

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 1322

Short Title: Truth in Education Act. (Public)

Sponsors: Senators Berger of Rockingham; Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens, and Tillman.

Referred to: Education/Public Instruction.

March 26, 2007

A BILL TO BE ENTITLED
AN ACT TO ENACT THE TRUTH IN EDUCATION ACT.
The General Assembly of North Carolina enacts:

PART I. CALCULATION OF THE DROPOUT RATE

SECTION 1. G.S. 115C-12(27) and (27a) read 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:

...

(27) Reporting Dropout Rates, Suspensions, Expulsions, and Alternative Placements. – The State Board shall report annually to the Joint Legislative Education Oversight Committee ~~and the Commission on Improving the Academic Achievement of Minority and At Risk Students~~ on the numbers of students who have dropped out of school, been suspended, been expelled, or been placed in an alternative program. The data shall be compiled from every public and charter school in the state and shall be reported in a disaggregated manner and be in a manner that can be measured against the previous years. The Board shall maintain the data and make it readily available to the public. The State Board shall not include students that have been expelled from school when calculating the dropout rate.

1 The dropout rate shall be calculated by subtracting the graduation
2 rate from one hundred percent (100%). The graduation rate shall be
3 calculated as the number of students graduating divided by the sum of
4 the number of students who began the ninth grade at the same school
5 four years earlier minus the number of students who transferred in and
6 out. Separate rates shall be calculated in the same manner for students
7 who completed the tenth and eleventh grades but do not graduate.

8 The Board shall maintain a separate record of the number of
9 students who are expelled from school.

10 (27a) Reducing School Dropout Rates. – The State Board of Education shall
11 develop a statewide plan to improve the State's tracking of dropout
12 data so that accurate and useful comparisons can be made over time.
13 The plan shall include, at a minimum, how dropouts are ~~counted~~ and
14 ~~the methodology for calculating the dropout rate,~~ counted, the ability
15 to track ~~students~~ students' movements among schools and districts, and
16 the ability to provide information on who drops out and why."

17 18 **PART II. STATEWIDE TESTING PROGRAM REFORM**

19
20 **SECTION 1.** G.S. 115C-12(9c) reads as rewritten:

21 "**§ 115C-12. Powers and duties of the Board generally.**

22 The general supervision and administration of the free public school system shall be
23 vested in the State Board of Education. The State Board of Education shall establish
24 policy for the system of free public schools, subject to laws enacted by the General
25 Assembly. The powers and duties of the State Board of Education are defined as
26 follows:

27 ...

28 (9c) Power to develop content standards and exit standards. – The Board
29 shall develop a comprehensive plan to revise content standards and the
30 standard course of study in the core academic areas of reading, writing,
31 mathematics, science, history, geography, and civics. The Board shall
32 involve and survey a representative sample of parents, teachers, and
33 the public to help determine academic content standard priorities and
34 usefulness of the content standards. A full review of available and
35 relevant academic content standards that are rigorous, specific,
36 sequenced, clear, focused, and ~~measurable, whenever possible,~~
37 measureable shall be a part of the process of the development of
38 content standards. The revised content standards developed in the core
39 academic areas shall (i) reflect high expectations for students and an
40 in-depth mastery of the content; (ii) be clearly grounded in the content
41 of each academic area; (iii) be defined grade-by-grade and
42 course-by-course; (iv) be understandable to parents and teachers; (v)
43 be developed in full recognition of the time available to teach the core
44 academic areas at each grade level; (vi) be measurable in grades three

1 through 12 by nationally normed achievement tests, and ~~(vi)~~(vii) be
2 measurable, ~~whenever possible,~~ measurable in a reliable, valid, and
3 efficient manner for accountability purposes.

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

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

25 **SECTION 2.** Part 2 of Article 10A of Chapter 115C of the General Statutes
26 reads as rewritten:

27 "Part 2. Statewide Testing Program.

28 "**§ 115C-174.10. Purposes of the Statewide Testing Program.**

29 The three testing programs in this Article have ~~three~~ four purposes: (i) to assure that
30 all high school graduates possess those minimum skills and that knowledge thought
31 necessary to function as a member of society; (ii) to provide a means of identifying
32 strengths and weaknesses in the education process in order to improve instructional
33 delivery; ~~and~~ (iii) to establish additional means for making the education system at the
34 State, local, and school levels accountable to the public for ~~results.~~ results; and (iv) to
35 facilitate comparison of student performance in North Carolina to student performance
36 nationally.

37 Except as required by federal law or as provided by G.S. 115C-174.11(a) and (b), all
38 State tests shall be nationally standardized.

