

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS55161-LT-61 (3/19)

Short Title: Revise Funding Formula for LEP Students. (Public)

Sponsors: Senators Clodfelter; and Reeves.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE FUNDING FORMULA FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The State Board of Education shall develop guidelines for identifying and providing services to students with limited proficiency in the English language.

The State Board of Education shall allocate funds for students with limited English proficiency to local school administrative units and to charter schools under a formula that takes into account a base allotment plus the average daily membership of students who have limited English proficiency, and the average percentage of students over the past three years who have limited English proficiency. For the 2003-2004 fiscal year, the proportion of funding after the base allotment that is based on average daily membership shall be sixty-six percent (66%), and for the 2004-2005 fiscal year the proportion of funding after the base allotment that is based on average daily membership shall be eighty-five percent (85%) The proposed budget for the 2005-2007 biennium shall use only a base allotment and the average daily membership of students who have limited English proficiency.

The State Board shall allocate funds to a unit or a charter school only if (i) average daily membership of the unit or the charter school includes at least 20 students with limited English proficiency or (ii) students with limited English proficiency comprise at least two and one-half percent (2 1/2%) of the average daily membership of the unit or charter school. For the portion of the funds that is allocated on the basis of the number of identified students, the maximum number of identified students for whom a unit or charter school receives funds shall not exceed ten and six-tenths percent (10.6%) of its average daily membership.

1 **SECTION 1.(b)** For the 2003-2004 fiscal year only, the State Board of
2 Education shall hold local school administrative units and charter schools harmless with
3 regard to any decrease in funding that results from modifications in the funding formula
4 provided for in Section 1(a) of this act.

5 For the 2004-2005 fiscal year only, the State Board of Education shall hold
6 local school administrative units and charter schools harmless with regard to fifty
7 percent (50%) of the decrease in funding that results from modifications in the funding
8 formula provided for in Section 1(a) of this act.

9 **SECTION 2.** Local school administrative units shall use funds allocated to
10 them to pay for classroom teachers, teacher assistants, tutors, textbooks, classroom
11 materials/instructional supplies/equipment, transportation costs, and staff development
12 of teachers for students with limited English proficiency.

13 A county in which a local school administrative unit receives funds under this
14 section shall use the funds to supplement local current expense funds and shall not
15 supplant local current expense funds.

16 **SECTION 3.** The Department of Public Instruction shall prepare a current
17 head count of the number of students classified with limited English proficiency by
18 December 1 of each year.

19 Students in the head count shall be assessed at least once every three years to
20 determine their level of English proficiency. A student who scores "superior" on the
21 standard English language proficiency assessment instrument used in this State shall not
22 be included in the head count of students with limited English proficiency.

23 **SECTION 4.** This act becomes effective July 1, 2003.