

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 621
Education/Higher Education Committee Substitute Adopted 4/17/19
House Committee Substitute Favorable 6/25/19
House Committee Substitute #2 Favorable 7/8/19
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Proposed Conference Committee Substitute S621-PCCS35344-TC-6

Short Title: Testing Reduction Act of 2019.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE TESTING ADMINISTERED TO STUDENTS IN PUBLIC SCHOOLS
3 AND TO MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES RELATED
4 TO EDUCATION LAWS.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. ELIMINATE NC FINAL EXAM**

8 **SECTION 1.** Beginning with the 2020-2021 school year, the State Board of
9 Education shall eliminate the use of the NC Final Exam as part of the statewide testing program
10 to assess teacher performance and professional growth. The NC Final Exam shall not be
11 administered as part of the statewide testing program for any other purpose. No later than March
12 15, 2020, the State Board of Education and the Department of Public Instruction shall submit to
13 the Joint Legislative Education Oversight Committee a plan on how to use other means to
14 accomplish the purposes for which data is collected by the NC Final Exam.

15
16 **PART II. REPORT ON NORTH CAROLINA PERSONALIZED ASSESSMENT PILOT**

17 **SECTION 2.(a)** It is the intent of the General Assembly that the State move toward
18 a through-grade assessment model, in which all State-mandated assessments are administered in
19 multiple short testing events throughout the school year rather than in a single long testing event
20 at the end of the year.

21 **SECTION 2.(b)** The Superintendent of Public Instruction shall report by November
22 15, 2020, and annually thereafter until November 15, 2024, to the Joint Legislative Education
23 Oversight Committee regarding the progress of the North Carolina Personalized Assessment
24 Tool (NCPAT) pilot. At a minimum, the report shall include the following, when available:

- 25 (1) Demographic information for each school participating in the pilot.
26 (2) NCPAT performance, including proficiency and growth data, at the State,
27 public school unit, and school level for students enrolled in participating
28 schools. Such data shall be aggregated for all students and disaggregated for
29 each subgroup of students identified in G.S. 115C-83.15(d1) without
30 revealing personally identifiable information.
31 (3) End-of-grade assessment performance, including proficiency and growth
32 data, at the State and public school unit level for students not enrolled in



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1 participating schools. Such data shall be aggregated for all students and
2 disaggregated for each subgroup of students identified in
3 G.S. 115C-83.15(d1) without revealing personally identifiable information.

- 4 (4) Feedback received from teachers, principals, unit-level staff, students,
5 parents, and other stakeholders regarding the NCPAT pilot and a description
6 of how such feedback was incorporated into the NCPAT pilot.
- 7 (5) Progress in scaling up the assessment system to additional public school units
8 or schools measured against the Department of Public Instruction's latest time
9 line submitted to the United States Department of Education.
- 10 (6) Description of how the participation of any additional schools or public school
11 units in that year contributed to progress toward achieving high-quality and
12 consistent implementation across demographically diverse public school
13 units.
- 14 (7) The most recent Innovative Assessment Demonstration Authority Annual
15 Performance Report submitted to the United States Department of Education.
- 16 (8) Any communications received from the United States Department of
17 Education related to the NCPAT pilot.
- 18 (9) Progress in developing a plan to replace the science end-of-grade assessments
19 in fifth and eighth grade with through-grade assessments after the completion
20 of the NCPAT pilot.
- 21 (10) Progress in developing a plan to replace all end-of-course assessments with
22 through-grade assessments for State-mandated high school assessments after
23 the completion of the NCPAT pilot.
- 24 (11) Recommendations on any changes needed in State law to continue
25 implementation of through-grade assessments statewide after the completion
26 of the NCPAT pilot.

27 **SECTION 2.(c)** Notwithstanding any other provision of law, the State Board of
28 Education and the Superintendent of Public Instruction may supervise and administer the
29 NCPAT pilot in fulfillment of the State's Innovative Assessment Demonstration Authority
30 granted by the United States Department of Education.

