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SENATE BILL DRS15221-NG-60

Short Title: Modify School Performance Grades. (Public)

Sponsors: Senators Hunt, Waddell, and Chaudhuri (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY SCHOOL PERFORMANCE GRADES TO PROVIDE THAT ALL
3 SCHOOLS RECEIVE A GRADE FOR SCHOOL ACHIEVEMENT AND A GRADE FOR
4 SCHOOL GROWTH.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. ESTABLISH SEPARATE ACHIEVEMENT AND GROWTH GRADES**

8 **SECTION 1.1.** G.S. 115C-12(9) reads as rewritten:

9 "(9) Miscellaneous Powers and Duties. – All the powers and duties exercised by
10 the State Board of Education shall be in conformity with the Constitution and
11 subject to such laws as may be enacted from time to time by the General
12 Assembly. Among such duties are:

13 ...

14 c1. To issue an annual "report card" for the State and for each local school
15 administrative unit, assessing each unit's efforts to improve student
16 performance based on the growth in performance of the students in
17 each school and taking into account progress over the previous years'
18 level of performance and the State's performance in comparison with
19 other states. This assessment shall take into account factors that have
20 been shown to affect student performance and that the State Board
21 considers relevant to assess the State's efforts to improve student
22 performance. The annual "report card" for each local school
23 administrative unit shall include the following:

- 24 1. The State Board shall award, in accordance with
25 G.S. 115C-83.15, ~~an overall numerical school achievement,~~
26 ~~growth, and performance score on a scale of zero to 100~~
27 achievement and school growth scores and a separate
28 corresponding performance school achievement and school
29 growth letter grade grades of A, B, C, D, or F earned by each
30 school within the local school administrative unit. The school
31 performance score and grade achievement and growth scores
32 and grades shall reflect the measures required for achievement
33 and growth, respectively, by G.S. 115C-83.15, in measures
34 such as student performance on annual subject-specific
35 assessments, college and workplace readiness measures,
36 graduation rates, and student progress in achieving English



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language proficiency. In addition, the State Board shall award separate ~~performance~~ scores and grades for the following:

- I. School achievement and school growth performance of certain subgroups of students as provided in G.S. 115C-83.15.
- II. For schools serving students in any grade from kindergarten to eighth grade, school achievement and school growth performance in reading and mathematics respectively.

...."

SECTION 1.2. G.S. 115C-47(58) reads as rewritten:

"(58) To Inform the Public About the North Carolina School Report Cards Issued by the State Board of Education. – Each local board of education shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise provided to the public. Each local board of education shall ensure that the ~~overall-school performance score~~ achievement and growth scores and grade-grades earned by each school in the local school administrative unit for the current and previous four school years ~~is~~ are prominently displayed on the Web site of the local school administrative unit. If any school in the local school administrative unit earned ~~an overall-a~~ school ~~performance~~ achievement or growth grade of D or F, the local board of education shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school."

SECTION 1.3. G.S. 115C-83.15 reads as rewritten:

"§ 115C-83.15. School ~~achievement, growth, performance scores,~~ achievement scores, growth scores, and grades.

(a) School Scores and Grades. – The State Board of Education shall award school ~~achievement, growth, and performance~~ achievement and school growth scores and ~~an~~ associated ~~performance grade-grades~~ as required by G.S. 115C-12(9)c1., and calculated as provided in this section.

...

(b1) Calculation of School Achievement Grades. – For all schools, the score for school achievement, as provided in subsection (b) of this section, shall be used to determine the school achievement grade. The school achievement grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

- (1) A score of at least 85 is equivalent to a school achievement grade of A.
- (2) A score of at least 70 is equivalent to a school achievement grade of B.
- (3) A score of at least 55 is equivalent to a school achievement grade of C.
- (4) A score of at least 40 is equivalent to a school achievement grade of D.
- (5) A score of less than 40 is equivalent to a school achievement grade of F.

