academic year, which they must update before October 1, 2021.

Remote Instruction Plans may be updated [here](#).

The SBE shall submit these plans, with a summary, to JLEOC

### **Allowable use of Remote Instruction Days**

Remote instruction may be used when schools are unable to open due to severe weather, energy shortages, power failures or other emergency situations. The days may be scheduled prior to the anticipated event or after the fact.

### **Maximum Number of Remote Instructional**

PSUs have a maximum number of remote days/hours that are permitted to be used to meet the 185/1025 minimum instructional days/hours. The number of remote instruction days/hours permitted differs based on whether the PSU is located in a county that has received a calendar waiver on the start and end dates (good cause waiver).

The counties that have received a calendar waiver in 2021-22 can be found on the Financial & Business Services [website](#).

- PSUs located in a county that has received a calendar waiver: Any LEA, charter school, regional school, innovative school or lab school that is located in a county that has received a calendar waiver in that school year may provide up to 15 remote instruction days or 90 remote hours per academic year.
- PSUs in a county that has not received a calendar waiver: Remote instruction is limited to 5 days or 30 hours per academic year.

### **Part III (A): Remote Instruction for COVID-19 Emergencies**

Remote instruction due to unplanned shifts from in-person to remote instruction is separate from the planned remote instruction restrictions. i.e. The days/hours of remote instruction due to a COVID emergency are not included in the maximum allowable remote instruction days.

A PSU may shift a school or classroom from in person to remote instruction due to COVID exposures that results in insufficient personnel or student quarantines. These unplanned shifts are temporary and are not included in the Remote instruction requirements above.

A PSU shall report to DPI any shift from in -person to remote instruction due to COVID exposures within 72 hours of the shift.

DPI has created an [online reporting](#) tool.

### **Part III (B): 2021-22 Planned Virtual Instruction**

PSUs may provide virtual instruction to a student with the consent of that student's parent or legal guardian in accordance with a virtual instruction plan.

PSUs shall submit a virtual instruction plan to DPI by October 1, 2021. DPI shall submit these plans to JLEOC and the Working Group on Virtual Academies. PSUs may submit plans [here](#).

PSUs are prohibited from providing virtual instruction after June 30, 2022, except if a LEA was assigned a school code to operate a virtual academy by May 1, 2021, or has received expressed authority from the General Assembly.

### **Part III (C): Virtual Academies Study**

DPI is putting together the group that will carry out this work. More information will be shared by the Office of Learning Recovery and Acceleration in the coming days. Please email [Michael.Maher@dpi.nc.gov](mailto:Michael.Maher@dpi.nc.gov) if you have specific questions in the meantime.

### **PART IV: Principal Recruitment Supplement**

- The list of schools eligible for a principal recruitment supplement in 2019-20 and 2020-21 remains unchanged in 2021-22. Therefore, all schools on the list are eligible for the supplement in 2021-2022.
- See guidance on the DPI Financial and Business Services [website](#).
- Current schools receiving the supplement as well as those eligible will receive written notice from the Office of District and School Transformation.

### **PART V: Notification Requirement for Teacher Performance Data**

- EVAAS reporting for the 2021-22 school year will include teacher- and school-level growth based on data from the 2020-21 academic year.
- NCDPI will employ a two-year measurement window for the estimation of teacher and school growth (as opposed to a single-year measurement window).
- As a result of this estimation strategy, student growth includes the impact of a teacher in the 2019-20 academic year which is not directly accounted for in the model.
- NCDPI and EVAAS have conducted many statistical simulations to confirm that results from the two-year measurement window are highly correlated with results from a single-year estimation of student growth. NCDPI and EVAAS are confident that the growth from the 2020-21 school year are valid and reliable estimates of teachers' impact on student growth.
- EVAAS can account for some of the impact of the teacher in the 2019-20 school year, but not with the level of precision that is possible with the single-year estimation of student growth.
- Pursuant to General Statute § 115C-333.2, principals are required to notify staff that EVAAS performance data have been updated with results from the previous academic

year. SL 2021-130 includes the additional requirement of notifying teachers that their 2020-21 growth data includes the impact of a teacher in the 2019-20 academic year.

