

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

SESSION LAW 2015-46  
HOUSE BILL 237

AN ACT TO REPEAL PERSONAL EDUCATION PLANS AND MODIFY TRANSITION PLANS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.41 reads as rewritten:

**"§ 115C-105.41. Students who have been placed at risk of academic failure; ~~personal education plans; transition teams~~ failure and transition plans.**

(a) In order to implement Part 1A of Article 8 of this Chapter, local school administrative units shall identify students who are at risk for academic failure and who are not successfully progressing toward grade promotion and graduation, beginning in kindergarten. Identification shall occur as early as can reasonably be done and can be based on grades, observations, diagnostic and formative assessments, State assessments, and other factors, including reading on grade level, that impact student performance that teachers and administrators consider appropriate, without having to await the results of end-of-grade or end-of-course tests. ~~No later than the end of the first quarter, or after a teacher has had up to nine weeks of instructional time with a student, a personal education plan for academic improvement with focused intervention and performance benchmarks shall be developed or updated for any student at risk of academic failure who is not performing at least at grade level, as identified by the State end-of-grade test and other factors noted above. Focused instructional supports and services, reading interventions, and accelerated activities should include evidence-based practices that meet the needs of students and may include coaching, mentoring, tutoring, summer school, Saturday school, and extended days. Local school administrative units shall provide these activities free of charge to students. Local school administrative units shall also provide transportation free of charge to all students for whom transportation is necessary for participation in these activities.~~

~~Local school administrative units shall give notice of the personal education plan and a copy of the personal education plan to the student's parent or guardian. Parents should be included in the implementation and ongoing review of personal education plans. If a student's school report card provides all the information required in a personal education plan, then no further personal education plan is mandated for the student.~~

~~No cause of action for monetary damages shall arise from the failure to provide or implement a personal education plan under this section.~~

(b) ~~Local boards of education shall adopt and implement policies that direct school improvement teams to develop plans to include successful transition between elementary and middle school years and between the middle school and high school years for the creation of transition teams and transition plans for students at risk, as defined by the State Board of Education, Education, to assist them in making a successful transition between the elementary school and middle school years and between the middle school and high school years."~~

**SECTION 2.** G.S. 115C-83.7(c) reads as rewritten:

"(c) The superintendent shall determine whether a student may be exempt from mandatory retention on the basis of a good cause exemption. The following steps shall be taken in making the determination:

- (1) The teacher of a student eligible for a good cause exemption shall submit documentation of the relevant exemption and evidence that promotion of the student is appropriate based on the student's academic record to the principal. Such evidence shall be limited to the student's ~~personal education~~



~~plan~~, individual education program, if applicable, alternative assessment, or student reading portfolio.

- (2) The principal shall review the documentation and make an initial determination whether the student should be promoted. If the principal determines the student should be promoted, the principal shall make a written recommendation of promotion to the superintendent for final determination. The superintendent's acceptance or rejection of the recommendation shall be in writing."

**SECTION 3.** G.S. 115C-83.9(a) reads as rewritten:

"(a) Parents or guardians shall be notified in writing, and in a timely manner, that the student shall be retained, unless he or she is exempt from mandatory retention for good cause, if the student is not demonstrating reading proficiency by the end of third grade. Parents or guardians shall receive this notice when a kindergarten, first, second, or third grade student (i) is demonstrating difficulty with reading development; or (ii) is not reading at grade level; or (iii) has a personal education plan under G.S. 115C-105.41 level."

**SECTION 3.5.** The State Board of Education shall report to the Joint Legislative Education Oversight Committee by November 15, 2016, on how at risk students are identified and being served through interventions to prevent academic failure.

**SECTION 4.** This act is effective when it becomes law and applies beginning with the 2015-2016 school year.

In the General Assembly read three times and ratified this the 26<sup>th</sup> day of May, 2015.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 10:30 a.m. this 2<sup>nd</sup> day of June, 2015