

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

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

14 "(c) Annual Testing Program.

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

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

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

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

- 34 (1a) There is hereby established an advisory committee to assist the State Board
35 of Education with test selection. The advisory committee shall consist of:

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

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

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

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

2 "**§ 115C-174.12. Responsibilities of agencies.**

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

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

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

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

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

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

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

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

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