



PERKINSON LAW FIRM

NCMEA Update April 6, 2020

The state's response to the COVID-19 pandemic has continued, with Governor Cooper issuing additional [executive orders](#) and NCDHHS refining [guidance for providers](#).

The General Assembly also began formal work on the response to COVID-19. North Carolina House Speaker Tim Moore appointed a [House Select Committee on COVID-19](#) with working groups on health care, economic support, education and continuity of state operations. The education working group is chaired by Representatives John Fraley, Craig Horn and Ashton Clemmons; the full list of members is available [online](#).

Governor Cooper's Senior Education Advisor Geoff Coltrane presented to the working group on the Governor's actions related to education. In response to COVID-19, Cooper closed schools, including charter schools and lab schools, first through Executive Order 117 and then extended to May 15th in Executive Order 120. The guidance along with Executive Order 117 indicated that the weekdays between March 16 to March 30, 2020 were to be designated by default as "optional teacher work days" for employees. All staff remain in work status and are eligible to be paid. To the extent possible, personnel should be working from home.

Cooper also created the Governor's Education and Nutrition Working Group to make sure families have access to safe and affordable child care, students have access to healthy meals and students have access to distance learning. Schools have provided over 1.2 million meals to students. NCDIT has created a [map](#) showing the places where NC Internet service providers are providing free or reduced Internet. The State is also providing professional development opportunities to help teachers with distance learning.

On March 24th, Governor Cooper created a \$50 million flexible funding allotment for school districts to respond to this crisis. The funds can be used for nutrition services, emergency child care, distance learning and cleaning services. Additionally, LEAs have been granted the following flexibility to utilize existing allocations to serve the immediate needs of students during the State of Emergency:

- Textbooks and Digital Resources and School Technology allocations may be used for devices, online subscriptions and training for instructional personnel for digital and remote learning.
- Flexibility is granted for the Transportation, At-Risk Student Services, Disadvantaged Student Supplemental Funding, and Low-Wealth Supplemental Funding allotments to permit expenditures associated with school nutrition, school and community-based child care, cleaning and sanitizing schools and buses, protective equipment, and remote learning.

Freebird McKinney, director of legislative affairs and community outreach, State Board of Education presented on actions taken by the State board of Education. On March 23, the Board unanimously approved a one-year waiver from US Department of Education for federal testing and accountability requirements for 2019-2020. US Department of Education granted this waiver, and no additional action is required by the General Assembly.

The North Carolina tests that would be waived include:

- End-of-Grade (EOG) tests in reading and math in grades 3rd through 8th
- Science tests in grades 5th and 8th
- End-of-Course (EOC) tests in NC Math 1 and NC Math 3
- End-of-Course (EOC) tests Biology and English II
- ALL North Carolina Final Exams (NCFE's)

In addition, K-3 diagnostic assessment requirements are temporarily suspended for the 2019-2020 school year, as are the school accountability and school report card provisions. School performance grades (A-F) will not be issued for the 2019-2020 school year. Schools and districts will be held harmless under the A-F accountability requirements and any designation of low performing schools that would otherwise subject that school for possible inclusion in the Innovative School District (ISD).

There is a need for school calendar flexibility, as well as waivers for the minimum 185 days or 1,025 instructional hours for the 2019-20 school year. Teacher evaluation will also need to be temporarily suspended, and student teaching requirements will have to be altered. Legislation passed after Hurricane Florence may provide guidance on these efforts.

Legislative staff also provided the working group with an overview of [statutes impacted by the cancellation of EOG and EOC tests](#). Though no General Assembly action is required to cancel administration of these assessments, many state laws rely on EOG and EOC data – school report cards, school performance grades, 3rd grade promotion, reading camps, advanced math placements, teacher bonus programs and others.

Additional information on DPI's response to COVID-19 is available at <https://www.dpi.nc.gov/news/covid-19-response-resources>. The State Board of Education also met on March 30th and passed policies detailing graduation requirements and grading policies. More information on this action and the policy document is available on the [News & Observer's website](#).