

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-275
HOUSE BILL 801**

AN ACT TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-174.11(b) reads as rewritten:

"(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 ninth grade students in the public schools. Students who fail to attain the required minimum standard for graduation in the ninth 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 ninth 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~~ shall:
 - a. Adopt one or more nationally standardized tests or other nationally standardized equivalent measures that measure competencies in the verbal and quantitative areas; or
 - b. Develop and validate alternate means and standards for demonstrating minimum competence. These standards, which standards must be more as difficult than as the tests adopted pursuant to subdivision (1) of this subsection, subsection.
The State Board of Education shall adopt a policy to identify which students and under what circumstances students may pass one of these tests may be passed by students in lieu of the testing requirement of subdivision (2) of this subsection.
- (3a) Students with disabilities who fail to pass the competency test adopted pursuant to subdivision (2) of this subsection after two attempts shall be given the opportunity to take and pass one of the alternate tests adopted pursuant to subdivision (3) of this subsection.
- (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 18.14."

SECTION 2. This act becomes effective July 1, 2003.
In the General Assembly read three times and ratified this the 18th day of June, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:42 p.m. this 26th day of June, 2003