(c) Calculation of the School Growth Score. – Using the Education Value-Added Assessment System (EVAAS), the State Board shall calculate the overall growth score earned by schools. In calculating the total growth score earned by schools, the State Board of Education shall weight student growth on the achievement measures as provided in subsection (b) of this section that have available growth values; provided that for schools serving students in grades nine through 12, the growth score shall only include growth values for measures calculated under sub-subdivisions a. and b. of subdivision (2) of subsection (b) of this section. The numerical values used to determine whether a school has met, exceeded, or has not met expected growth shall be translated to a 100-point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

1 (c1) Calculation of School Growth Grades. – For all schools, the score for school growth,
2 as provided in subsection (c) of this section, shall be converted by the State Board of Education
3 to a 100-point scale and used to determine the school growth grade. The school growth grade
4 shall be based on the following scale and shall not be modified to add any other designation
5 related to other performance measures, such as a "plus" or "minus":

- 6 (1) A score of at least 90 is equivalent to a school growth grade of A.
- 7 (2) A score of at least 80 is equivalent to a school growth grade of B.
- 8 (3) A score of at least 70 is equivalent to a school growth grade of C.
- 9 (4) A score of at least 60 is equivalent to a school growth grade of D.
- 10 (5) A score of less than 60 is equivalent to a school growth grade of F.

11 (d) ~~Calculation of the Overall School Performance Scores and Grades.~~ – The State Board
12 ~~of Education shall calculate the overall school performance score by adding the school~~
13 ~~achievement score, as provided in subsection (b) of this section, and the school growth score, as~~
14 ~~determined using EVAAS as provided in subsection (c) of this section, earned by a school. The~~
15 ~~school achievement score shall account for eighty percent (80%), and the school growth score~~
16 ~~shall account for twenty percent (20%) of the total sum. For all schools, the total school~~
17 ~~performance score shall be converted to a 100-point scale and used to determine an overall school~~
18 ~~performance grade. The overall school performance grade shall be based on the following scale~~
19 ~~and shall not be modified to add any other designation related to other performance measures,~~
20 ~~such as a "plus" or "minus":~~

- 21 (1) ~~A school performance score of at least 85 is equivalent to an overall school~~
22 ~~performance grade of A.~~
- 23 (2) ~~A school performance score of at least 70 is equivalent to an overall school~~
24 ~~performance grade of B.~~
- 25 (3) ~~A school performance score of at least 55 is equivalent to an overall school~~
26 ~~performance grade of C.~~
- 27 (4) ~~A school performance score of at least 40 is equivalent to an overall school~~
28 ~~performance grade of D.~~
- 29 (5) ~~A school performance score of less than 40 points is equivalent to an overall~~
30 ~~school performance grade of F.~~

31 (d1) Establishment of Subgroups of Students. – The State Board shall establish the
32 minimum number of students in a subgroup served by a school that is necessary to disaggregate
33 information on student performance and to determine a subgroup performance score achievement
34 and subgroup growth scores and grade-associated grades for the following subgroups of students:

- 35 (1) Economically disadvantaged students.
- 36 (2) Students from major racial and ethnic groups.
- 37 (3) Children with disabilities.
- 38 (4) English learners.

39 (d2) ~~Calculation of the School Performance Scores and Achievement and School Growth~~
40 ~~Scores and Corresponding Grades for Certain Subgroups of Students Served by a School.~~ – In
41 ~~addition to the overall school performance achievement and school growth scores and~~
42 ~~corresponding grades awarded under subsections (b) through (c1) of this section, for each school~~
43 ~~that serves a minimum number of students in a subgroup of students listed in subsection (d1) of~~
44 ~~this section, the State Board of Education shall calculate school performance achievement and~~
45 ~~school growth scores and shall determine a corresponding school performance grade grades for~~
46 ~~each subgroup using the same method as set forth in subsection (d) subsections (b) through (c1)~~
47 ~~of this section. School performance achievement and school growth scores for subgroups of~~
48 ~~students shall not be included in the calculation of the overall school performance achievement~~
49 ~~and school growth scores and corresponding grades under subsection (d) subsections (b) through~~
50 ~~(c1) of this section.~~