- While the 2020-21 growth estimates are valid and reliable, NCDPI does recommend caution in using these data to make comparisons across schools or comparisons between teachers whose students had substantially different learning experiences (e.g., remote vs. in-person learning) during the pandemic.

#### **PART VI: Teacher Effectiveness Reporting Requirements**

- Pursuant to General Statute § 115C-299.5, NCDPI will report, at the state-level, the effectiveness of teachers who are no longer employed in NC public schools in the 2021-22 school year.
- These effectiveness data will not be disaggregated at the level of the local administrative unit (e.g., LEA, charter school, or other PSU).
- NCDPI will provide language in the annual *State of the Teaching Profession Report* that contextualizes the growth data that will be used as part of the determination of a teacher's effectiveness. Specifically, NCDPI will explain the two-year measurement window for estimating student growth for the 2020-21 academic year and recognize the existence of another teacher's impact (from the 2019-20 academic year) which is not directly accounted for in the growth measure.

#### **PART VII: Temporarily Extend CPR Graduation Requirement Changes**

- The CPR graduation requirement has now been officially waived for the previous school year. Please contact [Sneha.ShahColtrane@dpi.nc.gov](mailto:Sneha.ShahColtrane@dpi.nc.gov) if you have any further questions about this provision.

#### **PART VIII: Teacher Licensure Requirements**

- The deadline for meeting coursework or examination requirements for converting to a continuing license has been extended from June 30, 2021, to December 31, 2021.
- This extension applies to educators who hold an initial professional license (IPL), a residency license (RL), or limited license (LL). The extension does not apply to educators who hold a provisional license (licenses that are added to an existing, clear teaching license).
- Teachers may qualify for an RL if they hold a bachelor's degree or an advanced degree (without an underlying bachelor's degree). This provision only applies to the RL and is unnecessary for an IPL license.

#### **PART IX: Clarify the Definition of Year-Round School**

There are 4 calendar plans that meet the definition of year-round.

- **No change**

- A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.
- 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.
- **Changed**
  - A plan providing students be scheduled to attend 45 four quarters of between 43 and 47 instructional days followed by 15 days of vacation, repeated throughout the each school calendar year, with vacation periods for students of between 14 and 18 days separating each quarter
- **New**
  - In a LEA with both single- and multi-track instructional calendars, a plan for a single-track instructional calendar that is identical to at least one track of a multi-track instructional calendar adopted by the local board that meets the requirements of either a. or c. above.

#### **PART X: Local Face Covering Policies**

- Local school districts are required to adopt a policy regarding the use of face coverings by employees and students for the 2021-22 school year. The governing body must vote at least once a month about whether or not a face covering policy should be modified.

#### **PART XI: Temporarily Waive Certain Requirements That Relate to Drivers Eligibility Certificates (DECs)**

- The LEA shall issue the Driver Eligibility Certificate without requiring the person to whom it is issued to be making progress toward obtaining a high school or its equivalent.
- Districts shall not report students (in SADLS) who are no longer making progress toward obtaining a high school diploma or its equivalent. **(Note: If this is done in error, the DMV will issue a suspension order.)**
- Inform students other DMV requirements remain:
  - Other normal documents (identification, driver education certificate)
  - An appointment, (walk-ins may be accommodated providing space and personnel.)

End date: January 30, 2022.

**Part XII: Restore Certain Permits and Provisional Licenses Revoked Due to Certificate Ineligibility Suspended by the District, on or after March 1, 2020**

- Division of Motor Vehicles shall restore driver permits/license for those whose permit or license was revoked due to academic ineligibility.
- District recommendation for students:
  - DMV requires an appointment (Walk-ins may be accommodated providing space and personnel)
  - Present identification
  - DEC's do not appear to be required for reinstatement. However, if receive instructions to the contrary DPI will share that information with you.
  - DMV will reissue driver permit/license and expunge driving record with no fees.