

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 494

Short Title: Schools to Use Nationally Standardized Tests. (Public)

Sponsors: Representatives Cleveland; Avila, Blackwood, Blust, Boylan, Brown, Current, Daughtridge, Dockham, Frye, Gulley, Hilton, Holmes, Howard, Killian, Lewis, McGee, Pate, Ray, Samuelson, Setzer, Stam, Steen, Stiller, Walend, and Wiley.

Referred to: Education.

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE USE OF NATIONALLY STANDARDIZED TESTS IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 10A of Chapter 115C of the General Statutes reads as rewritten:

"Part 2. Statewide Testing Program.

"§ 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 provide a means of identifying strengths and weaknesses in the education process in order to improve instructional delivery; ~~and~~ (iii) to establish additional means for making the education system at the State, local, and school levels accountable to the public for ~~results.~~ results; and (iv) to facilitate comparison of student performance in North Carolina to student performance nationally.

Except as required by federal law or as provided by G.S. 115C-174.11(a) and (b), all State tests shall be nationally standardized.

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

(a) Assessment Instruments for First and Second Grades. – The State Board of Education shall adopt and provide to the local school administrative units developmentally appropriate individualized assessment instruments consistent with the Basic Education Program for the first and second grades, rather than standardized tests. Local school administrative units may use these assessment instruments provided to them by the State Board for first and second grade students, and shall not use

1 standardized tests except as required as a condition of receiving a federal grant under
2 the Reading First Program.

3 (b) Competency Testing Program.

4 (1) The State Board of Education shall adopt nationally standardized tests
5 or other nationally standardized measurement devices which may be
6 used to assure that graduates of the public high schools and graduates
7 of nonpublic schools supervised by the State Board of Education
8 pursuant to the provisions of Part 1 of Article 39 of this Chapter
9 possess the skills and knowledge necessary to function independently
10 and successfully in assuming the responsibilities of citizenship.

11 (2) The tests shall be administered annually to all ninth grade students in
12 the public schools. Students who fail to attain the required minimum
13 standard for graduation in the ninth grade shall be given remedial
14 instruction and additional opportunities to take the test up to and
15 including the last month of the twelfth grade. Students who fail to pass
16 parts of the test shall be retested on only those parts they fail. Students
17 in the ninth grade who are enrolled in special education programs or
18 who have been officially designated as eligible for participation in
19 such programs may be excluded from the testing programs.

20 (3) The State Board of Education shall:

21 a. ~~Adopt one or more nationally standardized tests or other~~
22 ~~nationally standardized equivalent measures that measure~~
23 ~~competencies in the verbal and quantitative areas; or~~

24 b. ~~Develop~~ shall develop and validate alternate means and
25 standards for demonstrating minimum competence. These
26 standards must be as difficult as the tests adopted pursuant to
27 subdivision (1) of this subsection.

28 The State Board of Education shall adopt a policy to identify which
29 students and under what circumstances students may pass one of these
30 ~~tests~~ alternate means and standards for demonstrating minimum
31 competence in lieu of the testing requirement of subdivision ~~(2)-(1)~~
32 of this subsection.

33 (3a) Students with disabilities who fail to pass the competency test adopted
34 pursuant to subdivision ~~(2)-(1)~~ of this subsection after two attempts
35 shall be given the opportunity to take and pass one of the alternate ~~tests~~
36 means and standards for demonstrating minimum competence adopted
37 pursuant to subdivision (3) of this subsection.

38 (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 18.14.

39 (c) Annual Testing Program.

40 (1) The State Board of Education shall adopt a system of annual testing
41 for grades three through 12. These tests shall be ~~designed to~~ nationally
42 standardized tests or other nationally standardized equivalent measures
43 and shall measure progress toward reading, communication skills, and
44 mathematics for grades three through eight, and toward competencies

1 designated by the State Board for grades nine through 12. The State
2 Board may ~~develop and implement a plan~~adopt nationally standardized
3 tests for high school end-of-course tests that ~~must be~~ are aligned with
4 the content standards developed under G.S. 115C-12(9e).
5 G.S. 115C-12(9c), to the extent such tests are available. Students who
6 do not pass the tests adopted for eighth grade shall be provided
7 remedial instruction in the ninth grade. This assistance shall be
8 calculated to prepare the students to pass the competency test
9 administered under subsection (b) of this section.

- 10 (2) ~~If the State Board of Education finds that additional testing in grades~~
11 ~~three through 12 is desirable to allow comparisons with national~~
12 ~~indicators of student achievement, that testing shall be conducted with~~
13 ~~the smallest size sample of students necessary to assure valid~~
14 ~~comparisons with other states.~~

15 **"§ 115C-174.12. Responsibilities of agencies.**

16 (a) The State Board of Education shall establish policies and guidelines
17 necessary for minimizing the time students spend taking tests administered through
18 State and local testing ~~programs, for minimizing the frequency of field testing at any~~
19 ~~one school, programs~~ and for otherwise carrying out the provisions of this Article.
20 These policies and guidelines shall ~~include the following:~~ ensure that schools devote no
21 more than two days of instructional time per year to practice tests.