1 (d3) Report of Subgroup ~~Performance Scores and School Achievement and School~~
2 Growth Scores and Corresponding Grades. – The subgroup ~~performance school achievement and~~
3 school growth scores and associated grades shall be reported separately on the annual school
4 report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8 in a
5 way that provides the following information:

- 6 (1) For the current year and the previous two years, the achievement score for
7 each subgroup of students defined in subsection (d1) of this section for the
8 school.
9 (2) The statewide average achievement score for each subgroup defined in
10 subsection (d1) of this section.
11 (3) The difference between the achievement score for all students in the school
12 and the achievement score for each subgroup that meets the minimum number
13 of students defined in subsection (d1) of this section.
14 (4) Based on the information reported in subdivision (3) of this subsection, the
15 State Board shall determine and identify schools that are closing achievement
16 gaps, experiencing a widening of gaps, or seeing no significant gap changes.

17 ...

18 (f) Indication of Growth. – In addition to awarding the ~~overall~~ school scores for
19 achievement, growth, and performance and the performance grade, achievement and growth and
20 associated grades, using EVAAS, the State Board shall designate that a school has met, exceeded,
21 or has not met expected growth. The designation of student growth shall be clearly displayed in
22 the annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66,
23 and 116-239.8.

24 (g) Access to Annual Report Card Information on the Department's Web Site. –
25 Beginning with data collected in the 2017-2018 school year, the State Board of Education shall
26 provide user-friendly access to the public on the annual report cards issued for local school
27 administrative units and individual schools provided under G.S. 115C-12(9)c1., 115C-218.65,
28 115C-238.66, and 116-239.8 through the Department of Public Instruction's Web site. The annual
29 report card shall be designed and organized to display the following information more
30 prominently than any other information:

- 31 (1) A summary for each local school administrative unit and for each individual
32 school of the school ~~performance achievement and growth~~ grades, whether
33 the school has met, exceeded, or has not met expected growth, and any other
34 information required to be provided as part of the annual report card.
35 (2) The percentage of schools receiving ~~an overall a school performance~~
36 achievement letter grade of A, B, C, D, or F earned by each school located
37 within a local school administrative unit and statewide.
38 (2a) The percentage of schools receiving a school growth letter grade of A, B, C,
39 D, or F earned by each school located within a local school administrative unit
40 and statewide.
41 (3) The number and percentage of schools that have met, exceeded, or have not
42 met expected growth by each school located within a local school
43 administrative unit and statewide.
44 (4) A Web page for each individual school that prominently displays the school's
45 ~~performance achievement and growth~~ grades, whether the school has met,
46 exceeded, or has not met expected growth, and the school's ~~performance~~
47 achievement and growth scores in a way that is easy for the user to read.
48 (5) The ability to easily compare annual report card information, including school
49 ~~performance achievement and growth~~ grades and whether schools have met,
50 exceeded, or have not met expected growth, for local school administrative
51 units and for individual schools for a time span of at least three years."

1 **SECTION 1.4.** G.S. 115C-83.17 reads as rewritten:

2 "**§ 115C-83.17. Definitions.**

3 The following definitions apply in this Part:

- 4 (1) Achievement score. – A numerical score ~~on a scale of zero to 100~~ that is based
5 on the sum of points earned by a school or by a subgroup of students pursuant
6 to G.S. 115C-83.15.
- 7 (2) Growth score. – A numerical score measuring student growth calculated for a
8 school or for a subgroup of students pursuant to G.S. 115C-83.15.
- 9 (3) ~~Overall school performance grade. School grades.~~ – The letter ~~grade~~ grades
10 earned by a school for achievement and growth for all students served by a
11 school pursuant to ~~G.S. 115C-83.15(d)~~. G.S. 115C-83.15(b1) and (c1).
- 12 (4) ~~Overall school performance score. School scores.~~ – The numerical ~~score~~
13 scores earned by a school ~~that is calculated by adding the school achievement~~
14 score and the school growth score earned by a school for achievement and
15 growth pursuant to ~~G.S. 115C-83.15(d)~~. G.S. 115C-83.15(b) and (c).
- 16 (5) ~~Subgroup performance grade. grades.~~ – The letter ~~grade~~ grades earned by a
17 school for achievement and growth for a subgroup of students served by the
18 school pursuant to G.S. 115C-83.15(d2).
- 19 (6) ~~Subgroup performance score. scores.~~ – The numerical ~~score~~ scores earned by
20 a school ~~that is calculated by adding the~~ for subgroup achievement ~~score~~ and
21 ~~the~~ subgroup growth score earned by a school ~~that are converted to a 100-point~~
22 scale pursuant to G.S. 115C-83.15(d2)."

23
24 **PART II. CONFORMING CHANGES**

25 **SECTION 2.1.** G.S. 115C-75.5(5) reads as rewritten:

- 26 "(5) Qualifying school. – A school with a school ~~performance~~ achievement score
27 in the lowest-performing five percent (5%) of all schools meeting the
28 following criteria:
- 29 a. Receives funds under Part A of Title I of the Elementary and
30 Secondary Education Act of 1965, as amended.
- 31 b. Is governed by a local board of education subject to this Article.
- 32 c. Is not one of the following types of schools:
- 33 1. An alternative school.
- 34 2. A cooperative innovative high school.
- 35 3. A school that was in its first or second year of operation in the
36 previous school year.
- 37 4. A newcomers school. For the purposes of this subdivision, a
38 newcomers school is a school in which at least ninety percent
39 (90%) of its students are enrolled for no more than one year on
40 the basis of their status as recently arrived English language
41 learners."

42 **SECTION 2.2.** G.S. 115C-83.16 reads as rewritten:

43 "**§ 115C-83.16. School performance indicators for the purpose of compliance with federal**
44 **law.**

45 (a) The State Board of Education shall use the school ~~performance~~ achievement and
46 growth ~~scores and grades as calculated~~ required under G.S. 115C-83.15 to satisfy the federal
47 requirement under the Elementary and Secondary Education Act of 1965, as amended by the
48 Every Student Succeeds Act (ESSA), P.L. 114-95, to meaningfully differentiate the performance
49 of schools on an annual basis. For the purpose of compliance with federal law, the State Board
50 of Education shall calculate the overall school performance score by adding the school
51 achievement score and the school growth score earned by a school. The school achievement score

1 shall account for eighty percent (80%) and the school growth score shall account for twenty
2 percent (20%) of the total sum. Additionally, the indicators shall be defined as follows:

3 ...

4 (b) Notwithstanding subsection (a) of this section and only for the purpose of conforming
5 with ESSA, the State Board may label measures as indicators different from those described in
6 subsection (a) of this section; ~~provided that each measure shall be calculated in accordance with~~
7 ~~the requirements of G.S. 115C-83.15 section.~~"

8 **SECTION 2.3.** G.S. 115C-105.37 reads as rewritten:

9 **"§ 115C-105.37. Identification of low-performing schools.**

10 (a) Identification of Low-Performing Schools. – The State Board of Education shall
11 identify low-performing schools on an annual basis. Low-performing schools are those that earn
12 ~~an overall a school performance achievement~~ grade of D or F and a school growth score of "met
13 expected growth" or "not met expected growth" as defined by G.S. 115C-83.15.

14 (a1) Plan for Improvement of Low-Performing Schools. – If a school has been identified
15 as low-performing as provided in this section and the school is not located in a local school
16 administrative unit identified as low-performing under G.S. 115C-105.39A, the following
17 actions shall be taken:

18 (1) The superintendent shall proceed under G.S. 115C-105.39.

