

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 957**

Short Title: K-8 Testing Reform Act of 2003. (Public)

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Sponsors: Senators Apodaca, Rand, Tillman; Bingham, Blake, Carpenter, Foxx, Garwood, Hargett, Hartsell, Holloman, Metcalf, Pittenger, Rucho, Shubert, Sloan, Smith, and Stevens.

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Referred to: Education/Higher Education.

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April 3, 2003

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-12(9a) reads as rewritten:

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

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

...

(9a) Power to Develop Content Standards. – The Board shall develop a comprehensive plan to revise content standards and the standard course of study in the core academic areas of reading, writing, mathematics, science, history, geography, and civics. The Board shall involve and survey a representative sample of parents, teachers, and the public to help determine academic content standard priorities and usefulness of the content standards. A full review of available and relevant academic content standards that are rigorous, specific, sequenced, clear, focused, and measurable, ~~whenever possible,~~ shall be a part of the process of the development of content standards. The revised content standards developed in the core academic areas shall (i) reflect high expectations for students and an in-depth mastery of the content; (ii) be clearly grounded in the content of each academic area; (iii) be defined grade-by-grade and course-by-course; (iv) be understandable to parents and teachers; (v) be developed in full recognition of the time available to teach the core

1 academic areas at each grade level; ~~and (vi)~~(vi) be measurable in  
2 grades three through eight by nationally normed achievement tests,  
3 and (vii) be measurable, whenever possible, measurable in a reliable,  
4 valid, and efficient manner for accountability purposes.

5 High school course content standards shall include the knowledge  
6 and skills necessary to enter the workforce and also shall be aligned  
7 with the coursework required for admission to the constituent  
8 institutions of The University of North Carolina. The Board shall  
9 develop and implement a plan for end-of-course tests for the minimum  
10 courses required for admission to the constituent institutions. All  
11 end-of-course tests shall be aligned with the content standards.

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

26 . . . ."

27 **SECTION 2.** G.S. 115C-174.11 reads as rewritten:

28 "**§ 115C-174.11. Components of the testing program.**

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

36 (b) Competency Testing Program.

37 (1) The State Board of Education shall adopt tests or other measurement  
38 devices which may be used to assure that graduates of the public high  
39 schools and graduates of nonpublic schools supervised by the State  
40 Board of Education pursuant to the provisions of Part 1 of Article 39  
41 of this Chapter possess the skills and knowledge necessary to function  
42 independently and successfully in assuming the responsibilities of  
43 citizenship.

- 1           (2) The tests shall be administered annually to all ninth grade students in  
2 the public schools. Students who fail to attain the required minimum  
3 standard for graduation in the ninth grade shall be given remedial  
4 instruction and additional opportunities to take the test up to and  
5 including the last month of the twelfth grade. Students who fail to pass  
6 parts of the test shall be retested on only those parts they fail. Students  
7 in the ninth grade who are enrolled in special education programs or  
8 who have been officially designated as eligible for participation in  
9 such programs may be excluded from the testing programs.
- 10           (3) The State Board of Education may develop and validate alternate  
11 means and standards for demonstrating minimum competence. These  
12 standards, which must be more difficult than the tests adopted pursuant  
13 to subdivision (1) of this subsection, may be passed by students in lieu  
14 of the testing requirement of subdivision (2) of this subsection.
- 15           (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 18.14.
- 16 (c) Annual Testing Program.
- 17           (1) The State Board of Education shall adopt a system of annual testing  
18 for grades three through 12. These tests shall be designed to measure  
19 academic progress toward reading, communication skills, and  
20 mathematics for grades three through eight, and toward competencies  
21 designated by the State Board for grades nine through 12.

22           The tests adopted for grades three through eight shall be nationally  
23 normed achievement tests, developed by a testing company. The State  
24 Board shall adopt these tests after consultation with the advisory  
25 committee established pursuant to subdivision (1a) of this subsection.  
26 These tests shall be administered for no more than five days in a  
27 school year.

