

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**SENATE BILL 621
Education/Higher Education Committee Substitute Adopted 4/17/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S621-PCS35302-TC-38**

Short Title: Testing Reduction Act of 2019.

(Public)

Sponsors:

Referred to:

April 4, 2019

A BILL TO BE ENTITLED
AN ACT TO REDUCE TESTING ADMINISTERED TO STUDENTS IN PUBLIC SCHOOLS.
The General Assembly of North Carolina enacts:

PART I. ELIMINATE NC FINAL EXAM

SECTION 1.(a) The State Board of Education shall eliminate the use of the NC Final Exam as part of the statewide testing program to assess teacher performance and professional growth. The NC Final Exam shall not be administered as part of the statewide testing program for any other purpose.

SECTION 1.(b) This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

PART II. REPLACE EOGS WITH THROUGH-GRADE ASSESSMENT MODEL SIMILAR TO NC CHECK-INS

SECTION 2.(a) The State Board of Education shall eliminate the use of End-of-Grade (EOG) tests for grades three through eight. The State Board shall adopt a policy to require administration of a through-grade assessment model with three interim assessments similar to NC Check-Ins in grades three through eight three times per school year as follows: The first through-grade assessment shall be administered no later than November 15, the second through-grade assessment shall be administered no later than the end of February, and the third through-grade assessment shall be administered within the final 10 instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester courses. The average of the combined scores earned for at least two of the through-grade assessments shall constitute the annual assessment for grades three through eight, and all provisions of Subchapter IV of Chapter 115C of the General Statutes concerning annual assessments for grades three through eight shall apply to this averaged score.

In addition to making any necessary adjustments to currently developed through-grade assessments, the State Board shall develop through-grade assessments for science for grade five and grade eight and for reading for grade three. A third grade student who fails to demonstrate reading proficiency, as demonstrated by the averaged score of the relevant through-grade assessments for reading, may retake the third through-grade assessment for reading prior to the end of the school year, and the score of the readministered third through-grade assessment for reading may be used for the purpose of demonstrating reading proficiency.



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1 Policies regarding participation in the NCEXTEND1 alternative assessment may be
2 applied in the same manner as prior to the enactment of this act, and the State Board of Education
3 may continue use of the NCEXTEND1 for students with disabilities, as appropriate.

4 The State Board of Education shall review existing testing security policies and shall
5 revise them as necessary to provide for as secure a testing environment as required by federal
6 law or as a condition of a federal grant. The State Board shall not require testing security
7 measures in excess of those required for federal compliance.

8 **SECTION 2.(b)** G.S. 115C-81.36(b) reads as rewritten:

9 "(b) When advanced courses are offered in mathematics, any student scoring at a level
10 ~~five on the end-of-grade or end-of-course test that denotes superior command of knowledge and~~
11 ~~skills~~ for the mathematics course in which the student was most recently enrolled shall be
12 enrolled in the advanced course for the next mathematics course in which the student is enrolled.
13 A student in seventh grade scoring at a level five on the seventh grade mathematics end-of-grade
14 ~~test that denotes superior command of knowledge and skills~~ shall be enrolled in a high school
15 level mathematics course in eighth grade. No student who qualifies under this subsection shall
16 be removed from the advanced or high school mathematics course in which the student is enrolled
17 unless a parent or guardian of the student provides written consent for the student to be excluded
18 or removed from that course."

19 **SECTION 2.(c)** G.S. 115C-105.41(a) reads as rewritten:

20 "(a) In order to implement Part 1A of Article 8 of this Chapter, local school administrative
21 units shall identify students who are at risk for academic failure and who are not successfully
22 progressing toward grade promotion and graduation, beginning in kindergarten. Identification
23 shall occur as early as can reasonably be done and can be based on grades, observations,
24 diagnostic and formative assessments, State assessments, and other factors, including reading on
25 grade level, that impact student performance that teachers and administrators consider
26 appropriate, without having to await the results of ~~end-of-grade or end-of-course State-mandated~~
27 tests."

28 **SECTION 2.(d)** G.S. 115C-276(q) reads as rewritten:

29 "(q) To Assign School Principals. – Subject to local board policy, the superintendent shall
30 have the authority to assign principals to school buildings. When making an assignment, the
31 superintendent shall consider (i) whether a principal has demonstrated the leadership ability to
32 increase student achievement at a school where conditions indicated a significant risk of low
33 student performance; and (ii) how to maintain stability at a school where, during the time the
34 principal has been at a school, there has been significant improvement on ~~end-of-course or~~
35 ~~end-of-grade tests and other~~ accountability measures developed by the State Board of Education."

