

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 522
HOUSE BILL 204

AN ACT PROVIDING FOR THE ADOPTION AND USE OF TESTS TO ASSURE THAT
HIGH SCHOOL GRADUATES POSSESS SKILLS AND KNOWLEDGE NECESSARY
TO FUNCTION IN SOCIETY.

The General Assembly of North Carolina enacts:

Section 1. Purpose. The State Board of Education shall adopt tests or other measurement devices which may be used to assure that graduates of the public high schools and graduates of nonpublic high schools supervised by the State Board of Education pursuant to the provisions of Article 32 of Chapter 115 of the General Statutes possess those skills and that knowledge necessary to function independently and successfully in assuming the responsibilities of citizenship. This act has three purposes: (a) to assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function as a member of society, (b) to provide a means of identifying strengths and weaknesses in the education process, and (c) to establish additional means for making the education system accountable to the public for results.

Sec. 2. Competency Test Commission. (a) The Governor shall appoint a Competency Test Commission on or before July 1, 1977, which shall be composed of 15 members who shall hold office for four years or until their successors are appointed. Any vacancy on the Competency Test Commission shall be filled by the Governor for the unexpired term. Five members of the Competency Test Commission shall be persons serving as teachers or principals in high schools; five shall be citizens of the State interested in education; two shall be professional educators from the faculties of institutions of higher education in the State; two shall be persons competent in the field of psychological measurement; and one shall be the superintendent of a local administrative unit in the State. The members shall be entitled to compensation for each day spent on the work of the Competency Test Commission as approved by the State Board of Education and receive reimbursement for travel and subsistence expenses incurred in the performance of their duties at rates specified in G.S. 138-5 or G.S. 138-6, whichever is applicable to the individual member. All currently employed teachers serving on the Commission shall be entitled to receive full pay for each day spent on the work of the Commission without any reduction in salary for a substitute teacher's pay.

(b) The Superintendent of Public Instruction, or his designee, shall serve as an ex officio, nonvoting member of the Competency Test Commission.

Sec. 3. Duties of the Competency Test Commission. (a) No later than January 1, 1978, the Competency Test Commission shall recommend to the State Board of Education tests or other measuring devices that may be used to measure those skills and that knowledge thought necessary to enable an individual to function independently and successfully in assuming the responsibilities of citizenship.

(b) After tests have been approved by the State Board of Education and administered, for informational and research purposes only, to all eleventh grade students in the public and nonpublic high schools of the State during the spring semester of 1978, the Competency Test Commission shall review the summaries of these test results.

(c) No later than July 1, 1978, the Competency Test Commission shall provide the State Board of Education with written recommendations as to the adoption of the tests that were administered for research and informational purposes and as to the minimum levels of performance that it believes should be expected of graduating high school seniors.

(d) After the adoption of tests and minimum graduation standards by the State Board of Education, the tests shall be administered annually to all eleventh grade students in the public schools beginning in the fall of 1978. Students who fail to attain the required minimum standard for graduation in the eleventh grade shall be given remedial instruction and additional opportunities to take the test up to and including the last month of the twelfth grade. Students who fail to pass parts of the test shall be retested on only those parts they fail. Students in the eleventh grade who are enrolled in special education programs or who have been officially designated as eligible for participation in such programs may be excluded from the testing programs.

(e) The Competency Test Commission shall annually advise the State Board of Education on matters pertaining to the use of high school graduation competency tests.

Sec. 4. Duties of the State Superintendent of Public Instruction. The State Superintendent of Public Instruction shall be responsible, under policies adopted by the State Board of Education, for administering the Competency Testing Program provided for by this act and for providing necessary staff services to the Competency Test Commission.

Sec. 5. Duties of the State Board of Education. The State Board of Education shall adopt tests, graduation standards, and policies and procedures for the implementation of this act.

Sec. 6. Duties of local school boards. Local school boards shall cooperate with the State Board of Education in carrying out the policies and guidelines adopted by the State Board of Education for implementing this act.

Sec. 7. Public records exception. Any written material containing the identifiable scores of individual students on any test taken pursuant to the provisions of this act shall not be considered a public record within the meaning of G.S. 132-1 and shall not be disseminated or otherwise made available to the public by any member of the State Board of Education, any employee of the State Board of Education, the State Superintendent of Public Instruction, any employee of the Department of Public Instruction, any member of a local board of education, any employee of a local board of education, or any other person, except as permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g.

Sec. 8. Provisions for nonpublic schools. The State Board of Education may require the implementation of the testing program contemplated by this act in nonpublic schools supervised by it pursuant to the provisions of Article 32 of Chapter 115 of the General Statutes.

Sec. 9. This program and the provisions of this act shall be implemented to the extent appropriations are provided by the General Assembly but nothing herein contained shall be construed to obligate the General Assembly to appropriate additional funds to the Department of Public Instruction.

Sec. 10. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1977.