

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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**SENATE BILL 812*
Education/Higher Education Committee Substitute Adopted 6/4/14**

Short Title: Maintain State Auth. Over Academic Standards.

(Public)

Sponsors:

Referred to:

May 21, 2014

A BILL TO BE ENTITLED

1 AN ACT TO PRESERVE NORTH CAROLINA'S PROPER CONSTITUTIONAL
2 AUTHORITY OVER ALL ACADEMIC STANDARDS AND TO ENSURE THAT
3 STANDARDS ARE ROBUST AND APPROPRIATE, AND THAT THEY ENABLE
4 STUDENTS TO SUCCEED ACADEMICALLY AND PROFESSIONALLY.

5 Whereas, under the United States Constitution, public education is a power reserved
6 to states; and

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8 Whereas, the North Carolina Constitution directs the State Board of Education to
9 supervise and administer the free public school system, subject to laws enacted by the General
10 Assembly; and

11 Whereas, both the North Carolina Constitution and the North Carolina General
12 Statutes recognize that academic standards should be developed and established by the State
13 Board of Education to meet North Carolina's needs; and

14 Whereas, the North Carolina General Statutes direct the State Board of Education to
15 adopt and modify academic standards for the public schools; and

16 Whereas, the North Carolina General Statutes also grant local school boards broad
17 discretion and authority with respect to specific curricular decisions and academic programs, as
18 long as they align with the standards adopted by the State Board of Education; and

19 Whereas, implementation of standards that are not tailored to the needs of North
20 Carolina's students would be costly, inefficient, and ineffective; and

21 Whereas, North Carolina's standards must be age-level and developmentally
22 appropriate; and

23 Whereas, the adoption and implementation of demanding, robust academic
24 standards is essential for providing high-quality education to our students and for fostering a
25 competitive economy for the future of our State; Now, therefore,

26 The General Assembly of North Carolina enacts:

27 **SECTION 1.(a)** The State Board of Education shall:

28 (1) Continue to exercise its authority under the North Carolina Constitution and
29 G.S. 115C-12(9c) to adopt academic standards for the public schools.

30 (2) Conduct a comprehensive review of all English Language Arts and
31 Mathematics standards that were adopted under G.S. 115C-12(9c) and
32 propose modifications to ensure that they meet all of the following criteria:

- 33 a. Increase students' level of academic achievement.
34 b. Meet and reflect North Carolina's priorities.
35 c. Are age-level and developmentally appropriate.
36 d. Are understandable to parents and teachers.



1 e. Will be among the highest standards in the nation.

- 2 (3) Prior to making changes to the standards, consult with the Academic
3 Standards Review Commission, which is established in Section 2 of this act.

4 **SECTION 1.(b)** Academic standards adopted by the State Board of Education
5 under G.S. 115C-12(9c) shall continue to be named and referred to as the "North Carolina
6 Standard Course of Study," reflecting emphasis on North Carolina's needs and priorities.

7 **SECTION 1.(c)** The State Board shall ensure that the implementation of this
8 section is consistent with federal law and the conditions of federal grants.

9 **SECTION 2.(a)** There is established the Academic Standards Review
10 Commission. The Commission shall be located administratively in the Department of
11 Administration but shall exercise all its prescribed statutory powers independently of the
12 Department of Administration.

13 **SECTION 2.(b)** The Commission shall be composed of 11 members as follows:

- 14 (1) Four members appointed by the President Pro Tempore of the Senate. The
15 President Pro Tempore shall consider, but is not limited to, appointing
16 representatives from the following groups in these appointments: parents of
17 students enrolled in the public schools; Mathematics and English Language
18 Arts teachers; Mathematics and English Language Arts curriculum experts,
19 members of the business community, members of the post-secondary
20 education community who are qualified to assure the alignment of standards
21 to career and college readiness; and individuals who have demonstrated
22 expertise in the development or implementation of standards or
23 psychometrics.
- 24 (2) Four members appointed by the Speaker of the House of Representatives.
25 The Speaker of the House of Representatives shall consider, but is not
26 limited to, appointing representatives from the following groups in these
27 appointments: parents of students enrolled in the public schools;
28 Mathematics and English Language Arts teachers; Mathematics and English
29 Language Arts curriculum experts, members of the business community,
30 members of the post-secondary education community who are qualified to
31 assure the alignment of standards to career and college readiness; and
32 individuals who have demonstrated expertise in the development or
33 implementation of standards or psychometrics.
- 34 (3) Two members of the State Board of Education, which include the Chair or
35 the Chair's designee and another member, as appointed by the Chair,
36 representing the State Board's Task Force on Summative Assessment.
- 37 (4) One member appointed by the Governor.

38 The Commission shall meet on the call of the Chair of the State Board of Education
39 no later than September 1, 2014. The cochairs of the Commission shall be elected during the
40 first meeting from among the members of the Commission, by the members of the
41 Commission.

