

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1051

Short Title: Study Ability Grouping/Tracking.

(Public)

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Sponsors: Representatives Cunningham; and Adams.

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

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May 8, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON THE  
2 EDUCATION INSTRUCTION PRACTICE OF ABILITY GROUPING AND  
3 TRACKING OF STUDENTS AND TO APPROPRIATE FUNDS FOR ITS  
4 IMPLEMENTATION.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. The Study Commission on the Education Instruction Practice of  
8 Ability Grouping and Tracking of Students is created. The purpose of the Commission  
9 shall be to (i) identify and examine the education instruction practice of ability grouping  
10 and tracking of students according to their perceived abilities; (ii) assess whether these  
11 practices are beneficial to the education achievement of students; (iii) examine the  
12 reasons why these practices are used by schools and teachers; (iv) use the information  
13 obtained to develop means for improving the delivery of educational services to students;  
14 and (v) recommend to the General Assembly the human and economic resources  
15 necessary to guarantee each and every student a meaningful opportunity to reach his or  
16 her full potential.

17 Sec. 2. (a) The Commission shall consist of 16 members:

18 (1) Four Senators appointed by the President Pro Tempore of the Senate;

19 (2) Four Representatives appointed by the Speaker of the House of  
20 Representatives;

1 (3) Four members of the public appointed by the President Pro Tempore of  
2 the Senate; and

3 (4) Four members appointed by the Speaker of the House of  
4 Representatives.

5 (b) The President Pro Tempore of the Senate shall designate one Senator as  
6 cochair and the Speaker of the House of Representatives shall designate one  
7 Representative as cochair.

8 Sec. 3. The Commission shall study:

9 (1) The extent to which schools and teachers use the practices of grouping  
10 and tracking of students for instructional purposes. The Commission  
11 shall examine the use of these practices from kindergarten through the  
12 twelfth grade.

13 (2) The reasons why schools and teachers employ the practices of ability  
14 grouping and tracking of students.

15 (3) The positive and negative effects and consequences of this practice on  
16 individual students, student achievement and outcomes, literacy,  
17 workforce preparedness, and citizenship.

18 (4) Legal and ethical issues involving these practices.

19 (5) Education instructional methods which are alternative to the practices of  
20 grouping and tracking students according to their perceived abilities.

21 (6) Policy and funding options which may encourage schools and teachers  
22 to employ methods of instruction other than ability grouping and  
23 tracking of students.

24 (7) Any other issues the Commission finds necessary to carry out its  
25 purpose.

26 Sec. 4. The Commission shall submit a final report of its findings and  
27 recommendations to the General Assembly on or before the first day of the 1996 Regular  
28 Session of the 1995 General Assembly, by filing the report with the President Pro  
29 Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its  
30 final report, the Commission shall terminate.

31 Sec. 5. The Commission, while in the discharge of official duties, may  
32 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-  
33 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call  
34 of the cochairs. The Commission may meet in the Legislative Building or the Legislative  
35 Office Building.

36 Sec. 6. Members of the Commission who are members of the General  
37 Assembly shall receive subsistence and travel expenses at the rates set forth in G.S. 120-  
38 3.1. Members who are State officers or employees shall receive subsistence and travel  
39 allowances as provided by G.S. 138-6. All other members shall receive per diem,  
40 subsistence, and travel allowances as provided by G.S. 138-5.

41 Sec. 7. The Commission may contract for professional, clerical, or consultant  
42 services as provided by G.S. 120-32.02. The Legislative Services Commission, through  
43 the Legislative Administrative Officer, shall assign professional staff to assist in the work

1 of the Commission. The House of Representatives' and the Senate's Supervisors of Clerks  
2 shall assign clerical staff to the commission, upon the direction of the Legislative  
3 Services Commission. The expenses relating to clerical employees shall be borne by the  
4 Commission.

5           Sec. 8. When a vacancy occurs in the membership of the Commission the  
6 vacancy shall be filled by the same appointing officer who made the initial appointment.

7           Sec. 9. All State departments and agencies and local governments and their  
8 subdivisions shall furnish the Commission with any information in their possession or  
9 available to them.

10           Sec. 10. There is appropriated from the General Fund to the General Assembly  
11 the sum of twenty thousand dollars (\$20,000) for the 1995-96 fiscal year for the expenses  
12 of the Commission.

13           Sec. 11. This act becomes effective July 1, 1995.