



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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Education Leaders,

The pandemic has shown that face-to-face instruction is what's best for the vast majority of students. That said, we recognize that normal operating procedures are not always possible.

During the month of January 2022, the state has experienced a severe increase in COVID-19 cases which is impacting personnel and some schools' ability to operate. As a result, many PSUs have been required to close classrooms, grade levels, or entire schools. This has also led to an increase in the required reporting and questions regarding the proper path for deciding how, when, and what to close. This communique will provide a refresher to PSUs on how to decide and report incidents.

What the legislation requires:

Senate Bill 654 gives public school units the authority to make day-to-day decisions about whether they should shift from in-person learning to temporary remote instruction because COVID-19 exposures have resulted in insufficient personnel or required student quarantines. As a result, PSUs are able to do the following:

- If COVID-19 impacts are present, a PSU may use remote instruction for a class or classes, or an entire school. (A group of classes can constitute a grade level.) Note that this exception does not anticipate or allow closure of an entire school system.
- The use of remote instruction must be temporary and last only as long as the conditions that justified its use persist.
- Use of remote instruction must be reported to DPI within 72 hours.

What is not defined:

- Who makes the decision in the public school unit? Because the legislation does not define who, it is up to PSU leadership to determine who makes this decision.
- What constitutes insufficient personnel or required quarantines? The General Assembly, State Board of Education, and DPI have published no guidelines regarding percentages or what is "insufficient." PSUs have been given the authority to make this judgment call per S654. The same should be applied to quarantines. Each site must determine how quarantines impact instruction and attendance.
- Local Health Departments can still make decisions to close a classroom(s) or school(s).

What PSUs cannot do:

- A Board of Education cannot convene and vote to revert to remote instruction during increased COVID-19 case numbers. The legislation only allows for changes to classrooms and schools on a temporary basis.

What about the five (5/15) remote days?

- Each PSU still may use up to 5 remote days during the 2021-2022 school year for remote instruction (PSUs with weather waivers may use up to 15 days).

- The legislation limits their use to “when schools are unable to open due to severe weather conditions, energy shortages, power failures, or other emergency situations...”
- Any school closures during the school year beyond these 5 days (or 15 in the case of those PSUs with weather waivers) cannot be used for remote instruction and would still have to be made up as normal.

Final thoughts to districts:

We have provided the reporting link: <https://ncvps.org/school-closures/>. Each district chooses who will report the data.

Any changes must be submitted within 72 hours. PSUs can also share if the decision was made by them or if they were instructed to do so by the local health department. Remember that each decision is individual. Professional judgment should be used in determining what constitutes insufficient personnel to operate and how many student absences should trigger a decision to operate remotely for COVID-19 reasons. A decision to close classes may occur and days later, a decision could be made to close the entire school. We would encourage each PSU to review the legislation and ask for any additional clarity. We also would encourage you to be very mindful of the 5 (or 15) remote days, how they can be used, and any time missed under those conditions that must be made up.

Excerpts from the legislation:

PART IIIA. REMOTE INSTRUCTION FOR COVID-19 EMERGENCIES SECTION

3A. Notwithstanding G.S. 115C-84.3, as enacted by this act, a public school unit shall have the authority to make day-to-day decisions for the 2021-2022 school year concerning whether shifting individual schools or individual classrooms that are providing in-person instruction to temporary remote instruction is necessary due to COVID-19 exposures that result in insufficient school personnel or required student quarantines. A public school unit shall report any shift by a school or classroom from in-person to temporary remote instruction as provided in this section to the Department of Public Instruction within 72 hours of the shift and shall return to in-person instruction as soon as personnel are available or the required quarantines are complete.

(b) A public school unit in a county that has received a good cause waiver, as provided in G.S. 115C-84.2(d), for the school year may use up to 15 remote instruction days or 90 remote instruction hours when schools are unable to open due to severe weather conditions, energy shortages, power failures, or other emergency situations and may use that time towards the required instructional days or hours for the school calendar. All other public school units may use up to five remote instruction days or 30 remote instruction hours when schools are unable to open due to severe weather conditions, energy shortages, power failures, or other emergency situations and may use that time towards the required instructional days or hours for the school calendar.