



Whereas, there is a significant gap in academic achievement between minority and at-risk students and majority students; and

Whereas, the achievement gap between student groups has not been significantly closed or narrowed in the past decade despite an overall increase in student achievement in North Carolina; and

Whereas, the reported discipline rate for minority and at-risk students is high, when compared to other students; and

Whereas, the dropout rate for minority and at-risk students is high; and

Whereas, the State Board of Education and the Department of Public Instruction recognize that, although progress is being made, there is still much that remains to be done to sufficiently meet the education needs of so many minority and at-risk students; and

Whereas, it is acknowledged that to the extent our schools do not satisfactorily meet the education needs of minority and at-risk students, North Carolina taxpayers experience unnecessary economic and social burdens through factors such as reduced economic competitiveness and increased expenditures for law enforcement and for constructing and operating juvenile justice and adult correctional facilities; and

Whereas, the General Assembly recognizes that in order to be competitive as a State in the 21st century, all students must achieve educational proficiency in a rapidly changing technological, educational, and cultural environment; and

Whereas, it is in the best interest of the North Carolina citizenry that a coordinated strategy be developed for implementing measures designed to yield substantial improvements in the educational achievement of minority and at-risk students; Now, therefore,

1 The General Assembly of North Carolina enacts:

2 Section 1.(a) The Department of Health and Human Services, Division of Social  
3 Services, shall establish and administer a pilot program to assist families that have  
4 children who are performing below school grade level in strengthening family  
5 cohesiveness, functioning, and economic progress and improving the academic  
6 performance of their children. The program shall be developed and implemented no later  
7 than August 1, 2001, as follows:

- 8 (1) Each pilot program shall be family-focused and designed to improve  
9 family success in addressing issues pertaining to:
- 10 a. Family functioning and economic progress;
  - 11 b. Academic success for children in the family in a manner that  
12 reduces the likelihood that the children will have a life of  
13 poverty; and
  - 14 c. Strengthening the communities in which the family lives.
- 15 (2) There shall be at least eight pilot programs initially established which  
16 shall be based on components of successful models and concepts. Any  
17 nonprofit, tax-exempt organization or local government agency that is  
18 part of the collaborative effort to develop the pilot program may serve  
19 as the lead agency in applying for and administering grant funds.

- 1           (3) Families eligible for participation in a pilot program shall be those  
2 families:  
3           a. Who have at least one child in elementary or middle school who  
4 is performing academically at least one year below the child's  
5 grade level;  
6           b. At least one adult member of which agrees to participate in the  
7 program and in a culturally appropriate assessment of family  
8 functioning; and  
9           c. Whose income is below two hundred percent (200%) of the  
10 federal poverty level or whose income is at or above two hundred  
11 percent (200%) of the federal poverty level if authorized by the  
12 requirements of the funding source.
- 13           (4) The Department and other entities collaborating to develop the program  
14 shall identify resources currently available to address the concerns of  
15 below-grade-level academic performance and problems related to  
16 family cohesiveness, functioning, and family economic progress and  
17 shall strive to harness these resources in a manner that increases  
18 effectiveness and reduces overall costs of the pilot program. The  
19 Department shall also determine which entities can best operate which  
20 components of the total pilot program, and how those entities can  
21 contribute to the abilities of others to be more successful in operating  
22 their components.
- 23           (5) The Department may obtain the services of consultants in the planning,  
24 coordination, implementation, and evaluation of the program.
- 25           (6) The Department of Health and Human Services shall establish a task  
26 force to collaborate with and advise the Department on the development  
27 and implementation of the program. The task force shall consist of, at a  
28 minimum, representatives of:  
29           a. The Department of Public Instruction;  
30           b. The Cooperative Extension Services at North Carolina  
31 Agricultural and Technical State University and at North  
32 Carolina State University;  
33           c. The Office of Juvenile Justice;  
34           d. Workforce Development Boards;  
35           e. Local education agencies;  
36           f. Local departments or boards of social services, county  
37 commissioners, and health departments;  
38           g. Community-based organizations, specifically those that work  
39 within low-income communities; and  
40           h. Religious organizations or institutions.
- 41           (7) Each of the pilot programs shall have comparable structures for  
42 administration, advice, and technical assistance.