- 22 (1) ~~Schools shall devote no more than two days of instructional time per~~
23 ~~year to the taking of practice tests that do not have the primary purpose~~
24 ~~of assessing current student learning;~~
25 (2) ~~Students in a school shall not be subject to field tests or national tests~~
26 ~~during the two week period preceding the administration of~~
27 ~~end of grade tests, end of course tests, or the school's regularly~~
28 ~~scheduled final exams; and~~
29 (3) ~~No school shall participate in more than two field tests at any one~~
30 ~~grade level during a school year unless that school volunteers, through~~
31 ~~a vote of its school improvement team, to participate in an expanded~~
32 ~~number of field tests.~~

33 ~~These policies shall reflect standard testing practices to insure reliability and validity~~
34 ~~of the sample testing. The results of the field tests shall be used in the final design of~~
35 ~~each test.~~

36 The State Board of Education's policies regarding the testing of children with
37 disabilities shall (i) provide broad accommodations and alternate methods of assessment
38 that are consistent with a child's individualized education program and section 504 (29
39 U.S.C. § 794) plans, (ii) prohibit the use of statewide tests as the sole determinant of
40 decisions about a child's graduation or promotion, and (iii) provide parents with
41 information about the Statewide Testing Program and options for students with
42 disabilities. The State Board shall report its proposed policies and proposed changes in
43 policies to the Joint Legislative Education Oversight Committee prior to adoption.

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

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

6 ~~(b1) The Superintendent shall notify local boards of education by October 1 of~~
7 ~~each year of any field tests that will be administered in their schools during the school~~
8 ~~year, the schools at which the field tests will be administered, and the specific field tests~~
9 ~~that will be administered at each school.~~

10 (c) Local boards of education shall cooperate with the State Board of Education
11 in implementing the provisions of this Article, including the regulations and policies
12 established by the State Board of Education. Local school administrative units shall use
13 the annual and competency testing programs to fulfill the purposes set out in this
14 Article. Local school administrative units are encouraged to continue to develop local
15 testing programs designed to diagnose student needs further.

16 **"§ 115C-174.13. Public records exemption.**

17 Any written material containing the identifiable scores of individual students on any
18 test taken pursuant to the provisions of this Article is not a public record within the
19 meaning of G.S. 132-1 and shall not be made public by any person, except as permitted
20 under the provisions of the Family Educational and Privacy Rights Act of 1974, 20
21 U.S.C. 1232g.

22 **"§ 115C-174.14. Provisions for nonpublic schools.**

23 All components of the Statewide Testing Program shall be made available to
24 nonpublic schools in the manner prescribed in G.S. 115C-551 and G.S. 115C-559."

25 **SECTION 2.** G.S. 115C-12(9c) reads as rewritten:

26 **"§ 115C-12. Powers and duties of the Board generally.**

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

32 ...

33 (9c) Power to develop content standards and exit standards. – The Board
34 shall develop a comprehensive plan to revise content standards and the
35 standard course of study in the core academic areas of reading, writing,
36 mathematics, science, history, geography, and civics. The Board shall
37 involve and survey a representative sample of parents, teachers, and
38 the public to help determine academic content standard priorities and
39 usefulness of the content standards. A full review of available and
40 relevant academic content standards that are rigorous, specific,
41 sequenced, clear, focused, and measurable, whenever possible, shall be
42 a part of the process of the development of content standards. The
43 revised content standards developed in the core academic areas shall
44 (i) reflect high expectations for students and an in-depth mastery of the

1 content; (ii) be clearly grounded in the content of each academic area;
2 (iii) be defined grade-by-grade and course-by-course; (iv) be
3 understandable to parents and teachers; (v) be developed in full
4 recognition of the time available to teach the core academic areas at
5 each grade level; and (vi) be measurable, whenever possible, by
6 nationally standardized tests in a reliable, valid, and efficient manner
7 for accountability purposes.

8 High school course content standards shall include the knowledge
9 and skills necessary to pursue further postsecondary education or to
10 attain employment in the 21st century economy. The high school
11 course content standards also shall be aligned with the minimum
12 undergraduate course requirements for admission to the constituent
13 institutions of The University of North Carolina. The Board may
14 develop exit standards that will be required for high school graduation.

