

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 377

Short Title: Reduce Testing. (Public)

Sponsors: Representatives Elmore, K. Hall, Bell, and Conrad (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

March 19, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REPLACE OR ELIMINATE CERTAIN TESTS ADMINISTERED TO
3 STUDENTS IN PUBLIC SCHOOLS AND TO PROHIBIT HIGH SCHOOL
4 GRADUATION PROJECTS AS A CONDITION OF GRADUATION.

5 The General Assembly of North Carolina enacts:

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

8 **SECTION 1.(a)** The State Board of Education shall eliminate the use of the NC
9 Final Exam as part of the statewide testing program to assess teacher performance and
10 professional growth. The NC Final Exam shall not be administered as part of the statewide testing
11 program for any other purpose. The State Board shall adopt a policy to require that local school
12 administrative units assess teacher performance and professional growth in the following
13 manner:

- 14 (1) For teachers of grades three through eight who teach at least sixty percent
15 (60%) of their time in subject areas tested by the annual assessment, as defined
16 by Section 2(a) of this act, the annual assessment shall be used for determining
17 student growth values.
18 (2) For teachers of grades nine through 12 who teach at least sixty percent (60%)
19 of their time in subject areas tested by the nationally recognized assessment
20 of high school achievement and college readiness administered pursuant to
21 G.S. 174.11(c)(4), as amended by subsection 3(d) of this act, the nationally
22 recognized assessment of high school achievement and college readiness shall
23 be used for determining student growth values.
24 (3) For all other teachers school-wide growth values shall be used.

25 **SECTION 1.(b)** This section is effective when it becomes law and applies beginning
26 with the 2019-2020 school year.
27

28 **PART II. REPLACE EOGS WITH NC CHECK-INS**

29 **SECTION 2.(a)** The State Board of Education shall eliminate the use of
30 End-of-Grade (EOG) tests for grades three through eight. The State Board shall adopt a policy
31 to require administration of NC Check-Ins in grades three through eight three times per school
32 year as follows: NC Check-In 1 shall be administered no later than September 15, NC Check-In
33 2 shall be administered no later than January 31, and NC Check-In 3 shall be administered within
34 the final 10 instructional days of the school year for year-long courses and within the final five
35 instructional days of the semester for semester courses. The average of the combined scores



1 earned for NC Check-In 2 and NC Check-In 3 shall constitute the annual assessment for grades
2 three through eight, and all provisions of Subchapter IV of Chapter 115C of the General Statutes
3 concerning annual assessments for grades three through eight shall apply to this averaged score.

4 In addition to making any necessary adjustments to currently developed NC
5 Check-Ins, the State Board shall develop NC Check-Ins for science for grade five and grade eight
6 and for reading for grade three. A third grade student who fails to demonstrate reading
7 proficiency, as demonstrated by the averaged score of the NC Check-In 2 for reading and the NC
8 Check-In 3 for reading, may retake the NC Check-In 3 for reading prior to the end of the school
9 year, and the score of the readministered NC Check-In 3 for reading may be used for the purpose
10 of demonstrating reading proficiency.

11 Policies regarding participation in the NCEXTEND1 alternative assessment may be
12 applied in the same manner as prior to the enactment of this act, and the State Board of Education
13 may continue use of the NCEXTEND1 for students with disabilities, as appropriate.

14 The State Board of Education shall review existing testing security policies with
15 respect to NC Check-Ins and shall revise them as necessary to provide for as secure a testing
16 environment as required by federal law or as a condition of a federal grant. The State Board shall
17 not require testing security measures in excess of those required for federal compliance.

