

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 248*
Committee Substitute Favorable 4/18/01

Short Title: Meeting the Needs of Students With Disabilities.

(Public)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

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

3 The General Assembly of North Carolina enacts:

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

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

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

12 (3) Four persons appointed by the Governor.

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

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

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

24 (1) The numbers of children receiving or needing services and the cost of
25 educating students in State residential institutions compared to
26 community-based programs.
27

- 1 (2) The effect of testing students with disabilities for accountability
2 purposes versus the federal mandate for inclusion of these students in
3 testing.
- 4 (3) The effect of the possible tension between the State's preference for
5 safe schools and the federal preference for keeping students with
6 disabilities in school if the discipline problem is related to their
7 disability.
- 8 (4) The extent to which the frequency of expulsion or suspension of
9 students with disabilities has increased in the past five years, and the
10 extent to whether there is an increase of these disciplinary actions
11 around the time of year when end-of-grade or end-of-course tests are
12 administered.
- 13 (5) The financial cost of removing the current funding cap and providing
14 funds for all of the students with disabilities who have been identified.
- 15 (6) Determination of whether special education services are being
16 distributed equitably statewide (spending between rural and urban
17 schools, rich and poor school districts).
- 18 (7) Determination of whether the State Board of Education has a neutral
19 and clear appeal process for the exit exam, and how that process is
20 working for students with disabilities.
- 21 (8) Determination of whether the State Board of Education has made the
22 alternative assessment portfolio available to all students whose
23 Individual Education Plan (IEP) or Section 504 Plan documents the
24 need.
- 25 (9) The severity of the problems with training, recruiting, and retaining
26 special education teachers.
- 27 (10) The State law regarding time limits in resolving disputes involving the
28 educational placement of students with disabilities.
- 29 (11) The allocation and use of federal funds provided under the Individuals
30 with Disabilities Education Act (IDEA).
- 31 (12) Reduction of paperwork and better utilization of computers and related
32 technology to accomplish the necessary accumulation of information
33 required under State and federal law.
- 34 (13) The operation, performance, educational outcomes, and such other
35 categories as necessary to appropriately evaluate the two schools for
36 the deaf located in Wilson, NC and Morganton, NC.
- 37 (14) The initial testing and labeling process of students.
- 38 (15) Any other issue the Commission determines is appropriate.

39 **SECTION 1.(c)** Upon approval of the Legislative Services Commission, the
40 Legislative Services Officer shall assign appropriate professional staff from the
41 Legislative Services Office of the General Assembly to assist with the study. The House
42 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to
43 the Commission, upon the direction of the Legislative Services Commission. The

1 Commission may meet in the Legislative Building or the Legislative Office Building
2 upon the approval of the Legislative Services Commission. The Commission may
3 contract for professional or consultant services as provided under G.S. 120-32.02 to
4 assist with the study under subdivision (b)(1) of this section.

5 **SECTION 1.(d)** The Commission may make an interim report to the 2002
6 Regular Session of the 2001 General Assembly, upon its convening, and shall make its
7 final report to the 2003 General Assembly upon its convening, and to the Governor.
8 Upon submitting its final report, the Commission shall expire.

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

10 "**§ 115C-105.35. Annual performance goals.**

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

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

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

- 25 a. To certify and regulate the grade and salary of teachers and
26 other school employees.
- 27 b. To adopt and supply textbooks.
- 28 c. To adopt rules requiring all local boards of education to
29 implement the Basic Education Program on an incremental
30 basis within funds appropriated for that purpose by the General
31 Assembly and by units of local government. Beginning with the
32 1991-92 school year, the rules shall require each local school
33 administrative unit to implement fully the standard course of
34 study in every school in the State in accordance with the Basic
35 Education Program so that every student in the State shall have
36 equal access to the curriculum as provided in the Basic
37 Education Program and the standard course of study.

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

41 The Board shall develop a State accreditation program that
42 meets or exceeds the standards and requirements of the Basic
43 Education Program. The Board shall require each local school

1 administrative unit to comply with the State accreditation
2 program to the extent that funds have been made available to
3 the local school administrative unit for implementation of the
4 Basic Education Program.

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

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

42 In making substantial policy changes in administration,
43 curriculum, or programs the Board should conduct hearings

1 throughout the regions of the State, whenever feasible, in order
2 that the public may be heard regarding these matters."

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

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

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

16 **SECTION 7.** Sections 1 and 6 of this act become effective July 1, 2001.
17 Section 3 of this act becomes effective July 1, 2002. The remainder of this act is
18 effective when it becomes law.