

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 516
Education/Higher Education Committee Substitute Adopted 4/24/13

Short Title: Public School Regulatory Reform.

(Public)

Sponsors:

Referred to:

March 28, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO STREAMLINE REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS.
3 The General Assembly of North Carolina enacts:

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5 **PART I. ELIMINATE ESC REPORTING**

6 **SECTION 1.** G.S. 96-33 is amended by adding a new subsection to read:
7 "(a1) Subsection (a) of this section shall not apply to local school administrative units."

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9 **PART II. DISADVANTAGED STUDENT REPORT**

10 **SECTION 2.** To the extent allowed by federal law, the State Board of Education
11 shall consolidate and limit reports to the State Board by local school administrative units on
12 data related to economically disadvantaged students, including household size and income
13 information, to one report each school year.

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15 **PART III. IIS REPORTING**

16 **SECTION 3.(a)** The Department of Public Instruction shall comply with
17 G.S. 115C-12(19)(i) and not require as a separate submission at least all of the following
18 reports to reduce unnecessary reporting requirements for local school administrative units:

- 19 (1) The Principal's Monthly Report (PMR) Final, required by the 30th of each
20 month.
21 (2) The LEA Vacancy Report, required by October 20th each year.
22 (3) The Professional Personnel Activity Report (PPAR), required annually.
23 (4) The Pupils in Membership by Race and Sex, required annually by October
24 31st.
25 (5) The Report of School Sales of Textbooks and Used Books, required annually
26 by October 31st.
27 (6) The School Activity Report (SAR), required annually.

28 **SECTION 3.(b)** The Department of Public Instruction may collect any information
29 contained in the reports eliminated in accordance with subsection (a) of this section that is
30 necessary for compliance with State or federal law through the implementation of the
31 PowerSchool application or any other component of the Instructional Improvement System
32 (IIS) developed by the Department of Public Instruction.

33 **SECTION 3.(c)** G.S. 115C-12(18) reads as rewritten:

34 "(18) Duty to Develop and Implement a Uniform Education Reporting System,
35 Which Shall Include Standards and Procedures for Collecting Fiscal and
36 Personnel Information. –



- 1 a. The State Board of Education shall adopt standards and procedures
2 for local school administrative units to provide timely, accurate, and
3 complete fiscal and personnel information, including payroll
4 information, on all school personnel. ~~All local school administrative
5 units shall comply with these standards and procedures by the
6 beginning of the 1987-88 school year.~~
- 7 b. The State Board of Education shall develop and implement a
8 Uniform Education Reporting System that shall include requirements
9 for collecting, processing, and reporting fiscal, personnel, and student
10 data, by means of electronic transfer of data files from local
11 computers to the State Computer Center through the State
12 Communications Network. ~~All local school administrative units shall
13 comply with the requirements of the Uniform Education Reporting
14 System by the beginning of the 1989-90 school year.~~
- 15 c. The State Board of Education shall comply with the provisions of
16 G.S. 116-11(10a) to plan and implement an exchange of information
17 between the public schools and the institutions of higher education in
18 the State. The State Board of Education shall require local boards of
19 education to provide to the parents of children at a school all
20 information except for confidential information received about that
21 school from institutions of higher education pursuant to
22 G.S. 116-11(10a) and to make that information available to the
23 general public.
- 24 d. The State Board of Education shall modify the Uniform Education
25 Reporting System to provide clear, accurate, and standard
26 information on the use of funds at the unit and school level. The plan
27 shall provide information that will enable the General Assembly to
28 determine State, local, and federal expenditures for personnel at the
29 unit and school level. The plan also shall allow the tracking of
30 expenditures for textbooks, educational supplies and equipment,
31 capital outlay, at-risk students, and other purposes. ~~The revised
32 Uniform Education Reporting System shall be implemented
33 beginning with the 1999-2000 school year.~~
- 34 e. When practicable, reporting requirements developed by the State
35 Board of Education as part of the Uniform Education Reporting
36 System under this subdivision shall be incorporated into the
37 Instructional Improvement System to minimize duplicative reporting
38 by local school administrative units."
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40 PART IV. COMMISSION TO STUDY EXCEPTIONAL CHILDREN'S SERVICES

41 SECTION 4.(a) Establishment. – There is established a Commission to Study the
42 Provision of Exceptional Children's Services in the North Carolina Public Schools
43 (Commission).

