

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

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.



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)** If Senate Bill 500, 2019 Regular Session, becomes law, Section 2(b)
37 of this act is repealed, and G.S. 115C-81.36, as amended by Senate Bill 500, 2019 Regular
38 Session, reads as rewritten:

39 "**§ 115C-81.36. Advanced courses in mathematics.**

40 ...

41 (a1) When advanced learning opportunities are offered in mathematics in grades three
42 through five, any student scoring at the highest level on the ~~end-of-grade~~ State-mandated test
43 shall, for the next school year, be provided advanced learning opportunities in mathematics
44 approved for that student's grade level. No student who qualifies under this subsection shall be
45 removed from the advanced learning opportunity provided to the student unless a parent or
46 guardian of the student provides written consent for the student to be excluded or removed after
47 being adequately informed that the student's placement was determined by the student's
48 achievement on the previous ~~end-of-grade~~ State-mandated test.

49 (b) When advanced courses are offered in mathematics in grades six and higher, any
50 student scoring at the highest level on the ~~end-of-grade or end-of-course~~ State-mandated test that
51 denotes superior command of knowledge and skills for the mathematics course in which the

1 student was most recently enrolled shall be enrolled in the advanced course for the next
 2 mathematics course in which the student is enrolled. A student in seventh grade scoring at the
 3 highest level on the seventh grade mathematics ~~end-of-grade State-mandated~~ test that denotes
 4 superior command of knowledge and skills shall be enrolled in a high school level mathematics
 5 course in eighth grade. Local boards of education may provide supplemental content enrichment,
 6 which may include the administration of diagnostic assessments, to students enrolled in a high
 7 school level mathematics course. No student who qualifies under this subsection shall be
 8 removed from the advanced or high school mathematics course in which the student is enrolled
 9 unless a parent or guardian of the student provides written consent for the student to be excluded
 10 or removed from that course after being adequately informed that the student's placement was
 11 determined by the student's achievement ~~on~~ in the previous ~~end-of-grade or end-of-course~~
 12 ~~test.~~ mathematics course.

13"

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

16
 17 **PART III. REPLACE EOCs WITH THE ACT OR OTHER NATIONALLY**
 18 **RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE**
 19 **READINESS**

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

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

- 30 "(2) For schools serving any students in ninth through twelfth grade, the State
 31 Board shall assign points on the following measures available for that school:
 32 a. One point for each percent of students who score at or above proficient
 33 on ~~either the Algebra I or Integrated Math I end-of-course test or, for~~
 34 ~~students who completed Algebra I or Integrated Math I before ninth~~
 35 ~~grade, another mathematics course with an end-of-course test.~~ the math
 36 subtest of a nationally recognized assessment of high school
 37 achievement and college readiness.
 38 b. One point for each percent of students who score at or above proficient
 39 on ~~the English II end-of-course test.~~ the reading subtest of a nationally
 40 recognized assessment of high school achievement and college
 41 readiness.
 42 c. One point for each percent of students who score at or above proficient
 43 on the ~~Biology end-of-course test.~~ science subtest or the science subject
 44 test of a nationally recognized assessment of high school achievement
 45 and college readiness.
 46 d. One point for each percent of students who complete Algebra II or
 47 Integrated Math III with a passing grade.
 48 e. One point for each percent of students who achieve the minimum score
 49 required for admission into a constituent institution of The University
 50 of North Carolina on a nationally normed test of college readiness.

- 1 f. One point for each percent of students enrolled in Career and
 2 Technical Education courses who meet the standard when scoring at
 3 Silver, Gold, or Platinum levels on a nationally normed test of
 4 workplace readiness.
 5 g. One point for each percent of students who graduate within four years
 6 of entering high school.
 7 h. One point for each percent of students who progress in achieving
 8 English language proficiency."

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

10 "(2) For schools serving any students in ninth through twelfth grade, the State
 11 Board shall define the indicators as follows:

- 12 a. Academic indicators. –
 13 1. The academic achievement indicator shall include the
 14 following measures:
 15 I. Proficiency on ~~either the Algebra I or Integrated Math~~
 16 ~~I end-of course test or, for students who completed~~
 17 ~~Algebra I or Integrated Math I before ninth grade,~~
 18 ~~another mathematics course with an end of course~~
 19 ~~test; the math subtest of a nationally recognized~~
 20 ~~assessment of high school achievement and college~~
 21 ~~readiness.~~
 22 II. Proficiency on the ~~English II end-of course test;~~
 23 ~~reading~~
 24 ~~subtest of a nationally recognized assessment of high~~
 25 ~~school achievement and college readiness.~~
 26 III. The growth score earned by schools.
 27 2. Repealed by Session Laws 2017-206, s. 1(b), effective August
 28 30, 2017, and applicable beginning with the 2017-2018 school
 29 year.
 30 3. The graduation rate indicator shall be the percentage of
 31 students who graduate within four years of entering high
 32 school.
 33 4. The English language proficiency indicator shall be the
 34 percentage of students who progress in achieving English
 35 language proficiency.
 36 b. School quality and student success indicator. – The school quality and
 37 student success indicator shall be made up of the following measures:
 38 1. Proficiency on the ~~Biology end-of course test;~~
 39 ~~science subtest~~
 40 ~~of a nationally recognized assessment of high school~~
 41 ~~achievement and college readiness.~~
 42 2. The percentage of students who complete Algebra II or
 43 Integrated Math III with a passing grade.
 44 3. The percentage of students who achieve the minimum score
 45 required for admission into a constituent institution of The
 46 University of North Carolina on a nationally normed test of
 47 college readiness.
 48 4. The percentage of students enrolled in Career and Technical
 49 Education courses who meet the standard when scoring at
 50 Silver, Gold, or Platinum levels on a nationally normed test of
 workplace readiness."

