

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 450

Short Title: Testing K-8 National Form Test. (Public)

Sponsors: Senators Apodaca; Berger of Rockingham, Bingham, Blake, Brown, Brunstetter, Forrester, Hartsell, Hunt, Jacumin, Malone, Rand, Smith, Swindell, and Tillman.

Referred to: Education/Public Instruction.

March 5, 2007

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(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 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,~~ 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

1 academic areas at each grade level; (vi) be measurable in grades three
2 through eight by nationally normed achievement tests, and (vi) (vii) be
3 measurable, whenever possible, measurable in a reliable, valid, and
4 efficient manner for accountability purposes.

5 High school course content standards shall include the knowledge
6 and skills necessary to pursue further postsecondary education or to
7 attain employment in the 21st century economy. The high school
8 course content standards also shall be aligned with the minimum
9 undergraduate course requirements for admission to the constituent
10 institutions of The University of North Carolina. The Board may
11 develop exit standards that will be required for high school graduation.

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

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

27 "(c) Annual Testing Program.

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

34 The State Board may develop and implement a plan for high school
35 end-of-course tests that must be aligned with the content standards
36 developed under G.S. 115C-12(9c).

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

1 Students who ~~do not pass the tests adopted~~ score below the national
2 average in reading or mathematics for eighth grade shall be provided
3 remedial instruction in the ninth grade. This assistance shall be
4 calculated to prepare the students to pass the competency test
5 administered under subsection (b) of this section.

6 (1a) There is hereby established an advisory committee to assist the State
7 Board of Education with test selection. The advisory committee shall
8 consist of:

9 a. Three members of the Senate, appointed by the President Pro
10 Tempore of the Senate;

11 b. Three members of the House of Representatives, appointed by
12 the Speaker of the House of Representatives;

13 c. The chair of the State Board of Education;

14 d. The Superintendent of Public Instruction;

15 e. One representative of higher education, one teacher, and one
16 parent, appointed by the President Pro Tempore of the Senate;
17 and

18 f. One teacher certified in special education, one other teacher,
19 and one parent, appointed by the Speaker of the House of
20 Representatives.

21 The Legislative Services Office shall provide staff to the advisory
22 committee.

23 (2) If the State Board of Education finds that additional testing in grades
24 ~~three-nine~~ through 12 is desirable to allow comparisons with national
25 indicators of student achievement, that testing shall be conducted with
26 the smallest size sample of students necessary to assure valid
27 comparisons with other states."

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

29 "**§ 115C-174.12. Responsibilities of agencies.**

30 (a) The State Board of Education shall establish policies and guidelines
31 necessary for minimizing the time students spend taking tests administered through
32 State and local testing programs, for minimizing the frequency of field testing in grades
33 nine through 12 at any one school, and for otherwise carrying out the provisions of this
34 Article. These policies and guidelines shall include the following:

35 (1) Schools shall devote no more than two days of instructional time per
36 year to the taking of practice tests that do not have the primary purpose
37 of assessing current student learning;

38 (2) Students in a school shall not be subject to field tests or national tests
39 during the two-week period preceding the administration of
40 end-of-grade tests, end-of-course tests, or the school's regularly
41 scheduled final exams; and

42 (3) No school shall participate in more than two field tests at any one
43 grade level during a school year unless that school volunteers, through

1 a vote of its school improvement team, to participate in an expanded
2 number of field tests.

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

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

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

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

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

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

35 **SECTION 4.** This act becomes effective July 1, 2007, and applies beginning
36 with the 2007-2008 school year.