36 **SECTION 2.(e)** This section is effective when it becomes law and applies beginning
37 with testing administered for the 2022-2023 school year.

38
39 **PART III. REPLACE EOCS WITH THE ACT OR OTHER NATIONALLY**
40 **RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE**
41 **READINESS**

42 **SECTION 3.(a)** The State Board of Education shall eliminate use of End-of-Course
43 (EOC) tests for grades nine through 12. The nationally recognized assessment of high school
44 achievement and college readiness, or the alternate assessment, administered to all students in
45 eleventh grade pursuant to G.S. 115C-174.11(c)(4), as amended by subsection (d) of this section,
46 shall constitute the State-mandated testing in grades nine through 12 required by
47 G.S. 115C-174.11(c)(1). Policies regarding participation in the NCEXTEND1 alternative
48 assessment may be applied in the same manner as prior to the enactment of this act, and the State
49 Board of Education may continue the use of the NCEXTEND1 for students with disabilities, as
50 appropriate.

51 **SECTION 3.(b)** G.S. 115C-83.15(b)(2) reads as rewritten:

- 1 "(2) For schools serving any students in ninth through twelfth grade, the State
2 Board shall assign points on the following measures available for that school:
3 a. One point for each percent of students who score at or above proficient
4 on ~~either the Algebra I or Integrated Math I end-of-course test or, for~~
5 ~~students who completed Algebra I or Integrated Math I before ninth~~
6 ~~grade, another mathematics course with an end-of-course test, the math~~
7 ~~subtest of a nationally recognized assessment of high school~~
8 ~~achievement and college readiness.~~
9 b. One point for each percent of students who score at or above proficient
10 on ~~the English II end-of-course test, the reading subtest of a nationally~~
11 ~~recognized assessment of high school achievement and college~~
12 ~~readiness.~~
13 c. One point for each percent of students who score at or above proficient
14 on the ~~Biology end-of-course test, science subtest or the science subject~~
15 ~~test of a nationally recognized assessment of high school achievement~~
16 ~~and college readiness.~~
17 d. One point for each percent of students who complete Algebra II or
18 Integrated Math III with a passing grade.
19 e. One point for each percent of students who achieve the minimum score
20 required for admission into a constituent institution of The University
21 of North Carolina on a nationally normed test of college readiness.
22 f. One point for each percent of students enrolled in Career and
23 Technical Education courses who meet the standard when scoring at
24 Silver, Gold, or Platinum levels on a nationally normed test of
25 workplace readiness.
26 g. One point for each percent of students who graduate within four years
27 of entering high school.
28 h. One point for each percent of students who progress in achieving
29 English language proficiency."

30 **SECTION 3.(c)** G.S. 115C-83.16(a)(2) reads as rewritten:

- 31 "(2) For schools serving any students in ninth through twelfth grade, the State
32 Board shall define the indicators as follows:
33 a. Academic indicators. –
34 1. The academic achievement indicator shall include the
35 following measures:
36 I. Proficiency on ~~either the Algebra I or Integrated Math~~
37 ~~I end-of-course test or, for students who completed~~
38 ~~Algebra I or Integrated Math I before ninth grade,~~
39 ~~another mathematics course with an end-of-course~~
40 ~~test, the math subtest of a nationally recognized~~
41 ~~assessment of high school achievement and college~~
42 ~~readiness.~~
43 II. Proficiency on the ~~English II end-of-course test, reading~~
44 ~~subtest of a nationally recognized assessment of high~~
45 ~~school achievement and college readiness.~~
46 III. The growth score earned by schools.
47 2. Repealed by Session Laws 2017-206, s. 1(b), effective August
48 30, 2017, and applicable beginning with the 2017-2018 school
49 year.

- 1 3. The graduation rate indicator shall be the percentage of
- 2 students who graduate within four years of entering high
- 3 school.
- 4 4. The English language proficiency indicator shall be the
- 5 percentage of students who progress in achieving English
- 6 language proficiency.
- 7 b. School quality and student success indicator. – The school quality and
- 8 student success indicator shall be made up of the following measures:
- 9 1. Proficiency on the ~~Biology end-of-course test~~science subtest
- 10 of a nationally recognized assessment of high school
- 11 achievement and college readiness.
- 12 2. The percentage of students who complete Algebra II or
- 13 Integrated Math III with a passing grade.
- 14 3. The percentage of students who achieve the minimum score
- 15 required for admission into a constituent institution of The
- 16 University of North Carolina on a nationally normed test of
- 17 college readiness.
- 18 4. The percentage of students enrolled in Career and Technical
- 19 Education courses who meet the standard when scoring at
- 20 Silver, Gold, or Platinum levels on a nationally normed test of
- 21 workplace readiness."

