

NORTH CAROLINA GENERAL ASSEMBLY  
1977 SESSION

CHAPTER 541  
HOUSE BILL 205

AN ACT TO PROVIDE FOR ANNUAL TESTING IN THE PUBLIC SCHOOLS IN ORDER  
TO ASSESS THE EFFECTIVENESS OF THE EDUCATIONAL PROCESS.

The General Assembly of North Carolina enacts:

**Section 1.** Purpose. In order to assess the effectiveness of the educational process, and to insure that each pupil receives the maximum educational benefit from the educational process, the State Board of Education shall implement an annual statewide testing program in basic subjects. It is the intent of this testing program to help local school systems and teachers identify and correct student needs in basic skills rather than to provide a tool for comparison of individual students or to evaluate teacher performance. The first statewide testing program shall be conducted prior to the end of the 1977-78 school year for the first, second, third, sixth and ninth grades, provided that criterion reference tests shall be used in the first and second grades and norm reference tests shall be used in the testing program in grades 3, 6 and 9. Students in these grade levels 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.

**Sec. 2.** State Board of Education responsibilities. The State Board of Education shall have the responsibility and authority to make those policies necessary for the implementation of the intent and purposes of this act, not inconsistent with the provisions of this act.

**Sec. 3.** Appointment of Testing Commission. (a) On or before July 1, 1977, the Governor shall appoint a Testing Commission composed of 11 members who shall hold office for two years or until their successors are nominated and appointed. Any vacancy on the Testing Commission shall be filled by the Governor by appointment for the unexpired term. Six of the members of the Testing Commission shall be certified teachers currently employed for the grades in which tests are to be administered; two shall be persons competent in the field of psychological measurement; one shall be a school principal; one shall be a supervisor of elementary instruction; and one shall be the superintendent of a local administrative unit. The members of the Testing Commission shall be entitled to compensation for each day spent on the work of the Testing Commission, as approved by the State Board of Education, and receive reimbursement for travel and subsistence expense incurred in the performance of their duties at the 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 their full pay for each school 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 Testing Commission.

**Sec. 4.** Evaluation and selection of tests. (a) The members of the Testing Commission shall secure copies of tests designed to measure the level of academic achievement. Each of these tests shall be examined carefully and the Testing Commission shall file with the State Board of Education a written evaluation of each of these tests along with appropriate recommendations. In evaluating a test, the Testing Commission shall give special

consideration to the suitability of a test to the instructional level or special education program or level for which it is intended to be used and the validity of the test.

(b) The Testing Commission shall annually review the suitability and validity of the tests in use by the State Board of Education for the purposes of this act and investigate the suitability and validity of other tests. A written evaluation of all tests and any recommendations considered by the Testing Commission shall be filed with the State Board of Education.

**Sec. 5.** Duties of the State Board of Education. The State Board of Education shall review the recommendations of the Testing Commission and select the tests that it believes will provide the best measures of the levels of academic achievement attained by students in various subject areas. The State Board of Education shall also establish policies and guidelines necessary for carrying out the provisions of the act.

**Sec. 6.** 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 the statewide administration of the testing program provided by this act and for providing necessary staff services to the Testing Commission.

**Sec. 7.** Duties of the local boards of education. Local boards of education shall cooperate with the State Board of Education in implementing the provisions of this act, including the regulations and policies established by the State Board of Education. Local school systems are encouraged to continue to develop local testing programs designed to diagnose student needs further.

**Sec. 8.** 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 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. 9.** 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. 10.** 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. 11.** This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 13th day of June, 1977.