

Guidance of Calendar Requirement

SL 2020-03 (SB704) Sections 2.1, 2.10 and 2.11

SL 2020-49 (SB113) Sections 3(a) and 3(b)

Created 5/18/2020 Updated 6/30/2020

A. 2019-20 Calendar Guidance

1. Are public schools required to meet the legislated requirement of 1025 hours or 185 days?

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 unit has provided remote instruction during the school closure, they have met the requirement.

2. To which units does this apply?

A public school unit is defined in law to include – local education agencies, lab schools, charter schools, regional schools, residential schools, NC School of the Arts and NC School of Science and Math. However, NC School of Science and Math and NC School of the Arts are not subject to minimum instructional days or hours in statute..

3. Our public school unit does not have enough computers so has not been able to provide online instruction, have we met the requirement?

The law does not require the instruction to be digital/online. The legislation 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.*

4. Our board has voted to change the school calendar to close earlier.

This is not permissible per the law. In order to have been deemed to have met the minimum instructional time for the 2019-20, the public school unit shall provide remote instruction for the remainder of its scheduled 2019-2020 school year

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B. 2020-21 Calendar Legislation Requirements

1. Remote Instruction Plans

- a. Each public school unit shall develop and submit a Remote Instruction Plan (Plan) for the 2020-2021 no later than July 20, 2020.
- b. The Plan shall provide a detailed framework for delivering quality remote instruction to all students within the public school unit during the 2020-2021 school year.
- c. The Plan shall address each of the thirteen requirements outlined in Section 2.11.(a) of Senate Bill 704 and Senate Bill 113. Follow the link [SB704](#) and [SB113](#) for the entire bills.

2. Definitions

Modified calendar school

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.

The modified calendar approved in 2004 has 9 weeks of instruction followed by a 2 week break. The only LEA that is approved to have this calendar is Wake County Public Schools.

Year-round school

A school with a single or multi-track instructional calendar that was adopted prior to March 1, 2020 and provides instructional days 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 an average of between 44 and 46 instructional days followed by an average of between 15 and 20 days of vacation, repeated throughout the school calendar year.
 - This plan can be altered if both of the following are met:
 1. The local board of education determines the modification is necessary to ensure the health and safety of students.
 2. The altered calendar complies with all other requirements for year-round schools.
- 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 School Calendar.

3. Days and Hours – applies to all PSUs

The school calendar is to include 190 instructional days which may be satisfied with either

1. 185 days + 5 remote instruction days OR
2. 1025 hours of instruction, that includes 5 remote learning days + addl 5 in person instruction

Division of School Business

NC Department of Public Instruction

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If the governing board of a public school unit determines that additional remote instruction beyond the five days required is needed to ensure the health and safety of students, additional remote instruction days may be used as necessary to satisfy instructional time requirements.

4. Dates – Only applies to schools in LEAs that are subject to 115C-84.2. Does not apply to charter schools, lab schools, ISD and regional school.

Exclusion from LEA schools year round and modified calendars. Restart schools, cooperative innovative high schools

First instructional day is August 17, 2020

Last instructional day no later than June 11, 2021

No exception for LEAs with a history of inclement weather and meet [good cause waiver](#).

5. Remote instructional days -

(a) 5 days shall be scheduled within the calendar. **Applies to all public school units**

Following only applies to schools in LEAs that are subject to 115C-84.2. Does not apply to charter schools, lab schools, ISD and regional school

- (b) [LEAs with waivers](#) for a history of inclement weather may use up to 5 additional remote instructional days as make up days for inclement weather or other emergency situations.
- (c) A remote instructional day shall not be scheduled prior to August 24, 2020 for traditional calendar.
- (d) A year-round or modified calendar school shall not schedule a remote instruction day prior to the 6th instructional day.
- (e) A remote instructional day may be scheduled for both a teacher workday and a remote instruction day on the same day. If this is implemented, remote instruction material shall be prepared and provided for students to use during the remote instruction days. This applies **ONLY** to the five remote instruction days included to meet the 190 day requirement as described above in 3. Days and Hours, Items 1 and 2.

