A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY
COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established the Commission on Students With Disabilities. The Commission shall consist of 18 members, appointed as follows:

(1) Seven persons appointed by the Speaker of the House of Representatives, four of whom shall be members of the House of Representatives, and three of whom shall be public members.

(2) Seven persons appointed by the President Pro Tempore of the Senate, four of whom shall be members of the Senate, and three of whom shall be public members.

(3) Four persons appointed by the Governor.

Each appointing authority shall assure insofar as possible that its appointees to the Commission reflect the composition of the North Carolina population with regard to ethnic, racial, age, and gender composition.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair of the Commission. The Commission shall meet upon the call of the cochairs. A quorum of the Commission is 10 members.

While in the discharge of its official duties, the Commission has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 1.(b) The Commission shall study the following issues:
(1) The numbers of children receiving or needing services and the cost of educating students in State residential institutions compared to community-based programs.

(2) The effect of testing students with disabilities for accountability purposes versus the federal mandate for inclusion of these students in testing.

(3) The effect of the possible tension between the State’s preference for safe schools and the federal preference for keeping students with disabilities in school if the discipline problem is related to their disability.

(4) The extent to which the frequency of expulsion or suspension of students with disabilities has increased in the past five years, and the extent to whether there is an increase of these disciplinary actions around the time of year when end-of-grade or end-of-course tests are administered.

(5) The financial cost of increasing the current funding cap of twelve and one-half percent (12.5%) to thirteen percent (13%) or thirteen and one-half percent (13.5%).

(6) Determination of whether special education services are being distributed equitably statewide (spending between rural and urban schools, rich and poor school districts).

(7) Determination of whether the State Board of Education has a neutral and clear appeal process for the exit exam, and how that process is working for students with disabilities.

(8) Determination of whether the State Board of Education has made the alternative assessment portfolio available to all students whose Individual Education Plan (IEP) or Section 504 Plan documents the need.

(9) The severity of the problems with training, recruiting, and retaining special education teachers.

(10) The State law regarding time limits in resolving disputes involving the educational placement of students with disabilities.

(11) Any other issue the Commission determines is appropriate.

SECTION 1.(c) Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign appropriate professional staff from the Legislative Services Office of the General Assembly to assist with the study. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission may contract for professional or consultant services as provided under G.S. 120-32.02 to assist with the study under subdivision (b)(1) of this section.

SECTION 1.(d) The Commission may make an interim report to the 2001 General Assembly, Regular Session 2001, upon its convening, and shall make its final
report to the 2002 General Assembly upon its convening, and to the Governor. Upon
submitting its final report, the Commission shall expire.

SECTION 2. G.S. 115C-105.35 reads as rewritten:
§ 115C-105.35. Annual performance goals.
The School-Based Management and Accountability Program shall (i) focus on
student performance in the basics of reading, mathematics, and communications skills
in elementary and middle schools, (ii) focus on student performance in courses required
for graduation and on other measures required by the State Board in the high schools,
and (iii) hold schools accountable for the educational growth of their students, including students with disabilities. To those ends, the State Board shall design and
implement an accountability system that sets annual performance standards for each
school in the State in order to measure the growth in performance of the students in each
individual school."

SECTION 3. G.S. 115C-12(9) reads as rewritten:
"(9) Miscellaneous Powers and Duties. – All the powers and duties
exercised by the State Board of Education shall be in conformity with
the Constitution and subject to such laws as may be enacted from time
to time by the General Assembly. Among such duties are:
a. To certify and regulate the grade and salary of teachers and
other school employees.
b. To adopt and supply textbooks.
c. To adopt rules requiring all local boards of education to
implement the Basic Education Program on an incremental
basis within funds appropriated for that purpose by the General
Assembly and by units of local government. Beginning with the
1991-92 school year, the rules shall require each local school
administrative unit to implement fully the standard course of
study in every school in the State in accordance with the Basic
Education Program so that every student in the State shall have
equal access to the curriculum as provided in the Basic
Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure
the progress that each local board of education has made in
implementing the Basic Education Program.

The Board shall develop a State accreditation program that
meets or exceeds the standards and requirements of the Basic
Education Program. The Board shall require each local school
administrative unit to comply with the State accreditation
program to the extent that funds have been made available to
the local school administrative unit for implementation of the
Basic Education Program.

The Board shall use the State accreditation program to
monitor the implementation of the Basic Education Program.
c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance based on the growth in performance of the students in each school and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance.


c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in the growth in student performance at each school building from year to year, not to compare school buildings. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by March 15, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and annually thereafter. Each report shall be based on building-level data for the prior school year. Each report shall include disaggregated data on students, including those with disabilities.

c4. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-Based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters."

SECTION 4. The State Board of Education shall post on its web site information regarding the education of students with disabilities. This web page shall include information about the ABCs, testing procedures, testing results, accommodations, complaint procedures, and procedures regarding reviews. The web
page shall be easily accessible to parents and updated as often as necessary to keep the
information current.

SECTION 5. The State Board of Education shall collect information to
document how local school administrative units are funding the provision of special
education to more students with disabilities than are covered by the State funding cap of
twelve and one-half percent (12.5%).

SECTION 6. From funds appropriated to the General Assembly, the
Legislative Services Commission shall allocate funds for the expenses of the
Commission on Students with Disabilities established in Section 1 of this act.

SECTION 7. Sections 1 and 6 of this act become effective July 1, 2001.
The remainder of this act is effective when it becomes law.