31
32 **PART III. PLAN TO REDUCE STANDARDIZED TESTING BY LOCAL SCHOOL**
33 **ADMINISTRATIVE UNITS**

34 **SECTION 3.(a)** G.S. 115C-174.12 reads as rewritten:

35 "**§ 115C-174.12. Responsibilities of agencies.**

36 ...

37 (d1) In each even-numbered year, each local board of education shall review all local
38 standardized testing administered to students by the local school administrative unit at the
39 direction of the local board of education for the prior two school years, in order to determine the
40 number of tests administered to students and the number of hours required for students to
41 complete the tests. If the average over the prior two-year period of either (i) the number of tests
42 administered or (ii) the number of hours required for students to complete the tests exceeds the
43 State average over the prior two-year period, as published pursuant to subsection (e1) of this
44 section, the local board of education shall submit to the Department of Public Instruction and the
45 State Board of Education, by October 1 of the even-numbered year, a plan to eliminate certain
46 local standardized testing in order to ensure that neither the number of tests nor the number of
47 hours required for students to complete the tests exceeds the State average. The State Board of
48 Education shall waive the requirement that a local board develop and submit a plan if the State
49 Board finds that the local board has made significant progress toward reducing local testing to
50 the State average.

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

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

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

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

24 **SECTION 3.(b)** This section applies beginning with reports issued in 2020 based on
 25 data from the 2019-2020 school year.

27 **PART IV. REQUIRE LOCAL FUNDING FOR ECONOMICALLY DISADVANTAGED** 28 **STUDENTS FOR GRADUATION PROJECTS**

29 **SECTION 4.(a)** G.S. 115C-12(9d) reads as rewritten:

30 "(9d) Power to Develop Exit Standards and Graduation Requirements. –

31 ...

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

34 ...

35 2. The Board shall not require any student to prepare a high
 36 school graduation project as a condition of graduation from
 37 high school; local boards of education may, however, require
 38 their students to complete a high school graduation ~~project~~ as
 39 provided in G.S. 115C-47(54a)."

40 **SECTION 4.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:

41 "(54a) To ensure funding for graduation projects. – A local board of education shall
 42 not require a high school graduation project as a condition of graduation from
 43 high school unless the board provides from local funds a method of
 44 reimbursement of up to seventy-five dollars (\$75.00) for expenses related to
 45 the high school graduation project for any student identified as an
 46 economically disadvantaged student."

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

50 **PART V. EXAMINATION OF THIRD GRADE ENGLISH LANGUAGE ARTS** 51 **ASSESSMENTS TO BETTER MEET GOALS OF READ TO ACHIEVE**

1 **SECTION 5.** The Department of Public Instruction shall examine the End-of-Grade
 2 English Language Arts assessment administered in third grade as compared to the Read to
 3 Achieve alternative assessment in order to determine whether the End-of-Grade English
 4 Language Arts assessment should be modified to better meet the goals of Read to Achieve,
 5 pursuant to Part 1A of Article 8 of Chapter 115C of the General Statutes. Based on its
 6 examination, the Department shall develop any modifications needed. No later than March 15,
 7 2020, the Department shall report to the Joint Legislative Education Oversight Committee on the
 8 results of its examination and any modifications developed.

9
 10 **PART VI. COMPETENCY-BASED ASSESSMENTS AND TEACHING MODEL**

11 **SECTION 6.** Pursuant to the intent of the General Assembly expressed in Section
 12 8.12 of Session Law 2015-241, the State Board of Education shall determine and analyze the
 13 steps necessary to transition to a competency-based assessment and teaching model for all
 14 elementary and secondary students. Based on its analysis, the State Board shall recommend
 15 transition steps that accomplish the following competency-based objectives:

- 16 (1) Students advance upon mastery.
- 17 (2) Competencies are broken down into explicit and measurable learning
 18 objectives.
- 19 (3) Assessment is meaningful for students, accomplishes the goals of the
 20 statewide testing program for measuring student achievement and student
 21 growth, and complies with the conditions of federal grant funds.
- 22 (4) Students receive differentiated support based on their learning needs.
- 23 (5) Learning outcomes emphasize competencies that include the application and
 24 creation of knowledge.

