

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL 812*
Education/Higher Education Committee Substitute Adopted 6/4/14
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Short Title: Maintain State Auth. Over Academic Standards.

(Public)

Sponsors:

Referred to:

May 21, 2014

A BILL TO BE ENTITLED

AN ACT TO PRESERVE NORTH CAROLINA'S PROPER CONSTITUTIONAL
AUTHORITY OVER ALL ACADEMIC STANDARDS AND TO ENSURE THAT
STANDARDS ARE ROBUST AND APPROPRIATE, AND THAT THEY ENABLE
STUDENTS TO SUCCEED ACADEMICALLY AND PROFESSIONALLY.

Whereas, under the United States Constitution, public education is a power reserved
to states; and

Whereas, the North Carolina Constitution directs the State Board of Education to
supervise and administer the free public school system, subject to laws enacted by the General
Assembly; and

Whereas, both the North Carolina Constitution and the North Carolina General
Statutes recognize that academic standards should be developed and established by the State
Board of Education to meet North Carolina's needs; and

Whereas, the North Carolina General Statutes direct the State Board of Education to
adopt and modify academic standards for the public schools; and

Whereas, the North Carolina General Statutes also grant local school boards broad
discretion and authority with respect to specific curricular decisions and academic programs, as
long as they align with the standards adopted by the State Board of Education; and

Whereas, implementation of standards that are not tailored to the needs of North
Carolina's students would be costly, inefficient, and ineffective; and

Whereas, North Carolina's standards must be age-level and developmentally
appropriate; and

Whereas, the adoption and implementation of demanding, robust academic
standards is essential for providing high-quality education to our students and for fostering a
competitive economy for the future of our State; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1.(a) The State Board of Education shall:

- (1) Continue to exercise its authority under the North Carolina Constitution and G.S. 115C-12(9c) to adopt academic standards for the public schools.
- (2) Conduct a comprehensive review of all English Language Arts and Mathematics standards that were adopted under G.S. 115C-12(9c) and propose modifications to ensure that they meet all of the following criteria:
 - a. Increase students' level of academic achievement.
 - b. Meet and reflect North Carolina's priorities.
 - c. Are age-level and developmentally appropriate.



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1 d. Are understandable to parents and teachers.

2 e. Will be among the highest standards in the nation.

- 3 (3) Prior to making changes to the standards, consult with the Academic
4 Standards Review Commission, which is established in Section 2 of this act.

5 **SECTION 1.(b)** Academic standards adopted by the State Board of Education
6 under G.S. 115C-12(9c) shall continue to be named and referred to as the "North Carolina
7 Standard Course of Study," reflecting emphasis on North Carolina's needs and priorities.

8 **SECTION 1.(c)** The State Board shall ensure that the implementation of this
9 section is consistent with federal law and the conditions of federal grants.

10 **SECTION 2.(a)** There is established the Academic Standards Review
11 Commission. The Commission shall be located administratively in the Department of
12 Administration but shall exercise all its prescribed statutory powers independently of the
13 Department of Administration.

14 **SECTION 2.(b)** The Commission shall be composed of 11 members as follows:

- 15 (1) Four members appointed by the President Pro Tempore of the Senate. The
16 President Pro Tempore shall consider, but is not limited to, appointing
17 representatives from the following groups in these appointments: parents of
18 students enrolled in the public schools; Mathematics and English Language
19 Arts teachers; Mathematics and English Language Arts curriculum experts,
20 members of the business community, members of the post-secondary
21 education community who are qualified to assure the alignment of standards
22 to career and college readiness; and individuals who have demonstrated
23 expertise in the development or implementation of standards or
24 psychometrics.

- 25 (2) Four members appointed by the Speaker of the House of Representatives.
26 The Speaker of the House of Representatives shall consider, but is not
27 limited to, appointing representatives from the following groups in these
28 appointments: parents of students enrolled in the public schools;
29 Mathematics and English Language Arts teachers; Mathematics and English
30 Language Arts curriculum experts, members of the business community,
31 members of the post-secondary education community who are qualified to
32 assure the alignment of standards to career and college readiness; and
33 individuals who have demonstrated expertise in the development or
34 implementation of standards or psychometrics.

- 35 (3) Two members of the State Board of Education, which include the Chair or
36 the Chair's designee and another member, as appointed by the Chair,
37 representing the State Board's Task Force on Summative Assessment.

- 38 (4) One member appointed by the Governor.

39 No individual serving in a statewide elected office or as a member of the General
40 Assembly shall be appointed to the Commission. The Commission shall meet on the call of the
41 Chair of the State Board of Education no later than September 1, 2014. The cochairs of the
42 Commission shall be elected during the first meeting from among the members of the
43 Commission, by the members of the Commission.

44 **SECTION 2.(c)** The Commission shall:

- 45 (1) Conduct a comprehensive review of all English Language Arts and
46 Mathematics standards that were adopted by the State Board of Education
47 under G.S. 115C-12(9c) and propose modifications to ensure that they meet
48 all of the following criteria:
49 a. Increase students' level of academic achievement.
50 b. Meet and reflect North Carolina's priorities.
51 c. Are age-level and developmentally appropriate.