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

"(4) ~~To the extent funds are made available, the~~ The State Board of Education shall use a competitive bid process to adopt one ~~nationally norm-referenced college admissions test~~ nationally recognized assessment of high school achievement and college readiness to make available to local school administrative units, regional schools, and charter schools to administer to all ~~students in the eleventh grade unless the student has already taken a comparable test and scored at or above a level set by the State Board.~~ students. The State Board of Education shall require the administration of an alternate to the ~~nationally norm-referenced college admissions test~~ nationally recognized assessment of high school achievement and college readiness or an alternate precursor test to the ~~nationally norm-referenced college admissions test~~ nationally recognized assessment of high school achievement and college readiness to a student who (i) exhibits severe and pervasive delays in all areas of conceptual, linguistic, and academic development and in adaptive behaviors, including communication, daily living skills, and self-care, (ii) is following the extended content standards of the Standard Course of Study as provided in G.S. 115C-81.5, or is following a course of study that, upon completing high school, may not lead to admission into a college-level course of study resulting in a college degree, and (iii) has a written parental request for an alternate assessment in accordance with federal law.

~~The State Board of Education shall ensure that parents of students enrolled in all public schools, including charter and regional schools, have the necessary information to make informed decisions regarding participation in the nationally norm-referenced college admissions test and precursor test.~~

Alternate assessment results and ~~nationally norm-referenced college admissions test assessment~~ nationally recognized assessment of high school achievement and college readiness results of students with disabilities shall be included in school accountability reports, including charter and regional schools, provided by the State Board of Education."

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

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

- a. The number of high school graduates who apply to, are admitted to, and enroll in institutions of higher education;
- b. College performance of high school graduates for the year immediately following high school graduation including each student's: need for remedial coursework at the institution of higher education that the student attends; performance in standard freshmen courses; and continued enrollment in a subsequent year in the same or another institution of higher education in the State;
- c. The progress of students from one institution of higher education to another; and

d. Consistent and uniform public school course information including course code, name, and description.

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

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

PART IV. PLAN TO REDUCE STANDARDIZED TESTING BY LOCAL SCHOOL ADMINISTRATIVE UNITS

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

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

...

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

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

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

(1) A uniform calendar that includes schedules for State-required testing and reporting results of tests for at least the next two school years, including estimates of the average time for administering State-required standardized tests. The uniform calendar shall be provided to local boards of education in

1 an electronic format that allows each local board of education to populate the
2 calendar with, at a minimum, the information required by subsection (d) of
3 this section. The uniform calendar shall be searchable by local school
4 administrative unit and denote whether a test on the calendar is required by
5 the State or required by a local board of education.

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

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

13 14 **PART V. PROHIBIT GRADUATION PROJECTS AS A CONDITION OF** 15 **GRADUATION**

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

17 "(9d) Power to Develop Exit Standards and Graduation Requirements. –

18 ...

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

21 ...

22 2. The Board shall not require any student to prepare a high
23 school graduation project as a condition of graduation from
24 high school; ~~local boards of education may, however, require~~
25 ~~their students to complete a high school graduation~~
26 ~~project,school."~~

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

28 "(54a) To ensure that graduation is not conditioned on a graduation project. – A
29 student shall not be required to complete a high school graduation project as
30 a condition of graduation from high school. Requirements for graduation shall
31 be connected only to the completion of required courses."

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

34 35 **PART VI. EXAMINATION OF THIRD GRADE ENGLISH LANGUAGE ARTS** 36 **ASSESSMENTS TO BETTER MEET GOALS OF READ TO ACHIEVE**

37 **SECTION 6.** The Department of Public Instruction shall examine the End-of-Grade
38 English Language Arts assessment administered in third grade as compared to the Read to
39 Achieve alternative assessment in order to determine whether the End-of-Grade English
40 Language Arts assessment should be modified to better meet the goals of Read to Achieve,
41 pursuant to Part 1A of Article 8 of Chapter 115C of the General Statutes. Based on its
42 examination, the Department shall develop any modifications needed. No later than March 15,
43 2020, the Department shall report to the Joint Legislative Education Oversight Committee on the
44 results of its examination and any modifications developed.

45 46 **PART VII. EFFECTIVE DATE**

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