

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 987

Short Title: K-8 Testing Reform Act of 2005.

(Public)

Sponsors: Senators Apodaca, Rand; Bingham, and Brock.

Referred to: Education/Higher Education.

March 24, 2005

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,~~ measurable 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 academic areas at each grade level; ~~and~~ (vi) be measurable in grades three through eight by nationally normed achievement tests, and (vii)

1 be measurable, whenever possible, measurable in a reliable, valid, and
2 efficient manner for accountability purposes.

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

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

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

25 "(c) Annual Testing Program.

26 (1) The State Board of Education shall adopt a system of annual testing
27 for grades three through 12. These tests shall be designed to measure
28 academic progress toward reading, communication skills, and
29 mathematics for grades three through eight, and academic progress
30 toward competencies designated by the State Board for grades nine
31 through 12.

32 The tests adopted for grades three through eight shall be nationally
33 normed achievement tests developed by a testing company. The State
34 Board shall adopt these tests after consultation with the advisory
35 committee established pursuant to subdivision (1a) of this subsection.
36 These tests shall be administered for no more than five days in a
37 school year or the minimum amount of days required by the federal No
38 Child Left Behind Act of 2001.

39 Students who do not pass the tests adopted score below the national
40 average in reading or mathematics for eighth grade shall be provided
41 remedial instruction in the ninth grade. This assistance shall be
42 calculated to prepare the students to pass the competency test
43 administered under subsection (b) of this section. Notwithstanding
44 subsection (a) of this section, the State Board shall develop and

1 implement a study allowing selected local school administrative units
2 that volunteer to administer a standardized test in May, 12 months
3 prior to the third grade end of grade test, in order to establish a
4 baseline that will be used to measure academic growth at the end of
5 third grade. Initially, the State Board shall select 12 volunteer local
6 school administrative units that are diverse in geography and size to
7 participate in the study. If the State Board determines that a
8 standardized test administered in May, 12 months prior to the third
9 grade end of grade test, is more reliable than a standardized test
10 administered at the beginning of third grade for the purpose of
11 measuring academic growth, the State Board may change the test date
12 for additional local school units. The State Board shall report the
13 results of the study to the Joint Legislative Education Oversight
14 Committee by October 15, 2000.

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

18 (1a) There is hereby established an advisory committee to assist the State
19 Board of Education with test selection. The advisory committee shall
20 consist of:

- 21 a. Three members of the Senate, appointed by the President Pro
22 Tempore of the Senate;
23 b. Three members of the House of Representatives, appointed by
24 the Speaker of the House of Representatives;
25 c. The chair of the State Board of Education;
26 d. The Superintendent of Public Instruction;
27 e. One representative of higher education, one teacher, and one
28 parent, appointed by the President Pro Tempore of the Senate;
29 and
30 f. One teacher certified in special education, one other teacher,
31 and one parent, appointed by the Speaker of the House of
32 Representatives.

33 The Legislative Services Office shall provide staff to the advisory
34 committee.

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

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

41 **"§ 115C-174.12. Responsibilities of agencies.**

42 (a) The State Board of Education shall establish policies and guidelines
43 necessary for minimizing the time students spend taking tests administered through
44 State and local testing programs, for minimizing the frequency of field testing in grades

1 nine through 12 at any one school, and for otherwise carrying out the provisions of this
2 Article. These policies shall reflect standard testing practices to insure reliability and
3 validity of the sample testing. The results of the field tests shall be used in the final
4 design of each ~~test~~test for grades nine through 12. The State Board of Education's
5 policies regarding the testing of children with disabilities shall (i) provide broad
6 accommodations and alternate methods of assessment that are consistent with a child's
7 individualized education program and section 504 (29 U.S.C. § 794) plans, (ii) prohibit
8 the use of statewide tests as the sole determinant of decisions about a child's graduation
9 or promotion, and (iii) provide parents with information about the Statewide Testing
10 Program and options for students with disabilities. The State Board shall contract with
11 testing companies to provide broad accommodations and alternate methods of
12 assessment for children in grades three through eight that are consistent with each
13 child's individualized education program and section 504 (29 U.S.C. § 794) plans. The
14 State Board shall report its proposed policies and proposed changes in policies to the
15 Joint Legislative Education Oversight Committee prior to adoption.

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

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

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

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

28 (c) Local boards of education shall cooperate with the State Board of Education
29 in implementing the provisions of this Article, including the regulations and policies
30 established by the State Board of Education. Local school administrative units shall use
31 the annual and competency testing programs to fulfill the purposes set out in this
32 Article. Local school administrative units are encouraged to continue to develop local
33 testing programs designed to diagnose student needs ~~further~~further; however, local
34 school administrative units shall not administer locally adopted standardized tests in
35 addition to the nationally normed achievement tests adopted by the State Board of
36 Education for grades three through eight."

37 **SECTION 4.** This act becomes effective July 1, 2005, and applies beginning
38 with the 2005-2006 school year.