

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 524
SENATE BILL 24

AN ACT TO REFOCUS THE SCHOOL TESTING PROGRAM ON THE BASICS.

The General Assembly of North Carolina enacts:

Section 1. Part 1 of Article 10A of Chapter 115C of the General Statutes is repealed.

Sec. 2. 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 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;~~ 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."

Sec. 3. G.S. 115C-174.11 reads as rewritten:

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

(a) ~~Annual Testing Program.~~ 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 standardized tests. ~~The State Board of Education shall report to the Joint Legislative Commission on Governmental Operations prior to May 1, 1988, and to the Senate and House Appropriations Committees on Education prior to March 1, 1989, on the assessment instruments it develops.~~

~~If the State Board of Education finds that testing in grades other than the first and second grade is necessary to allow comparisons with national indicators of student achievement, that testing shall be conducted with the smallest size sample of students necessary to assure valid comparisons with other states.~~

(b) Competency Testing Program.

(1) The State Board of Education shall adopt tests or other measurement devices which may be used to assure that graduates of the public high schools and graduates of nonpublic schools supervised by the State Board of Education pursuant to the provisions of Part 1 of Article 39 of this Chapter possess the skills and knowledge necessary to function

independently and successfully in assuming the responsibilities of citizenship.

- (2) The tests shall be administered annually to all tenth grade students in the public schools. Students who fail to attain the required minimum standard for graduation in the tenth grade shall be given remedial instruction and additional opportunities to take the test up to and including the last month of the twelfth grade. Students who fail to pass parts of the test shall be retested on only those parts they fail. Students in the tenth grade who are enrolled in special education programs or who have been officially designated as eligible for participation in such programs may be excluded from the testing programs.
 - (3) The State Board of Education may develop and validate alternate means and standards for demonstrating minimum competence. These standards, which must be more difficult than the tests adopted pursuant to subdivision (1) of this subsection, may be passed by students in lieu of the testing requirement of subdivision (2) of this subsection.
 - (4) Funds appropriated for the purpose of remediation support for students who fail the high school competency test shall be distributed in accordance with rules promulgated by the State Board of Education. The State Board of Education shall allocate remediation funds to institutions administered by the Department of Human Resources on the same basis as funds allocated to other local education agencies.
- (c) ~~End of course and End of grade Tests.~~ Annual Testing Program.
- (1) ~~The State Board of Education shall adopt a system of end of course and end of grade tests annual testing for grades three through 12. These tests shall be designed to measure progress toward reading, communication skills, and mathematics for grades three through eight, and toward competencies designated by the State Board for grades nine through 12. selected competencies, especially core academic competencies, described in the Standard Course of Study for appropriate grade levels. With regard to students who are identified as not demonstrating satisfactory academic progress, end of course and end of grade test results shall be used in developing strategies and plans for assisting those students in achieving satisfactory academic progress.~~
 - (2) If the State Board of Education finds that additional testing in grades three through 12 is desirable to allow comparisons with national indicators of student achievement, that testing shall be conducted with the smallest size sample of students necessary to assure valid comparisons with other states."

Sec. 4. G.S. 115C-174.12 reads as rewritten:

"§ 115C-174.12. Responsibilities of agencies.

- (a) The State Board of Education shall review the ~~recommendations of the Commission on Testing and tests~~ being administered through State and local testing

programs and shall select the tests that it believes will are necessary to provide the best measures of the levels of academic achievement attained by students in various subject areas. The State Board of Education shall also establish policies and guidelines necessary for minimizing the time students spend taking tests administered through State and local testing programs and for otherwise carrying out the provisions of this Article.

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

(b) The Superintendent of Public Instruction shall be responsible, under policies adopted by the State Board of Education, for the statewide administration of the testing program provided by this Article ~~and for providing necessary staff services to the Commission.~~ Article.

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

Sec. 5. Except as provided in G.S. 115C-174.11(c)(2), the State Board of Education shall adopt no new tests until it receives the report on standards and a system of assessment, which is due no later than July 1, 1996, from the North Carolina Education Standards and Accountability Commission. Pending the receipt of this report, the State Board of Education shall consider reducing the number of tests currently administered by the State.

Sec. 6. The State Board of Education shall consider the recommendations of the North Carolina Education Standards and Accountability Commission in its report that is due by July 1, 1996, and, based on this consideration, the State Board shall review the tests being administered through State and local testing programs, determine the strengths and weaknesses of those programs, and report to the General Assembly by December 1, 1996, on its recommendations on how to measure best the academic achievements of public school students and the effectiveness of public school teachers. In the course of this study, the State Board may consider issues including the following:

- (1) The best way to measure academic achievement of North Carolina students and at the same time provide a meaningful comparison with students in other states;
- (2) Ways to measure the increase in individual student's knowledge or abilities over the course of an academic year and to compare end-of-year results with goals for individual students; and
- (3) Ways to measure the effectiveness of teachers by focusing on the academic achievements of the teachers' students.

The State Board of Education shall also consider the use of nationally standardized achievement tests rather than tests created for the North Carolina public schools. If the State Board determines that tests created for the North Carolina public schools are preferable, the State Board shall include in its report to the General

Assembly the reasons those tests offer significantly greater benefits in measuring student performance.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives