



SENATE BILL 621: Testing Reduction Act of 2019.

2019-2020 General Assembly

Committee:		Date:	August 23, 2019
Introduced by:	Sens. Tillman, Ballard, Sawyer	Prepared by:	Brian Gwyn* Staff Attorney
Analysis of:	Conference Committee Substitute (S621-CCSTC-6)		

OVERVIEW: *The Conference Committee Substitute for Senate Bill 621 would do the following:*

- *Eliminate the North Carolina Final Exams (NCFEs).*
- *Require the Superintendent of Public Instruction to report on the North Carolina Personalized Assessment Tool (NCPAT) pilot.*
- *Require reporting on and reductions in local testing.*
- *Require local funding for economically disadvantaged students for graduation projects.*
- *Require a review of the third grade reading end-of-grade test to ensure alignment with the Read to Achieve alternative assessment.*
- *Direct the State Board of Education (SBE) to recommend how to transition to a competency-based assessment and teaching model for all elementary and secondary school students in the State.*
- *Clarify the definition of high-need retired teachers.*
- *Make various changes to teacher licensure exam requirements.*

PART I: ELIMINATE NC FINAL EXAMS (NCFES)

CURRENT LAW: Under the terms of the now-expired federal Race to the Top grant, North Carolina had to provide a growth measure for every teacher in the State. Since growth measures require some type of standardized measure of student achievement, NCFEs were created to meet that requirement for courses that did not have an end-of-grade (EOG) or end-of-course (EOC) assessment. Under State Board Policy TEST-016, NCFEs are used to provide growth data for teachers of these courses. NCFEs are not currently required by State or federal law.

BILL ANALYSIS: Part I would eliminate the NCFEs. By March 15, 2020, the State Board of Education and the Department of Public Instruction (DPI) would be required to submit to the Joint Legislative Education Oversight Committee (JLEOC) a plan on how to use other means to accomplish the purposes for which data is collected by the NCFEs.

EFFECTIVE DATE: Part I would be effective when it becomes law and would eliminate the NCFEs beginning with the 2020-2021 school year.

PART II: REPORT ON NORTH CAROLINA PERSONALIZED ASSESSMENT TOOL (NCPAT) PILOT

BILL ANALYSIS: Part II would indicate the General Assembly's intent that the State move toward a through-grade assessment model for all State-mandated assessments. In a through-grade assessment

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model, multiple short tests are administered throughout the school year rather than in a single long test at the end of the year.

Part II would also require the Superintendent of Public Instruction to report annually by November 15 on the progress of the NCPAT pilot.

Additionally, Part II would authorize the SBE and the Superintendent of Public Instruction to supervise and administer the NCPAT pilot, notwithstanding any other provision of law.

EFFECTIVE DATE: Part II would be effective when it becomes law.

BACKGROUND: Under the Every Student Succeeds Act (ESSA), the United States Department of Education (USED) can grant states innovative assessment demonstration authority (IADA). While ESSA generally requires states to administer the same standardized exam to all students in each grade, IADA allows states to pilot innovative exams in a small number of public school units while administering the the existing exam in the remainder of the state.

North Carolina received approval from the USED to exercise IADA for a 5-year period from 2019-2024. North Carolina's plan involves piloting NCPAT assessments for up to 30% of the State's students in reading and math. NCPAT assessments will be administered in multiple testing events throughout the year rather than in a single testing event at the end of the year.

PART III: PLAN TO REDUCE STANDARDIZED TESTING BY LOCAL SCHOOL ADMINISTRATIVE UNITS

CURRENT LAW: Under G.S. 115C-174.11(d), the State Board cannot require public schools to administer any standardized tests except those otherwise required by State or federal law. However, local boards of education may require additional standardized assessments.