18 **SECTION 2.(b)** G.S. 115C-81.36(b) reads as rewritten:

19 "(b) When advanced courses are offered in mathematics, any student scoring at a level
20 ~~five on the end-of-grade or end-of-course test that denotes superior command of knowledge and~~
21 ~~skills~~ for the mathematics course in which the student was most recently enrolled shall be
22 enrolled in the advanced course for the next mathematics course in which the student is enrolled.
23 A student in seventh grade scoring at a level five on the seventh grade mathematics end-of-grade
24 ~~test that denotes superior command of knowledge and skills~~ shall be enrolled in a high school
25 level mathematics course in eighth grade. No student who qualifies under this subsection shall
26 be removed from the advanced or high school mathematics course in which the student is enrolled
27 unless a parent or guardian of the student provides written consent for the student to be excluded
28 or removed from that course."

29 **SECTION 2.(c)** G.S. 115C-105.41(a) reads as rewritten:

30 "(a) In order to implement Part 1A of Article 8 of this Chapter, local school administrative
31 units shall identify students who are at risk for academic failure and who are not successfully
32 progressing toward grade promotion and graduation, beginning in kindergarten. Identification
33 shall occur as early as can reasonably be done and can be based on grades, observations,
34 diagnostic and formative assessments, State assessments, and other factors, including reading on
35 grade level, that impact student performance that teachers and administrators consider
36 appropriate, without having to await the results of ~~end-of-grade or end-of-course~~ State-mandated
37 tests."

38 **SECTION 2.(d)** G.S. 115C-276(q) reads as rewritten:

39 "(q) To Assign School Principals. – Subject to local board policy, the superintendent shall
40 have the authority to assign principals to school buildings. When making an assignment, the
41 superintendent shall consider (i) whether a principal has demonstrated the leadership ability to
42 increase student achievement at a school where conditions indicated a significant risk of low
43 student performance; and (ii) how to maintain stability at a school where, during the time the
44 principal has been at a school, there has been significant improvement on ~~end-of-course or~~
45 ~~end-of-grade tests and other~~ accountability measures developed by the State Board of Education."

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

48
49 **PART III. REPLACE EOCS WITH THE ACT OR OTHER NATIONALLY**
50 **RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE**

1 **READINESS AND ELIMINATE REQUIRED ADMINISTRATION OF ACT**
 2 **WORKKEYS**

3 **SECTION 3.(a)** The State Board of Education shall eliminate use of End-of-Course
 4 (EOC) tests for grades nine through 12. The nationally recognized assessment of high school
 5 achievement and college readiness, or the alternate assessment, administered to all students in
 6 eleventh grade pursuant to G.S. 115C-174.11(c)(4) as amended by subsection (d) of this section,
 7 shall constitute the State-mandated testing in grades nine through 12 required by
 8 G.S. 174.11(c)(1). The State Board of Education shall eliminate required administration of ACT
 9 WorkKeys for career and technical education students. Policies regarding participation in the
 10 NCEXTEND1 alternative assessment may be applied in the same manner as prior to the
 11 enactment of this act, and the State Board of Education may continue the use of the
 12 NCEXTEND1 for students with disabilities, as appropriate.

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

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

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

- 44 "(2) For schools serving any students in ninth through twelfth grade, the State
 45 Board shall define the indicators as follows:
- 46 a. Academic indicators. –
 - 47 1. The academic achievement indicator shall include the
 48 following measures:
 - 49 I. Proficiency on ~~either the Algebra I or Integrated Math~~
 50 ~~I end-of-course test or, for students who completed~~
 51 ~~Algebra I or Integrated Math I before ninth grade,~~

