

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 409

Short Title: Revise, Study, and Fund LEP Allotment. (Public)

Sponsors: Representatives Meyer, A. Baker, and Hurtado (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

March 29, 2021

A BILL TO BE ENTITLED

AN ACT TO REVISE THE STUDENTS WITH LIMITED ENGLISH PROFICIENCY ALLOTMENT, TO REQUIRE THE STATE BOARD OF EDUCATION TO STUDY THE STUDENTS WITH LIMITED ENGLISH PROFICIENCY ALLOTMENT, AND TO APPROPRIATE FUNDS TO THE STUDENTS WITH LIMITED ENGLISH PROFICIENCY ALLOTMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) For the 2021-2023 fiscal biennium, the State Board of Education shall develop guidelines for identifying and providing services to students with limited proficiency in the English language, as follows:

(1) The State Board of Education shall allocate these funds to local school administrative units and to charter schools under a formula that takes into account the average percentage of students in the units or the charters over the past three years who have limited English proficiency. The State Board of Education shall allocate funds to a unit or a charter school only if (i) average daily membership of the unit or the charter school includes at least 20 students with limited English proficiency or (ii) students with limited English proficiency comprise at least two and one-half percent (2.5%) of the average daily membership of the unit or charter school. For the portion of the funds that is allocated on the basis of the number of identified students, the State Board of Education shall not set a maximum number or percentage of identified students for whom a unit or charter school may receive funds.

(2) Local school administrative units shall use funds allocated to them to pay for classroom teachers, teacher assistants, tutors, textbooks, classroom materials/instructional supplies/equipment, transportation costs, and staff development of teachers for students with limited English proficiency.

(3) A county in which a local school administrative unit receives funds under this section shall use the funds to supplement local current expense funds and shall not supplant local current expense funds.

SECTION 1.(b) The Department of Public Instruction shall prepare a current head count of the number of students classified with limited English proficiency by December 1 of each year. Students in the head count shall be assessed at least once every three years to determine their level of English proficiency.

SECTION 2. The State Board of Education shall study the allotment for students with limited English proficiency (LEP), as enacted by Section 1 of this act. No later than



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1 December 31, 2021, the State Board of Education shall report the results of its study to the Joint
2 Legislative Education Oversight Committee and the Fiscal Research Division. The report shall
3 include, at a minimum, the following information:

- 4 (1) Whether the current LEP allotment is aligned with resources needed to ensure
5 that students with limited English proficiency have the opportunity to become
6 proficient in English.
7 (2) A recommended funding factor to be included in the LEP allotment to account
8 for the number of languages spoken by students in local school administrative
9 units and charter schools.
10 (3) A recommended plan to foster more bilingual education programs in the State.
11 (4) Recommended funding models, with associated costs, to eliminate any
12 achievement gap between students who are proficient in English and students
13 with limited English proficiency.
14 (5) An analysis of the effects of eliminating in the LEP allotment any
15 consideration of (i) the concentration of students with limited English
16 proficiency and (ii) a minimum eligibility threshold. The analysis should
17 include whether to eliminate any or all of these components of the LEP
18 allotment and proposed alternative metrics for allotting these funds.

19 **SECTION 3.** There is appropriated from the General Fund to the Department of
20 Public Instruction the sum of three million four hundred thousand dollars (\$3,400,000) in
21 recurring funds for the 2021-2022 fiscal year to increase the students with limited English
22 proficiency allotment.

23 **SECTION 4.** This act becomes effective July 1, 2021.