

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1255*

Education/Higher Education Committee Substitute Adopted 6/5/00

Short Title: Closing the Achievement Gap.

(Public)

Sponsors:

Referred to:

May 16, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE COMMISSION ON
3 IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK
4 STUDENTS TO ESTABLISH A PILOT PROGRAM TO ASSIST FAMILIES AT
5 CERTAIN INCOME LEVELS WITH CHILDREN PERFORMING BELOW
6 GRADE LEVEL IN IMPROVING FAMILY COHESIVENESS, FUNCTIONING,
7 AND ECONOMIC PROGRESS AND STUDENT ACADEMIC SUCCESS, TO
8 DIRECT THE STATE BOARD OF EDUCATION TO STUDY ISSUES RELATED
9 TO CLOSING THE ACHIEVEMENT GAP, TO MAKE PERMANENT THE
10 COMMISSION, TO APPROPRIATE FUNDS TO SUPPORT THE
11 HISTORICALLY MINORITY COLLEGE AND UNIVERSITY INITIATIVE TO
12 CLOSE THE ACHIEVEMENT GAP, AND TO APPROPRIATE FUNDS TO
13 IMPLEMENT THIS ACT.

Whereas, minority and at-risk students represent a disproportionately high number of the public school population not experiencing academic success; and

Whereas, the unacceptable educational achievement is demonstrated by unsatisfactory performance of many minority and at-risk students on State-administered end-of-grade, end-of-course, and competency tests; and

Whereas, there is a significant gap in academic achievement between minority and at-risk students and majority students; and

Whereas, the achievement gap between student groups has not been significantly closed or narrowed in the past decade despite an overall increase in student achievement in North Carolina; and

Whereas, the reported discipline rate for minority and at-risk students is high, when compared to other students; and

Whereas, the dropout rate for minority and at-risk students is high; and

Whereas, the State Board of Education and the Department of Public Instruction recognize that, although progress is being made, there is still much that remains to be done to sufficiently meet the education needs of so many minority and at-risk students; and

Whereas, it is acknowledged that to the extent our schools do not satisfactorily meet the education needs of minority and at-risk students, North Carolina taxpayers experience unnecessary economic and social burdens through factors such as reduced economic competitiveness and increased expenditures for law enforcement and for constructing and operating juvenile justice and adult correctional facilities; and

Whereas, the General Assembly recognizes that in order to be competitive as a State in the 21st century, all students must achieve educational proficiency in a rapidly changing technological, educational, and cultural environment; and

Whereas, it is in the best interest of the North Carolina citizenry that a coordinated strategy be developed for implementing measures designed to yield substantial improvements in the educational achievement of minority and at-risk students; Now, therefore,

1 The General Assembly of North Carolina enacts:

2 Section 1.(a) The Department of Health and Human Services, Division of Social
3 Services, shall establish and administer a pilot program to assist families that have
4 children who are performing below school grade level in strengthening family
5 cohesiveness, functioning, and economic progress and improving the academic
6 performance of their children. The program shall be developed and implemented no later
7 than August 1, 2001, as follows:

- 8 (1) Each pilot program shall be family-focused and designed to improve
9 family success in addressing issues pertaining to:
- 10 a. Family functioning and economic progress;
 - 11 b. Academic success for children in the family in a manner that
12 reduces the likelihood that the children will have a life of
13 poverty; and
 - 14 c. Strengthening the communities in which the family lives.
- 15 (2) There shall be at least eight pilot programs initially established which
16 shall be based on components of successful models and concepts. Any
17 nonprofit, tax-exempt organization or local government agency that is
18 part of the collaborative effort to develop the pilot program may serve
19 as the lead agency in applying for and administering grant funds.

