



## S704 School Calendar Provisions Summary and Q&A

*Senate Bill 704: “COVID-19 Recovery Act” was signed into law by Governor Roy Cooper on 5/4/20. While S704 provides numerous relief items requested by the NC Association of School Administrators (NCASA), it does not include NCASA’s proposal for greater calendar flexibility. The summary that follows outlines the new calendar requirements contained in S704, as well as answers to commonly asked questions NCASA has received. NCASA is continuing to work with lawmakers to seek revisions to S704 in the weeks ahead and will provide members with any pertinent updates.*

### • SECTION 2.1: DEFINITIONS

- **(4)** Defines “modified calendar school” as a school that a local board designated as having a modified calendar for the 2003-2004 school year or any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.
- **(6)** Defines “year-round school” as “a school with a single or multi-track instructional calendar that provides instructional days in compliance with Section 2.11(b)(1) of this Part throughout the entire school calendar year, beginning July 1 and ending June 30, by utilizing at least one of the following plans:
  - **(a)** A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.
  - **(b)** A plan providing students be scheduled to attend 45 instructional days followed by 15 days of vacation, repeated throughout the school calendar year.
  - **(c)** 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.

### • SECTION 2.10: 2019-20 SCHOOL CALENDAR AND ATTENDANCE MODIFICATIONS

- **(a)** Allows remote instruction to satisfy the statutory instructional time requirement. Defines remote instruction for the 2019-20 school year as “learning that takes place outside of the traditional school setting using various media and formats, including, but not limited to, video conference, telephone conference, print material, online material, or learning management systems.” Requires each public school unit to provide remote instruction for the remainder of its scheduled 2019-20 school year.
- **(b)** Waives attendance enforcement requirements beginning March 16, 2020 for the remainder of the 2019-2020 school year.

- **SECTION 2.11: 2020-2021 SCHOOL CALENDAR AND ATTENDANCE MODIFICATIONS**

- **(a) Remote Instruction Plans** — Directs public school units to develop Remote Instruction Plans (Plans) for the 2020-2021 school year and submit the Plans to the SBE by July 20, 2020. The Plans must include information as to how the units will deliver quality remote instruction to all students in the 2020-2021 school year as well as information as to how to train teachers, support students and families, and engage with community stakeholders.
- **(b) School Calendar**
  - Except as otherwise provided in this subsection, the requirements of [G.S. 115C-84.2](#), including the requirement that a school calendar consist of 215 days, apply to the 2020-2021 school calendar for local school administrative units. The provisions of this subsection supersede any school calendar adopted by a public school unit prior to the enactment of this Part. For the 2020-2021 school year only, the following applies to the school calendar for public school units:
    - **(1)** Notwithstanding any provisions of [[G.S. 115C-75.8\(d\)\(9\)](#)— *innovative school district calendar requirements*; [115C-84.2\(a\)\(1\)](#) — *minimum 185 days or 1,025 hours of instruction covering at least nine months*; [115C-150.12](#) — *except as otherwise provided, applies to all schools*; [115C-218.85\(a\)\(1\)](#) — *course of study requirements*; [115C-238.53\(d\)](#) — *cooperative innovative high schools*; [115C-238.66\(1\)d.](#) — *calendar for regional schools*; [116-239.8\(b\)\(2\)c.](#) — *calendar for lab schools*; and [Section 6\(e\) of S.L. 2018-32](#) — *renewal school calendar*] to the contrary, each public school unit shall adopt a calendar that includes 190 days of instruction as follows:
      - **(a)** 185 days or 1,025 hours of instruction that include five remote instruction days in accordance with the Plan developed pursuant to subsection (a) of this section. Each of the five remote instruction days may be scheduled in the discretion of the public school unit, except as provided in subdivision (2) of this subsection.
      - **(b)** An additional five instructional days that shall be satisfied only by five individually separate and distinct full instructional days and not by an accumulation of instructional hours.
    - **(2)** Notwithstanding any provisions of G.S. 115C-84.2(d) to the contrary, each local school administrative unit shall adopt a school calendar in accordance with the following:
      - **(a)** Except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part, an opening date for students of August 17, 2020;
      - **(b)** Except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part, a closing date for students no later than June 11, 2021;

- **(c)** No remote instruction day shall be scheduled prior to August 24, 2020, unless the school operates on a year-round or modified calendar schedule. A year-round or modified calendar school shall not schedule a remote instruction day prior to the sixth instructional day of the year-round or modified calendar.
- **(d). Remote instruction days** may be scheduled for use as teacher workdays, including as teacher workdays on which teachers may take accumulated vacation leave, provided that remote instruction material is prepared and provided for students to use during the remote instruction days. Local school administrative units may, in their discretion, schedule remote instruction days as teacher workdays to facilitate completion of first semester course exams prior to a winter holiday period.
- **(e).** The following apply for a local school administrative unit granted a **good cause waiver** for the 2020-2021 school year:
  - **(1)** The opening date for students shall not be earlier than August 17, 2020, except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part.
  - **(2)** Up to an additional five remote instruction days may be used, if those days are (i) provided in accordance with the requirements of this subsection for remote instruction days and (ii) used solely as make-up days for days on which schools have been closed due to inclement weather or other emergency situations.
  - **(3)** If, during the 2020-2021 school year, a **state of emergency or disaster** is declared under Chapter 166A of the General Statutes ordering school closure for more than five days, a public school unit providing remote instruction in accordance with the Plan developed pursuant to subsection (a) of this section may use additional remote instruction days as necessary to satisfy instructional time requirements.

