

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**SESSION LAW 2009-542  
HOUSE BILL 804**

**AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR  
STUDENTS AT RISK OF ACADEMIC FAILURE.**

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. Identification shall occur as early as can reasonably be done and can be based on grades, observations, State assessments, and other factors 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.

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 and applies beginning with the 2009-2010 school year.

In the General Assembly read three times and ratified this the 6<sup>th</sup> day of August, 2009.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 10:17 a.m. this 28<sup>th</sup> day of August, 2009