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6. 215 Day Calendar

If Public School Unit builds a calendar to meet the minimum 185 days (+5 addl remote)

	Minimum	Work days	Make up	Annual Leave	Comments
In Person Instruction	185	185	NA	No	LEAs with good cause waivers may use up to 5 of these days as remote make up days
Addl Remote instruction(1)	5	5		yes	May be designated a teacher workday simultaneously
Teacher Workdays	4	4	yes	Yes	
Holidays	11			NA	No instruction in Sundays or Veteran's Day
Annual Leave days	10			NA	
Total	215	194			

If Public School Unit meets minimum 1025 hours(1)

	Minimum	Comments
Instructional Hours	1025 hours	5 days must be remote instruction. LEAs with good cause waivers may use remote instruction as make up days for a an addl 5 days. LEAs with good cause waivers may use up to 5 addl days as remote make up days.
Addl in person instruction	5 days	
Teacher Workdays	See comment	If the calendar uses 1025 instructional hours and has less than the minimum instructional days, teacher work days are increased to ensure that calendar has a total 215 days.
Holidays	11	No instruction on Sundays or Veteran's Day
Annual Leave days	10	
Total	215	

(1) If the governing board of a public school unit determines that additional remote instruction beyond the five days required is needed to ensure the health and safety of students, additional remote instruction days may be used as necessary to satisfy instructional time requirements. These days may not be used as teacher workdays simultaneously.

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2020-21 Calendar Questions

1. Is there an increase to the number of days teachers are working?

The total number of days in the calendar remains 215.

2. Is there additional funding for the increase in instructional days?

There is not funding specifically associated with this calendar provision, however, public school units have received funding in HB1043 and through the CARES Act in response to the COVID-19 emergency.

3. Can we schedule remote days prior to August 24?

No remote days may be scheduled before the 6th instructional day. For schools that are required to start on August 17, the first day a remote instructional day may be scheduled is August 24.

For schools that are excluded from the August 17 start date, the first remote instructional day shall not be prior to the 6th instructional day in the calendar

4. Can we go more than 5 days for remote?

A maximum of 5 remote instructional days are to be scheduled within the adopted calendar. There are two exceptions as follows:

1. LEAs that have a [good cause waiver](#) due to the history of missed instructional days, may use up to an additional 5 remote instructional days solely for the purpose of make up days.
2. If the governing board of a public school unit determines that additional remote instruction beyond the five days required is needed to ensure the health and safety of students, additional remote instruction days may be used as necessary to satisfy instructional time requirements.

5. If our calendar is developed with 1069 instructional hours in 185 days which allows for 6+ additional days of instructional hours, are we required to include 5 remote days in addition to this?

If a Public school unit is meeting the 190 day requirement using hours (in this case 1069), the LEA must schedule 5 full in person days in addition to meeting the 1025 hours.

The 5 in person instructional days must be stand alone days in the calendar and can not be met by incorporating the equivalent hours.

6. If our calendar is developed with 1069 instructional hours in 182 days and then we add 5 in person days in addition to this, we have a total of 187, not 190 days. Are we required to add 3 more days to the calendar?

There is not a requirement to have 190 instructional days if the calendar is developed to meet the 1025 hours minimum + 5 in person days.

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The PSU may meet the requirement by meeting 1025 instructional hours in X days + 5 full days of in person instruction.

7. What is considered a full instructional day?

The additional 5 in person instructional days must be scheduled with the same number of hours as a standard day in the school calendar.

8. May a calendar include a remote instructional day on a Saturday?

General Statute only prohibits instructional days on Sundays and Veteran's Day.

9. 5/20/20 Is it still the case that you can only have 5 days of instruction per week? So if you choose to have an instructional day on Saturday, you could not have been in school all 5 days prior to the Saturday.

There is no explicit prohibition to have more than 5 consecutive instructional days. But, scheduling more than 5 days may result in the school district's employees working more than 40 hours a week and being paid overtime. Consult Fair Labor Standards Act and other personnel policies.

10. Do we have the option to allow teachers to work remotely on remote instruction days?

There is no prohibition to allow teachers to work remotely and the decision is made at the local level. The expectations of school staff on remote instruction days must be included in the Remote Instruction Plan.

11. 5/20/20 May a remote instruction day be scheduled on an annual leave day?

No, this is not permissible