25 In conducting its analysis, the State Board shall examine (i) competency-based
 26 assessments in other states, including potential benefits and obstacles to implementing similar
 27 systems in North Carolina, (ii) the relationship between competency-based assessments and
 28 innovative teaching methods utilized in North Carolina schools, and (iii) any other considerations
 29 the Board deems relevant to transitioning to a competency-based assessment and teaching model.
 30 No later than May 15, 2020, the State Board shall submit a report of its analysis and
 31 recommended transition steps to the Joint Legislative Education Oversight Committee.

32
 33 **PART VII. CLARIFICATION OF DEFINITION OF HIGH-NEED RETIRED**
 34 **TEACHERS**

35 **SECTION 7.(a)** G.S. 115C-302.4, as enacted by Section 1 of S.L. 2019-110, reads
 36 as rewritten:

37 **"§ 115C-302.4. High-need retired teachers.**

38 (a) Definitions. – The following definitions apply in this section:

- 39 (1) High-need retired teacher. – A beneficiary of the Teachers' and State
 40 Employees' Retirement System of North Carolina who meets both of the
 41 following requirements:
 42 a. Retired on or before February 1, 2019, after attaining (i) the age of at
 43 least 65 with five years of creditable service, (ii) the age of at least 60
 44 with 25 years of creditable service, or (iii) 30 years of creditable
 45 service.
 46 b. Is reemployed by a local board of education to teach provide classroom
 47 instruction as a teacher, as defined in G.S. 135-1(25), employed on an
 48 annual contract to provide classroom instruction exclusively at a
 49 high-need school, school or schools.

50 "

1 **SECTION 7.(b)** G.S. 135-3(8)g., as enacted by Section 2(a) of S.L. 2019-110, reads
2 as rewritten:

3 "g. Notwithstanding sub-subdivisions c. and d. of this subdivision, the
4 computation of postretirement earnings of a beneficiary under this
5 subdivision, who retired on or before February 1, 2019, and who has
6 been retired at least six months, shall not include earnings while the
7 beneficiary is employed ~~to teach~~ as a high-need retired teacher, as
8 defined under ~~G.S. 115C-302.4(a)(1)~~. G.S. 115C-302.4(a)(1), and the
9 beneficiary shall not be restored to service as a teacher or employee.
10 The Department of Public Instruction shall certify to the Retirement
11 System that a beneficiary is employed ~~to teach~~ by a local board of
12 education as a high-need retired teacher, as defined under
13 G.S. 115C-302.4(a)(1). ~~Beneficiaries employed under this~~
14 ~~sub-subdivision are~~ A local board of education shall inform the
15 Retirement System, no later than September 15 annually, if it will not
16 employ high-need retired teachers, as defined under
17 G.S. 115C-302.4(a)(1), for that school year. The retirement allowance
18 of a beneficiary who retired on an early or service retirement shall not
19 cease due to reemployment as a high-need retired teacher, as defined
20 under G.S. 115C-302.4(a)(1). A beneficiary reemployed as a
21 high-need retired teacher is not entitled to any benefits otherwise
22 provided under this Chapter as a result of this period of employment."

23 **SECTION 7.(c)** Section 5 of S.L. 2019-110 reads as rewritten:

24 "**SECTION 5.(a)** The State Treasurer shall seek a private letter ruling from the Internal
25 Revenue Service to determine if the provisions of this ~~section-act~~ relating to the computation of
26 postretirement earnings of retired teachers jeopardize the status of the Teachers' and State
27 Employees' Retirement System.