- 1 (8) Each pilot program shall be developed in a way that results in  
2 observable and measurable outcomes and that is subject to sound  
3 evaluation techniques. Evaluation measures and techniques shall be  
4 designed and implemented to:
- 5 a. Identify and explain the components of the pilot program that are  
6 successful and those that are not successful;
  - 7 b. Recommend systemic changes through integration of positive  
8 outcomes; and
  - 9 c. Produce outcomes that, if successful, can be replicated.
- 10 (9) The Department shall present a progress report to the Commission on  
11 Improving the Academic Achievement of Minority and At-Risk  
12 Students by March 1, 2001. This report shall contain a plan to  
13 implement and evaluate the program, including:
- 14 a. Pilot sites selected;
  - 15 b. Identification of evaluation tools;
  - 16 c. Identification of existing sources of federal and State funding that  
17 can be used to implement and evaluate the program;
  - 18 d. Identification of additional resources, fiscal and otherwise, that  
19 are available to implement and evaluate the program; and
  - 20 e. Strategies that utilize school facilities to the maximum  
21 reasonable extent possible and that do not place undue burdens  
22 on school personnel.
- 23 (10) The Department shall make a final report to the Commission on  
24 Improving the Academic Achievement of Minority and At-Risk  
25 Students by February 1, 2002. This report shall include a  
26 recommendation as to whether the program should be extended  
27 statewide. If so, the Department shall present a plan that includes the  
28 projected cost, process, and time frame for implementation of the  
29 program statewide.

30 Section 1.(b) There is appropriated from the General Fund to the Department  
31 of Health and Human Services, Division of Social Services, the sum of two hundred fifty  
32 thousand dollars (\$250,000) for planning and initial implementation of the pilot program  
33 authorized under this section. The Department of Health and Human Services, the  
34 Department of Commerce, and the Department of Public Instruction, shall allocate block  
35 grant funds that are available for the purposes for which the pilot programs are  
36 implemented to supplement State funds appropriated for the planning, full  
37 implementation, and evaluation of the pilot programs.

38 Section 2. The State Board of Education (Board) shall study the connection  
39 between the identification of minority and at-risk students as students with behavioral or  
40 emotional disabilities and the gap in student achievement. As part of this study, the  
41 Board shall examine the following:

- 42 (1) The criteria used to identify whether a student has a behavioral or  
43 emotional disability and requires special education. The study shall

1 determine whether identification and placement decisions of these  
2 students are based primarily on valid and objective criteria.

3 (2) The curricula for these students, to determine whether they are  
4 sufficiently rigorous and the teaching methodologies are sound and  
5 appropriate.

6 (3) Utilization of other services, such as mental health, mentoring, and  
7 consultation, to improve academic and social success for these students.

8 (4) Qualifications of teachers who are assigned to teach these students.

9 The Board shall make an interim report by January 1, 2001, and a final report  
10 by March 1, 2001, on the results of this study, including findings and any  
11 recommendations, to the Commission on Improving the Academic Achievement of  
12 Minority and At-Risk Students (Commission) and to the Joint Legislative Education  
13 Oversight Committee.

14 Section 3. The Board shall study the underrepresentation of minority and at-  
15 risk students in honors classes, advanced placement classes, and academically gifted  
16 programs. The Board shall evaluate whether this underrepresentation contributes to the  
17 gap in student achievement. In particular, the Board shall examine the criteria used to  
18 identify whether a student is eligible for one of these classes or programs. The study  
19 shall determine whether identification and placement decisions of these students are  
20 based primarily on valid and objective criteria. The Board also shall examine whether  
21 low academic expectations or certain instructional practices, such as tracking, contribute  
22 to this underrepresentation. The Board shall make an interim report by January 1, 2001,  
23 and a final report by March 1, 2001, on the results of this study, including findings and  
24 any recommendations needed to increase representation of students in these programs, to  
25 the Commission on Improving the Academic Achievement of Minority and At-Risk  
26 Students (Commission) and to the Joint Legislative Education Oversight Committee.

27 Section 4. The Board shall design an annual Minority Achievement Report  
28 Card to be implemented fully beginning with the 2001-2002 school year. The report card  
29 shall be based on data the Board collects from local school administrative units and  
30 individual schools. Local school administrative units shall collect, maintain, and submit  
31 data needed to prepare the report card. The Board shall establish a baseline in accordance  
32 with its plan for the report card. The Board shall condense and publicly disseminate the  
33 data in a form that can be accessed easily, such as through a web site.

34 The Board shall report to the Commission by October 1, 2000, on the  
35 development of the report card under this section.

36 Section 5. The Board shall develop guidelines to enable the formation of a  
37 local task force in each local school administrative unit. The purpose of this task force is  
38 to advise and work with the local board of education and administration on closing the  
39 gap in academic achievement and on developing a collaborative plan for achieving that  
40 goal. The guidelines shall provide for the following:

41 (1) Each local school administrative unit shall have a task force, if  
42 appropriate.

- 1 (2) Each task force shall be racially diverse and shall include parents,  
2 school personnel, and representatives from human service agencies,  
3 nonprofit organizations, and the business sector.

4 The Board shall determine the funding needed to implement these guidelines  
5 and shall report this information to the Commission by November 1, 2000.

