

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 98*

Short Title: Meeting the Needs of Students with Disabilities. (Public)

Sponsors: Senators Dannelly, Lucas, Moore, Wellons; Albertson, Clodfelter, Cunningham, Garrou, Gulley, Lee, Martin of Guilford, Warren, and Weinstein.

Referred to: Children & Human Resources.

February 7, 2001

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY
2 COMMISSION ON CHILDREN WITH SPECIAL NEEDS.
3

4 The General Assembly of North Carolina enacts:

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

- 7 (1) Seven persons appointed by the Speaker of the House of
8 Representatives, four of whom shall be members of the House of
9 Representatives, and three of whom shall be public members.
10 (2) Seven persons appointed by the President Pro Tempore of the Senate,
11 four of whom shall be members of the Senate, and three of whom shall
12 be public members.
13 (3) Four persons appointed by the Governor.

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

17 The Speaker of the House of Representatives and the President Pro Tempore
18 of the Senate shall each designate a cochair of the Commission. The Commission shall
19 meet upon the call of the cochairs. A quorum of the Commission is 10 members.
20 While in the discharge of its official duties, the Commission has the powers of a joint
21 committee under G.S. 120-19 and G.S. 120-19.1. Members of the Commission shall
22 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
23 138-5, or 138-6, as appropriate.

24 **SECTION 1.(b)** The Commission shall study the following issues:

- 1 (1) The numbers of children receiving or needing services and the cost of
2 educating students in State residential institutions compared to
3 community-based programs.
- 4 (2) The effect of testing students with disabilities for accountability
5 purposes versus the federal mandate for inclusion of these students in
6 testing.
- 7 (3) The effect of the possible tension between the State's preference for
8 safe schools and the federal preference for keeping students with
9 disabilities in school if the discipline problem is related to their
10 disability.
- 11 (4) The extent to which the frequency of expulsion or suspension of
12 students with disabilities has increased in the past five years, and the
13 extent to whether there is an increase of these disciplinary actions
14 around the time of year when end-of-grade or end-of-course tests are
15 administered.
- 16 (5) The financial cost of increasing the current funding cap of twelve and
17 one-half percent (12.5%) to thirteen percent (13%) or thirteen and
18 one-half percent (13.5%).
- 19 (6) Determination of whether special education services are being
20 distributed equitably statewide (spending between rural and urban
21 schools, rich and poor school districts).
- 22 (7) Determination of whether the State Board of Education has a neutral
23 and clear appeal process for the exit exam, and how that process is
24 working for students with disabilities.
- 25 (8) Determination of whether the State Board of Education has made the
26 alternative assessment portfolio available to all students whose
27 Individual Education Plan (IEP) or Section 504 Plan documents the
28 need.
- 29 (9) The severity of the problems with training, recruiting, and retaining
30 special education teachers.
- 31 (10) The State law regarding time limits in resolving disputes involving the
32 educational placement of students with disabilities.
- 33 (11) Any other issue the Commission determines is appropriate.

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

43 **SECTION 1.(d)** The Commission may make an interim report to the 2001
44 General Assembly, Regular Session 2001, upon its convening, and shall make its final

1 report to the 2002 General Assembly upon its convening, and to the Governor. Upon
2 submitting its final report, the Commission shall expire.

3 **SECTION 2.** G.S. 115C-105.35 reads as rewritten:

4 **"§ 115C-105.35. Annual performance goals.**

5 The School-Based Management and Accountability Program shall (i) focus on
6 student performance in the basics of reading, mathematics, and communications skills
7 in elementary and middle schools, (ii) focus on student performance in courses required
8 for graduation and on other measures required by the State Board in the high schools,
9 and (iii) hold schools accountable for the educational growth of their ~~students~~-students,
10 including students with disabilities. To those ends, the State Board shall design and
11 implement an accountability system that sets annual performance standards for each
12 school in the State in order to measure the growth in performance of the students in each
13 individual school. "

14 **SECTION 3.** G.S. 115C-12(9) reads as rewritten:

15 "(9) Miscellaneous Powers and Duties. – All the powers and duties
16 exercised by the State Board of Education shall be in conformity with
17 the Constitution and subject to such laws as may be enacted from time
18 to time by the General Assembly. Among such duties are:

- 19 a. To certify and regulate the grade and salary of teachers and
20 other school employees.
- 21 b. To adopt and supply textbooks.
- 22 c. To adopt rules requiring all local boards of education to
23 implement the Basic Education Program on an incremental
24 basis within funds appropriated for that purpose by the General
25 Assembly and by units of local government. Beginning with the
26 1991-92 school year, the rules shall require each local school
27 administrative unit to implement fully the standard course of
28 study in every school in the State in accordance with the Basic
29 Education Program so that every student in the State shall have
30 equal access to the curriculum as provided in the Basic
31 Education Program and the standard course of study.

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

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

42 The Board shall use the State accreditation program to
43 monitor the implementation of the Basic Education Program.

- 1 c1. To issue an annual 'report card' for the State and for each local
2 school administrative unit, assessing each unit's efforts to
3 improve student performance based on the growth in
4 performance of the students in each school and taking into
5 account progress over the previous years' level of performance
6 and the State's performance in comparison with other states.
7 This assessment shall take into account factors that have been
8 shown to affect student performance and that the State Board
9 considers relevant to assess the State's efforts to improve
10 student performance.
- 11 c2. Repealed by Session Laws 1995 (Regular Session, 1996), c.
12 716, s. 1.
- 13 c3. To develop a system of school building improvement reports
14 for each school building. The purpose of school building
15 improvement reports is to measure improvement in the growth
16 in student performance at each school building from year to
17 year, not to compare school buildings. The Board shall include
18 in the building reports any factors shown to affect student
19 performance that the Board considers relevant to assess a
20 school's efforts to improve student performance. Local school
21 administrative units shall produce and make public their school
22 building improvement reports by ~~March 15, 1997, for the 1995-~~
23 ~~96 school year, by October 15, 1997, for the 1996-97 school~~
24 ~~year, and annually thereafter. October 15 each year.~~ Each report
25 shall be based on building-level data for the prior school year.
26 Each report shall include disaggregated data on students,
27 including those with disabilities.
- 28 c4. To develop guidelines, procedures, and rules to establish,
29 implement, and enforce the School-Based Management and
30 Accountability Program under Article 8B of this Chapter in
31 order to improve student performance, increase local flexibility
32 and control, and promote economy and efficiency.
- 33 d. To formulate rules and regulations for the enforcement of the
34 compulsory attendance law.
- 35 e. To manage and operate a system of insurance for public school
36 property, as provided in Article 38 of this Chapter.

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

41 **SECTION 4.** The State Board of Education shall post on its web site
42 information regarding the education of students with disabilities. This web page shall
43 include information about the ABCs, testing procedures, testing results,
44 accommodations, complaint procedures, and procedures regarding reviews. The web

1 page shall be easily accessible to parents and updated as often as necessary to keep the
2 information current.

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

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

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