39 "**§ 115C-174.11. Components of the testing program.**

40 (a) Assessment Instruments for First and Second Grades. – The State Board of
41 Education shall adopt and provide to the local school administrative units
42 developmentally appropriate individualized assessment instruments consistent with the
43 Basic Education Program for the first and second grades, rather than standardized tests.
44 Local school administrative units may use these assessment instruments provided to

1 them by the State Board for first and second grade students, and shall not use
2 standardized tests except as required as a condition of receiving a federal grant under
3 the Reading First Program.

4 (b) Competency Testing Program.

5 (1) The State Board of Education shall adopt nationally standardized tests
6 or other nationally standardized measurement devices which may be
7 used to assure that graduates of the public high schools and graduates
8 of nonpublic schools supervised by the State Board of Education
9 pursuant to the provisions of Part 1 of Article 39 of this Chapter
10 possess the skills and knowledge necessary to function independently
11 and successfully in assuming the responsibilities of citizenship.

12 (2) The tests shall be administered annually to all ninth grade students in
13 the public schools. Students who fail to attain the required minimum
14 standard for graduation in the ninth grade shall be given remedial
15 instruction and additional opportunities to take the test up to and
16 including the last month of the twelfth grade. Students who fail to pass
17 parts of the test shall be retested on only those parts they fail. Students
18 in the ninth grade who are enrolled in special education programs or
19 who have been officially designated as eligible for participation in
20 such programs may be excluded from the testing programs.

21 (3) The State Board of Education ~~shall:~~

22 a. ~~Adopt one or more nationally standardized tests or other~~
23 ~~nationally standardized equivalent measures that measure~~
24 ~~competencies in the verbal and quantitative areas; or~~

25 b. ~~Develop~~ shall develop and validate alternate means and
26 standards for demonstrating minimum competence. These
27 standards must be as difficult as the tests adopted pursuant to
28 subdivision (1) of this subsection.

29 The State Board of Education shall adopt a policy to identify which
30 students and under what circumstances students may pass one of these
31 ~~tests~~ alternate means and standards for demonstrating minimum
32 competence in lieu of the testing requirement of subdivision ~~(2)~~ (1)
33 of this subsection.

34 (3a) Students with disabilities who fail to pass the competency test adopted
35 pursuant to subdivision ~~(2)~~ (1) of this subsection after two attempts
36 shall be given the opportunity to take and pass one of the alternate ~~tests~~
37 means and standards for demonstrating minimum competence adopted
38 pursuant to subdivision (3) of this subsection.

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

40 (c) Annual Testing Program.

41 (1) The State Board of Education shall adopt a system of annual testing
42 for grades three through 12. These tests shall be ~~designed to~~
43 ~~measure~~ nationally standardized tests or other nationally standardized
44 equivalent measures and shall measure academic progress toward

1 ~~reading, communication skills, and mathematics~~ for grades three
2 through eight, and academic progress toward competencies designated
3 by the State Board for grades nine through ~~12~~. The 12.

4 ~~State Board may develop and implement a plan for high school~~
5 ~~end-of-course tests that must be aligned with the content standards~~
6 ~~developed under G.S. 115C-12(9e).~~

7 The end-of-grade and end-of-course tests adopted for grades three
8 through 12 shall be nationally normed achievement tests developed by
9 a testing company. The end-of-course tests adopted shall be aligned
10 with the content standards developed under G.S. 115C-12(9c), to the
11 extent that such tests are available. The State Board shall adopt these
12 tests after consultation with the advisory committee established under
13 subdivision (1a) of this subsection. These tests shall be administered
14 for no more than five days in a school year or the minimum amount of
15 days required by the federal No Child Left Behind Act of 2001.

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

21 (1a) There is hereby established an advisory committee to assist the State
22 Board of Education with test selection. The advisory committee shall
23 consist of:

- 24 a. Three members of the Senate, appointed by the President Pro
25 Tempore of the Senate;
26 b. Three members of the House of Representatives, appointed by
27 the Speaker of the House of Representatives;
28 c. The chair of the State Board of Education;
29 d. The Superintendent of Public Instruction;
30 e. One representative of higher education, one teacher, and one
31 parent, appointed by the President Pro Tempore of the Senate;
32 and
33 f. One teacher certified in special education, one other teacher,
34 and one parent, appointed by the Speaker of the House of
35 Representatives.

36 The Legislative Services Office shall provide staff to the advisory
37 committee.

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

43 **"§ 115C-174.12. Responsibilities of agencies.**

1 (a) The State Board of Education shall establish policies and guidelines
2 necessary for minimizing the time students spend taking tests administered through
3 State and local testing programs, ~~for minimizing the frequency of field testing at any~~
4 ~~one school, programs~~ and for otherwise carrying out the provisions of this Article.
5 These policies and guidelines shall ~~include the following:~~ ensure that schools devote no
6 more than two days of instructional time per year to practice tests.