- 1 (3) Families eligible for participation in a pilot program shall be those
2 families:
3 a. Who have at least one child in elementary or middle school who
4 is performing academically at least one year below the child's
5 grade level;
6 b. At least one adult member of which agrees to participate in the
7 program and in a culturally appropriate assessment of family
8 functioning; and
9 c. Whose income is below two hundred percent (200%) of the
10 federal poverty level or whose income is at or above two hundred
11 percent (200%) of the federal poverty level if authorized by the
12 requirements of the funding source.
- 13 (4) The Department and other entities collaborating to develop the program
14 shall identify resources currently available to address the concerns of
15 below-grade-level academic performance and problems related to
16 family cohesiveness, functioning, and family economic progress and
17 shall strive to harness these resources in a manner that increases
18 effectiveness and reduces overall costs of the pilot program. The
19 Department shall also determine which entities can best operate which
20 components of the total pilot program and how those entities can
21 contribute to the abilities of others to be more successful in operating
22 their components.
- 23 (5) The Department may obtain the services of consultants in the planning,
24 coordination, implementation, and evaluation of the program.
- 25 (6) The Department of Health and Human Services shall establish a task
26 force to collaborate with and advise the Department on the development
27 and implementation of the program. The task force shall consist of, at a
28 minimum, representatives of:
29 a. The Department of Public Instruction;
30 b. The Cooperative Extension Services at North Carolina
31 Agricultural and Technical State University and at North
32 Carolina State University;
33 c. The Office of Juvenile Justice;
34 d. Workforce Development Boards;
35 e. Local education agencies;
36 f. Local departments or boards of social services, county
37 commissioners, and health departments;
38 g. Community-based organizations, specifically those that work
39 within low-income communities;
40 h. Religious organizations or institutions; and
41 i. Charter schools.
- 42 (7) Each of the pilot programs shall have comparable structures for
43 administration, advice, and technical assistance.

- 1 (8) Each pilot program shall be developed in a way that results in
2 observable and measurable outcomes and that is subject to sound
3 evaluation techniques. Evaluation measures and techniques shall be
4 designed and implemented to:
- 5 a. Identify and explain the components of the pilot program that are
6 successful and those that are not successful;
 - 7 b. Recommend systemic changes through integration of positive
8 outcomes; and
 - 9 c. Produce outcomes that, if successful, can be replicated.
- 10 (9) The Department shall present a progress report to the Commission on
11 Improving the Academic Achievement of Minority and At-Risk
12 Students by March 1, 2001. This report shall contain a plan to
13 implement and evaluate the program, including:
- 14 a. Pilot sites selected;
 - 15 b. Identification of evaluation tools;
 - 16 c. Identification of existing sources of federal and State funding that
17 can be used to implement and evaluate the program;
 - 18 d. Identification of additional resources, fiscal and otherwise, that
19 are available to implement and evaluate the program; and
 - 20 e. Strategies that utilize school facilities to the maximum
21 reasonable extent possible and that do not place undue burdens
22 on school personnel.
- 23 (10) The Department shall make a final report to the Commission on
24 Improving the Academic Achievement of Minority and At-Risk
25 Students by February 1, 2002. This report shall include a
26 recommendation as to whether the program should be extended
27 statewide. If so, the Department shall present a plan that includes the
28 projected cost, process, and time frame for implementation of the
29 program statewide.

30 Section 1.(b) There is appropriated from the General Fund to the Department
31 of Health and Human Services, Division of Social Services, the sum of two hundred fifty
32 thousand dollars (\$250,000) for planning and initial implementation of the pilot program
33 authorized under this section. The Department of Health and Human Services, the
34 Department of Commerce, and the Department of Public Instruction shall allocate block
35 grant funds that are available for the purposes for which the pilot programs are
36 implemented to supplement State funds appropriated for the planning, full
37 implementation, and evaluation of the pilot programs.

38 Section 2. The State Board of Education (Board) shall study the connection
39 between the identification of minority and at-risk students as students with behavioral or
40 emotional disabilities and the gap in student achievement. As part of this study, the
41 Board shall examine the following:

- 42 (1) The criteria used to identify whether a student has a behavioral or
43 emotional disability and requires special education. The study shall

1 determine whether identification and placement decisions of these
2 students are based primarily on valid and objective criteria.