- 1 d. Are understandable to parents and teachers.
2 e. Will be among the highest standards in the nation.
3 (2) As soon as practicable upon convening, and at any time prior to termination,
4 recommend changes and modifications to these academic standards to the
5 State Board of Education.
6 (3) Recommend to the State Board of Education assessments aligned to
7 proposed changes and modification that would also reduce the number of
8 high-stakes assessments administered to public schools.
9 (4) Consider the impact on educators, including the need for professional
10 development, when making any of the recommendations required in this
11 section.

12 The Commission shall assemble content experts to assist it in evaluating the rigor of
13 academic standards. The Commission shall also involve interested stakeholders in this process
14 and otherwise ensure that the process is transparent.

15 **SECTION 2.(d)** The Commission shall meet upon the call of the cochairs. A
16 quorum of the Commission shall be nine members. Any vacancy on the Commission shall be
17 filled by the appointing authority.

18 The Commission shall hold its first meeting no later than September 1, 2014.

19 **SECTION 2.(e)** To the extent that funds are available, the Commission may
20 contract for professional, clerical, and consultant services. The Commission may also contract
21 with an individual who has an excellent national reputation in the area of school standards and
22 assessments to facilitate the work of the Commission. Professional and clerical staff positions
23 for the Commission may be filled by persons whose services are loaned to the Commission to
24 fulfill the work of the Commission.

25 **SECTION 2.(f)** The Department of Administration shall provide meeting rooms,
26 telephones, office space, equipment, and supplies to the Commission and shall be reimbursed
27 from the Commission's budget, to the extent that funds are available.

28 **SECTION 2.(g)** To the extent that funds are available, the Commission members
29 shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5,
30 138-6, or 120-3.1, as appropriate.

31 **SECTION 2.(h)** Upon the request of the Commission, all State departments and
32 agencies and local government and their subdivisions shall furnish the Commission with any
33 information in their possession or available to them.

34 **SECTION 2.(i)** The Commission shall make a final report of its findings and
35 recommendations to the State Board of Education, the Joint Legislative Education Oversight
36 Committee, and the 2016 Session of the 2015 General Assembly. The Commission shall
37 terminate on December 31, 2015, or upon the filing of its final report, whichever occurs first.

38 **SECTION 3.(a)** G.S. 115C-174.11(c)(3) is repealed.

39 **SECTION 3.(b)** The State Board of Education shall continue to develop and
40 update the North Carolina Standard Course of Study in accordance with G.S. 115C-12(9c),
41 including a review of standards in other states and of national assessments aligned with those
42 standards, and implement the assessments the State Board deems most aligned to assess student
43 achievement on the North Carolina Standard Course of Study, in accordance with Section
44 9.2(b) of S.L. 2013-360 and Section 5 of this act.

45 **SECTION 4.** G.S. 115C-12(39) reads as rewritten:

46 "(39) Power to Accredite Schools. – Upon the request of a local board of education,
47 the State Board of Education shall evaluate schools in local school
48 administrative units to determine whether the education provided by those
49 schools meets acceptable levels of quality. The State Board shall adopt
50 rigorous academic standards for accreditation after consideration of (i) the
51 standards of regional and national accrediting agencies, (ii) ~~the Common~~

1 ~~Core Standards adopted by the National Governors Association Center for~~
2 ~~Best Practices and the Council of Chief State School Officers, the academic~~
3 ~~standards adopted in accordance with subdivision (9c) of this section, and~~
4 (iii) other information it deems appropriate.

5 The local school administrative unit shall compensate the State Board for
6 the actual costs of the accreditation process."

7 **SECTION 5.** The State Board of Education shall report to the Joint Legislative
8 Education Oversight Committee prior to the acquisition and implementation of a new
9 assessment instrument to assess student achievement on the academic standards adopted
10 pursuant to G.S. 115C-12(9c), including the Common Core Smarter Balanced Consortium
11 Assessments and the PARCC Assessment developed by the Partnership for Assessment of
12 Readiness of College and Careers. The assessments shall be nationally normed, aligned with
13 the North Carolina Standard Course of Study, and field tested. Examples of appropriate
14 assessment models would include, but not be limited to, the ITBS, the SAT, ACT Aspire, and
15 the NAEP. The State Board shall not acquire or implement such an assessment instrument
16 without the enactment of legislation by the General Assembly authorizing the purchase.

17 **SECTION 6.** Local boards of education shall continue to provide for the efficient
18 teaching of the course content required by the standard course of study as provided under
19 G.S. 115C-47(12). The current standard course of study remains in effect until official notice is
20 provided to all public school teachers, administrators, and parents or guardians of students
21 enrolled in the public schools of any changes made in the standard course of study by the State
22 Board of Education.

23 **SECTION 7.** This act becomes effective July 1, 2014.