

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 377
Committee Substitute Favorable 3/26/19
Committee Substitute #2 Favorable 4/1/19

Short Title: Reduce Testing.

(Public)

Sponsors:

Referred to:

March 19, 2019

A BILL TO BE ENTITLED

AN ACT TO REPLACE OR ELIMINATE CERTAIN TESTS ADMINISTERED TO
STUDENTS IN PUBLIC SCHOOLS AND TO PROHIBIT HIGH SCHOOL
GRADUATION PROJECTS AS A CONDITION OF GRADUATION.

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)** 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 AND ELIMINATE REQUIRED ADMINISTRATION OF ACT**
42 **WORKKEYS**

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

1 **SECTION 3.(b)** The State Board of Education shall eliminate required
2 administration of ACT WorkKeys for career and technical education students. For school
3 performance grades issued based on data from the 2019-2020 school year, the career readiness
4 indicator described in G.S. 115C-83.15(b)(2)f. and G.S. 115C-83.16(a)(2)b.4. shall not be
5 considered in the calculation of school performance grades.

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

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

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

- 37 "(2) For schools serving any students in ninth through twelfth grade, the State
38 Board shall define the indicators as follows:
- 39 a. Academic indicators. –
 - 40 1. The academic achievement indicator shall include the
41 following measures:
 - 42 I. Proficiency on ~~either the Algebra I or Integrated Math~~
43 ~~I end-of-course test or, for students who completed~~
44 ~~Algebra I or Integrated Math I before ninth grade,~~
45 ~~another mathematics course with an end-of-course~~
46 ~~test.~~the math subtest of a nationally recognized
47 assessment of high school achievement and college
48 readiness.
 - 49 II. Proficiency on the ~~English II end-of-course test.~~reading
50 subtest of a nationally recognized assessment of high
51 school achievement and college readiness.

- 1 III. The growth score earned by schools.
 2 2. Repealed by Session Laws 2017-206, s. 1(b), effective August
 3 30, 2017, and applicable beginning with the 2017-2018 school
 4 year.
 5 3. The graduation rate indicator shall be the percentage of
 6 students who graduate within four years of entering high
 7 school.
 8 4. The English language proficiency indicator shall be the
 9 percentage of students who progress in achieving English
 10 language proficiency.
 11 b. School quality and student success indicator. – The school quality and
 12 student success indicator shall be made up of the following measures:
 13 1. Proficiency on the ~~Biology end-of-course test~~ science subtest
 14 of a nationally recognized assessment of high school
 15 achievement and college readiness.
 16 2. The percentage of students who complete Algebra II or
 17 Integrated Math III with a passing grade.
 18 3. The percentage of students who achieve the minimum score
 19 required for admission into a constituent institution of The
 20 University of North Carolina on a nationally normed test of
 21 college readiness.
 22 4. ~~The percentage of students enrolled in Career and Technical~~
 23 ~~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 **SECTION 3.(e)** G.S. 115C-174.11(4) reads as rewritten:

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

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

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

6 **SECTION 3.(f)** G.S. 115C-174.25 is repealed.

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

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

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

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

40 **SECTION 3.(h)** Subsections 3(a) and 3(e) of this section become effective January
41 1, 2020, and apply beginning with testing administered for the 2020-2021 school year.
42 Subsections 3(b) and 3(f) of this section are effective when they become law and apply beginning
43 with the 2019-2020 school year. Subsections 3(c) and 3(d) of this section become effective
44 January 1, 2021, and apply beginning with school performance grades issued based on data from
45 the 2020-2021 school year. Subsection 3(g) of this section becomes effective July 1, 2020, and
46 applies beginning with students entering their junior year in the 2020-2021 school year.

47
48 **PART IV. PROHIBIT STANDARDIZED TESTING BY LOCAL SCHOOL**
49 **ADMINISTRATIVE UNITS EXCEPT AS REQUIRED BY THE STATE BOARD OF**
50 **EDUCATION**

1 **SECTION 4.(a)** G.S. 115C-174.11, as amended by subsection (e) of Section 3 of
2 this act, reads as rewritten:

3 **"§ 115C-174.11. Components of the testing program.**

4 ...

5 (e) Local school administrative units shall use the tests provided to them by the State
6 Board and shall not require any additional standardized tests.

7 (f) This section shall not apply to any identification or evaluation by a local board of
8 education required under Article 9 or Article 9B of this Chapter."

