

OCS Guidance for Charter Schools

SB704/Session Law 2020-3 Ratified 5/4/2020

<https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S704v6.pdf>

Part II. Education.

Please note: [Public School Unit \(PSU\)](#) is a bucket term that includes charter schools, lab schools, and district schools. [Local School Administrative Unit](#) specifically applies to districts and NOT to charter schools.

Tests and Assessments (SB704 Section 2.3)

- EOGs and EOCs are waived for **all** PSUs for the 2019-2020 school year. [SB704-2.3(a)]
- For the 2019-2020 school year, K, 1st, 2nd, and 3rd grade diagnostic and formative assessments are **not** required beyond those administered prior to March 16, 2020. [2.3(c)]
- During the fall semester of the 2020-2021 school year, PSUs **shall** administer the ACT norm-referenced college admissions test made available by the State Board to all students who were in 11th grade during the 2019-2020 school year **and** did not take the test, **and** have not taken a comparable test and scored at or above a level set by the State Board. [2.3(b)] OCS will communicate that 'level' when it has been set by the SBE.

2019-2020 School Calendar (Section 2.10)

- B 704 defines remote instruction 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.” [2.10.(a)]
- Charter schools **shall** provide remote instruction for the remainder of their **scheduled** 2019-2020 school year. [2.10.(a)]
- Starting March 16, 2020, student attendance enforcement (i.e. parental notification of 3rd/6th unexcused absences; local reporting after 10th unexcused absence) **does not** apply for the 2019-2020 school year.

2020-2021 School Calendar (Section 2.11)

- Charter schools **shall** submit a remote instruction plan to the State Board of Education by **July 20, 2020**. [2.11.(a)] The purpose of the plan is to provide a framework for delivering quality remote instruction to all students.
- There are 13 points that must be addressed in the Remote Instruction Plan, [details here](#). [2.11.(a)]

*DPI will send out a template/checklist for a Remote Instruction Plan(RIP) by June 5, 2020. OCS will be providing guidance on creating and submitting your plan. Please be sure to link your RIP to your planned 20-21 school calendar to allay any concerns about receiving proper ADM funding.

- Charter schools **shall** adopt a calendar of 190 days; 185 days **or** 1,025 hours, **plus** an additional five full instructional days. [2.11.(b)(1)a&b]
- Within the 185 days/1,025 hours, include 5 remote instructional days described in the Remote Instruction Plan. These **may** be scheduled at the discretion of the charter school. [2.11.(b)(1)a.]
- The **additional** five **full** instructional days **must** be “individually separate and distinct full instructional days.” An accumulation of hours is not allowed. [2.11(b)]
- The 5 **remote** learning days are not the same as the 5 **full** instructional days.

School Performance/Annual Report Cards (Section 2.4)

- School Performance Grades and School Report Cards will **not** be issued for the 2020-2021 school year, based on **2019-2020 data**, because assessments were waived. [2.4(a)]
- Schools **shall display** a brief explanation that school reports cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19. [2.4(b)]

Low-Performing Schools (Section 2.5)

- The State Board **shall not** identify additional LP schools based on data from the 2019-2020 school year. [2.5(a)]
- Schools identified as LP based on data from the 2018-2019 school year **shall** continue to be identified as LP. [2.5(a)]

- The State Board **shall not** identify additional CLP schools based on data from the 2019-2020 school year. [2.5(b)]
- Schools identified as CLP based on data from the 2018-2019 school year **shall** continue to be identified as CLP. [2.5(b)]

*Requirements based on policy and statute, related to LP/CLP status, will continue in the 2020-2021 school year. OCS site visits, reporting, and monitoring will resume in the 2020-2021 school once health and safety conditions allow.

Third Grade Retention, Reading Camps, and Fourth Grade Reading Assessment (Section 2.7)

- Principals have authority to determine the appropriate 2020-2021 school year grade level for students in the third grade during the 2019-2020 school year in the same manner as for students in all other grade levels. [2.7(a)]
- Principals **shall** designate whether a retained third grade student is retained due to reading deficiencies. [2.7(a)]
- Principals are **encouraged** to consult with a student's 2019-2020 third grade teacher in determining grade classification. [2.7(a)]
- Parents/guardians of 1st, 2nd, or 3rd graders **shall** be notified **if** the student was having difficulty with reading development, **or** was not reading at grade level during the 2019-2020 school year, based on assessments completed on or before March 13, 2020. [2.7(b)]
- Teachers and principals **shall** provide opportunities, including, but not limited to, information sessions, to discuss with parents and guardians the notification above. [2.7(b)]
- For third graders who were retained for the 2019-2020 school year based on data from the 2018-2019 school year, the requirement to provide at least monthly written reports on student progress toward reading proficiency **shall not** apply beginning March 16, 2020. [2.7(b)]
- For third graders retained for the 2020-2021 school year due to reading deficiencies, notification regarding the exemptions in https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_115C/GS_115C-83.7.pdf section (b) **shall not** apply. [2.7(b)]

- No later than the tenth day that school buildings are open for the 2020-2021 school year, schools **shall** administer to **all** 4th graders the EOY diagnostic assessment otherwise required for 3rd graders. The results of this assessment shall be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible. [2.7(d)]
- By September 1, 2020, charter schools **shall** report to the State Board:
 - The number and % of 3rd grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
 - The number and % of 3rd grade students retained pursuant to [2.7\(a\) of SB704](#).
 - This will be collected through Epicenter. OCS will provide guidance.

Advanced Courses in Mathematics (Section 2.8)

- This section **does not** apply to charter schools as charter schools are exempt from math placement legislation.

CPR Graduation Requirement (Section 2.9)

- For the 2019-2020 school year, any student in grade 12 who has not satisfied the requirement for completion of instruction in CPR shall be eligible to graduate **if both** of the following apply:
 - (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the COVID-19 emergency.
 - (2) The student is eligible to graduate in all other respects as determined by the principal of the school to which the student is assigned. [2.9]

Q&A Scenarios

1. Can a charter school close early this year because there will be no EOG/EOC testing?
No. Section 2.10(a) states each PSU “shall provide remote instruction for the remainder of its scheduled 2019-2020 school year.”
2. Are public schools no longer required to meet the legislated requirement of 1,025 hours or 185 days in the current 2019-2020 year?
A public school unit that provides remote instruction during the school closure shall be deemed to have satisfied the minimum days and hours required. Therefore, if your school has provided remote instruction during the school closure, you have met the days/hours requirement.

3. Will the 2020-2021 school calendar always equal 190 days?
No. For example, if a school meets the 1025 hours in 180 days, the school would end up with a calendar totaling 185 days once the additional required five days are added.
4. Can I get a clarification on the 5 days requirement?
There are 2 sets of '5 days' specified in this statute; 5 remote days and 5 full days that can't be counted as hours. Charter schools have calendar flexibility and this does not change. You can include the 5 remote instruction days in your Remote Instruction Plan and these can be teacher work days, since there is nothing in statute prohibiting this for charter schools. The additional 5 days need to be regular full instructional days.
5. What about the requirement that no remote instruction day shall be scheduled prior to August 24 or in modified calendars prior to the sixth instructional day?
Subdivision (2) of Subsection 2.11.(b.1) is specifically worded to apply to local school administrative units, and therefore does not apply to charter schools or lab schools.
6. What if another State of Emergency is declared next school year?
If a State of Emergency is declared for more than 5 days during the school year, charter schools may use additional remote instruction days to satisfy the statutory instructional time requirements.
7. Should your school's Board approve the 2020-2021 calendar and remote learning plan?
Yes. This needs to be submitted by July 20th.