

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-154
HOUSE BILL 362**

AN ACT TO ADOPT A FIFTEEN-POINT SCALE IN THE DETERMINATION OF SCHOOL PERFORMANCE GRADES, TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT EMERGENCY RULES IN PREPARATION FOR PERMANENT RULE MAKING, AND TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY THE REPORTING METHODS USED FOR SCHOOL ACCOUNTABILITY PURPOSES ON THE NORTH CAROLINA ANNUAL SCHOOL REPORT CARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-83.15(d) reads as rewritten:

"(d) Calculation of the Overall School Performance Scores and Grades. – The State Board of Education shall calculate the overall school performance score by adding the school achievement score, as provided in subsection (b) of this section, and the school growth score, as determined using EVAAS as provided in subsection (c) of this section, earned by a school. The school achievement score shall account for eighty percent (80%), and the school growth score shall account for twenty percent (20%) of the total sum. For all schools, the total school performance score shall be converted to a 100-point scale and used to determine an overall school performance grade. The overall school performance 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 school performance score of at least ~~90~~85 is equivalent to an overall school performance grade of A.
- (2) A school performance score of at least ~~80~~70 is equivalent to an overall school performance grade of B.
- (3) A school performance score of at least ~~70~~55 is equivalent to an overall school performance grade of C.
- (4) A school performance score of at least ~~60~~40 is equivalent to an overall school performance grade of D.
- (5) A school performance score of less than ~~60 points~~40 is equivalent to an overall school performance grade of F."

SECTION 2.(a) Section 27.(b) of S.L. 2018-114 reads as rewritten:

"SECTION 27.(b) The General Assembly finds that the North Carolina Supreme Court, in *North Carolina State Board of Education v. State of North Carolina and North Carolina Rules Review Commission*, No. 110PA16-2 (June 8, 2018), affirmed the authority of the General Assembly to delegate authority to the Rules Review Commission to review and approve the administrative rules that are proposed by the State Board of Education for codification. To ensure that administration of the free public schools shall continue without interruption, the existing policies of the State Board of Education subject to rule making as provided in Chapter 150B of the General Statutes shall be deemed interim rules so long as they do not conflict with any provisions of the General Statutes. Notwithstanding G.S. 150B-21.1A, those interim rules shall be adopted as permanent rules as follows:



- (1) The State Board of Education shall adopt all interim rules as emergency rules and submit those rules to the Codifier of Rules no later than August 9, 2019. Notwithstanding G.S. 150B-21.1A(e), when the Codifier of Rules enters the emergency rules in the North Carolina Administrative Code, the Codifier shall publish notice of the emergency rules on the Internet. Any interim rule authorized by this section shall become null and void May 30, 2019, August 9, 2019, if the State Board of Education has failed by that date to publish a notice of text in the North Carolina Register to adopt that interim rule as a permanent rule, as required by G.S. 150B-21.2. comply with the requirements of this subdivision.
- (2) The State Board of Education shall not be required to adopt temporary rules for any emergency rules authorized by this section.
- (3) The State Board of Education shall, no later than December 6, 2019, submit a notice for publication of text to adopt all emergency rules authorized by this section as permanent rules in the North Carolina Register no later than January 2, 2020.
- (4) Any ~~interim~~ emergency rule authorized by this ~~section~~ section shall remain effective until the earlier of the adoption of that emergency rule as a permanent rule or May 30, 2020, but shall become null and void May 30, 2020, if the State Board of Education has failed to adopt that ~~interim~~ emergency rule as a permanent rule by that date in accordance with Article 2A of Chapter 150B of the General Statutes."

SECTION 2.(b) This section applies to interim rules of the State Board of Education existing on May 29, 2019. The State Board of Education shall take any necessary steps to affirm and validate any actions taken pursuant to interim rules between May 30, 2019, and the date this section becomes effective.

SECTION 3. The State Board of Education, in consultation with the State Superintendent of Public Instruction, shall study (i) the weighting of the school achievement score and the school growth score in calculation of the overall school performance score to best reflect performance and progress for each school and (ii) the reporting methods used to meaningfully differentiate schools on the North Carolina annual school report cards. Based on its study, the State Board shall propose recommendations on whether any changes should be made to the current weighting of school achievement scores and school growth scores and how the reporting methods for school performance scores could be improved to more accurately reflect the effectiveness of each North Carolina public school. With the goal of maintaining the current school achievement and school growth measures, the study shall examine methods of reporting data that will better depict school performance and progress. The study shall analyze the feasibility of the following:

- (1) Reporting school achievement and school growth separately.
- (2) Reporting by graph, in a manner that depicts the intersection of (i) school achievement and growth scores, (ii) local school administrative unit achievement and growth scores, and (iii) State achievement and growth scores.
- (3) Including the school achievement and school growth scores for the prior two school years in annual graphical reporting, in order to provide stakeholders with clear, consistent data on individual school progress.

The State Board, together with the Superintendent, shall submit a final report of the results of its study along with its recommendations to the Joint Legislative Education Oversight Committee by February 15, 2020.

SECTION 4. This act is effective when it becomes law. Section 1 of this act applies beginning with the 2019-2020 school year.

In the General Assembly read three times and ratified this the 11th day of July, 2019.

s/ Carl Ford
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:23 a.m. this 22nd day of July, 2019