

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1248*

Short Title: Early Identif. & Interv. for At-Risk Students. (Public)

Sponsors: Senators Davis; Atwater, Bingham, Blue, Boseman, Dorsett, Foriest, Graham, Jenkins, Jones, McKissick, Queen, Snow, Stevens, Swindell, and Tillman.

Referred to: Education/Higher Education.

May 20, 2010

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO IDENTIFY
2 STUDENTS AT RISK OF ACADEMIC FAILURE AND NOT SUCCESSFULLY
3 PROGRESSING TOWARD GRADUATION NO LATER THAN THE FOURTH GRADE
4 AND TO PROVIDE PERSONAL EDUCATION PLANS FOR THOSE STUDENTS,
5 AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REPORT
6 ANNUALLY TO THE STATE BOARD OF EDUCATION ON THE STRATEGIES AND
7 SUCCESS OF FOCUSED INTERVENTION FOR THOSE STUDENTS, AS
8 RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT
9 PREVENTION AND HIGH SCHOOL GRADUATION.

10 The General Assembly of North Carolina enacts:

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

12 **"§ 115C-105.41. Students who have been placed at risk of academic failure; personal**
13 **education plans.**

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

30 Local school administrative units shall give notice of the personal education plan and a
31 copy of the personal education plan to the student's parent or guardian. Parents should be
32 included in the implementation and ongoing review of personal education plans.

33 Local school administrative units shall report annually to the State Board of Education on
34 the progress of identified students, including data on success or failure of students to meet
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1 performance benchmarks, and types of focused intervention employed by the local school
2 administrative unit to implement personal education plans.

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

5 **SECTION 2.** This act is effective when it becomes law.