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SESSION 2015

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SENATE DRS45120-MK-96 (03/05)

Short Title: Eliminate Personal Ed. Plans. (Public)

Sponsors: Senator Tillman (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE PERSONAL EDUCATION PLANS FOR STUDENTS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 115C-83.7(c)(1) reads as rewritten:

5 "(1) The teacher of a student eligible for a good cause exemption shall submit
6 documentation of the relevant exemption and evidence that promotion of the
7 student is appropriate based on the student's academic record to the
8 principal. Such evidence shall be limited to the student's ~~personal education~~
9 ~~plan~~, individual education program, if applicable, alternative assessment, or
10 student reading portfolio."

11 **SECTION 2.** G.S. 115C-83.9(a) reads as rewritten:

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

18 **SECTION 3.** G.S. 115C-105.41 reads as rewritten:

19 "**§ 115C-105.41. Students who have been placed at risk of academic failure; ~~personal~~**
20 **~~education plans; transition teams and transition plans.~~**

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



1 also provide transportation free of charge to all students for whom transportation is necessary
2 for participation in these activities.

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

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

10 (b) Local boards of education shall adopt and implement plans for the creation of
11 transition teams and transition plans for students at risk, as defined by the State Board of
12 Education, to assist them in making a successful transition between the elementary school and
13 middle school years and between the middle school and high school years."

14 **SECTION 4.** This act is effective when it becomes law.