6 Section 6. The Board shall develop a plan and budget (projecting five-year  
7 cost) to:

- 8 (1) Provide sufficient staff development activities so as to ensure teachers  
9 have the tools needed for success in teaching a diverse student  
10 population and interacting with their families. These activities shall  
11 include understanding and respecting racial, ethnic, religious, and  
12 cultural impact on a child's development and personality.
- 13 (2) Provide sufficient funding for Limited English Proficiency (LEP)  
14 students.
- 15 (3) Translate the State-level forms and basic school information that will be  
16 made available to parents or to the general public into Spanish and  
17 include them on the Department of Public Instruction's web site in  
18 English and Spanish.
- 19 (4) Evaluate the level of funding needed to have LEAs hire translators to  
20 work with Spanish-speaking parents and those school personnel whose  
21 jobs require regular contact with those parents.
- 22 (5) Provide appropriate staff development funds for training in English as  
23 Second Language (ESL) methodologies and pedagogy for teachers,  
24 administrators, and support personnel.
- 25 (6) Review implementation guidelines for student accountability standards  
26 and promotion policies for LEP students.
- 27 (7) Develop guidelines for evaluating students' instructional portfolios and  
28 for waiving test standards for LEP students. In its development of  
29 guidelines, the Board shall consider extending the End-of-Grade testing  
30 exemption period to more than two years for LEP students.

31 The Board shall report to the Commission on the plan and budget developed  
32 under this section by November 15, 2000.

33 Section 7. The Board shall develop a plan to establish a hotline to collect  
34 complaints alleging disparate treatment of minority students and students from low-  
35 income families. The plan shall include the following:

- 36 (1) The establishment of teams to review and categorize the complaints for  
37 reporting annually to the General Assembly.
- 38 (2) The appropriate number of hotline personnel who speak and understand  
39 Spanish.
- 40 (3) A mechanism, where warranted, for the Board to respond to and secure  
41 an independent and impartial investigation of systemic problems  
42 revealed through the complaints.

1 (4) A procedure for the Board to report individual complaints, unless the  
2 person making the complaint requests otherwise, to the appropriate local  
3 school administrative unit so that it also may investigate.

4 (5) The criteria for a local investigation that assures fair and impartial  
5 investigation.

6 (6) Any additional information that is required so that the hotline is fully  
7 implemented by the beginning of the 2001-2002 school year.

8 The Board shall report to the Commission by November 15, 2000, on the  
9 implementation of this section. This report may include recommendations and a request  
10 for funding to establish the hotline.

11 Section 8. The Board shall report data from the 1998-99 and 1999-2000 school  
12 years on student suspensions and expulsions. The report shall show, for each local school  
13 administrative unit and by race, gender, and conduct, the number of students suspended  
14 for less than 11 days, the number of students suspended for more than 10 days, the  
15 number of students expelled, and the number of students placed in an alternative program  
16 as the result of student conduct which could have led to a suspension or expulsion. Each  
17 local school administrative unit shall submit to the Board by October 1, 2000, any  
18 information the Board needs to make this report. The Board shall report to the  
19 Commission by November 15, 2000.

20 Section 9.(a) Chapter 120 of the General Statutes is amended by adding the  
21 following new Article to read:

22 **"ARTICLE 27.**

23 **"COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF**  
24 **MINORITY AND AT-RISK STUDENTS.**

25 **"§ 120-240. Creation; members.**

26 There is established the Commission on Improving the Academic Achievement of  
27 Minority and At-Risk Students. The Commission shall consist of 22 members, as  
28 follows:

29 (1) Five senators and three public members appointed by the President Pro  
30 Tempore of the Senate;

31 (2) Five representatives and three public members appointed by the Speaker  
32 of the House of Representatives; and

33 (3) Six public members appointed by the Governor, who represent groups  
34 or individuals with knowledge and experience in advocating, educating,  
35 or assisting minority and at-risk students to achieve, at least one of  
36 whom is a representative of a statewide nonprofit education advocacy  
37 organization that advocates on behalf of minority and at-risk students  
38 and at least one of whom is a representative of a statewide organization  
39 that represents the interests of African-Americans.

40 In making appointments to the Commission, the appointing officers shall ensure that  
41 racial minorities have significant representation on the Commission.

1       (b) Members of the Commission shall serve terms of two years beginning on  
2 August 15 of each odd-numbered year, with no prohibition against reappointment. Initial  
3 terms shall commence on August 15, 2001.

4       (c) The President Pro Tempore of the Senate shall designate one member as  
5 cochair and the Speaker of the House of Representatives shall designate one member as  
6 cochair.

7       (d) When a vacancy occurs in the membership of the Commission, the vacancy  
8 shall be filled by the same appointing officer who made the initial appointment.