22 **SECTION 3.(d)** G.S. 115C-174.11(4) reads as rewritten:

23 "(4) ~~To the extent funds are made available, the~~The State Board of Education shall

24 use a competitive bid process to adopt one ~~nationally norm refereneed college~~

25 ~~admissions test~~nationally recognized assessment of high school achievement

26 and college readiness to make available to local school administrative units,

27 regional schools, and charter schools to administer to all ~~students in the~~

28 ~~eleventh grade unless the student has already taken a comparable test and~~

29 ~~scored at or above a level set by the State Board.~~students. The State Board of

30 Education shall require the administration of an alternate to the ~~nationally~~

31 ~~norm refereneed college admissions test~~nationally recognized assessment of

32 high school achievement and college readiness or an alternate precursor test

33 to the ~~nationally norm refereneed college admissions test~~nationally

34 recognized assessment of high school achievement and college readiness to a

35 student who (i) ~~exhibits severe and pervasive delays in all areas of conceptual,~~

36 ~~linguistic, and academic development and in adaptive behaviors, including~~

37 ~~communication, daily living skills, and self care,~~ (ii) ~~is following the extended~~

38 ~~content standards of the Standard Course of Study as provided in~~

39 ~~G.S. 115C-81.5, or is following a course of study that, upon completing high~~

40 ~~school, may not lead to admission into a college level course of study resulting~~

41 ~~in a college degree, and (iii) has a written parental request for an alternate~~

42 ~~assessment in accordance with federal law.~~

43 ~~The State Board of Education shall ensure that parents of students enrolled~~

44 ~~in all public schools, including charter and regional schools, have the~~

45 ~~necessary information to make informed decisions regarding participation in~~

46 ~~the nationally norm refereneed college admissions test and precursor test.~~

47 Alternate assessment results and ~~nationally norm refereneed college~~

48 ~~admissions test~~assessment nationally recognized assessment of high school

49 achievement and college readiness results of students with disabilities shall be

50 included in school accountability reports, including charter and regional

51 schools, provided by the State Board of Education."

1 **SECTION 3.(e)** G.S. 116-11(10a) reads as rewritten:

2 "(10a) The Board of Governors, the State Board of Community Colleges, and the
3 State Board of Education, in consultation with nonprofit postsecondary
4 educational institutions shall plan a system to provide an exchange of
5 information among the public schools and institutions of higher education to
6 be implemented no later than June 30, 1995. As used in this section,
7 "institutions of higher education" shall mean (i) public higher education
8 institutions defined in G.S.116-143.1(a)(3), and (ii) those nonprofit
9 postsecondary educational institutions as described in G.S. 116-280 that
10 choose to participate in the information exchange. The information shall
11 include:

- 12 a. The number of high school graduates who apply to, are admitted to,
13 and enroll in institutions of higher education;
14 b. College performance of high school graduates for the year
15 immediately following high school graduation including each
16 student's: need for remedial coursework at the institution of higher
17 education that the student attends; performance in standard freshmen
18 courses; and continued enrollment in a subsequent year in the same or
19 another institution of higher education in the State;
20 c. The progress of students from one institution of higher education to
21 another; and
22 d. Consistent and uniform public school course information including
23 course code, name, and description.

24 The Department of Public Instruction shall generate and the local school
25 administrative units shall use standardized transcripts in an automated format
26 for applicants to higher education institutions. The standardized transcript
27 shall include grade point average, class rank, ~~end of course test scores, scores~~
28 from the nationally recognized assessment of high school achievement and
29 college readiness administered pursuant to G.S. 115C-174.11(c), and uniform
30 course information including course code, name, units earned toward
31 graduation, and credits earned for admission from an institution of higher
32 education. The grade point average and class rank shall be calculated by a
33 standard method to be devised by the institutions of higher education."

34 **SECTION 3.(f)** Subsections (a) and (d) of this section become effective January 1,
35 2020, and apply beginning with testing administered for the 2020-2021 school year. Subsections
36 (b) and (c) of this section become effective January 1, 2021, and apply beginning with school
37 performance grades issued based on data from the 2020-2021 school year. Subsection (e) of this
38 section becomes effective July 1, 2020, and applies beginning with students entering their junior
39 year in the 2020-2021 school year.

