

10A NCAC 09 .3102 DEFINITIONS

The terms and phrases used in this Section are defined as follows:

- (1) "Public schools" means:
 - (a) any building that is approved for school occupancy and that houses school-age children as part of the public school system during the school year; or
 - (b) a remote learning facility.
- (2) "Remote learning facility" means any building that is used by a public school system, pursuant to a contractual arrangement, to house school-age children enrolled in that public school system during the school year for the purpose of facilitating online or remote learning programs, and that follows any and all guidance or considerations offered by the Centers for Disease Control and Prevention related to mitigation strategies, the protection of students, teachers, and staff, or slowing the spread of COVID-19 in K-12 schools. The guidance and considerations are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html> at no cost.
- (3) "Contractual arrangement" means a written agreement wherein the public school unit, as defined in G.S. 115C-5(7a), agrees as follows:
 - (a) to be responsible for the enrollment and attendance of school-age children at a remote learning facility; and
 - (b) that it shall be liable for any incidents or occurrences at the remote learning facility in the same way it would be liable if the school-age child(ren) were in a building that is approved for school occupancy and that houses any part of the public school system. This provision shall not prohibit the public school unit from obtaining liability insurance or from contracting with the remote learning facility regarding indemnification or other terms regarding the apportionment of liability between themselves for incidents or occurrences.

*History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Emergency Adoption Eff. August 13, 2020;
Temporary Adoption Eff. October 23, 2020;
Eff. October 1, 2021.*