3 (2) The curricula for these students, to determine whether they are
4 sufficiently rigorous and the teaching methodologies are sound and
5 appropriate.

6 (3) Utilization of other services, such as mental health, mentoring, and
7 consultation, to improve academic and social success for these students.

8 (4) Qualifications of teachers who are assigned to teach these students.

9 The Board shall make an interim report by January 15, 2001, and a final report
10 by May 15, 2001, on the results of this study, including findings and any
11 recommendations, to the Commission on Improving the Academic Achievement of
12 Minority and At-Risk Students (Commission) and to the Joint Legislative Education
13 Oversight Committee.

14 Section 3. The Board shall study the underrepresentation of minority and at-
15 risk students in honors classes, advanced placement classes, and academically gifted
16 programs. The Board shall evaluate whether this underrepresentation contributes to the
17 gap in student achievement. In particular, the Board shall examine the criteria used to
18 identify whether a student is eligible for one of these classes or programs. The study
19 shall determine whether identification and placement decisions of these students are
20 based primarily on valid and objective criteria. The Board also shall examine whether
21 low academic expectations or certain instructional practices, such as tracking, contribute
22 to this underrepresentation. The Board shall make an interim report by January 15, 2001,
23 and a final report by May 15, 2001, on the results of this study, including findings and
24 any recommendations needed to increase representation of students in these programs, to
25 the Commission on Improving the Academic Achievement of Minority and At-Risk
26 Students (Commission) and to the Joint Legislative Education Oversight Committee.

27 Section 4. The Board shall design an annual Minority Achievement Report
28 Card to be implemented fully beginning with the 2001-2002 school year. The report card
29 shall be based on data the Board collects from local school administrative units and
30 individual schools. Local school administrative units shall collect, maintain, and submit
31 data needed to prepare the report card. The Board shall establish a baseline in accordance
32 with its plan for the report card. The Board may combine this information with another
33 report, as long as the information reported under this section is readily discernible. The
34 Board shall condense and publicly disseminate the data in a form that can be accessed
35 easily, such as through a web site.

36 The Board shall report to the Commission by November 15, 2000, on the
37 development of the report card under this section.

38 Section 5. The Board shall develop guidelines to enable the formation of a
39 local task force in each local school administrative unit. The purpose of this task force is
40 to advise and work with the local board of education and administration on closing the
41 gap in academic achievement and on developing a collaborative plan for achieving that
42 goal. The guidelines shall provide for the following:

1 (1) Each local school administrative unit shall have a task force, if
2 appropriate.

3 (2) Each task force shall be racially diverse and shall include parents,
4 school personnel, and representatives from human service agencies,
5 nonprofit organizations, and the business sector.

6 The Board shall determine the funding needed to implement these guidelines
7 and shall report this information to the Commission by November 1, 2000.

8 Section 6. The Board shall develop a plan and budget (projecting five-year
9 cost) to:

10 (1) Provide sufficient staff development activities so as to ensure teachers
11 have the tools needed for success in teaching a diverse student
12 population and interacting with their families. These activities shall
13 include understanding and respecting racial, ethnic, religious, and
14 cultural impact on a child's development and personality.

15 (2) Provide sufficient funding for Limited English Proficiency (LEP)
16 students.

17 (3) Translate the State-level forms and basic school information that will be
18 made available to parents or to the general public into Spanish and
19 include them on the Department of Public Instruction's web site in
20 English and Spanish.

21 (4) Evaluate the level of funding needed to have LEAs hire translators to
22 work with Spanish-speaking parents and those school personnel whose
23 jobs require regular contact with those parents.

24 (5) Provide appropriate staff development funds for training in English as
25 Second Language (ESL) methodologies and pedagogy for teachers,
26 administrators, and support personnel.

27 (6) Review implementation guidelines for student accountability standards
28 and promotion policies for LEP students.

29 (7) Develop guidelines for evaluating students' instructional portfolios and
30 for waiving test standards for LEP students. In its development of
31 guidelines, the Board shall consider extending the End-of-Grade testing
32 exemption period to more than two years for LEP students, to the extent
33 that this extension does not conflict with federal law or regulation.

