

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10200-MV-48A

Short Title: Reduce Testing. (Public)

Sponsors: Representatives Elmore, K. Hall, Bell, and Conrad (Primary Sponsors).

Referred to:

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
36 earned for NC Check-In 2 and NC Check-In 3 shall constitute the annual assessment for grades



1 three through eight, and all provisions of Subchapter IV of Chapter 115C of the General Statutes
2 concerning annual assessments for grades three through eight shall apply to this averaged score.

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

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

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

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

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

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

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

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

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

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

47
48 **PART III. REPLACE EOCS WITH THE ACT OR OTHER NATIONALLY**
49 **RECOGNIZED ASSESSMENT OF HIGH SCHOOL ACHIEVEMENT AND COLLEGE**
50 **READINESS AND ELIMINATE REQUIRED ADMINISTRATION OF ACT**
51 **WORKKEYS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 **SECTION 3.(g)** Subsection 3(e) of this section is effective August 1, 2019. The
45 remainder of this section is effective when it becomes law and applies beginning with testing
46 administered for the 2019-2020 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 (d) of Section 3 of
2 this act, is amended by adding a new subsection to read:

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

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

6 "**§ 115C-174.12. Responsibilities of agencies.**

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

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

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

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

42 ...

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

- 48 ~~(1) The source of funds supporting the local testing program.~~
- 49 ~~(2) The time allotted to administer each test.~~
- 50 ~~(3) Whether the test is a computer-based test or a paper-based test.~~
- 51 ~~(4) The grade level or subject area associated with the test.~~

- 1 (5) The date the test results are expected to be available to teachers and parents.
 2 (6) The type of test, the purpose of the test, and the use of the test results.
 3 (7) Estimates of average time for administering tests required by the local board
 4 of education by grade level.

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

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

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

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

25 **SECTION 4.(d)** This section is effective when it becomes law and applies beginning
 26 with testing administered for the 2019-2020 school year.
 27

28 **PART V. PROHIBIT GRADUATION PROJECTS AS A CONDITION OF** 29 **GRADUATION**

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

31 "(9d) Power to Develop Exit Standards and Graduation Requirements. –

32 ...

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

35 ...

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

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

42 "(54a) To Ensure That Graduation Is Not Conditioned on a Graduation Project. – A
 43 student shall not be required to complete a high school graduation project as
 44 a condition of graduation from high school. Requirements for graduation shall
 45 be connected only to the completion of required courses."

46 **SECTION 5.(c)** This section is effective when it becomes law and applies beginning
 47 with the 2019-2020 school year.
 48

49 **PART VI. EFFECTIVE DATE**

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