28 "**SECTION 5.(b)** If the Internal Revenue Service determines that the provisions of
29 G.S. 135-3(8)g., as enacted by this ~~section-act~~, relating to the computation of postretirement
30 earnings of retired teachers jeopardize the status of the Teachers' and State Employees'
31 Retirement System of North Carolina under the Internal Revenue Code, then this ~~section-act~~ is
32 repealed 30 days from on the last day of the month following the month of receipt of that
33 determination by the State Treasurer. Upon receipt of that determination, the State Treasurer shall
34 notify the Revisor of Statutes of the determination and the date of receipt. Within three business
35 days of receipt of the determination, the State Treasurer shall notify all local school
36 administrative units of the repeal of this ~~section-act~~ and shall publicly notice the receipt of this
37 information on the Department of State Treasurer's Web site. Within three business days of
38 receipt of the notice from the State Treasurer, a local school administrative unit shall notify all
39 high-need retired teachers employed by its local board of education of the repeal of this
40 ~~section-act~~.

41 "**SECTION 5.(c)** Notwithstanding any other provision of law to the contrary, in order to pay
42 costs associated with the administration of the provisions of this ~~section-act~~, the Retirement
43 Systems Division of the Department of State Treasurer may increase receipts from the retirement
44 assets of the Teachers' and State Employees' Retirement System or pay costs associated with the
45 administration directly from the retirement assets. Costs associated with the administration of the
46 provisions of this ~~section-act~~ shall not exceed fifty thousand dollars (\$50,000) to obtain the
47 private letter ruling from the Internal Revenue Service required under subsection (a) of this
48 section.

49 "

50 **SECTION 7.(d)** If S.L. 2019-110 is repealed pursuant to the requirements of Section
51 5 of that act, this section is repealed on the same date as the repeal of S.L. 2019-110.

1 **SECTION 7.(e)** If House Bill 966, 2019 Regular Session, becomes law, Section
2 38.25 of House Bill 966, 2019 Regular Session, is repealed.

3 **SECTION 7.(f)** This section becomes effective July 1, 2019, and expires June 30,
4 2021.

5
6 **PART VIII. CLARIFYING CHANGES TO TEACHER LICENSURE LAWS**

7 **SECTION 8.(a)** G.S. 115C-270.15, as amended by Section 1.1 of S.L. 2019-71,
8 reads as rewritten:

9 "**§ 115C-270.15. Examination requirements for initial professional licenses.**~~requirements.~~

10 (a) Examination Score Requirements. – The State Board of Education shall require an
11 applicant for an initial professional license (IPL) or a residency license (RL) to demonstrate the
12 applicant's academic and professional preparation by achieving a prescribed minimum score on
13 a standard examination appropriate and adequate for that purpose. Elementary education (K-6)
14 and special education general curriculum teachers shall also achieve a prescribed minimum score
15 on subtests or standard examinations specific to teaching reading and mathematics.

16 (b) Establishment of Minimum Scores. – The State Board shall adopt rules that establish
17 the minimum scores for any required standard examinations and other measures necessary to
18 assess the qualifications of professional educators as required under this section. For purposes of
19 this section, the State Board shall not be subject to Article 2A of Chapter 150B of the General
20 Statutes. At least 30 days prior to changing any rule adopted under this section, the State Board
21 shall provide written notice to all recognized educator preparation programs and to all local
22 boards of education. The written notice shall include the proposed revised rule. The State Board
23 of Education shall make any required standard ~~initial professional licensure exam~~ examination
24 rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has
25 received high-quality academic and professional preparation to teach effectively.

26 (c) Time Line for Completion of Examinations. – The State Board of Education shall
27 permit an applicant to fulfill any such examination requirement before or during the third year of
28 ~~the IPL, licensure,~~ provided the applicant took the examination at least once during the first year
29 ~~of the license.~~ licensure.

30 (d) Monitoring Compliance. – ~~For teachers with an IPL, the~~ The State Board shall direct
31 the Department of Public Instruction to monitor ~~the teachers'~~ the compliance with this section
32 ~~throughout the duration of the IPL.~~ section. In the event a teacher is not in compliance with any
33 of the requirements of this section, the Department shall notify the teacher.

34 (e) Conversion to Continuing Professional License. – The State Board shall not convert
35 an IPL or RL to a continuing professional license for a teacher who has not fulfilled the
36 examination requirements of this section."