19 (2) Within 30 days of the initial identification of a school as low-performing by
20 the State Board, the superintendent shall submit to the local board of education
21 a preliminary plan for improving ~~both the school performance grade and~~
22 ~~school growth score, grades, including how the superintendent and other~~
23 ~~central office administrators will work with the school and monitor the~~
24 ~~school's progress.~~

25 ...

26 (b) Parental Notice of Low-Performing School Status. – Each school that the State Board
27 identifies as low-performing shall provide written notification to the parents and guardians of
28 students attending that school within 30 days of the identification that includes the following
29 information:

30 (1) A statement that the State Board of Education has found that the school has
31 earned ~~an overall a school performance achievement~~ grade of D or F and a
32 school growth score of "met expected growth" or "not met expected growth"
33 and has been identified as a low-performing school as defined by
34 ~~G.S. 115C-105.37, this section.~~ The statement shall include an explanation of
35 the school ~~performance grades and growth scores.~~ achievement and growth
36 scores and grades.

37 (2) The school ~~performance grade and growth score~~ achievement and growth
38 scores and grades earned.

39 (3) Information about the preliminary plan developed under subsection (a1) of
40 this section and the availability of the final plan on the local school
41 administrative unit's Web site.

42 (4) The meeting date for when the preliminary plan will be considered by the local
43 board of education.

44 (5) A description of any additional steps the school is taking to improve student
45 performance."

46 **SECTION 2.4.** G.S. 115C-105.39A reads as rewritten:

47 **"§ 115C-105.39A. Identification of low-performing local school administrative units.**

48 (a) Identification of Low-Performing Local School Administrative Units. – The State
49 Board of Education shall identify low-performing local school administrative units on an annual
50 basis. A low-performing local school administrative unit is a unit in which the majority of the
51 schools in that unit that earned ~~an overall school performance grade and school growth score~~

1 achievement and growth scores and grades as provided in G.S. 115C-83.15 have been identified
2 as low-performing schools, as provided in G.S. 115C-105.37.

3 (b) Plan for Improvement of Low-Performing Local School Administrative Units. – Once
4 a local school administrative unit has been identified as low-performing under this section, the
5 following actions shall be taken:

6 (1) The superintendent shall proceed under G.S. 115C-105.39.

7 (2) Within 30 days of the identification of a local school administrative unit as
8 low-performing by the State Board, the superintendent shall submit to the
9 local board of education a preliminary plan for improving ~~both the school~~
10 ~~performance grade and school growth score~~ achievement and growth scores
11 and grades of each low-performing school in the unit, including how the
12 superintendent and other central office administrators will work with each
13 low-performing school and monitor the low-performing school's progress and
14 how current local school administrative unit policy should be changed to
15 improve student achievement throughout the local school administrative unit.
16 The plan shall also include specific strategies to improve early childhood
17 learning along with measurable goals.

18 ...

19 (c) Parental Notice of Low-Performing Local School Administrative Unit Status. – Each
20 local school administrative unit that the State Board identifies as low-performing shall provide
21 written notification to the parents and guardians of all students attending any school in the local
22 school administrative unit within 30 days of the identification that includes the following
23 information:

24 (1) A statement that the State Board of Education has found that a majority of the
25 schools in the local school administrative unit have earned ~~an overall a school~~
26 ~~performance achievement~~ grade of D or F and a school growth score of "met
27 expected growth" or "not met expected growth" and have been identified as
28 low-performing schools as defined by G.S. 115C-105.37. The statement shall
29 also include an explanation of the school ~~performance grades and school~~
30 ~~growth scores~~ achievement and growth scores and grades.

31 (2) The percentage of schools identified as low-performing.

32 (3) Information about the preliminary plan developed under subsection (b) of this
33 section and the availability of the final plan on the local school administrative
34 unit's Web site.

35 (4) The meeting date for when the preliminary plan will be considered by the local
36 board of education.

