

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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SENATE BILL 1004

Short Title: Study Ability Grouping/Tracking.

(Public)

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Sponsors: Senators Martin of Guilford and McKoy.

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Referred to: Appropriations

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May 4, 1995

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON THE  
EDUCATION INSTRUCTION PRACTICE OF ABILITY GROUPING AND  
TRACKING OF STUDENTS AND TO APPROPRIATE FUNDS FOR ITS  
IMPLEMENTATION.

The General Assembly of North Carolina enacts:

Section 1. The Study Commission on the Education Instruction Practice of Ability Grouping and Tracking of Students is created. The purpose of the Commission shall be to (i) identify and examine the education instruction practice of ability grouping and tracking of students according to their perceived abilities; (ii) assess whether these practices are beneficial to the education achievement of students; (iii) examine the reasons why these practices are used by schools and teachers; (iv) use the information obtained to develop means for improving the delivery of educational services to students; and (v) recommend to the General Assembly the human and economic resources necessary to guarantee each and every student a meaningful opportunity to reach his or her full potential.

Sec. 2. (a) The Commission shall consist of 16 members:

- (1) Four Senators appointed by the President Pro Tempore of the Senate;
- (2) Four Representatives appointed by the Speaker of the House of Representatives;
- (3) Four members of the public appointed by the President Pro Tempore of the Senate; and
- (4) Four members appointed by the Speaker of the House of Representatives.

1 (b) The President Pro Tempore of the Senate shall designate one Senator as  
2 cochair and the Speaker of the House of Representatives shall designate one  
3 Representative as cochair.

4 Sec. 3. The Commission shall study:

5 (1) The extent to which schools and teachers use the practices of grouping  
6 and tracking of students for instructional purposes. The Commission  
7 shall examine the use of these practices from kindergarten through the  
8 twelfth grade.

9 (2) The reasons why schools and teachers employ the practices of ability  
10 grouping and tracking of students.

11 (3) The positive and negative effects and consequences of this practice on  
12 individual students, student achievement and outcomes, literacy,  
13 workforce preparedness, and citizenship.

14 (4) Legal and ethical issues involving these practices.

15 (5) Education instructional methods which are alternative to the practices  
16 of grouping and tracking of students according to their perceived  
17 abilities.

18 (6) Policy and funding options which may encourage schools and teachers  
19 to employ methods of instruction other than ability grouping and  
20 tracking of students.

21 (7) Any other issues the Commission finds necessary to carry out its  
22 purpose.

23 Sec. 4. The Commission shall submit a final report of its findings and  
24 recommendations to the General Assembly on or before the first day of the 1996  
25 Regular Session of the 1995 General Assembly by filing the report with the President  
26 Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon  
27 filing its final report, the Commission shall terminate.

28 Sec. 5. The Commission, while in the discharge of official duties, may  
29 exercise all the powers provided for under the provisions of G.S. 120-19 and G.S. 120-  
30 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call  
31 of the cochairs. The Commission may meet in the Legislative Building or the  
32 Legislative Office Building.

33 Sec. 6. Members of the Commission who are members of the General  
34 Assembly shall receive subsistence and travel expenses at the rates set forth in G.S. 120-  
35 3.1. Members who are State officers or employees shall receive subsistence and travel  
36 allowances as provided by G.S. 138-6. All other members shall receive per diem,  
37 subsistence, and travel allowances as provided by G.S. 138-5.

38 Sec. 7. The Commission may contract for professional, clerical, or consultant  
39 services as provided by G.S. 120-32.02. The Legislative Services Commission, through  
40 the Legislative Administrative Officer, shall assign professional staff to assist in the  
41 work of the Commission. The House of Representatives' and the Senate's Supervisor of  
42 Clerks shall assign clerical staff to the Commission or committee, upon the direction of  
43 the Legislative Services Commission. The expenses relating to clerical employees shall  
44 be borne by the Commission.

1           Sec. 8. When a vacancy occurs in the membership of the Commission the  
2 vacancy shall be filled by the same appointing officer who made the initial appointment.

3           Sec. 9. All State departments and agencies and local governments and their  
4 subdivisions shall furnish the Commission with any information in their possession or  
5 available to them.

6           Sec. 10. There is appropriated from the General Fund to the General  
7 Assembly the sum of twenty thousand dollars (\$20,000) for the 1995-96 fiscal year for  
8 the expenses of the Commission.

9           Sec. 11. This act becomes effective July 1, 1995.