

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 496

Short Title: Student Achievement Act of 1991.

(Public)

Sponsors: Representatives Nesbitt; Bowman, H. Hunter, and Redwine.

Referred to: Education.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THE STUDENT ACHIEVEMENT ACT OF 1991.

Whereas, in response to North Carolina's 1988 last place national ranking on SAT scores, the State Superintendent of Public Instruction appointed the Task Force on Excellence in Secondary Education; and

Whereas, the Task Force, which was chaired by the Honorable L. Richardson Preyer and comprised of distinguished educators, businessmen, legislators, and other leaders from throughout the State, found that North Carolina public education is in crisis; and

Whereas, the Task Force found that because our education system has not changed along with the times, public education's structural problems are numerous and complex; and

Whereas, the Task Force, under the leadership of the Honorable L. Richardson Preyer, addressed the need to restructure our schools through the design and implementation of results-oriented, outcome-based education programs; and

Whereas, the Task Force found that the best people to restructure our schools are those at the local level, including local administrators, teachers, and school board members and that the State should provide these people with the autonomy to perform this task; and

Whereas, the Task Force recognized that the design and implementation of results-oriented, outcome-based education programs will require shifts in educator and parent attitudes, massive staff and local board retraining, and intense professional and personal involvement of all participants; Now, therefore,

The General Assembly of North Carolina enacts:

1 Section 1. Title of Act. – This act may be referred to as the "Student
2 Achievement Act of 1991".

3 Sec. 2. Outcome-Based Education Program. – Article 16 of Chapter 115C of
4 the General Statutes is amended by adding a new Part to read:

5 **"PART 5. OUTCOME-BASED EDUCATION PROGRAM.**

6 **"§ 115C-238.12. Purpose of program.**

7 An outcome-based education program is a program in which the expectations for
8 student achievement at different points in the learning process and on high school
9 graduation are clearly stated in terms of knowledge, skills, and attitudes. Students are
10 given opportunities to acquire knowledge and to develop skills and attitudes. Learning
11 opportunities vary for groups of students and reflect the fact that students learn at
12 different rates and use different learning styles. Teachers decide when students'
13 proficiencies in knowledge and skills should be measured. The results of those
14 measurements are used to determine when the students have mastered the material and
15 are ready to move forward in the learning process.

16 **"§ 115C-238.13. Implementation of the project by the State Board of Education.**

17 (a) The State Board of Education shall develop and implement an outcome-based
18 education program. The State Board of Education shall select four sites to participate in
19 the program for five fiscal years beginning with the 1992-93 fiscal year. The first year
20 of the project shall be a year for the sites to plan their projects. The remaining four
21 years shall be to implement the projects and to demonstrate their effectiveness.

22 (b) The State Board of Education shall adopt proficiencies, or expectations for
23 student achievement, necessary for students to function successfully in the next century.
24 These proficiencies shall be consistent with national education goals recommended by
25 the National Governors' Association in 1990. The State Board also shall adopt a core of
26 proficiencies that is required for graduation from high school. These proficiencies shall
27 be adopted prior to June 15, 1992, and shall be used by the sites to develop their local
28 outcome-based education projects.

29 The core of proficiencies that is required for graduation from high school may
30 include the following proficiencies:

31 (1) Writing – High school graduates will be able to organize complex,
32 demanding, or extended subject matter clearly and effectively. They
33 will produce well-structured pieces of writing in which the
34 relationships between successive paragraphs are signaled by
35 appropriate connective words or phrases. They will punctuate their
36 writing so that meaning and structure are clear.

37 (2) Reading – High school graduates will be able to make independent and
38 discriminating selection from a range of reference materials, retrieve
39 information from them using techniques such as skimming, evaluate
40 and synthesize information from different parts of a text or different
41 texts.

42 (3) Mathematics – High school graduates will be able to present a set of
43 complex data in a simplified form using a variety of diagrams and
44 graphs.

1 (c) The State Board of Education, after consultation with the Board of Governors
2 of The University of North Carolina, the State Board of Community Colleges,
3 representatives of the business community, representatives of the Department of Public
4 Instruction, representatives of local school administrative units, principals, teachers, and
5 parents, shall establish multiple sets of proficiencies applicable to high school
6 graduates. These proficiencies shall be in addition to the core of proficiencies for high
7 school graduation adopted pursuant to subsection (b) of this section. These multiple
8 sets of proficiencies shall include proficiencies appropriate for students who intend to
9 enroll in a constituent institution of The University of North Carolina or a constituent
10 institution of the Community College System. These multiple sets of proficiencies shall
11 be established prior to June 15, 1992, and shall be used by the sites to develop their
12 local outcome-based education projects.

13 The State Board of Education, the Board of Governors of The University of North
14 Carolina, and the State Board of Community Colleges shall work jointly to develop a
15 mechanism by which the institutions of higher education accept certification of
16 proficiencies on high school transcripts in lieu of Carnegie units.

17 **"§ 115C-238.14. Selection of sites.**

18 (a) Prior to October 10, 1991, the State Board of Education shall develop a
19 competitive process for the selection of project sites.

