

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1049

Short Title: 4th Grade Competency Testing.

(Public)

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Sponsors: Representative Brawley.

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Referred to: Education.

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April 22, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CHILDREN TO EXHIBIT FOURTH GRADE CAPABILITY  
BEFORE PROMOTION TO THE FIFTH GRADE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-174.10 reads as rewritten:

**"§ 115C-174.10. Purposes of the Statewide Testing Program.**

The ~~three~~ testing programs in this Article have ~~three~~ four purposes: (i) to assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function as a member of society; (ii) to assure that all fourth grade students possess fourth grade capability in reading, writing, and mathematics before promotion to fifth grade; ~~(ii)-(iii)~~ to provide a means of identifying strengths and weaknesses in the education process; and ~~(iii)-(iv)~~ to establish additional means for making the education system accountable to the public for results."

Sec. 2. G.S. 115C-174.11 reads as rewritten:

**"§ 115C-174.11. Components of the testing program.**

(a) Annual Testing Program. – In order to assess the effectiveness of the educational process, and to ensure 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 purpose 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 annual testing program shall be conducted each school year for the third, sixth and eighth grades. Students in these grade levels who are enrolled in special education programs or who have been officially designated as

1 eligible for participation in such programs may be excluded from the testing program if  
2 special testing procedures are required for testing such students. The State Board of  
3 Education shall select annually the type or types of tests to be used in the testing  
4 program.

5 The State Board of Education shall also adopt and provide to the local school  
6 administrative units developmentally appropriate individualized assessment instruments  
7 consistent with the Basic Education Program for the first and second grades, rather than  
8 standardized tests. Local school administrative units may use these assessment  
9 instruments provided to them by the State Board for first and second grade students, and  
10 shall not use standardized tests. The State Board of Education shall report to the Joint  
11 Legislative Commission on Governmental Operations prior to May 1, 1988, and to the  
12 Senate and House Appropriations Committees on Education prior to March 1, 1989, on  
13 the assessment instruments it develops.

14 (b) High School Competency Testing Program.

15 (1) The State Board of Education shall adopt tests or other measurement  
16 devices which may be used to assure that graduates of the public high  
17 schools and graduates of nonpublic schools supervised by the State  
18 Board of Education pursuant to the provisions of Part 1 of Article 39  
19 of this Chapter possess the skills and knowledge necessary to function  
20 independently and successfully in assuming the responsibilities of  
21 citizenship.

22 (2) The tests shall be administered annually to all tenth grade students in  
23 the public schools. Students who fail to attain the required minimum  
24 standard for graduation in the tenth grade shall be given remedial  
25 instruction and additional opportunities to take the test up to and  
26 including the last month of the twelfth grade. Students who fail to pass  
27 parts of the test shall be retested on only those parts they fail. Students  
28 in the tenth grade who are enrolled in special education programs or  
29 who have been officially designated as eligible for participation in  
30 such programs may be excluded from the testing programs.

31 (3) The State Board of Education may develop and validate alternate  
32 means and standards for demonstrating minimum competence. These  
33 standards, which must be more difficult than the tests adopted pursuant  
34 to subdivision (1) of this subsection, may be passed by students in lieu  
35 of the testing requirement of subdivision (2) of this subsection.

36 (4) Funds appropriated for the purpose of remediation support for students  
37 who fail the high school competency test shall be distributed in  
38 accordance with rules promulgated by the State Board of Education.  
39 The State Board of Education shall allocate remediation funds to  
40 institutions administered by the Department of Human Resources on  
41 the same basis as funds allocated to other local education agencies.

42 (b1) Fourth Grade Competency Testing. – The State Board of Education shall  
43 adopt tests or other measurement devices which may be used to assure that fourth grade  
44 students exhibit fourth grade capability in reading, writing, and mathematics before

1 promotion to fifth grade. Beginning with the 1992-93 school year, students who do not  
2 exhibit such capability shall not be promoted to fifth grade.

3 Students in the tenth grade who are enrolled in special education programs or who  
4 have been officially designated as eligible for participation in such programs may be  
5 excluded from the testing programs.

6 (c) End-of-course and End-of-grade Tests. – The State Board of Education shall  
7 adopt a system of end-of-course and end-of-grade tests for grades three through 12.  
8 These tests shall be designed to measure progress toward selected competencies,  
9 especially core academic competencies, described in the Standard Course of Study for  
10 appropriate grade levels. With regard to students who are identified as not  
11 demonstrating satisfactory academic progress, end-of-course and end-of-grade test  
12 results shall be used in developing strategies and plans for assisting those students in  
13 achieving satisfactory academic progress."

14 Sec. 3. This act is effective upon ratification.