42 **SECTION 2.(c)** The Commission shall:

- 43 (1) Conduct a comprehensive review of all English Language Arts and
44 Mathematics standards that were adopted by the State Board of Education
45 under G.S. 115C-12(9c) and propose modifications to ensure that they meet
46 all of the following criteria:
- 47 a. Increase students' level of academic achievement.
 - 48 b. Meet and reflect North Carolina's priorities.
 - 49 c. Are age-level and developmentally appropriate.
 - 50 d. Are understandable to parents and teachers.
 - 51 e. Will be among the highest standards in the nation.

- 1 (2) As soon as practicable upon convening, and at any time prior to termination,
2 recommend changes and modifications to these academic standards to the
3 State Board of Education.
- 4 (3) Recommend to the State Board of Education assessments aligned to
5 proposed changes and modification that would also reduce the number of
6 high-stakes assessments administered to public schools.
- 7 (4) Consider the impact on educators, including the need for professional
8 development, when making any of the recommendations required in this
9 section.

10 The Commission shall assemble content experts to assist it in evaluating the rigor of
11 academic standards. The Commission shall also involve interested stakeholders in this process
12 and otherwise ensure that the process is transparent.

13 **SECTION 2.(d)** The Commission shall meet upon the call of the cochairs. A
14 quorum of the Commission shall be nine members. Any vacancy on the Commission shall be
15 filled by the appointing authority.

16 The Commission shall hold its first meeting no later than September 1, 2014.

17 **SECTION 2.(e)** The Commission may contract for professional, clerical, and
18 consultant services. The Commission may also contract with an individual who has an excellent
19 national reputation in the area of school standards and assessments to facilitate the work of the
20 Commission. Professional and clerical staff positions for the Commission may be filled by
21 persons whose services are loaned to the Commission to fulfill the work of the Commission.

22 **SECTION 2.(f)** The Department of Administration shall provide meeting rooms,
23 telephones, office space, equipment, and supplies to the Commission and shall be reimbursed
24 from the Commission's budget.

25 **SECTION 2.(g)** Commission members shall receive per diem, subsistence, and
26 travel allowances in accordance with G.S. 138-5, 138-6, or 120-3.1, as appropriate.

27 **SECTION 2.(h)** Upon the request of the Commission, all State departments and
28 agencies and local government and their subdivisions shall furnish the Commission with any
29 information in their possession or available to them.

30 **SECTION 2.(i)** The Commission shall make a final report of its findings and
31 recommendations to the State Board of Education, the Joint Legislative Education Oversight
32 Committee, and the 2016 Session of the 2015 General Assembly. The Commission shall
33 terminate on December 31, 2015, or upon the filing of its final report, whichever occurs first.

34 **SECTION 3.** G.S. 115C-174.11(c)(3) is repealed.

35 **SECTION 4.** G.S. 115C-12(39) reads as rewritten:

36 "(39) Power to Accredite Schools. – Upon the request of a local board of education,
37 the State Board of Education shall evaluate schools in local school
38 administrative units to determine whether the education provided by those
39 schools meets acceptable levels of quality. The State Board shall adopt
40 rigorous academic standards for accreditation after consideration of (i) the
41 standards of regional and national accrediting agencies, (ii) ~~the Common~~
42 ~~Core Standards adopted by the National Governors Association Center for~~
43 ~~Best Practices and the Council of Chief State School Officers, the academic~~
44 ~~standards adopted in accordance with subdivision (9c) of this section, and~~
45 (iii) other information it deems appropriate.

46 The local school administrative unit shall compensate the State Board for
47 the actual costs of the accreditation process."

48 **SECTION 5.** The State Board of Education shall report to the Joint Legislative
49 Education Oversight Committee prior to the acquisition and implementation of a new
50 assessment instrument to assess student achievement on the academic standards adopted
51 pursuant to G.S. 115C-12(9c), including the Common Core Smarter Balanced Consortium

1 Assessments and the PARCC Assessment developed by the Partnership for Assessment of
2 Readiness of College and Careers. The assessments shall be nationally normed, aligned with
3 the North Carolina Standard Course of Study, and field tested. Examples of appropriate
4 assessment models would include, but not be limited to, the ITBS, the SAT, ACT Aspire, and
5 the NAEP. The State Board shall not acquire or implement such an assessment instrument
6 without the enactment of legislation by the General Assembly authorizing the purchase.

7 **SECTION 6.** Local boards of education shall continue to provide for the efficient
8 teaching of the course content required by the standard course of study as provided under
9 G.S. 115C-47(12). The current standard course of study remains in effect until official notice is
10 provided to all public school teachers, administrators, and parents or guardians of students
11 enrolled in the public schools of any changes made in the standard course of study by the State
12 Board of Education.

13 **SECTION 7.** There is appropriated from the General Fund to the Department of
14 Administration the sum of two hundred fifty thousand dollars (\$250,000) for the 2014-2015
15 fiscal year to implement Section 2 of this act.

16 **SECTION 8.** This act becomes effective July 1, 2014.