- 1 another mathematics course with an end of course
- 2 ~~test.~~the math subtest of a nationally recognized
- 3 assessment of high school achievement and college
- 4 readiness.
- 5 II. Proficiency on the ~~English II end-of-course test.~~reading
- 6 subtest of a nationally recognized assessment of high
- 7 school achievement and college readiness.
- 8 III. The growth score earned by schools.
- 9 2. Repealed by Session Laws 2017-206, s. 1(b), effective August
- 10 30, 2017, and applicable beginning with the 2017-2018 school
- 11 year.
- 12 3. The graduation rate indicator shall be the percentage of
- 13 students who graduate within four years of entering high
- 14 school.
- 15 4. The English language proficiency indicator shall be the
- 16 percentage of students who progress in achieving English
- 17 language proficiency.
- 18 b. School quality and student success indicator. – The school quality and
- 19 student success indicator shall be made up of the following measures:
- 20 1. Proficiency on the ~~Biology end-of-course test.~~science subtest
- 21 of a nationally recognized assessment of high school
- 22 achievement and college readiness.
- 23 2. The percentage of students who complete Algebra II or
- 24 Integrated Math III with a passing grade.
- 25 3. The percentage of students who achieve the minimum score
- 26 required for admission into a constituent institution of The
- 27 University of North Carolina on a nationally normed test of
- 28 college readiness.
- 29 4. ~~The percentage of students enrolled in Career and Technical~~
- 30 ~~Education courses who meet the standard when scoring at~~
- 31 ~~Silver, Gold, or Platinum levels on a nationally normed test of~~
- 32 ~~workplace readiness."~~

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

34 "(4) ~~To the extent funds are made available, the~~The State Board of Education shall

35 use a competitive bid process to adopt one ~~nationally norm-referenced college~~

36 ~~admissions test~~nationally recognized assessment of high school achievement

37 and college readiness to make available to local school administrative units,

38 regional schools, and charter schools to administer to all ~~students in the~~

39 ~~eleventh grade unless the student has already taken a comparable test and~~

40 ~~scored at or above a level set by the State Board.~~students. The State Board of

41 Education shall require the administration of an alternate to the ~~nationally~~

42 ~~norm-referenced college admissions test~~nationally recognized assessment of

43 high school achievement and college readiness or an alternate precursor test

44 to the ~~nationally norm-referenced college admissions test~~nationally

45 recognized assessment of high school achievement and college readiness to a

46 student who (i) exhibits severe and pervasive delays in all areas of conceptual,

47 linguistic, and academic development and in adaptive behaviors, including

48 communication, daily living skills, and self-care, (ii) is following the extended

49 content standards of the Standard Course of Study as provided in

50 G.S. 115C-81.5, or is following a course of study that, upon completing high

51 school, may not lead to admission into a college-level course of study resulting

1 in a college degree, and (iii) has a written parental request for an alternate
2 assessment in accordance with federal law.

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

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

12 **SECTION 3.(e)** G.S. 115C-174.25 is repealed.

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

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

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

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

46 **SECTION 3.(g)** Subsection 3(e) of this section is effective August 1, 2019. The
47 remainder of this section is effective when it becomes law and applies beginning with testing
48 administered for the 2019-2020 school year.

49

1 **PART IV. PROHIBIT STANDARDIZED TESTING BY LOCAL SCHOOL**
 2 **ADMINISTRATIVE UNITS EXCEPT AS REQUIRED BY THE STATE BOARD OF**
 3 **EDUCATION**

4 **SECTION 4.(a)** G.S. 115C-174.11, as amended by subsection (d) of Section 3 of
 5 this act, is amended by adding a new subsection to read:

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

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

9 **"§ 115C-174.12. Responsibilities of agencies.**

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

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

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

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

45 ...

46 ~~(d) By October 1 of each year, each local board of education shall notify the State Board~~
 47 ~~of Education of any local standardized testing to be administered to students by the local school~~
 48 ~~administrative unit at the direction of the local board of education in its schools and the calendar~~
 49 ~~for administering those tests. The local board of education shall include the following~~
 50 ~~information:~~

- 51 ~~(1) The source of funds supporting the local testing program.~~

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

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

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

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

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

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

30 31 **PART V. PROHIBIT GRADUATION PROJECTS AS A CONDITION OF** 32 **GRADUATION**

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

34 "(9d) Power to Develop Exit Standards and Graduation Requirements. –

35 ...

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

38 ...

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

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

45 "(54a) To Ensure That Graduation Is Not Conditioned on a Graduation Project. – A
 46 student shall not be required to complete a high school graduation project as
 47 a condition of graduation from high school. Requirements for graduation shall
 48 be connected only to the completion of required courses."

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

1 **PART VI. EFFECTIVE DATE**

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

3 law.