9 **"§ 120-241. Authority.**

10       (a) The Commission shall be authorized to:

11           (1) Gather accurate and reliable data and research information pertaining to  
12 the status of minority and at-risk students in the North Carolina public  
13 education system;

14           (2) Identify and visit education programs and other efforts within and  
15 outside North Carolina that appear to be successful in yielding  
16 significant positive results for minority and at-risk students;

17           (3) Consult with higher education faculty members and other persons who  
18 have been engaged in extensive research and observation related to  
19 these issues and encourage their direct involvement in the activities of  
20 the Commission;

21           (4) Conduct hearings throughout the State for the purpose of obtaining  
22 meaningful information regarding successful education programs and  
23 efforts related to those concerns;

24           (5) Identify, consult, and meet with representatives of national, regional,  
25 and State-level organizations and agencies that could be particularly  
26 helpful in addressing these concerns;

27           (6) Devise recommendations as to steps that should be taken to address  
28 these concerns – steps to be taken separately and collectively by:

29               a. State government agencies;

30               b. Local government agencies;

31               c. Public schools and higher education institutions;

32               d. Nonprofit organizations, including community-based  
33 organizations, with a particular emphasis on those with direct ties  
34 to families of these children and youth;

35               e. Foundations;

36               f. Religious organizations or institutions;

37               g. Civic organizations;

38               h. Business and industry; and

39               i. Other entities.

40           (7) Determine the extent and categories of fiscal and human resources  
41 needed to address the identified concerns;

42           (8) Determine what data is currently collected from programs and activities  
43 designed to close the achievement gap, whether through education



1 agencies, human services entities, or government funded private,  
2 nonprofit agencies, and the extent to which the data may be used in  
3 longitudinal analyses.

4 (b) The Commission should place particular emphasis on programs and efforts that  
5 have been successful in imparting:

6 (1) Improved educational achievement;

7 (2) Reduction of school discipline and behavioral problems;

8 (3) Reduction of minority and at-risk student dropout rates; and

9 (4) Improved relations between parents, schools, and students.

10 **"§ 120-242. Commission; reports.**

11 The Commission may report to the General Assembly no later than 30 days after the  
12 convening of any regular session of the General Assembly. A report to the General  
13 Assembly may contain any legislation needed to implement a recommendation of the  
14 Commission.

15 **"§ 120-243. Powers; reimbursement; meeting place; staff.**

16 (a) The Commission, while in the discharge of official duties, may exercise all the  
17 powers provided under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. All State  
18 departments and agencies and local governments and their subdivisions shall furnish the  
19 Commission with information in their possession or available to them.

20 (b) Members of the Commission shall receive per diem, subsistence, and travel  
21 allowances at the rates set forth in G.S. 120-3.1, G.S. 138-5, and G.S. 138-6, as  
22 applicable.

23 (c) The Commission may meet in the Legislative Building or the Legislative  
24 Office Building.

25 (d) Upon approval of the Legislative Services Commission, the Legislative  
26 Services Officer shall assign professional and clerical staff to assist in the work of the  
27 Commission. The expenses relating to the employees shall be borne by the Commission.  
28 The Commission may contract for professional, clerical, or consultant services as  
29 provided by G.S. 120-32.02.

30 **"§ 120-244. Commission subcommittees; noncommission membership.**

31 The Commission cochairs may establish subcommittees for the purpose of making  
32 special studies under its authority, and may appoint noncommission members to serve on  
33 each subcommittee as resource persons. Resource persons shall be voting members of  
34 the subcommittee and shall receive per diem, subsistence, and travel allowances in  
35 accordance with G.S. 120-3.1, G.S. 138-5, and G.S. 138-6, as applicable."

36 Section 10. There is appropriated from the General Fund to the Board of  
37 Governors of The University of North Carolina the sum of one million five hundred  
38 thousand dollars (\$1,500,000) for the 2000-2001 fiscal year to support the Historically  
39 Minority College and University Initiative to Close the Achievement Gap.

40 Section 11. Of the funds appropriated to State Aid to Local School  
41 Administrative Units, the State Board of Education may use up to two hundred thousand  
42 dollars (\$200,000) to implement Sections 2 through 8 of this act.

1           Section 12. There is appropriated from the General Fund to the General  
2 Assembly the sum of fifty thousand dollars (\$50,000) for the 2000-2001 fiscal year for  
3 the expenses of the Commission on Improving the Academic Achievement of Minority  
4 and At-Risk Students as established under S.L. 1999-395, Sections 15.1 through 15.11.

5           Section 13. Section 9 of this act becomes effective January 31, 2001. The  
6 remainder of this act becomes effective July 1, 2000.