

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE DRS75177-LE-207 (3/13)

Short Title: Testing K-8 National Form Test.

(Public)

Sponsors: Senator Apodaca.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 115C-12(9c) reads as rewritten:

5 "**§ 115C-12. Powers and duties of the Board generally.**

6 The general supervision and administration of the free public school system shall be vested
7 in the State Board of Education. The State Board of Education shall establish policy for the
8 system of free public schools, subject to laws enacted by the General Assembly. The powers
9 and duties of the State Board of Education are defined as follows:

10 ...

11 (9c) Power to develop content standards and exit standards. – The Board shall
12 develop a comprehensive plan to revise content standards and the standard
13 course of study in the core academic areas of reading, writing, mathematics,
14 science, history, geography, and civics. The Board shall involve and survey
15 a representative sample of parents, teachers, and the public to help determine
16 academic content standard priorities and usefulness of the content standards.
17 A full review of available and relevant academic content standards that are
18 rigorous, specific, sequenced, clear, focused, and ~~measurable, whenever~~
19 ~~possible, measurable~~ shall be a part of the process of the development of
20 content standards. The revised content standards developed in the core
21 academic areas shall (i) reflect high expectations for students and an
22 in-depth mastery of the content; (ii) be clearly grounded in the content of
23 each academic area; (iii) be defined grade-by-grade and course-by-course;
24 (iv) be understandable to parents and teachers; (v) be developed in full
25 recognition of the time available to teach the core academic areas at each
26 grade level; (vi) be measurable in grades three through eight by nationally
27 normed achievement tests, and (vii) be measurable, whenever possible,
28 measurable in a reliable, valid, and efficient manner for accountability
29 purposes.

30 High school course content standards shall include the knowledge and
31 skills necessary to pursue further postsecondary education or to attain
32 employment in the 21st century economy. The high school course content
33 standards also shall be aligned with the minimum undergraduate course
34 requirements for admission to the constituent institutions of The University



of North Carolina. The Board may develop exit standards that will be required for high school graduation.

The Board also shall develop and implement an ongoing process to align State programs and support materials with the revised academic content standards for each core academic area on a regular basis. Alignment shall include revising textbook criteria, support materials, State tests, teacher and school administrator preparation, and ongoing professional development programs to be compatible with content standards. The Board shall develop and make available to teachers and parents support materials, including teacher and parent guides, for academic content standards. The State Board of Education shall work in collaboration with the Board of Governors of The University of North Carolina to ensure that teacher and school administrator degree programs, ongoing professional development, and other university activity in the State's public schools align with the State Board's priorities."

SECTION 2. G.S. 115C-174.11(c) reads as rewritten:

"(c) Annual Testing Program.

- (1) The State Board of Education shall adopt a system of annual testing for grades three through 12. These tests shall be designed to measure academic progress toward reading, communication skills, and mathematics for grades three through eight, and academic progress toward competencies designated by the State Board for grades nine through 12. ~~The 12.~~

The State Board may develop and implement a plan for high school end-of-course tests that must be aligned with the content standards developed under G.S. 115C-12(9c).

The tests adopted for grades three through eight shall be nationally normed achievement tests developed by a testing company. The State Board shall adopt these tests after consultation with the advisory committee established under subdivision (1a) of this subsection. These tests shall be administered for no more than five days in a school year or the minimum amount of days required by the federal No Child Left Behind Act of 2001.

Students who do not pass the tests adopted score below the national average in reading or mathematics for eighth grade shall be provided remedial instruction in the ninth grade. This assistance shall be calculated to prepare the students to pass the competency test administered under subsection (b) of this section.

(1a) There is hereby established an advisory committee to assist the State Board of Education with test selection. The advisory committee shall consist of:

- a. Three members of the Senate, appointed by the President Pro Tempore of the Senate;
- b. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives;
- c. The chair of the State Board of Education;
- d. The Superintendent of Public Instruction;
- e. One representative of higher education, one teacher, and one parent, appointed by the President Pro Tempore of the Senate; and
- f. One teacher certified in special education, one other teacher, and one parent, appointed by the Speaker of the House of Representatives.

The Legislative Services Office shall provide staff to the advisory committee.

- (2) If the State Board of Education finds that additional testing in grades ~~three~~ nine through 12 is desirable to allow comparisons with national indicators of

1 student achievement, that testing shall be conducted with the smallest size
2 sample of students necessary to assure valid comparisons with other states."

3 **SECTION 3.** G.S. 115C-174.12 reads as rewritten:

4 **"§ 115C-174.12. Responsibilities of agencies.**

5 (a) The State Board of Education shall establish policies and guidelines necessary for
6 minimizing the time students spend taking tests administered through State and local testing
7 programs, for minimizing the frequency of field testing in grades nine through 12 at any one
8 school, and for otherwise carrying out the provisions of this Article. These policies and
9 guidelines shall include the following:

- 10 (1) Schools shall devote no more than two days of instructional time per year to
11 the taking of practice tests that do not have the primary purpose of assessing
12 current student learning;
- 13 (2) Students in a school shall not be subject to field tests or national tests during
14 the two-week period preceding the administration of end-of-grade tests,
15 end-of-course tests, or the school's regularly scheduled final exams; and
- 16 (3) No school shall participate in more than two field tests at any one grade level
17 during a school year unless that school volunteers, through a vote of its
18 school improvement team, to participate in an expanded number of field
19 tests.

20 These policies shall reflect standard testing practices to insure reliability and validity of the
21 sample testing. The results of the field tests shall be used in the final design of each ~~test~~ test for
22 grades nine through 12. The State Board of Education's policies regarding the testing of
23 children with disabilities shall (i) provide broad accommodations and alternate methods of
24 assessment that are consistent with a child's individualized education program and section 504
25 (29 U.S.C. § 794) plans, (ii) prohibit the use of statewide tests as the sole determinant of
26 decisions about a child's graduation or promotion, and (iii) provide parents with information
27 about the Statewide Testing Program and options for students with disabilities. The State Board
28 shall report its proposed policies and proposed changes in policies to the Joint Legislative
29 Education Oversight Committee prior to adoption.

30 The State Board of Education may appoint an Advisory Council on Testing to assist in
31 carrying out its responsibilities under this Article.

32 (a1) The State Board of Education shall adopt rules prohibiting schools from using
33 guidance counselors to coordinate or administer the testing program for more than 10 days
34 during the school year.

35 (b) The Superintendent of Public Instruction shall be responsible, under policies
36 adopted by the State Board of Education, for the statewide administration of the testing
37 program provided by this Article.

38 (b1) The Superintendent shall notify local boards of education by October 1 of each year
39 of any field tests in grades nine through 12 that will be administered in their schools during the
40 school year, the schools at which the field tests will be administered, and the specific field tests
41 that will be administered at each school.

42 (c) Local boards of education shall cooperate with the State Board of Education in
43 implementing the provisions of this Article, including the regulations and policies established
44 by the State Board of Education. Local school administrative units shall use the annual and
45 competency testing programs to fulfill the purposes set out in this Article. Local school
46 administrative units are encouraged to continue to develop local testing programs designed to
47 further diagnose student ~~needs further~~ needs; however, local school administrative units shall
48 not administer locally adopted standardized tests in addition to the nationally normed
49 achievement tests adopted by the State Board of Education for grades three through eight."

50 **SECTION 4.** This act becomes effective July 1, 2009, and applies beginning with
51 the 2009-2010 school year.