

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL 812*
Education/Higher Education Committee Substitute Adopted 6/4/14
Third Edition Engrossed 6/5/14
House Committee Substitute Favorable 6/23/14

Short Title: Replace CCSS w/NC's Higher Academ. Standards. (Public)

Sponsors:

Referred to:

May 21, 2014

A BILL TO BE ENTITLED

AN ACT TO EXERCISE NORTH CAROLINA'S CONSTITUTIONAL AUTHORITY TO REPLACE COMMON CORE AND ESTABLISH, PROMOTE, AND ASSURE HIGH ACADEMIC STANDARDS THAT ARE ROBUST AND APPROPRIATE FOR NORTH CAROLINA PUBLIC EDUCATION.

Whereas, the North Carolina General Assembly recognizes that we live in an era in which public education must prepare our students to be nationally and internationally competitive so that they can achieve academically and professionally; and

Whereas, the Constitution of the State of North Carolina, Article IX, Section 2(1), states that the General Assembly must provide for a general and uniform system of free public schools; and

Whereas, it is the responsibility of the State of North Carolina to establish academic standards that allow students to succeed academically and professionally; and

Whereas, North Carolina desires its academic standards to be among the highest in the nation; and

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

Whereas, the State of North Carolina has the exclusive right to determine the appropriate statewide assessments that will measure how well students have attained North Carolina High Academic Standards; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-12(9c) 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:

...

(9c) Power to Develop Content Standards and Exit 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~~ standards that meet and reflect North Carolina's



1 priorities and the usefulness of the content standards. A full review of
2 available and relevant academic content standards that are rigorous, specific,
3 sequenced, age and developmentally appropriate, clear, focused, and
4 measurable, whenever possible, shall be a part of the process of the
5 development of content standards. The revised content standards developed
6 in the core academic areas shall (i) reflect high expectations for students and
7 an in-depth mastery of the content; (ii) be clearly grounded in the content of
8 each academic area; (iii) be defined grade-by-grade and course-by-course;
9 (iv) be understandable to parents and teachers; (v) be developed in full
10 recognition of the time available to teach the core academic areas at each
11 grade level; and (vi) be measurable, whenever possible, in a reliable, valid,
12 and efficient manner for accountability purposes. When revising content
13 standards and the standard course of study in English Language Arts and in
14 mathematics, the State Board of Education shall collaborate with the
15 Academic Standards Review Commission, as established in
16 G.S. 115C-83.30 to maintain the independence of the North Carolina
17 Standard Course of Study and related student assessments and to ensure
18 these standards are among the highest in the nation.

19 High school course content standards shall include the knowledge and
20 skills necessary to pursue further postsecondary education or to attain
21 employment in the 21st century economy. The high school course content
22 standards also shall be aligned with the minimum undergraduate course
23 requirements for admission to the constituent institutions of The University
24 of North Carolina. The Board may develop exit standards that will be
25 required for high school graduation.

26 The Board also shall develop and implement an ongoing process to align
27 State programs and support materials with the revised academic content
28 standards for each core academic area on a regular basis. Alignment shall
29 include revising textbook criteria, support materials, State tests, teacher and
30 school administrator preparation, and ongoing professional development
31 programs to be compatible with content standards. For English Language
32 Arts and mathematics content standards, the Board shall consult with the
33 Academic Standards Review Commission to complete the alignment
34 process. The Board shall develop and make available to teachers and parents
35 support materials, including teacher and parent guides, for academic content
36 standards. The State Board of Education shall work in collaboration with the
37 Board of Governors of The University of North Carolina to ensure that
38 teacher and school administrator degree programs, ongoing professional
39 development, and other university activity in the State's public schools align
40 with the State Board's priorities."

41 **SECTION 1.(b)** G.S. 115C-12 is amended by adding a new subdivision to read:

42 "(9d) The State Board shall ensure that no official, employee, agency, or board of
43 the State shall enter into any agreement, memorandum of understanding, or
44 contract with any federal agency or private entity which in any way cedes or
45 limits State discretion or control over the development, adoption, or revision
46 of the North Carolina Standard Course of Study and related student
47 assessments in the public school system, including, but not limited to,
48 agreements, memoranda of understanding, and contracts in exchange for
49 funding for public schools and programs. Nothing in this subsection shall be
50 construed to prohibit an official, employee, agency, or board of the State
51 from seeking and being granted a waiver from federal law provided that the

1 conditions for the waiver do not require the State to cede or limit its
2 discretion or control over the development, adoption, or revision of the
3 North Carolina Standard Course of Study and related assessments.