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

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

14 (3) ~~No school shall participate in more than two field tests at any one~~
15 ~~grade level during a school year unless that school volunteers, through~~
16 ~~a vote of its school improvement team, to participate in an expanded~~
17 ~~number of field tests.~~

18 ~~These policies shall reflect standard testing practices to insure reliability and validity~~
19 ~~of the sample testing. The results of the field tests shall be used in the final design of~~
20 ~~each test.~~

21 The State Board of Education's policies regarding the testing of children with
22 disabilities shall (i) provide broad accommodations and alternate methods of assessment
23 that are consistent with a child's individualized education program and section 504 (29
24 U.S.C. § 794) plans, (ii) prohibit the use of statewide tests as the sole determinant of
25 decisions about a child's graduation or promotion, and (iii) provide parents with
26 information about the Statewide Testing Program and options for students with
27 disabilities. The State Board shall report its proposed policies and proposed changes in
28 policies to the Joint Legislative Education Oversight Committee prior to adoption.

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

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

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

37 (b1) ~~The Superintendent shall notify local boards of education by October 1 of~~
38 ~~each year of any field tests that will be administered in their schools during the school~~
39 ~~year, the schools at which the field tests will be administered, and the specific field tests~~
40 ~~that will be administered at each school.~~

41 (c) Local boards of education shall cooperate with the State Board of Education
42 in implementing the provisions of this Article, including the regulations and policies
43 established by the State Board of Education. Local school administrative units shall use
44 the annual and competency testing programs to fulfill the purposes set out in this

1 Article. Local school administrative units are encouraged to continue to develop local
2 testing programs designed to further diagnose student ~~needs further.~~ needs; however,
3 local school administrative units shall not administer locally adopted standardized tests
4 in addition to the nationally normed achievement tests adopted by the State Board of
5 Education for grades three through 12."

6 "**§ 115C-174.13. Public records exemption.**

7 Any written material containing the identifiable scores of individual students on any
8 test taken pursuant to the provisions of this Article is not a public record within the
9 meaning of G.S. 132-1 and shall not be made public by any person, except as permitted
10 under the provisions of the Family Educational and Privacy Rights Act of 1974, 20
11 U.S.C. 1232g.

12 "**§ 115C-174.14. Provisions for nonpublic schools.**

13 All components of the Statewide Testing Program shall be made available to
14 nonpublic schools in the manner prescribed in G.S. 115C-551 and G.S. 115C-559."

15 **SECTION 3.** G.S. 115C-12(9c) reads as rewritten:

16 "**§ 115C-12. Powers and duties of the Board generally.**

17 The general supervision and administration of the free public school system shall be
18 vested in the State Board of Education. The State Board of Education shall establish
19 policy for the system of free public schools, subject to laws enacted by the General
20 Assembly. The powers and duties of the State Board of Education are defined as
21 follows:

22 ...

23 (9c) Power to develop content standards and exit standards. – The Board
24 shall develop a comprehensive plan to revise content standards and the
25 standard course of study in the core academic areas of reading, writing,
26 mathematics, science, history, geography, and civics. The Board shall
27 involve and survey a representative sample of parents, teachers, and
28 the public to help determine academic content standard priorities and
29 usefulness of the content standards. A full review of available and
30 relevant academic content standards that are rigorous, specific,
31 sequenced, clear, focused, and measurable, whenever possible, shall be
32 a part of the process of the development of content standards. The
33 revised content standards developed in the core academic areas shall
34 (i) reflect high expectations for students and an in-depth mastery of the
35 content; (ii) be clearly grounded in the content of each academic area;
36 (iii) be defined grade-by-grade and course-by-course; (iv) be
37 understandable to parents and teachers; (v) be developed in full
38 recognition of the time available to teach the core academic areas at
39 each grade level; and (vi) be measurable, whenever possible, by
40 nationally standardized tests in a reliable, valid, and efficient manner
41 for accountability purposes.

42 High school course content standards shall include the knowledge
43 and skills necessary to pursue further postsecondary education or to
44 attain employment in the 21st century economy. The high school

1 course content standards also shall be aligned with the minimum
2 undergraduate course requirements for admission to the constituent
3 institutions of The University of North Carolina. The Board may
4 develop exit standards that will be required for high school graduation.

