

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 1463**  
**Education/Public Instruction Committee Substitute Adopted 5/24/07**

Short Title: Modify School Testing & Accountability Prog.

(Public)

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Sponsors:

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Referred to:

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March 26, 2007

A BILL TO BE ENTITLED

1 AN ACT DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO (1)  
2 STUDY THE NEED TO MAKE VARIOUS CHANGES TO THE ABCS OF  
3 PUBLIC EDUCATION PROGRAM AND (2) DEVELOP A PROPOSAL FOR A  
4 NEW STATE TESTING AND ACCOUNTABILITY PLAN AND  
5 APPROPRIATING FUNDS FOR EDUCATION PROGRAMS.  
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The General Assembly finds that, just a few years ago, North  
9 Carolina had one of the leading testing and accountability programs in the nation. The  
10 ABCs of Public Education were simple, fair, and equitable, and both educators and the  
11 public had a high degree of confidence in the annual results generated by this testing  
12 and accountability program. Today, however, there are serious concerns about the  
13 validity and reliability of the data that are produced. The data from the Accountability  
14 Services Division of the North Carolina Department of Public Instruction are so  
15 important to the success of children, teachers, and schools that any questioning of the  
16 validity and reliability of the data must be taken very seriously. For these reasons, the  
17 Department of Public Instruction is hereby directed to:

18 (1) Study the need to make the following changes to the ABCs of Public  
19 Education:

20 a. Count as proficient for the school's and local school  
21 administrative units' ABCs performance composite and  
22 Adequate Yearly Progress (AYP) purposes any student who  
23 scores within the standard error of measure (SEM) of Level 3  
24 on an end-of-grade test (EOG) or end-of-course (EOC) test or  
25 any retest of an EOG or EOC.

26 b. Count only those students who have been enrolled in the school  
27 for 140 days or more when calculating the schools' performance  
28 composite.

- 1 c. Use an EOC or EOG test for field testing purposes only and not  
2 for the ABCs performance composite or AYP if the cut scores  
3 for those tests were not determined prior to their administration.
- 4 d. Convene a group of school accountability experts to review the  
5 data collection procedures used for the 2006-2007 school year  
6 and make any needed changes to those procedures prior to any  
7 further data collection. This group shall make recommendations  
8 regarding the capacity of the Department of Public Instruction  
9 (DPI) to perform this data collection including whether or not  
10 DPI needs additional personnel for this work.
- 11 e. Use fourth, seventh, and tenth grade writing test results for  
12 instructional purposes only and remove them from the ABCs.
- 13 f. Provide the scale scores and proficiency in both the old  
14 standard and the new standard for a one-year transition period  
15 when a test is rescaled to meet higher standards.
- 16 g. Provide goal summary reports for all administrations of the  
17 Online Computer Skills Test.
- 18 h. Provide student level diagnostic information on all State  
19 assessments.
- 20 i. Before students are subjected to new assessments, provide  
21 sample tests and questions so teachers will be knowledgeable of  
22 the nature and forms of new assessments. Regular release of  
23 forms of assessments should be provided to local school  
24 administrative units for use as benchmark assessments. Provide  
25 sample tests and questions so teachers are knowledgeable of the  
26 nature and forms of new assessments before students are  
27 subjected to new assessments. Regularly release forms of  
28 assessments to local school administrative units to use as  
29 benchmarks.
- 30 j. Provide an electronic system of tracking students during their  
31 enrollment in North Carolina public schools. This system  
32 should provide all the rules and nuances of tracking students for  
33 graduation purposes, including who is counted, who is not  
34 counted, diploma students, certificate students, and a process  
35 for when a school closes or a new school opens.
- 36 k. Define the High School Cohort Graduation Rate so that it  
37 includes students who complete their graduation requirements  
38 in five years or less and also includes those students who  
39 choose to complete their high school diploma or GED at a  
40 community college within this five years.
- 41 l. Develop a new formula for the ABCs growth calculation and  
42 the payment of bonuses. Consider using outside experts to  
43 develop the formula or issue a Request for Proposals (RFP).

- 1 m. Fund an accountability director for each local school  
2 administrative unit.
- 3 n. Fund testing coordinator positions in the schools based on one  
4 testing coordinator for each 2,000 students.
- 5 (2) Develop a proposal for a new testing and accountability plan for  
6 implementation no later than the 2009-2010 school year as follows:
- 7 a. Develop a new curriculum which limits learning objectives at  
8 each grade level to only those that are of undisputable  
9 importance and can be successfully taught and accurately  
10 assessed in the time available, and that measure cognitive skill  
11 mastery rather than memorized facts.
- 12 b. Construct all assessment tasks, such as selected response or  
13 constructed response to require the students to employ:
- 14 1. Cognitive skills;  
15 2. The evaluative criteria that will be used to judge their  
16 response; or  
17 3. Both of these.
- 18 c. Require that the construction of assessment items be done by  
19 experts in the field. The number of items per learning outcome  
20 should be sufficient to provide instructional information back to  
21 the school and the teacher. The number of test items should be  
22 limited to that number that can reasonably be completed in a  
23 90-minute setting or less depending on the grade level of the  
24 student.
- 25 d. Create companion assessment descriptions that spell out the  
26 essence of what is measured by State test items or tasks. The  
27 teacher would be able to ensure alignment of instruction to  
28 assessment, and students would have a depth of cognitive skills  
29 rather than a surface knowledge of memorized facts.
- 30 e. Establish an expert review panel of teachers and specialists for  
31 each test developed. The test items and descriptions should  
32 receive a review at a level of difficulty commensurate with the  
33 intended use of the test.

34 **SECTION 2.** There is appropriated from the General Fund to the  
35 Department of Public Instruction the sum of four million four hundred nine thousand  
36 nine hundred sixty-six dollars (\$4,409,966) for the 2007-2008 fiscal year and the sum of  
37 seven million one hundred sixty-three thousand three hundred five dollars (\$7,163,305)  
38 for the 2008-2009 fiscal year to implement the first two years of the three-year Focused  
39 Education Reform Pilot Program in five local school administrative units.

40 Participating local school administrative units shall be selected based on  
41 hard-to-staff criteria, geographic diversity, continuing low performance, and high-risk  
42 student population. The pilot program shall incorporate targeted professional  
43 development, after-school programming, teacher recruitment and retention bonuses,

1 principal achievement bonuses, teacher mentoring, and science and math instructional  
2 assistance.

3           **SECTION 3.** There is appropriated from the General Fund to the  
4 Department of Public Instruction the sum of five hundred fifty thousand dollars  
5 (\$550,000) for the 2007-2008 fiscal year and the sum of five hundred fifty thousand  
6 dollars (\$550,000) for the 2008-2009 fiscal year to establish the Office of Professional  
7 Development under the State Board of Education. The Office shall catalogue current  
8 professional development opportunities, examine new professional development  
9 opportunities, and ensure that all local school administrative units are aware of available  
10 professional development opportunities. The Office shall also develop standards for  
11 evaluating professional development providers and provide technical advice to local  
12 school administrative units in order to ensure that professional development  
13 expenditures align with local needs.

14           **SECTION 4.** This act becomes effective July 1, 2007.