20 (b) Prior to November 30, 1991, the Department of Public Instruction shall
21 initiate the competitive process for the selection of project sites and shall conduct
22 regional briefings for local school administrative units interested in submitting
23 proposals. The regional briefings shall provide detailed information about outcome-
24 based education models so local school administrative units can decide whether to
25 compete for selection as a project site.

26 (c) Prior to February 29, 1992, local school administrative units shall submit
27 their proposals to the Department of Public Instruction. The proposal may cover all or
28 part of the schools in a local school administrative unit.

29 The proposal shall include information regarding the local school administrative
30 unit's plan for, ability to, and commitment to complying with the following
31 requirements for local programs:

32 (1) The program shall ensure that all students have access to a common
33 core of knowledge and that all students are treated equitably.

34 (2) Student advancement shall be based on the mastery of the
35 proficiencies adopted by the State Board of Education pursuant to G.S.
36 115C-238.13(b) and the multiple sets of proficiencies applicable to
37 high school graduates established pursuant to G.S. 115C-238.13(c).

38 (3) Students shall be allowed to progress at different rates; however,
39 expectations for progress shall be based on the goal that all students
40 master the proficiencies required for high school graduation during
41 grades kindergarten through twelve. Computer assisted, personal
42 education plans shall be available for every student.

43 (4) Parents and guardians shall be involved in students' selection of high
44 school completion options.

- 1 (5) Teachers and principals shall have a major role in development of
2 local projects.
- 3 (6) A majority of the teachers and principals who will participate in the
4 pilot project shall approve the proposal for selection as a pilot site and
5 the plans for the local program before they are submitted to
6 Department of Public Instruction.
- 7 (7) Programs shall provide each student a school-based adult advocate to
8 foster self-esteem, protect learning options, ensure that student needs
9 are being met, and ensure that students are being treated equitably.
- 10 (8) Projects shall be shared with the public. Annual reports describing
11 program goals, activities, and accomplishments shall be made
12 available to the public. The reports shall contain specific information
13 regarding the contributions of teachers, administrators, and the local
14 board of education to the program, and to student progress under the
15 program.

16 (d) The Department of Public Instruction shall review the proposals and shall
17 submit its recommendations regarding the sites to the State Board of Education prior to
18 April 30, 1992. The Department of Public Instruction shall involve an advisory
19 committee comprised of business leaders, legislators, school board members, public
20 school administrators, and other educators in the review process.

21 (e) The State Board of Education shall select the project sites prior to June 15,
22 1992. The State Board shall base its decision on the local school administrative units'
23 plans for, ability to, and commitment to complying with the requirements for local
24 programs set out in subsection (c) of this section.

25 **"§ 115C-238.15. Development of local programs by the project sites.**

26 (a) From June 15, 1992, through March 15, 1993, the project sites shall develop
27 their local programs. On March 15, 1993, the sites shall submit their plans to the
28 Department of Public Instruction for review. Prior to May 5, 1993, the Department
29 shall review the plans and work with the sites to assure that the plans carry out the
30 provisions of this Part.

31 (b) The Department of Public Instruction shall provide technical assistance to the
32 sites in developing their local programs. As part of this technical assistance, the
33 Department shall assist each site in determining the order in which that site shall teach
34 the proficiencies adopted by the State Board of Education pursuant to G.S. 115C-
35 238.13(b). The Department shall also assist each site in developing ways to assess and
36 measure progress in student mastery of those proficiencies.

37 (c) In developing its local plan, each local school administrative unit shall select
38 the outcome-based education model that it follows. Each local school administrative
39 unit shall determine the instructional programs and strategies used in developing student
40 proficiencies at its site. Under the plan, teachers shall determine when the proficiencies
41 of a group of students are assessed; provided, however, State-administered tests shall be
42 used to test proficiencies at a site no more than four times a year. Student advancement
43 shall be determined by school-based personnel assigned to oversee the instructional
44 program of a group of students.

1 (d) In developing and administering local projects, local boards of education
2 need broad decision-making authority so that teachers and administrators at the sites can
3 experiment with the instructional activities that meet the instructional needs in that
4 particular setting. Each local school administrative unit shall set forth in its plan, with
5 specificity, those aspects of the plan that would be enhanced by flexibility with regard
6 to statutes and regulations. The State Board of Education may grant each local school
7 administrative unit such flexibility with regard to statutes and regulations as it finds
8 necessary and appropriate to implement a local program (i) so long as the projects and
9 activities are carried out within total funds available for that purpose and (ii) so long as
10 the State Board of Education does not find as a fact that the flexibility is being abused.

11 The State Board of Education shall report such flexibility with regard to statutes and
12 regulations contained in any projects or proposed changes to projects to the Joint
13 Legislative Commission on Governmental Operations.

14 (e) Local projects may include model accountability programs that meet the
15 needs of the project sites. To the extent that the State Board of Education finds that
16 these accountability programs provide sufficient data for oversight, they may be used
17 instead of other State-mandated programs.