44 SECTION 4.(b) Membership. – The Commission shall be composed of 14
45 members, as follows:

- 46 (1) Seven members appointed by the Speaker of the House of Representatives as
47 follows:
- 48 a. Four persons who are members of the House of Representatives at
49 the time of appointment.
- 50 b. A representative of the Department of Public Instruction.

- 1 c. An exceptional children's program director, as recommended by the
2 North Carolina Association of School Administrators.
- 3 d. A member of an advocacy group which works on behalf of children
4 with disabilities, as recommended by Disability Rights North
5 Carolina.
- 6 (2) Seven members appointed by the President Pro Tempore of the Senate as
7 follows:
- 8 a. Four persons who are members of the Senate at the time of
9 appointment.
- 10 b. A school system superintendent, as recommended by the North
11 Carolina Association of School Administrators.
- 12 c. An attorney with experience in education law related to public school
13 services for exceptional children, as recommended by the North
14 Carolina Council of School Attorneys.
- 15 d. A member of an advocacy group which works on behalf of children
16 with disabilities, as recommended by the Exceptional Children's
17 Advocacy Center.

18 The Commission shall have two cochairs, one designated by the President Pro
19 Tempore of the Senate and one designated by the Speaker of the House of Representatives
20 from among their appointees. The Commission shall meet upon the call of the cochairs.
21 Vacancies shall be filled by the appointing authority. A quorum of the Commission shall be a
22 majority of the members.

23 **SECTION 4.(c) Duties.** – The Commission shall review all aspects of the
24 exceptional children's services delivered by local school administrative units in North Carolina
25 and oversight of those services by the Department of Public Instruction. The Commission shall
26 recommend ways to limit reporting requirements and compliance measures for local school
27 administrative units and individual schools by identifying areas in which State requirements
28 exceed federal law requirements. In developing these recommendations, the Commission shall
29 examine at least all of the following:

- 30 (1) Forms and paperwork required by the Department of Public Instruction,
31 Division of Exceptional Children (Division), to be submitted by
32 Individualized Education Program (IEP) teams.
- 33 (2) The alignment of requirements imposed on the local school administrative
34 units by the Division's Continuous Improvement Performance Plan (CIPP)
35 with the federal requirements of the State Performance Plan and the Annual
36 Performance Report.
- 37 (3) Student performance assessments and alternative assessments required by
38 the State Board of Education.
- 39 (4) Class size and caseload requirements for children with disabilities.
- 40 (5) Unfunded fiscal impacts of reporting and compliance measures imposed on
41 local school administrative units.
- 42 (6) Conduct a cost study on the cost to educate students with disabilities and
43 then use that information to make recommendations to the General
44 Assembly on revisions that are needed to the current State allotment
45 formulae for various components of the exceptional children's program
46 operated by the local school administrative units.

47 **SECTION 4.(d) Compensation; Administration.** – Members of the Commission
48 shall receive subsistence and travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or
49 138-6, as appropriate. With the prior approval of the Legislative Services Task Force, the
50 Legislative Services Officer shall assign professional and clerical staff to assist in the work of
51 the Commission. With the prior approval of the Legislative Services Commission, the

1 Commission may hold its meetings in the State Legislative Building or the Legislative Office
2 Building. The Commission may also meet at various locations around the State in order to
3 promote greater public participation in its deliberations. The Commission, while in the
4 discharge of its official duties, may exercise all the powers provided under the provisions of
5 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all
6 officers, agents, agencies, and departments of the State to provide any information, data, or
7 documents within their possession, ascertainable from their records, or otherwise available to
8 them and the power to subpoena witnesses.

9 **SECTION 4.(e)** Report. – The Commission shall report its findings and
10 recommendations to the Joint Legislative Education Oversight Committee no later than March
11 15, 2014. The Commission shall terminate upon the filing of its final report.

12 **PART V. ELIMINATE PERSONAL EDUCATION PLAN REPORTING**

13 **SECTION 5.** G.S. 115C-105.41(a) reads as rewritten:

14 **"§ 115C-105.41. Students who have been placed at risk of academic failure; personal**
15 **education plans; transition teams and transition plans.**

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

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

39 ~~Local school administrative units shall certify that they have complied with this section~~
40 ~~annually to the State Board of Education. The State Board of Education shall periodically~~
41 ~~review data on the progress of identified students and report to the Joint Legislative Education~~
42 ~~Oversight Committee.~~

43 No cause of action for monetary damages shall arise from the failure to provide or
44 implement a personal education plan under this section."
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46 **PART VI. EFFECTIVE DATE**

47 **SECTION 6.** This act is effective when it becomes law and applies beginning with
48 the 2013-2014 school year.
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