BILL ANALYSIS: Part III would require local boards of education to review local standardized testing requirements every two years. If either the number of tests administered or the number of hours required for students to complete the tests is higher than the State average, the local board would be required to submit to SBE and DPI a plan to put local testing in line with the State average. The SBE must waive this requirement if the local board has made significant progress toward reducing local testing. As part of its annual reporting to the JLEOC, the SBE would be required to provide a summary of these local plans.

Part III would also require the SBE to provide in its annual testing summary the average over the prior two-year period of (i) the number of tests administered and (ii) the number of hours required for students to complete the tests. The summary would be based on data reported by local boards of education under existing law.

EFFECTIVE DATE: Part III would be effective when it becomes law and would apply beginning with reports issued in 2020 based on data from the 2019-2020 school year.

PART IV: REQUIRE LOCAL FUNDING FOR ECONOMICALLY DISADVANTAGED STUDENTS FOR GRADUATION PROJECTS

CURRENT LAW: Under G.S. 115C-12(9d)b.2., the SBE cannot require that students complete a graduation project as a condition of graduation from high school. Local boards of education, however, can include such a condition.

BILL ANALYSIS: If local boards of education require a graduation project as a condition of graduation from high school, Part IV would require such local boards to provide a reimbursement from local funds of up to \$75 to economically disadvantaged students for expenses related to the graduation project.

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EFFECTIVE DATE: Part IV would be effective when it becomes law and would apply beginning with the 2019-2020 school year.

PART V: EXAMINATION OF THIRD GRADE ENGLISH LANGUAGE ARTS ASSESSMENTS TO BETTER MEET GOALS OF READ TO ACHIEVE

CURRENT LAW: Under Part 1A of Chapter 115C (Read to Achieve), students are required to demonstrate reading proficiency on a State-approved test of reading comprehension to be promoted from the third grade. Students may also be promoted if the student demonstrates reading proficiency through an alternate assessment approved by the SBE.

BILL ANALYSIS: Part V would require DPI to study the third grade reading EOG to check for alignment with the Read to Achieve alternative assessment. Based on its examination, DPI would be required to modify the third grade reading assessment and report on those modifications by March 15, 2020, to the JLEOC.

EFFECTIVE DATE: Part V would become effective when it becomes law.

PART VI. COMPETENCY-BASED ASSESSMENTS AND TEACHING MODEL

ANALYSIS: Part VI would direct the SBE to determine and analyze how to transition to a competency-based assessment and teaching model for all elementary and secondary school students in the State. The SBE would be required to recommend transition steps that accomplish the following competency-based objectives:

- Students advance upon mastery.
- Competencies are broken down into explicit and measurable learning objectives.
- Assessments are meaningful and accomplish the goals of the statewide testing program for measuring student achievement and student growth and also comply with federal funding conditions.
- Students receive differentiated support based on their learning needs.
- Learning outcomes emphasize competencies that include the application and creation of knowledge.

The SBE would have to examine (i) competency-based assessments in other states; (ii) the relationship between competency-based assessments and innovative teaching methods used in North Carolina schools; and (iii) any other considerations that the SBE deems relevant to transitioning to a competency-based assessment and teaching model.

The SBE must report to the JLEOC by May 15, 2020, on its analysis and recommended transition steps.

EFFECTIVE DATE: Part VI would become effective when it becomes law.

BACKGROUND: Section 8.12 of S.L. 2015-241 stated that it was the intent of the General Assembly to transition to a system of competency-based learning assessments to measure student performance and growth whenever practicable. The SBE was encouraged to evaluate the feasibility of integrating competency-based assessments for use in local school administrative units and as a part of the statewide testing program for measuring student performance and student growth.

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PART VII. CLARIFICATION OF DEFINITION OF HIGH-NEED RETIRED TEACHERS

CURRENT LAW: S.L. 2019-110 allows certain retired teachers to return to work in certain high-need schools and still receive their full retirement benefits. In order to qualify, a high-need retired teacher must meet the following:

- Have retired on or before February 1, 2019, after attaining one of the following:
 - The age of 65 with 5 years of creditable service.
 - The age of 60 with 25 years of creditable service.
 - 30 years of creditable service.
- Be reemployed by a local board of education to teach at a high-need school.