18 (f) Local projects shall include plans to train and retrain teachers, administrators,
19 and school board members to implement the projects.

20 **"§ 115C-238.16. Approval and implementation of plans.**

21 (a) Between March 15, 1993, and July 1, 1993, the State Board of Education
22 shall receive plans for projects from the project sites and the comments of the
23 Department of Public Instruction regarding the projects.

24 (b) Prior to July 1, 1993, the State Board of Education shall approve the plans for
25 the projects, approve the plans with modifications, or reject the plans.

26 (c) The project sites shall begin implementation immediately of projects
27 approved, or approved with modifications, by the State Board.

28 **"§ 115C-238.17. Annual assessment and reapproval of plans.**

29 (a) Between March 15 and May 15 of each subsequent year of the project, the
30 projects shall submit to the Department of Public Instruction any data requested by the
31 Department of Public Instruction or the State Board of Education and any proposed
32 changes in the projects. Prior to May 5 each year, the Department shall review the data
33 and the proposed changes in the plans for the projects and shall work with the project
34 sites to assure that the plans carry out the provisions of this Part.

35 (b) Between March 15 and July 1, the State Board of Education shall receive the
36 data requested and the proposed changes in plans for projects from the project sites and
37 shall receive the comments of the Department of Public Instruction regarding the data
38 and the proposed changes in the projects. The State Board shall also consider the results
39 of audits and evaluations performed pursuant to G.S. 115C-238.18.

40 (b) Prior to July 1, the State Board of Education shall reapprove the plans and
41 any changes for the projects, reapprove the plans and any changes with modifications,
42 or reject the plans.

43 (c) The project sites shall begin implementation immediately of projects
44 reapproved, or reapproved with modifications, by the State Board.

1 **"§ 115C-238.18. Evaluation of program.**

2 (a) State-Level Program Evaluation Procedures. – A program audit shall be
3 conducted by the Office of the State Auditor following the first and second years of the
4 program. The audit shall certify that the State Board of Education and State Department
5 of Public Instruction have implemented procedures as specified by the General
6 Assembly. The audit shall focus on the autonomy and flexibility given to local school
7 administrative units in the development of outcome-based education models and plans
8 so as to determine if the appropriate amount of autonomy and flexibility was sought and
9 granted and if the autonomy and flexibility were used properly.

10 (b) Local-Level Program Evaluation Procedures. –

11 (1) The program audit conducted by the Office of the State Auditor
12 following the second year of the program shall include a local-level
13 procedures component. The audit shall certify that local plans contain
14 elements as specified by the General Assembly. The audit shall also
15 certify that teachers and building level administrators were involved in
16 the development of plans.

17 (2) The Department of Public Instruction shall conduct a process
18 evaluation of each pilot site following the third through sixth years of
19 the program. The evaluation shall determine how well plans have
20 been implemented. The evaluation shall focus on staff development,
21 organizational and instructional activities, and the involvement and
22 acceptance of the project by all concerned groups including the board
23 of education, administrators, teachers, parents, students, and the
24 business community.

25 (c) Student-Level Outcomes Evaluation. –

26 (1) Local pilot sites shall develop and implement accountability models
27 designed to measure student outcomes. The plans shall include the use
28 of tests available through the State's testing program. Accountability
29 models shall be part of the site plans submitted to the State Board for
30 approval.

31 (2) The State Department of Public Instruction shall audit the
32 implementation of accountability models. Audits shall be conducted
33 following the third, fourth, fifth, and sixth years of the program.

34 (3) The State Department of Public Instruction shall conduct a summative
35 evaluation following the sixth year of the program. Student outcomes
36 shall be the focus of the summative evaluation.

37 (d) Reports to the General Assembly. – The State Board of Education shall
38 submit a summative evaluation report on the projects to the General Assembly prior to
39 March 15, 1998.

40 **"§ 115C-238.19. Solicitation of private funds for additional sites.**

41 The State Board of Education shall design and implement a program for soliciting
42 private funds to support the outcome-based education pilot sites. As funds become
43 available, the State Board may request that the General Assembly authorize additional
44 sites to participate in the program."

1 Sec. 3. Appropriation of Funds. – There is appropriated from the General
2 Fund to the Department of Public Education the sum of \$4,000,000 for the 1992-93
3 fiscal year to implement the outcome-based education program at four sites pursuant to
4 Section 2 of this act. These funds shall be allocated on the basis of \$500.00 for each
5 State-funded certificated employee participating in the program. These funds shall be
6 used (i) for staff development activities, including planning activities, for teachers,
7 administrators, and school board members, (ii) to pay substitute teachers while teachers
8 are engaged in staff development activities, and (iii) to pay 10-month employees for
9 participating in staff development activities, including planning activities during the
10 summer.

11 It is the intent of the General Assembly to appropriate an additional
12 \$4,000,000 each year for the 1993-94 through 1996-97 fiscal years to complete the
13 implementation of the outcome-based education program at the four sites.

14 Sec. 4. Effective Date. – This act becomes effective July 1, 1991.