

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 838

Short Title: Exceptional Children's Services/Study. (Public)

Sponsors: Representatives Martin, Horn, Johnson, and Whitmire (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 11, 2013

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A COMMISSION TO STUDY THE DELIVERY OF
EXCEPTIONAL CHILDREN'S SERVICES BY LOCAL SCHOOL ADMINISTRATIVE
UNITS AND THE OVERSIGHT OF THOSE SERVICES BY THE DEPARTMENT OF
PUBLIC INSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Establishment. – There is established a Commission to Study the
Provision of Exceptional Children's Services in the North Carolina Public Schools
(Commission).

SECTION 1.(b) Membership. – The Commission shall be composed of 12
members as follows:

- (1) Six members appointed by the Speaker of the House of Representatives as follows:
 - a. Four persons who are members of the House of Representatives at the time of appointment.
 - b. A representative of the Department of Public Instruction.
 - c. An exceptional children's program director, as recommended by the North Carolina Association of School Administrators.
- (2) Six members appointed by the President Pro Tempore of the Senate as follows:
 - a. Four persons who are members of the Senate at the time of appointment.
 - b. A school system superintendent, as recommended by the North Carolina Association of School Administrators.
 - c. An attorney with experience in education law related to public school services for exceptional children, as recommended by the North Carolina Council of School Attorneys.

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

SECTION 1.(c) Duties. – The Commission shall review all aspects of the exceptional children's services delivered by local school administrative units in North Carolina and oversight of those services by the Department of Public Instruction. The Commission shall



1 recommend ways to limit reporting requirements and compliance measures for local school
2 administrative units and individual schools by identifying areas in which State requirements
3 exceed federal law requirements. In developing these recommendations, the Commission shall
4 examine at least all of the following:

- 5 (1) Forms and paperwork required by the Department of Public Instruction,
6 Division of Exceptional Children (Division), to be submitted by
7 Individualized Education Program (IEP) teams.
- 8 (2) The alignment of requirements imposed on the local school administrative
9 units by the Division's Continuous Improvement Performance Plan (CIPP)
10 with the federal requirements of the State Performance Plan and the Annual
11 Performance Report.
- 12 (3) Student performance assessments and alternative assessments required by
13 the State Board of Education.
- 14 (4) Class size and caseload requirements for children with disabilities.
- 15 (5) Unfunded fiscal impacts of reporting and compliance measures imposed on
16 local school administrative units.

17 **SECTION 1.(d)** Compensation; Administration. – Members of the Commission
18 shall receive subsistence and travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or
19 138-6, as appropriate. With the prior approval of the Legislative Services Task Force, the
20 Legislative Services Officer shall assign professional and clerical staff to assist in the work of
21 the Commission. With the prior approval of the Legislative Services Commission, the
22 Commission may hold its meetings in the State Legislative Building or the Legislative Office
23 Building. The Commission may also meet at various locations around the State in order to
24 promote greater public participation in its deliberations. The Commission, while in the
25 discharge of its official duties, may exercise all the powers provided under the provisions of
26 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all
27 officers, agents, agencies, and departments of the State to provide any information, data, or
28 documents within their possession, ascertainable from their records, or otherwise available to
29 them and the power to subpoena witnesses.

30 **SECTION 1.(e)** Report. – The Commission shall report its findings and
31 recommendations to the Joint Legislative Education Oversight Committee no later than March
32 15, 2014. The Commission shall terminate upon the filing of its final report.

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