



SENATE BILL 524: Graduation Requirements/Sports Pilot

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-291

Date:

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SUMMARY: *S.L. 2015-291 makes changes to the Founding Principles Act by directing the State Board of Education, rather than local boards of education, to require that a course on certain Founding Principles of the United States and North Carolina be taught. It also adds specific additional topics that must be covered in the course, including (i) Constitutional limitations on government power to tax and spend and prompt payment of public debt; (ii) strong defense and supremacy of civil authority over military; and (iii) peace, commerce, and honest friendship with all nations but no entangling alliances.*

In addition, the act authorizes the Department of Public Instruction (DPI), out of the funds appropriated for the 2015-2017 fiscal biennium, to use up to \$300,000 each fiscal year to develop and implement a pilot program for an integrated community-based adapted sports program for students with disabilities in grades K-12. The pilot must:

- *Be consistent with the "Dear Colleague" letter addressing equal access to extracurricular athletics for students with disabilities released by the U.S. Department of Education, Office for Civil Rights, on January 25, 2013.*
- *Include specific strategies to overcome barriers to the participation of students with disabilities in extracurricular athletics and incorporate a philosophy of personal empowerment for those students.*

The pilot may be conducted in one or more local school administrative units and provide for collaboration with universities, community colleges, and other community organizations to achieve the purposes of the program.

This act became effective October 29, 2015. The provisions of this act which makes changes to the Founding Principles Act applies beginning with students entering the 9th grade in the 2016-2017 school year. The provision of this act concerning the sports program pilot became effective July 1, 2015.

Section 1 Bill Analysis:

In 2011, the General Assembly passed House Bill 588 (S.L. 2011-273), The Founding Principles Act, which changed the previous statutory requirements of civic literacy under the Basic Education Program. Beginning with the 2014-2015 school year, the Founding Principles Act requires “during the high school years the teaching of a semester course ‘American History I – The Founding Principles,’” and specifies the course must include instruction in the following Founding Principles:

- a. The Creator-endowed inalienable rights of the people.
- b. Structure of government, separation of powers with checks and balances.
- c. Frequent and free elections in a representative government.

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- d. Rule of law.
- e. Equal justice under the law.
- f. Private property rights.
- g. Federalism.
- h. Due process.
- i. Individual rights as set forth in the Bill of Rights.
- j. Individual responsibility.

A passing grade in this course is required for graduation from high school.

The State Board of Education (SBE) is directed to require that any high school level curriculum-based tests for this course that are developed and administered statewide beginning with the 2014-2015 school year include questions related to the founding principles.

S.L. 2015-291 makes the following changes to the Founding Principles Act:

- Directs the SBE, rather than local boards of education, to require that a course on the founding principles is taught in high schools.
- Removes the name of the required course, "American History I – The Founding Principles," from statute.
- Specifies additional instruction that must be taught in the required course, as follows:
 - Constitutional limitations on government power to tax and spend and prompt payment of public debt.
 - Strong defense and supremacy of civil authority over military.
 - Peace, commerce, and honest friendship with all nations, entangling alliances with none.
- Makes a clarifying change to the statute on the curriculum-based statewide tests to clarify the statute is referring to tests associated with this required course.
- Makes a conforming change to the school year in which the required curriculum-based statewide tests would start in order to align with the effective date of this section.

Section 1 became effective when it became law, and applies beginning with students entering the ninth grade in the 2016-2017 school year.

Section 3 Bill Analysis:

Section 504 of the Rehabilitation Act of 1973, as amended, is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education (Department). Section 504 provides: "No otherwise qualified individual with a disability in the United States...shall, solely, by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...." The Department's Office of Civil Rights (OCR) has administrative authority for enforcing Section 504.

In 2010, the United States Government Accountability Office (GAO) published a report "that underscored that access to, and participation in, extracurricular athletic opportunities provide important health and social benefits to all students, particularly those with disabilities." On January 25, 2013, the Department's OCR released a "Dear Colleague" letter as part of the GAO's recommendation that the Department clarify and communicate the responsibility of schools under Section 504. The letter provides an overview of the Department's Section 504 regulations and the legal obligations of schools under Section 504, cautions against

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making decisions based on presumptions and stereotypes, and discusses the provision of separate or different athletic opportunities.

The act authorizes DPI, out of the funds appropriated for the 2015-2017 fiscal biennium, to use up to three hundred thousand dollars (\$300,000) each fiscal year to develop and implement a pilot program for an integrated community-based adapted sports program for students with disabilities in grades K-12. If DPI uses funds for this purpose, the pilot must meet the following criteria:

- Be consistent with the "Dear Colleague" letter addressing equal access to extracurricular athletics for students with disabilities released by the U.S. Department of Education, Office for Civil Rights, on January 25, 2013.
- Include specific strategies to overcome barriers to the participation of students with disabilities in extracurricular athletics and incorporate a philosophy of personal empowerment for those students.

The pilot may be conducted in one or more local school administrative units and provide for collaboration with universities, community colleges, and other community organizations to achieve the purposes of the program.

Section 3 became effective July 1, 2015.