37 (5) A description of any additional steps the local school administrative unit and
38 schools are taking to improve student performance.

39 (6) For notifications sent to parents and guardians of students attending a school
40 that is identified as low-performing under G.S. 115C-105.37, a statement that
41 the State Board of Education has found that the school has earned ~~an overall~~
42 ~~a school performance achievement~~ grade of D or F and a school growth score
43 of "met expected growth" or "not met expected growth" and has been
44 identified as a low-performing school as defined by G.S. 115C-105.37. This
45 notification also shall include the ~~overall school performance grade and school~~
46 ~~growth score the school achievement and growth scores and grades~~ earned
47 and an explanation of the school ~~performance grades and school growth~~
48 ~~scores achievement and growth scores and grades~~."

49 **SECTION 2.5.** G.S. 115C-218.65 reads as rewritten:

50 **"§ 115C-218.65. North Carolina School Report Cards.**

1 A charter school shall ensure that the report card issued for it by the State Board of Education
2 receives wide distribution to the local press or is otherwise provided to the public. A charter
3 school shall ensure that the ~~overall-school performance score achievement and growth scores and~~
4 ~~grade-grades~~ earned by the charter school for the current and previous four school years ~~is-are~~
5 prominently displayed on the school Web site. If a charter school earned ~~an overall-a school~~
6 ~~performance-achievement or growth~~ grade of D or F, the charter school shall provide notice of
7 the grade in writing to the parent or guardian of all students enrolled in that school."

8 **SECTION 2.6.** G.S. 115C-218.94(a) reads as rewritten:

9 "(a) Identification of Low-Performing Charter Schools. – The State Board of Education
10 shall identify low-performing charter schools on an annual basis. Low-performing charter
11 schools are those that earn ~~an overall-a school performance-achievement~~ grade of D or F and a
12 school growth score of "met expected growth" or "not met expected growth" as defined by
13 G.S. 115C-83.15."

14 **SECTION 2.7.** G.S. 115C-238.66(11) reads as rewritten:

15 "(11) North Carolina School Report Cards. – A regional school shall ensure that the
16 report card issued for it by the State Board of Education receives wide
17 distribution to the local press or is otherwise provided to the public. A regional
18 school shall ensure that the ~~overall-school performance score achievement and~~
19 ~~growth scores and grade-grades~~ earned by the regional school for the current
20 and previous four school years ~~is-are~~ prominently displayed on the school Web
21 site. If a regional school earned ~~an overall-a school performance-achievement~~
22 ~~or growth~~ grade of D or F, the regional school shall provide notice of the grade
23 in writing to the parent or guardian of all students enrolled in that school."

24 **SECTION 2.8.** G.S. 116-239.8(b)(14) reads as rewritten:

25 "(14) North Carolina school report cards. – A laboratory school shall ensure that the
26 report card issued for it by the State Board of Education receives wide
27 distribution to the local press or is otherwise provided to the public. A
28 laboratory school shall ensure that the ~~overall-school performance score~~
29 ~~achievement and growth scores and grade-grades~~ earned by the laboratory
30 school for the current and previous four school years ~~is-are~~ prominently
31 displayed on the school Web site. If a laboratory school earned ~~an overall-a~~
32 ~~school performance-achievement or growth~~ grade of D or F, the laboratory
33 school shall provide notice of the grade in writing to the parent or guardian of
34 all students enrolled in that school."

35 **SECTION 2.9.** G.S. 116-239.13(3) reads as rewritten:

36 "(3) Public school student achievement data, including school ~~performance grades~~
37 ~~and student achievement scores and student growth,~~ achievement and growth
38 scores and grades, at each laboratory school."

40 **PART III. EFFECTIVE DATE AND APPLICABILITY CLAUSE**

41 **SECTION 3.** This act becomes effective January 1, 2024, and applies to school
42 achievement grades, growth grades, and report cards issued based on data from the 2023-2024
43 school year.