

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2010-162
SENATE BILL 1248**

AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO IDENTIFY STUDENTS AT RISK OF ACADEMIC FAILURE AND NOT SUCCESSFULLY PROGRESSING TOWARD GRADUATION NO LATER THAN THE FOURTH GRADE, TO PROVIDE PERSONAL EDUCATION PLANS FOR THOSE STUDENTS, TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO CERTIFY COMPLIANCE ANNUALLY TO THE STATE BOARD OF EDUCATION, AND TO REQUIRE THE STATE BOARD OF EDUCATION TO PERIODICALLY REVIEW DATA ON THE PROGRESS OF IDENTIFIED STUDENTS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

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

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

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

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

Local school administrative units shall certify that they have complied with this section annually to the State Board of Education. The State Board of Education shall periodically review data on the progress of identified students and report to the Joint Legislative Education Oversight Committee.

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



SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 9th day of July, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 1:50 p.m. this 23rd day of July, 2010