



NC Senate Fails To Clarify LEA Flexibility In Scheduling Remote Instruction

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Lawmakers returned to Raleigh this week mainly to attempt overriding vetoes on several bills related to reopening businesses closed by Executive Orders due to COVID-19. At the request of NCASA, the State Board of Education and some other public school advocates, the N.C. House also took quick action to push forward legislation to clarify LEA flexibility to schedule remote learning during the first week of the 2020-21 school year. Despite unanimous House approval Tuesday of that measure, now contained in [Senate Bill 374](#), the N.C. Senate adjourned Wednesday without action to consider it.

Since the clarifying legislation did not gain final legislative approval, the ability for LEAs to schedule remote instruction in the first five days of the school year remains unclear. Legal opinions on this matter vary. Some attorneys have broadly interpreted previous 2020-21 school calendar law changes in recently [enacted Senate Bill 113](#) to give local school boards the authority to schedule remote instruction whenever needed to ensure the health and safety of students. At least one General Assembly attorney, however, issued an opinion that no remote instruction can be scheduled in the first five days of school, due to a previous school calendar provision in [enacted Senate Bill 704](#).

Given these diverging interpretations, NCASA is working with the State Board of Education's Legislative and Community Affairs Director to seek additional clarifications and guidance to help LEAs in planning for reopening schools. We will provide an update on this issue as quickly as possible once needed next steps can be identified.

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