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

10 **"§ 115C-174.12. Responsibilities of agencies.**

11 (a) The State Board of Education shall establish policies and guidelines necessary for
12 minimizing the time students spend taking tests administered through State and local testing
13 programs, for minimizing the frequency of field testing at any one school, and for otherwise
14 carrying out the provisions of this Article. These policies and guidelines shall include the
15 following:

- 16 (1) Schools shall devote no more than two days of instructional time per year to
17 the taking of practice tests that do not have the primary purpose of assessing
18 current student ~~learning;~~ learning.
- 19 (2) Students in a school shall not be subject to field tests or national tests during
20 the two-week period preceding the administration of ~~end-of-grade tests,~~
21 ~~end-of-course tests,~~ a State-mandated through-grade assessment, a
22 State-mandated nationally recognized assessment of high school achievement
23 and college readiness, or the school's regularly scheduled final exams;
24 ~~and exams.~~
- 25 (3) No school shall participate in more than two field tests at any one grade level
26 during a school ~~year;~~ ~~and~~ year.
- 27 (4) All annual assessments of student achievement adopted by the State Board of
28 Education pursuant to G.S. 115C-174.11(c)(1) and (3) and all final exams for
29 courses shall be administered within the final 10 instructional days of the
30 school year for year-long courses and within the final five instructional days
31 of the semester for semester courses. Exceptions shall be permitted to
32 accommodate a student's individualized education program and section 504
33 (29 U.S.C. § 794) plans and for the administration of final exams for courses
34 with national or international curricula required to be held at designated times.

35 These policies shall reflect standard testing practices to insure reliability and validity of the
36 sample testing. The results of the field tests shall be used in the final design of each test. The
37 State Board of Education's policies regarding the testing of children with disabilities shall (i)
38 provide broad accommodations and alternate methods of assessment that are consistent with a
39 student's individualized education program and section 504 (29 U.S.C. § 794) plans, (ii) prohibit
40 the use of statewide tests as the sole determinant of decisions about a student's graduation or
41 promotion, and (iii) provide parents with information about the Statewide Testing Program and
42 options for children with disabilities. The State Board shall report its proposed policies and
43 proposed changes in policies to the Joint Legislative Education Oversight Committee prior to
44 adoption.

45 The State Board of Education may appoint an Advisory Council on Testing to assist in
46 carrying out its responsibilities under this Article.

47 ...

48 ~~(d) By October 1 of each year, each local board of education shall notify the State Board~~
49 ~~of Education of any local standardized testing to be administered to students by the local school~~
50 ~~administrative unit at the direction of the local board of education in its schools and the calendar~~

1 ~~for administering those tests. The local board of education shall include the following~~
 2 ~~information:~~

- 3 ~~(1) The source of funds supporting the local testing program.~~
- 4 ~~(2) The time allotted to administer each test.~~
- 5 ~~(3) Whether the test is a computer-based test or a paper-based test.~~
- 6 ~~(4) The grade level or subject area associated with the test.~~
- 7 ~~(5) The date the test results are expected to be available to teachers and parents.~~
- 8 ~~(6) The type of test, the purpose of the test, and the use of the test results.~~
- 9 ~~(7) Estimates of average time for administering tests required by the local board~~
 10 ~~of education by grade level.~~

11 ~~The local board of education shall meet the requirements of this subsection by inputting the~~
 12 ~~information into the uniform calendar published by the Department of Public Instruction pursuant~~
 13 ~~to subsection (e1) of this section.~~

14 ~~(e) By November 1 of each year, the State Board of Education shall submit a report to~~
 15 ~~the Joint Legislative Education Oversight Committee containing information regarding the~~
 16 ~~statewide administration of the testing program, including the number and type of tests and the~~
 17 ~~testing schedule, and a summary of any local testing programs reported by local boards of~~
 18 ~~education to the State Board of Education in accordance with subsection (d) of this~~
 19 ~~section.~~
 20 ~~schedule.~~

21 ~~(e1) By September 1 of each year, the Superintendent of Public Instruction shall publish~~
 22 ~~on the Web site of the Department of Public Instruction a uniform calendar that includes~~
 23 ~~schedules for State-required testing and reporting results of tests for at least the next two school~~
 24 ~~years, including estimates of the average time for administering State-required standardized tests.~~
 25 ~~The uniform calendar shall be provided to local boards of education in an electronic format that~~
 26 ~~allows each local board of education to populate the calendar with, at a minimum, the information~~
 27 ~~required by subsection (d) of this section. The uniform calendar shall be searchable by local~~
 28 ~~school administrative unit and denote whether a test on the calendar is required by the State or~~
 29 ~~required by a local board of education with any additional testing information specific to the local~~
 30 ~~school administrative unit."~~

31 **SECTION 4.(c)** G.S. 115C-174.15 is repealed.

32 **SECTION 4.(d)** This section is effective when it becomes law and applies beginning
 33 with testing administered for the 2019-2020 school year.

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

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

37 "(9d) Power to Develop Exit Standards and Graduation Requirements. –

38 ...

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

41 ...

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

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

48 "(54a) To ensure that graduation is not conditioned on a graduation project. – A
 49 student shall not be required to complete a high school graduation project as
 50 a condition of graduation from high school. Requirements for graduation shall
 51 be connected only to the completion of required courses."

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

3

4 **PART VI. EFFECTIVE DATE**

5 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
6 law.