34 The Board shall report to the Commission on the plan and budget developed
35 under this section by November 15, 2000.

36 Section 7. The Board shall develop a plan to establish a hotline to collect
37 complaints alleging disparate treatment of minority students and students from low-
38 income families. In developing the plan, the Board shall give strong consideration to the
39 following:

40 (1) The establishment of teams to review and categorize the complaints for
41 reporting annually to the General Assembly.

42 (2) The appropriate number of hotline personnel who speak and understand
43 Spanish.

- 1 (3) A mechanism, where warranted, for the Board to respond to and secure
2 an independent and impartial investigation of systemic problems
3 revealed through the complaints.
- 4 (4) A procedure for the Board to report individual complaints, unless the
5 person making the complaint requests otherwise, to the appropriate local
6 school administrative unit so that it also may investigate.
- 7 (5) The criteria for a local investigation that assures fair and impartial
8 investigation.
- 9 (6) Any additional information that is required so that the hotline is fully
10 implemented by the beginning of the 2001-2002 school year.

11 The Board shall report to the Commission by November 15, 2000, on the
12 implementation of this section. This report may include recommendations and a request
13 for funding to establish the hotline.

14 Section 8. The Board shall report data, to the extent those data are reasonably
15 available, from the 1998-99 and 1999-2000 school years on student suspensions and
16 expulsions. All such data shall be collected and reported beginning with the effective
17 date of this act. The report shall show, for each local school administrative unit and by
18 race, gender, and the reason for the suspensions and expulsions, the number of students
19 suspended for less than 11 days, the number of students suspended for more than 10 days,
20 the number of students expelled, and the number of students placed in an alternative
21 program as the result of student conduct which could have led to a suspension or
22 expulsion. Each local school administrative unit shall submit to the Board by October 15,
23 2000, any information the Board needs to make this report. The Board shall report to the
24 Commission by February 15, 2001.

25 Section 9. Chapter 120 of the General Statutes is amended by adding the
26 following new Article to read:

27 **"ARTICLE 27.**

28 **"COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF**
29 **MINORITY AND AT-RISK STUDENTS.**

30 **"§ 120-240. Creation; members.**

31 (a) There is established the Commission on Improving the Academic Achievement
32 of Minority and At-Risk Students. The Commission shall consist of 22 members, as
33 follows:

- 34 (1) Five Senators and three public members appointed by the President Pro
35 Tempore of the Senate;
- 36 (2) Five Representatives and three public members appointed by the
37 Speaker of the House of Representatives; and
- 38 (3) Six public members appointed by the Governor, who represent groups
39 or individuals with knowledge and experience in advocating, educating,
40 or assisting minority and at-risk students to achieve, at least one of
41 whom is a representative of a statewide nonprofit education advocacy
42 organization that advocates on behalf of minority and at-risk students

1 and at least one of whom is a representative of a statewide organization
2 that represents the interests of African-Americans.

3 In making appointments to the Commission, the appointing officers shall ensure that
4 racial minorities have significant representation on the Commission.

5 (b) Members of the Commission shall serve terms of two years beginning on
6 August 15 of each odd-numbered year, with no prohibition against reappointment. Initial
7 terms shall commence on August 15, 2001.

8 (c) The President Pro Tempore of the Senate shall designate one member as
9 cochair and the Speaker of the House of Representatives shall designate one member as
10 cochair.

11 (d) When a vacancy occurs in the membership of the Commission, the vacancy
12 shall be filled by the same appointing officer who made the initial appointment.