## FAQ/ NOTES

**1) Q: Are the recommendations to WAIVE the 1025 hours/185 days for the 2019-2020 school year?**

- A: The proposed language would allow all LEAs that provide remote instruction for the remainder of the school year to have the 1,025 hours/185-days requirement waivers. There is no mention of requiring the remote instruction add up to a specific number of days or hours.

**2) Q: How is the 190 days of instruction calculated?**

- A: The 190 days is broken down into (1) 185 days OR 1,025 hours of instruction, including 5 remote instruction days AND (2) an additional 5 separate and distinct full instructional days. S704 gives districts discretion to schedule remote instruction days for use as teacher workdays, provided that remote instruction material is provided for students to use during the remote instruction days.

**3) Q: Do you read the requirements to mandate 10 remote learning days in the 190 mandated total days?**

- A: No, only 5 remote learning days are mandated. Sec. 2.11.(b)(1) notes public schools shall adopt a calendar that includes 190 days of instruction as follows:
  - 185 days or 1,025 hours of instruction that *includes* 5 remote instruction days; AND
  - An *additional* five separate and distinct full instructional days. The statute does not state these additional instructional days shall be remote.

**4) Q: If a district can meet 1,025 instructional hours in a 180-day calendar, does it need to add 5 additional remote learning days, or may it include those five days within the 180-day calendar?**

- A: Sec. 2.11(b)(1)(a) gives districts the choice between 185 days OR 1,025 hours of instruction. As long as the mandated 5 remote instruction days are included in the 1,025 hours, there is no requirement to add additional remote instruction days; however, the district must still add the newly-required 5 separate and distinct non-remote instruction days.

**5) Q: Can LEAs utilize remote instruction in excess of the five remote instructional days required under S704?**

- A: No. Sec. 2.11(b) provides for the use of remote instructional days *in only the 3 following ways*:
  - For all schools, 5 remote instruction days during the school year;
  - For good cause waiver schools, an additional 5 days that can be used to provide remote instruction due to inclement weather or other emergency situations;
  - For all schools, in the event of a state of emergency requiring school closure for more than 5 days, instructional time can be satisfied by remote instruction.

The bill does not authorize the use of remote instruction in other circumstances (like a A/B day schedule where students flip between remote and in-person instruction to allow for social distancing).

**6) Q: How can designated remote instruction days be scheduled for use as teacher workdays?**

- A: Sec. 2.11(b)(2)(d) allows remote instruction days to be scheduled for use as teacher workdays, including as workdays on which teachers may take accumulated vacation leave, provided that remote instruction material is prepared and provided for students

to use during these days. NCASA’s interpretation of this provision is that teachers may still use these days for professional development or vacation leave, as long as students are provided with remote instruction materials — such as assignments, videos, worksheets, etc.

**7) Q: Will districts with good cause waivers be extended a year?**

- A: The new law requires those with weather waivers to start Aug. 17 like most other districts. It does provide 5 more remote learning days than other districts (so 10 total) to schedule in the 2020-21 calendar that can help districts make up missed days for inclement weather. If a state of emergency/disaster is declared, then affected districts can schedule additional remote learning days beyond that 10.

**8) Q: Are the “innovative” year-round calendars in operation by 13 LEAs this year allowable next year for them or other districts?**

- A: No. S704 requires all public schools, except those operating under a modified or year-round calendar (defined above), or some other enumerated exceptions, to operate under the new 190-day schedule with school opening Aug. 17, 2020. As “year-round” is now narrowly defined to exclude schedules utilized by most innovative year-round calendars, they must now use the calendar mandated for 2020-21.

**9) Q: Are cooperative innovative high schools included in the new mandatory 2020-21 school calendar start date?**

- A: No, but they are included in the new requirements for 5 remote instruction days and an additional 5 separate and distinct instructional days. Section 2.11(b)(1) includes statutory references to the following types of schools, allowing them to continue to follow their existing calendar requirements ONLY WHEN existing requirements conflict with the new calendar requirements:
  - G.S. 115C-75.8(d)(9) — innovative school districts;
  - 115C-218.85(a)(1) — charter schools; (and restart schools through their charter-like flexibility)
  - 115C-238.53(d) — cooperative innovative high schools;
  - 115C-238.66(1)d. — regional schools;
  - 116-239.8(b)(2)c. — lab schools;
  - Section 6(e) of S.L. 2018-32 — renewal schools

**10) Q: Are Restart schools exempted from the 8/17 start date?**

- A: Yes. While not explicitly referenced in S704, restart schools are exempted from the start date through the statute that gives them charter-like flexibility.

**11) Q: Can LEAs change their 2019-20 calendar to end earlier than scheduled, if they conduct enough remote instruction hours to hit a minimum of 1,025 hours?**

- A: No. Because S704 explicitly says: “Each public school unit shall provide remote instruction for the remainder of its SCHEDULED 2019-2020 school year.”