37 **SECTION 8.(b)** G.S. 115C-270.20(a)(4a), as enacted by Section 2.1 of S.L.
38 2019-71, reads as rewritten:

39 "(4a) Limited license. – A three-year nonrenewable license issued to an individual
40 who meets the requirements of this subdivision. A limited license shall only
41 be requested by the local board of education currently employing or seeking
42 to employ the individual and shall be used for continued employment only in
43 that local school administrative unit. The State Board shall not require
44 individuals to demonstrate preparation through achieving a prescribed
45 minimum score on a standardized examination for a limited license. To
46 receive a limited license, one of the following shall be met:

47 a. ~~IPL~~ In-state licensee. – Both of the following are met:

- 48 1. The individual was issued an ~~IPL,~~ IPL or RL, but ~~did not~~
49 qualify for a CPL under G.S. 115C-270.15(e). failed to fulfill
50 examination requirements under G.S. 115C-270.15 after three
51 years of licensure.

- 1 2. The local board of education submits to the State Board an
- 2 affidavit stating that the teacher is currently employed by that
- 3 local board, is an effective teacher, and will be encouraged to
- 4 continue to pursue a CPL. The affidavit shall be signed by both
- 5 the principal and superintendent for the school to which the
- 6 teacher is currently assigned.
- 7 b. Out-of-state licensee. – Both of the following are met:
- 8 1. The individual holds current teacher licensure in another state
- 9 that is in good standing.
- 10 2. The local board of education submits to the State Board an
- 11 affidavit stating that the local board seeks to employ the
- 12 teacher, that the teacher has been employed as a licensed
- 13 teacher in another state for at least three years, and that the
- 14 teacher will be encouraged to pursue an IPL or CPL, as
- 15 appropriate for that teacher. The affidavit shall be signed by
- 16 the superintendent for the local board of education seeking to
- 17 employ the teacher."

18 **SECTION 8.(c)** An individual with a lateral entry license shall be deemed to meet
 19 the requirements of G.S. 115C-270.20(a)(4a) if the following criteria are met:

- 20 (1) The individual would have been issued a continuing professional license but
- 21 for the failure to fulfill examination requirements set by the State Board of
- 22 Education.
- 23 (2) The local board of education submits to the State Board an affidavit stating
- 24 that the teacher is currently employed by that local board, is an effective
- 25 teacher, and will be encouraged to continue to pursue a CPL. The affidavit
- 26 shall be signed by both the principal and superintendent for the school to
- 27 which the teacher is currently assigned.

28 **SECTION 8.(d)** Section 1.2 of S.L. 2019-71 reads as rewritten:

29 "**SECTION 1.2.** ~~Elementary-Effective June 30, 2019, elementary~~ education (K-6) or special
 30 education general curriculum teachers with an initial professional ~~license-license, lateral entry~~
 31 license, or residency license that is set to expire June 30, 2019, due to the failure to fulfill the
 32 licensure examination requirements pursuant to G.S. 115C-270.15, shall be granted an extension
 33 until June 30, 2020."

34 **SECTION 8.(e)** Section 1.3 of S.L. 2019-71 reads as rewritten:

35 "**SECTION 1.3.** G.S. 115C-270.15(c), as amended by this act, shall apply to individuals
 36 holding an initial professional license on or after the effective date of this act. The State Board
 37 shall comply with G.S. 115C-270.15(d), as enacted by this act, beginning with applicants for
 38 teacher licensure on or after July 1, 2019."

39 **SECTION 8.(f)** Section 6 of S.L. 2019-71 reads as rewritten:

40 "**SECTION 6.** This act is effective when it becomes law and, except as otherwise provided
 41 in this act, applies beginning with ~~applications for teacher licensure submitted on or after the~~
 42 ~~eighteenth day following the effective date of this act.~~"

43 **SECTION 8.(g)** This section applies to individuals holding or seeking licensure on
 44 or after the effective date of this act.

45 **PART IX. EFFECTIVE DATE**

46 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
 47 law.
 48