13 **"§ 120-241. Authority.**

14 (a) The Commission shall be authorized to:

15 (1) Gather accurate and reliable data and research information pertaining to
16 the status of minority and at-risk students in the North Carolina public
17 education system;

18 (2) Identify and visit education programs and other efforts within and
19 outside North Carolina that appear to be successful in yielding
20 significant positive results for minority and at-risk students;

21 (3) Consult with higher education faculty members and other persons who
22 have been engaged in extensive research and observation related to
23 these issues and encourage their direct involvement in the activities of
24 the Commission;

25 (4) Conduct hearings throughout the State for the purpose of obtaining
26 meaningful information regarding successful education programs and
27 efforts related to those concerns;

28 (5) Identify, consult, and meet with representatives of national, regional,
29 and State-level organizations and agencies that could be particularly
30 helpful in addressing these concerns;

31 (6) Devise recommendations as to steps that should be taken to address
32 these concerns – steps to be taken separately and collectively by:

33 a. State government agencies;

34 b. Local government agencies;

35 c. Public schools and higher education institutions;

36 d. Nonprofit organizations, including community-based
37 organizations, with a particular emphasis on those with direct ties
38 to families of these children and youth;

39 e. Foundations;

40 f. Religious organizations or institutions;

41 g. Civic organizations;

42 h. Business and industry; and

43 i. Other entities.

- 1 (7) Determine the extent and categories of fiscal and human resources
2 needed to address the identified concerns; and
- 3 (8) Determine what data are currently collected from programs and
4 activities designed to close the achievement gap, whether through
5 education agencies, human services entities, or government funded
6 private, nonprofit agencies, and the extent to which the data may be
7 used in longitudinal analyses.
- 8 (b) The Commission should place particular emphasis on programs and efforts that
9 have been successful in imparting:
- 10 (1) Improved educational achievement;
11 (2) Reduction of school discipline and behavioral problems;
12 (3) Reduction of minority and at-risk student dropout rates; and
13 (4) Improved relations among parents, schools, and students.

14 **"§ 120-242. Commission; reports.**

15 The Commission may report to the General Assembly no later than 30 days after the
16 convening of any regular session of the General Assembly. A report to the General
17 Assembly may contain any legislation needed to implement a recommendation of the
18 Commission.

19 **"§ 120-243. Powers; reimbursement; meeting place; staff.**

20 (a) The Commission, while in the discharge of official duties, may exercise all the
21 powers provided under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. All State
22 departments and agencies and local governments and their subdivisions shall furnish the
23 Commission with information in their possession or available to them.

24 (b) Members of the Commission shall receive per diem, subsistence, and travel
25 allowances at the rates set forth in G.S. 120-3.1, 138-5, 138-6, as applicable.

26 (c) The Commission may meet in the Legislative Building or the Legislative
27 Office Building.

28 (d) Upon approval of the Legislative Services Commission, the Legislative
29 Services Officer shall assign professional and clerical staff to assist in the work of the
30 Commission. The expenses relating to the employees shall be borne by the Commission.
31 The Commission may contract for professional, clerical, or consultant services as
32 provided by G.S. 120-32.02.

33 **"§ 120-244. Commission subcommittees; noncommission membership.**

34 The Commission cochairs may establish subcommittees for the purpose of making
35 special studies under its authority and may appoint noncommission members to serve on
36 each subcommittee as resource persons. Resource persons shall be voting members of
37 the subcommittee and shall receive per diem, subsistence, and travel allowances in
38 accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable."

39 Section 10. There is appropriated from the General Fund to the Board of
40 Governors of The University of North Carolina the sum of one million five hundred
41 thousand dollars (\$1,500,000) for the 2000-2001 fiscal year to support the Historically
42 Minority College and University Initiative to Close the Achievement Gap.

1 Section 11. Of the funds appropriated to State Aid to Local School
2 Administrative Units, the State Board of Education may use up to four hundred thousand
3 dollars (\$400,000) to implement Sections 2 through 8 of this act.

4 Section 12. There is appropriated from the General Fund to the General
5 Assembly the sum of fifty thousand dollars (\$50,000) for the 2000-2001 fiscal year for
6 the expenses of the Commission on Improving the Academic Achievement of Minority
7 and At-Risk Students as established under S.L. 1999-395, Sections 15.1 through 15.11.

8 Section 13. Section 9 of this act becomes effective January 31, 2001. The
9 remainder of this act becomes effective July 1, 2000.