4 "

5 **SECTION 1.(c)** During the 2014-2015 school year, the State Board of Education
6 shall complete the following duties:

- 7 (1) As provided under G.S. 115C-12(9c), conduct a comprehensive review of all
8 English Language Arts and Mathematics standards and propose
9 modifications to ensure that they increase students' level of academic
10 achievement, meet and reflect North Carolina's priorities, and are age and
11 developmentally appropriate and understandable to parents and teachers, and
12 will be among the highest standards in the nation.
- 13 (2) Following the comprehensive review in 2014 and 2015, the State Board of
14 Education, in consultation with the Academic Standards Review
15 Commission, shall determine necessary changes, adopt those, and replace
16 the current English Language Arts and Mathematics standards with
17 standards determined by the State Board of Education to be at least as high
18 as current standards.
- 19 (3) Maintain the independence of the North Carolina Standard Course of Study
20 and related student assessments in the State, rejecting usurpation and
21 intrusion from federally mandated national or standardized controls in
22 violation of G.S. 115C-12(9c) and G.S. 115C-12(9d). Nothing in this
23 subdivision shall prohibit benchmarking the North Carolina Standard Course
24 of Study and related student assessments with those of other states or nations
25 in order to allow comparison of the North Carolina Standard Course of
26 Study and related student assessments with those of other states and nations.
- 27 (4) Remove the Common Core copyright and any references to the Common
28 Core Standards from the North Carolina Standard Course of Study in
29 English Language Arts and in Mathematics to ensure North Carolina's
30 sovereign right to modify standards to best meet the needs of North
31 Carolina's citizens.

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

35 **SECTION 2.(a)** Article 8 of Chapter 115C of the General Statutes is amended by
36 adding a new Part to read:

37 "Part 1C. North Carolina Academic Standards Review Commission.

38 **"§ 115C-83.30. Establishment of the Academic Standards Review Commission.**

39 (a) There is established the Academic Standards Review Commission. The Commission
40 shall be located administratively in the Department of Administration but shall exercise all its
41 prescribed statutory powers independently of the Department of Administration. To create an
42 effective working group, assure continuity, and achieve staggered terms, the Commission shall
43 be appointed as provided in this section.

44 (b) The Commission shall be composed of nine members as follows:

- 45 (1) Three members appointed by the President Pro Tempore of the Senate. The
46 President Pro Tempore shall consider, but is not limited to, appointing
47 representatives from the following groups: parents of students enrolled in the
48 public schools; Mathematics and English Language Arts teachers; and
49 Mathematics and English Language Arts curriculum experts.
- 50 (2) Three members appointed by the Speaker of the House of Representatives.
51 The Speaker of the House of Representatives shall consider, but is not

1 limited to, appointing representatives from the following groups: parents of
2 students enrolled in the public schools; Mathematics and English Language
3 Arts teachers; and Mathematics and English Language Arts curriculum
4 experts.

5 (3) Two members of the State Board of Education, which includes the Chair or
6 the Chair's designee and another member, as appointed by the Chair,
7 representing the State Board's Task Force on Summative Assessment.

8 (4) One member appointed by the Governor.

9 Commission appointees shall be citizens of North Carolina who have demonstrated
10 expertise in the development or implementation of standards or psychometrics, members of the
11 business community, or members of the post-secondary education community who are
12 qualified to assure the alignment of standards to career and college readiness. Parents, teachers,
13 and practitioners shall also have a strong presence on the Commission. The cochairs of the
14 Commission shall be elected from the members by a majority vote of the members present at
15 the initial meeting of the Commission.

16 (c) The terms of members appointed pursuant to subsection (b) of this section shall be
17 as follows:

18 (1) The initial appointments of two of the members by the Speaker of the House
19 of Representatives and the President Pro Tempore of the Senate shall be for
20 six years.

21 (2) The initial appointments of the other members by the Speaker of the House
22 of Representatives and the President Pro Tempore of the Senate shall be for
23 five years.

24 (3) The initial appointment of the Chair of the State Board of Education shall be
25 for six years, and the other appointment by the State Board of Education
26 shall be for five years.

27 (4) The initial appointment by the Governor shall be for five years.

28 At the expiration of these initial terms, appointments shall be for five years and shall be
29 made by the appointing authorities designated in subsection (b) of this section. No person shall
30 serve more than two consecutive terms.

31 (d) The Commission shall do the following:

32 (1) Conduct a comprehensive review of the academic standards for English
33 Language Arts and Mathematics that were adopted by the State Board of
34 Education under G.S. 115C-12(9c).

35 (2) Recommend new academic standards or propose changes to these academic
36 standards to the State Board of Education. The academic level of the new
37 and revised standards shall be at least as high as current standards and
38 maintain the independence of the North Carolina Standard Course of Study.