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

29 **SECTION 3.** G.S. 115C-81(g) reads as rewritten:

30 "(g) Civic Literacy. –

- 31 (1) Local boards of education shall require during the high school years
32 the teaching of the nation's founding and related documents, which
33 shall include at least the major principles in the Declaration of
34 Independence, the United States Constitution and its amendments, and
35 the most important of the Federalist Papers.
- 36 (2) Local boards of education shall require that high school students
37 demonstrate knowledge and understanding of the nation's founding
38 and related documents in order to receive a certificate or diploma of
39 graduation from high school.
- 40 (3) Local boards of education shall include among the requirements for
41 graduation from high school a passing grade in all courses that include
42 primary instruction in the Declaration of Independence, the United
43 States Constitution and its amendments, and the most important of the
44 Federalist Papers.

1 (3a) Local boards of education shall allow and may encourage any public
2 school teacher or administrator to read or post in a public school
3 building, classroom, or event, excerpts or portions of writings,
4 documents, and records that reflect the history of the United States,
5 including, but not limited to, (i) the preamble to the North Carolina
6 Constitution, (ii) the Declaration of Independence, (iii) the United
7 States Constitution, (iv) the Mayflower Compact, (v) the national
8 motto, (vi) the National Anthem, (vii) the Pledge of Allegiance, (viii)
9 the writings, speeches, documents, and proclamations of the founding
10 fathers and Presidents of the United States, (ix) decisions of the
11 Supreme Court of the United States, and (x) acts of the Congress of the
12 United States, including the published text of the Congressional
13 Record. Local boards, superintendents, principals, and supervisors
14 shall not allow content-based censorship of American history in the
15 public schools of this State, including religious references in these
16 writings, documents, and records. Local boards and professional
17 school personnel may develop curricula and use materials that are
18 limited to specified topics provided the curricula and materials are
19 aligned with the standard course of study or are grade level
20 appropriate.

21 (3b) A local school administrative unit may display on real property
22 controlled by that local school administrative unit documents and
23 objects of historical significance that have formed and influenced the
24 United States legal or governmental system and that exemplify the
25 development of the rule of law, such as the Magna Carta, the
26 Mecklenburg Declaration, the Ten Commandments, the Justinian
27 Code, and documents set out in subdivision (3a) of this subsection.
28 This display may include, but shall not be limited to, documents that
29 contain words associated with a religion; provided however, no display
30 shall seek to establish or promote religion or to persuade any person to
31 embrace a particular religion, denomination of a religion, or other
32 philosophy. The display of a document containing words associated
33 with a religion shall be in the same manner and appearance generally
34 as other documents and objects displayed and shall not be presented or
35 displayed in any fashion that results in calling attention to it apart from
36 the other displayed documents and objects. The display also shall be
37 accompanied by a prominent sign quoting the First Amendment of the
38 United States Constitution as follows: "Congress shall make no law
39 respecting an establishment of religion, or prohibiting the free exercise
40 thereof; or abridging the freedom of speech, or of the press; or the
41 right of the people peaceably to assemble, and to petition the
42 government for a redress of grievances."

43 (4) The State Board of Education shall require that any high school level
44 curriculum-based tests ~~developed and administered~~ statewide

1 beginning with academic year 1990-91 include questions related to the
2 Declaration of Independence, the United States Constitution and its
3 amendments, and the most important of the Federalist ~~Papers~~.Papers, if
4 nationally standardized tests containing such questions are available.

- 5 (5) The State Department of Public Instruction and the local boards of
6 education, as appropriate, shall establish curriculum content and
7 provide for teacher training to ensure that the intent and provisions of
8 this subsection are carried out. The curriculum content established
9 shall include a review of the contributions made by Americans of all
10 races."

11 **SECTION 4.** G.S. 115C-105.35(a) reads as rewritten:

12 "(a) The School-Based Management and Accountability Program shall (i) focus
13 on student performance in the basics of reading, mathematics, and communications
14 skills in elementary and middle schools, (ii) focus on student performance in courses
15 required for graduation and on other measures required by the State Board in the high
16 schools, and (iii) hold schools accountable for the educational growth of their students.
17 To those ends, the State Board shall design and implement an accountability system that
18 sets annual performance standards based on nationally standardized tests for each
19 school in the State in order to measure the growth in performance of the students in each
20 individual school. During the 2004-2005 school year and at least every five years
21 thereafter, the State Board shall evaluate the accountability system and, if necessary,
22 modify the testing standards to assure the testing standards continue to reasonably
23 reflect the level of performance necessary to be successful at the next grade level or for
24 more advanced study in the content area.

25 As part of this evaluation, the Board shall, where available, review the historical
26 trend data on student academic performance on State tests. To the extent that the
27 historical trend data suggest that the current standards for student performance may not
28 be appropriate, the State Board shall adjust the standards to assure that they continue to
29 reflect the State's high expectations for student performance."

30 **SECTION 5.** This act is effective when it becomes law.