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

19 **SECTION 4.** G.S. 115C-81(g) reads as rewritten:

20 "(g) Civic Literacy. –

- 21 (1) Local boards of education shall require during the high school years
22 the teaching of the nation's founding and related documents, which
23 shall include at least the major principles in the Declaration of
24 Independence, the United States Constitution and its amendments, and
25 the most important of the Federalist Papers.
- 26 (2) Local boards of education shall require that high school students
27 demonstrate knowledge and understanding of the nation's founding
28 and related documents in order to receive a certificate or diploma of
29 graduation from high school.
- 30 (3) Local boards of education shall include among the requirements for
31 graduation from high school a passing grade in all courses that include
32 primary instruction in the Declaration of Independence, the United
33 States Constitution and its amendments, and the most important of the
34 Federalist Papers.
- 35 (3a) Local boards of education shall allow and may encourage any public
36 school teacher or administrator to read or post in a public school
37 building, classroom, or event, excerpts or portions of writings,
38 documents, and records that reflect the history of the United States,
39 including, but not limited to, (i) the preamble to the North Carolina
40 Constitution, (ii) the Declaration of Independence, (iii) the United
41 States Constitution, (iv) the Mayflower Compact, (v) the national
42 motto, (vi) the National Anthem, (vii) the Pledge of Allegiance, (viii)
43 the writings, speeches, documents, and proclamations of the founding
44 fathers and Presidents of the United States, (ix) decisions of the

1 Supreme Court of the United States, and (x) acts of the Congress of the
2 United States, including the published text of the Congressional
3 Record. Local boards, superintendents, principals, and supervisors
4 shall not allow content-based censorship of American history in the
5 public schools of this State, including religious references in these
6 writings, documents, and records. Local boards and professional
7 school personnel may develop curricula and use materials that are
8 limited to specified topics provided the curricula and materials are
9 aligned with the standard course of study or are grade level
10 appropriate.

11 (3b) A local school administrative unit may display on real property
12 controlled by that local school administrative unit documents and
13 objects of historical significance that have formed and influenced the
14 United States legal or governmental system and that exemplify the
15 development of the rule of law, such as the Magna Carta, the
16 Mecklenburg Declaration, the Ten Commandments, the Justinian
17 Code, and documents set out in subdivision (3a) of this subsection.
18 This display may include, but shall not be limited to, documents that
19 contain words associated with a religion; provided however, no display
20 shall seek to establish or promote religion or to persuade any person to
21 embrace a particular religion, denomination of a religion, or other
22 philosophy. The display of a document containing words associated
23 with a religion shall be in the same manner and appearance generally
24 as other documents and objects displayed and shall not be presented or
25 displayed in any fashion that results in calling attention to it apart from
26 the other displayed documents and objects. The display also shall be
27 accompanied by a prominent sign quoting the First Amendment of the
28 United States Constitution as follows: "Congress shall make no law
29 respecting an establishment of religion, or prohibiting the free exercise
30 thereof; or abridging the freedom of speech, or of the press; or the
31 right of the people peaceably to assemble, and to petition the
32 government for a redress of grievances."

33 (4) The State Board of Education shall require that any high school level
34 curriculum-based tests ~~developed and administered~~ statewide
35 beginning with academic year 1990-91 include questions related to the
36 Declaration of Independence, the United States Constitution and its
37 amendments, and the most important of the Federalist ~~Papers~~. Papers, if
38 nationally standardized tests containing such questions are available.

39 (5) The State Department of Public Instruction and the local boards of
40 education, as appropriate, shall establish curriculum content and
41 provide for teacher training to ensure that the intent and provisions of
42 this subsection are carried out. The curriculum content established
43 shall include a review of the contributions made by Americans of all
44 races."

1 **SECTION 5.** G.S. 115C-105.35(a) reads as rewritten:

2 "(a) The School-Based Management and Accountability Program shall (i) focus
3 on student performance in the basics of reading, mathematics, and communications
4 skills in elementary and middle schools, (ii) focus on student performance in courses
5 required for graduation and on other measures required by the State Board in the high
6 schools, and (iii) hold schools accountable for the educational growth of their students.
7 To those ends, the State Board shall design and implement an accountability system that
8 sets annual performance standards based on nationally standardized tests for each
9 school in the State in order to measure the growth in performance of the students in each
10 individual school. During the 2004-2005 school year and at least every five years
11 thereafter, the State Board shall evaluate the accountability system and, if necessary,
12 modify the testing standards to assure the testing standards continue to reasonably
13 reflect the level of performance necessary to be successful at the next grade level or for
14 more advanced study in the content area.

15 As part of this evaluation, the Board shall, where available, review the historical
16 trend data on student academic performance on State tests. To the extent that the
17 historical trend data suggest that the current standards for student performance may not
18 be appropriate, the State Board shall adjust the standards to assure that they continue to
19 reflect the State's high expectations for student performance."
20

21 **PART III. EFFECTIVE DATE**

22 **SECTION 1.** This act becomes effective July 1, 2007, and applies beginning
23 with the 2007-2008 school year.
24