39 (3) Collaborate with the State Board of Education to review any modifications
40 to, or replacements of, the English Language Arts and Mathematics
41 academic standards submitted to it by the State Board of Education in
42 accordance with G.S. 115C-12(9c).

43 (4) Recommend to the State Board of Education assessments aligned to
44 proposed changes and modifications that would also reduce the number of
45 high-stakes assessments administered to public schools.

46 (5) Consider the impact on educators, including the need for professional
47 development, when making any of the recommendations required in this
48 section.

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

1 (e) The Commission shall meet upon the call of the cochairs. A quorum of the
2 Commission shall be seven members. Any vacancy on the Commission shall be filled by the
3 appointing authority.

4 (f) To the extent that funds are available, the Commission may contract for
5 professional, clerical, and consultant services. The Commission may also contract with an
6 individual who has an excellent national reputation in the area of school standards and
7 assessments to facilitate the work of the Commission. Professional and clerical staff positions
8 for the Commission may be filled by persons whose services are loaned to the Commission to
9 fulfill the work of the Commission.

10 (g) The Department of Administration shall provide meeting rooms, telephones, office
11 space, equipment, and supplies to the Commission and shall be reimbursed from the
12 Commission's budget, to the extent that funds are available.

13 (h) To the extent that funds are available, Commission members shall receive per diem,
14 subsistence, and travel allowances in accordance with G.S. 138-5, 138-6, or 120-3.1, as
15 appropriate.

16 (i) Upon the request of the Commission, all State departments and agencies and local
17 governments and their subdivisions shall furnish the Commission with any information in their
18 possession or available to them."

19 **SECTION 2.(b)** The Commission shall hold its first meeting no later than
20 September 1, 2014, upon the call of the Chairman of the State Board of Education. The
21 Commission shall report replacement standards for the English Language Arts and
22 Mathematics standards to the State Board of Education, the Joint Legislative Education
23 Oversight Committee, and to the 2015 General Assembly by March 15, 2015, and shall
24 continue to work with the State Board of Education and the Department of Public Instruction to
25 review academic standards during the regular review period implemented every five years as
26 provided in State Board Policy GSC-F-012. Following each review completed at the closure of
27 a five-year cycle, the Commission shall report recommended changes to the English Language
28 Arts and Mathematics standards to the State Board of Education, the Joint Legislative
29 Education Oversight Committee, and to the General Assembly prior to convening.

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

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

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

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

45 **SECTION 5.** The State Board of Education shall report to the Joint Legislative
46 Education Oversight Committee prior to the acquisition and implementation of a new
47 assessment instrument or instruments to assess student achievement on the academic standards
48 adopted pursuant to G.S. 115C-12(9c). The State Board shall not include assessments
49 developed by the Smarter Balanced Consortium Assessments or the Partnership for Assessment
50 of Readiness of College and Careers (PARCC) in their consideration for nationally normed
51 assessments of student learning. The assessments shall be nationally normed, aligned with the

1 North Carolina Standard Course of Study, and field-tested. Examples of appropriate assessment
2 models would include, but not be limited to, the SAT, ACT Aspire, and the NAEP. The State
3 Board shall not acquire or implement such an assessment instrument without the enactment of
4 legislation by the General Assembly authorizing the purchase.

5 **SECTION 6.** Local boards of education shall continue to approve and use
6 textbooks not adopted by the State Board of Education as well as provide for the efficient
7 teaching of the course content required by the Standard Course of Study, as provided under
8 G.S. 115C-47(12) and G.S. 115C-47(33a). The Standard Course of Study remains in effect
9 until official notice is provided to all public school teachers, administrators, and parents or
10 guardians of students enrolled in the public schools of any changes made in the Standard
11 Course of Study by the State Board of Education.

12 **SECTION 7.** Article 29 of Chapter 115C of the General Statutes is amended by
13 adding a new section to read:

14 "**§ 115C-401.2. Prohibition on types of data gathered.**

15 No personally identifiable data on students' or their families' religions, political party
16 affiliations, biometric information, psychometric data, or voting histories shall be collected,
17 tracked, housed, reported, or shared with the federal government. No personally identifiable
18 student data shall be collected for the purpose of the development of commercial products or
19 services."

20 **SECTION 8.** Nothing in this act shall require the General Assembly to appropriate
21 funds to implement it. Section 2 of this act becomes effective only if funds are appropriated by
22 the Current Operations and Capital Improvements Appropriations Act of 2014 to support the
23 work of the Academic Standards Commission.

24 **SECTION 9.** This act becomes effective July 1, 2014.