

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS55249-LE-192 (1/28)

Short Title: No Standardized Testing Unless Req'd by Feds.

(Public)

Sponsors: Senators Malone, and Stevens.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE STATEWIDE STANDARDIZED TESTING IN THE PUBLIC
3 SCHOOLS, EXCEPT AS REQUIRED BY FEDERAL LAW OR AS A CONDITION OF
4 A FEDERAL GRANT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-174.10 reads as rewritten:

7 "**§ 115C-174.10. Purposes of the Statewide Testing Program.**

8 The ~~three~~ testing programs in this Article have three purposes: (i) to assure that all high
9 school graduates possess those minimum skills and that knowledge thought necessary to
10 function as a member of society; (ii) to provide a means of identifying strengths and
11 weaknesses in the education process in order to improve instructional delivery; and (iii) to
12 establish additional means for making the education system at the State, local, and school levels
13 accountable to the public for results."

14 **SECTION 2.** G.S. 115C-174.11 reads as rewritten:

15 "**§ 115C-174.11. Components of the testing program.**

16 (a) Assessment Instruments for First and Second Grades. – The State Board of
17 Education shall adopt and provide to the local school administrative units developmentally
18 appropriate individualized assessment instruments consistent with the Basic Education Program
19 for the first and second grades, rather than standardized tests. Local school administrative units
20 may use these assessment instruments provided to them by the State Board for first and second
21 grade students, and shall not use standardized tests except as required as a condition of
22 receiving a federal grant under the Reading First Program.

23 (b) ~~Competency Testing Program.~~

24 (1) ~~The State Board of Education shall adopt tests or other measurement devices~~
25 ~~which may be used to assure that graduates of the public high schools and~~
26 ~~graduates of nonpublic schools supervised by the State Board of Education~~
27 ~~pursuant to the provisions of Part 1 of Article 39 of this Chapter possess the~~
28 ~~skills and knowledge necessary to function independently and successfully~~
29 ~~in assuming the responsibilities of citizenship.~~

30 (2) ~~The tests shall be administered annually to all ninth grade students in the~~
31 ~~public schools. Students who fail to attain the required minimum standard~~
32 ~~for graduation in the ninth grade shall be given remedial instruction and~~
33 ~~additional opportunities to take the test up to and including the last month of~~
34 ~~the twelfth grade. Students who fail to pass parts of the test shall be retested~~
35 ~~on only those parts they fail. Students in the ninth grade who are enrolled in~~



1 special education programs or who have been officially designated as
 2 eligible for participation in such programs may be excluded from the testing
 3 programs.

4 (3) The State Board of Education shall:

5 a. Adopt one or more nationally standardized tests or other nationally
 6 standardized equivalent measures that measure competencies in the
 7 verbal and quantitative areas; or

8 b. Develop and validate alternate means and standards for
 9 demonstrating minimum competence. These standards must be as
 10 difficult as the tests adopted pursuant to subdivision (1) of this
 11 subsection.

12 The State Board of Education shall adopt a policy to identify which students
 13 and under what circumstances students may pass one of these tests in lieu of
 14 the testing requirement of subdivision (2) of this subsection.

15 (3a) Students with disabilities who fail to pass the competency test adopted
 16 pursuant to subdivision (2) of this subsection after two attempts shall be
 17 given the opportunity to take and pass one of the alternate tests adopted
 18 pursuant to subdivision (3) of this subsection.

19 (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 18.14.

20 (c) Annual Testing Program.

21 (1) The State Board of Education shall adopt a system of annual testing the tests
 22 for grades three through 12 that are required by federal law or as a
 23 condition of a federal grant. These tests shall be designed to measure
 24 progress toward reading, communication skills, and mathematics for grades
 25 three through eight, and toward competencies designated by the State Board
 26 for grades nine through 12. ~~The State Board may develop and implement a~~
 27 ~~plan for high school end of course tests that must be aligned with the content~~
 28 ~~standards developed under G.S. 115C-12(9c).~~ Students who do not pass the
 29 tests adopted for eighth grade shall be provided remedial instruction in the
 30 ninth grade. ~~This assistance shall be calculated to prepare the students to~~
 31 ~~pass the competency test administered under subsection (b) of this section.~~

32 (2) If the State Board of Education finds that additional testing in grades three
 33 through 12 is desirable to allow comparisons with national indicators of
 34 student achievement, that testing shall be conducted with the smallest size
 35 sample of students necessary to assure valid comparisons with other states.

36 (d) The State Board of Education shall not require the public schools to administer any
 37 standardized tests except for those required by federal law or as a condition of a federal grant.

38 The State Board of Education shall adopt and provide to local school administrative units
 39 all tests required by federal law or as a condition of a federal grant."

40 **SECTION 2.** 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 necessary for
 43 minimizing the time students spend taking tests administered through State and local testing
 44 programs, for minimizing the frequency of field testing at any one school, and for otherwise
 45 carrying out the provisions of this Article. These policies and guidelines shall include the
 46 following:

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

50 (2) Students in a school shall not be subject to field tests or ~~national tests~~ other
 51 standardized tests during the two-week period preceding the administration

- 1 of end-of-grade tests, end-of-course tests, or the school's regularly scheduled
2 final exams; and
- 3 (3) No school shall participate in more than two field tests at any one grade level
4 during a school year unless that school volunteers, through a vote of its
5 school improvement team, to participate in an expanded number of field
6 tests.

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

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

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

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

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

32 **SECTION 4.** This act is effective when it becomes law.