

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 838
Committee Substitute Favorable 5/14/13

Short Title: Exceptional Children's Services/Study.

(Public)

Sponsors:

Referred to:

April 11, 2013

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

6 The General Assembly of North Carolina enacts:

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

10 **SECTION 1.(b)** Membership. – The Commission shall be composed of 14
11 members as follows:

- 12 (1) Seven members appointed by the Speaker of the House of Representatives as
13 follows:
14 a. Four persons who are members of the House of Representatives at
15 the time of appointment.
16 b. A representative of the Department of Public Instruction.
17 c. An exceptional children's program director, as recommended by the
18 North Carolina Association of School Administrators.
19 d. A member of an advocacy group which works on behalf of children
20 with disabilities, as recommended by Disability Rights North
21 Carolina.
22 (2) Seven members appointed by the President Pro Tempore of the Senate as
23 follows:
24 a. Four persons who are members of the Senate at the time of
25 appointment.
26 b. A school system superintendent, as recommended by the North
27 Carolina Association of School Administrators.
28 c. An attorney with experience in education law related to public school
29 services for exceptional children, as recommended by the North
30 Carolina Council of School Attorneys.
31 d. A member of an advocacy group which works on behalf of children
32 with disabilities, as recommended by the Exceptional Children's
33 Advocacy Center.

34 The Commission shall have two cochairs, one designated by the President Pro
35 Tempore of the Senate and one designated by the Speaker of the House of Representatives
36 from among their appointees. The Commission shall meet upon the call of the cochairs.



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1 Vacancies shall be filled by the appointing authority. A quorum of the Commission shall be a
2 majority of the members.

3 **SECTION 1.(c) Duties.** – The Commission shall review all aspects of the
4 exceptional children's services delivered by local school administrative units in North Carolina
5 and oversight of those services by the Department of Public Instruction. The Commission shall
6 recommend ways to limit reporting requirements and compliance measures for local school
7 administrative units and individual schools by identifying areas in which State requirements
8 exceed federal law requirements. In developing these recommendations, the Commission shall
9 examine at least all of the following:

- 10 (1) Forms and paperwork required by the Department of Public Instruction,
11 Division of Exceptional Children (Division), to be submitted by
12 Individualized Education Program (IEP) teams.
- 13 (2) The alignment of requirements imposed on the local school administrative
14 units by the Division's Continuous Improvement Performance Plan (CIPP)
15 with the federal requirements of the State Performance Plan and the Annual
16 Performance Report.
- 17 (3) Student performance assessments and alternative assessments required by
18 the State Board of Education.
- 19 (4) Class size and caseload requirements for children with disabilities.
- 20 (5) Unfunded fiscal impacts of reporting and compliance measures imposed on
21 local school administrative units.
- 22 (6) Conduct a cost study on the cost to educate students with disabilities and
23 then use that information to make recommendations to the General
24 Assembly on revisions that are needed to the current State allotment
25 formulae for various components of the exceptional children's program
26 operated by the local school administrative units.

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

40 **SECTION 1.(e) Report.** – The Commission shall report its findings and
41 recommendations to the Joint Legislative Education Oversight Committee no later than March
42 15, 2014. The Commission shall terminate upon the filing of its final report.

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