28           ~~Students who do not pass the tests adopted score below the national~~  
29 ~~average in reading or mathematics for eighth grade shall be provided~~  
30 ~~remedial instruction in the ninth grade. This assistance shall be~~  
31 ~~calculated to prepare the students to pass the competency test~~  
32 ~~administered under subsection (b) of this section. Notwithstanding~~  
33 ~~subsection (a) of this section, the State Board shall develop and~~  
34 ~~implement a study allowing selected local school administrative units~~  
35 ~~that volunteer to administer a standardized test in May, 12 months~~  
36 ~~prior to the third grade end of grade test, in order to establish a~~  
37 ~~baseline that will be used to measure academic growth at the end of~~  
38 ~~third grade. Initially, the State Board shall select 12 volunteer local~~  
39 ~~school administrative units that are diverse in geography and size to~~  
40 ~~participate in the study. If the State Board determines that a~~  
41 ~~standardized test administered in May, 12 months prior to the third~~  
42 ~~grade end of grade test, is more reliable than a standardized test~~  
43 ~~administered at the beginning of third grade for the purpose of~~  
44 ~~measuring academic growth, the State Board may change the test date~~

1 for additional local school units. The State Board shall report the  
2 results of the study to the Joint Legislative Education Oversight  
3 Committee by October 15, 2000.

4 ~~Baseline measurements administered in May, 12 months prior~~  
5 ~~to the third grade end-of-grade test, are not public records as provided~~  
6 ~~in Chapter 132 of the General Statutes.~~

7 (1a) There is hereby established an advisory committee to assist the State  
8 Board of Education with test selection. The advisory committee shall  
9 consist of:

10 a. Three Senators, appointed by the President Pro Tempore of the  
11 Senate;

12 b. Three members of the House of Representatives appointed by  
13 the Speaker of the House of Representatives;

14 c. The chair of the State Board of Education;

15 d. The Superintendent of Public Instruction;

16 e. One representative of higher education, one teacher, and one  
17 parent appointed by the President Pro Tempore of the Senate;  
18 and

19 f. One teacher certified in special education, one other teacher,  
20 and one parent appointed by the Speaker of the House of  
21 Representatives.

22 The Legislative Services Office shall provide staff to the advisory  
23 committee.

24 (2) If the State Board of Education finds that additional testing in grades  
25 ~~three~~ 9 through 12 is desirable to allow comparisons with national  
26 indicators of student achievement, that testing shall be conducted with  
27 the smallest size sample of students necessary to assure valid  
28 comparisons with other states."

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

30 **"§ 115C-174.12. Responsibilities of agencies.**

31 (a) The State Board of Education shall establish policies and guidelines  
32 necessary for minimizing the time students spend taking tests administered through  
33 State and local testing programs, for minimizing the frequency of field testing in grades  
34 nine through 12 at any one school, and for otherwise carrying out the provisions of this  
35 Article. These policies shall reflect standard testing practices to insure reliability and  
36 validity of the sample testing. The results of the field tests shall be used in the final  
37 design of each ~~test~~ test for grades nine through 12. The State Board of Education's  
38 policies regarding the testing of children with disabilities shall (i) provide broad  
39 accommodations and alternate methods of assessment that are consistent with a child's  
40 individualized education program and section 504 (29 U.S.C. § 794) plans, (ii) prohibit  
41 the use of statewide tests as the sole determinant of decisions about a child's graduation  
42 or promotion, and (iii) provide parents with information about the Statewide Testing  
43 Program and options for students with disabilities. The State Board shall contract with  
44 testing companies to provide broad accommodations and alternate methods of

1 assessment for children in grades three through eight that are consistent with each  
2 child's individualized education program and section 504 (29 U.S.C. § 794) plans. The  
3 State Board shall report its proposed policies and proposed changes in policies to the  
4 Joint Legislative Education Oversight Committee prior to adoption.

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

7 (a1) The State Board of Education shall adopt rules prohibiting schools from using  
8 guidance counselors to coordinate or administer the testing program.

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

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

16 (c) Local boards of education shall cooperate with the State Board of Education  
17 in implementing the provisions of this Article, including the regulations and policies  
18 established by the State Board of Education. Local school administrative units shall use  
19 the annual and competency testing programs to fulfill the purposes set out in this  
20 Article. Local school administrative units are encouraged to continue to develop local  
21 testing programs designed to diagnose student needs ~~further~~ further; however, local  
22 school administrative units shall not administer locally adopted standardized tests in  
23 addition to the nationally normed achievement tests adopted by the State Board of  
24 Education for grades three through eight."

25 **SECTION 4.** This act becomes effective July 1, 2003, and applies beginning  
26 with the 2003-2004 school year.