40
41 **PART IV. PLAN TO REDUCE STANDARDIZED TESTING BY LOCAL SCHOOL**
42 **ADMINISTRATIVE UNITS**

43 **SECTION 4.(a)** G.S. 115C-174.12 reads as rewritten:

44 "**§ 115C-174.12. Responsibilities of agencies.**

45 ...

46 (d1) In each even-numbered year, each local board of education shall review all local
47 standardized testing administered to students by the local school administrative unit at the
48 direction of the local board of education for the prior two school years, in order to determine the
49 number of tests administered to students and the number of hours required for students to
50 complete the tests. If the average over the prior two-year period of either (i) the number of tests
51 administered or (ii) the number of hours required for students to complete the tests exceeds the

1 State average over the prior two-year period, as published pursuant to subsection (e1) of this
2 section, the local board of education shall submit to the Department of Public Instruction and the
3 State Board of Education, by October 1 of the even-numbered year, a plan to eliminate certain
4 local standardized testing in order to ensure that neither the number of tests nor the number of
5 hours required for students to complete the tests exceeds the State average. The State Board of
6 Education shall waive the requirement that a local board develop and submit a plan if the State
7 Board finds that the local board has made significant progress toward reducing local testing to
8 the State average.

9 (e) By November 1 of each year, the State Board of Education shall submit a report to
10 the Joint Legislative Education Oversight Committee containing information regarding the
11 statewide administration of the testing program, including the number and type of tests and the
12 testing schedule, and a summary of any local testing programs reported by local boards of
13 education to the State Board of Education in accordance with subsection (d) of this section. The
14 report shall also include a summary of any local plans provided to the State Board in accordance
15 with subsection (d1) of this section.

16 (e1) By September 1 of each year, the Superintendent of Public Instruction shall publish
17 on the Web site of the Department of Public Instruction a the following:

18 (1) A uniform calendar that includes schedules for State-required testing and
19 reporting results of tests for at least the next two school years, including
20 estimates of the average time for administering State-required standardized
21 tests. The uniform calendar shall be provided to local boards of education in
22 an electronic format that allows each local board of education to populate the
23 calendar with, at a minimum, the information required by subsection (d) of
24 this section. The uniform calendar shall be searchable by local school
25 administrative unit and denote whether a test on the calendar is required by
26 the State or required by a local board of education.

27 (2) For the local standardized testing information populated by local boards of
28 education under subdivision (1) of this subsection, a summary of the nature
29 and extent of the local testing, including the average over the prior two-year
30 period of (i) the number of tests administered and (ii) the number of hours
31 required for students to complete the tests."

32 **SECTION 4.(b)** This section applies beginning with reports issued in 2020 based on
33 data from the 2019-2020 school year.

34 35 **PART V. PROHIBIT GRADUATION PROJECTS AS A CONDITION OF** 36 **GRADUATION**

37 **SECTION 5.(a)** G.S. 115C-12(9d) reads as rewritten:

38 "(9d) Power to Develop Exit Standards and Graduation Requirements. –

39 ...

40 b. The following restrictions apply to the Board regarding Algebra I and
41 high school graduation projects:

42 ...

43 2. The Board shall not require any student to prepare a high
44 school graduation project as a condition of graduation from
45 high school; ~~local boards of education may, however, require~~
46 ~~their students to complete a high school graduation~~
47 ~~project.school."~~

48 **SECTION 5.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:

49 "(54a) To ensure that graduation is not conditioned on a graduation project. – A
50 student shall not be required to complete a high school graduation project as

1 a condition of graduation from high school. Requirements for graduation shall
2 be connected only to the completion of required courses."

3 **SECTION 5.(c)** This section is effective when it becomes law and applies beginning
4 with the 2019-2020 school year.

5
6 **PART VI. EXAMINATION OF THIRD GRADE ENGLISH LANGUAGE ARTS**
7 **ASSESSMENTS TO BETTER MEET GOALS OF READ TO ACHIEVE**

8 **SECTION 6.** The Department of Public Instruction shall examine the End-of-Grade
9 English Language Arts assessment administered in third grade as compared to the Read to
10 Achieve alternative assessment in order to determine whether the End-of-Grade English
11 Language Arts assessment should be modified to better meet the goals of Read to Achieve,
12 pursuant to Part 1A of Article 8 of Chapter 115C of the General Statutes. Based on its
13 examination, the Department shall develop any modifications needed. No later than March 15,
14 2020, the Department shall report to the Joint Legislative Education Oversight Committee on the
15 results of its examination and any modifications developed.

16
17 **PART VII. EFFECTIVE DATE**

18 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
19 law.