S.L. 2019-110 requires the State Treasurer to seek a private letter ruling from the Internal Revenue Service (IRS) to determine whether the computation of postretirement earnings of retired teachers would jeopardize the status of the Teachers' and State Employees' Retirement System under the Internal Revenue Code. S.L. 2019-110 would expire 30 days from an adverse ruling from the IRS. Otherwise, the law expires June 30, 2021.

BILL ANALYSIS: Part VII would make the following clarifying changes to S.L. 2019-110:

- Clarify that a high-need retired teacher must be a teacher, as defined by the retirement statutes, employed on an annual contract to provide classroom instruction exclusively at a high-need school or schools.
- Clarify that high-need retired teachers would not be restored to service as a teacher or employee.
- Require local boards of education to inform the Teachers' and State Employees' Retirement System by September 15 annually if it will not employ high-need retired teachers.
- In the event of an adverse determination from the IRS, repeal S.L. 2019-110 on the last day of the month following the month of receipt of such determination.

EFFECTIVE DATE: Part VII would be effective July 1, 2019, and would expire June 30, 2021.

PART VIII. CLARIFYING CHANGES TO TEACHER LICENSURE LAWS

CURRENT LAW: G.S. 115C-270.20(a)(3) defines an initial professional license (IPL) as a three-year nonrenewable license issued to an individual who has successfully completed a recognized educator preparation program (EPP) and meets other requirements set by the SBE. G.S. 115C-270.15 requires applicants for an IPL to complete a standardized exam related to the licensure content area. Applicants seeking licensure in elementary education (K-6) and special education general curriculum must also take tests or subtests specific to teaching reading and mathematics. Before July 1, 2019, individuals with an IPL had until the end of their second year of teaching to pass the licensure exams.

G.S. 115C-270.20(a)(1) defines a continuing professional license (CPL) as a five-year renewable license issued to a teacher who has at least three years of licensed teaching experience, and who meets other requirements set by the SBE.

G.S. 115C-270.20(a)(5) defines a residency license as a one-year license, renewable twice, for individuals who have not yet completed, but are currently enrolled, in an EPP.

A lateral entry license is a three-year license for individuals who have not yet completed an educator preparation program. S.L. 2017-189 initiated a phase-out of lateral entry licenses, with the last licenses issued in the 2018-2019 school year.

S.L. 2019-71, effective July 1, 2019, modified G.S. 115C-270.15 to extend the licensure exam deadline to provide teachers the full three years of their IPL to pass the required licensure exams. The law also provided a

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one-time one-year extension for elementary education (K-6) or special education general curriculum teachers with an IPL, if their license was set to expire June 30, 2019, due to the failure to fulfill the licensure examination requirements.

Additionally, S.L. 2019-71 created a new teaching license, called a limited license (G.S. 115C-270.20(a)(4a)), for teachers (i) with an IPL who are not eligible for a CPL due to failure to fulfill licensure exam requirements or (ii) for teachers who have an out-of-state license. A limited license is valid for three years and cannot be renewed. The limited license can only be requested by the local board of education currently employing or seeking to employ the teacher, and is only valid in that local school administrative unit.

BILL ANALYSIS: Part VIII would make the following changes related to teacher licensure exams:

- Allow individuals with a lateral entry license or a residency license that has been renewed twice to be eligible for a limited license. Individuals who have only had a residency license for one or two years would not be eligible for a limited license.
- Provide a one-year extension for individuals with lateral entry or residency licenses in elementary education (K-6) or special education general curriculum that would have expired June 30, 2019 due to failure to fulfill licensure examination requirements.
- Clarify that the new three-year timeline in G.S. 115C-270.15(c) enacted by S.L. 2019-71 applies to individuals who held an IPL on July 1, 2019, as well as new applicants.
- Clarify that individuals who already had IPLs as of July 1, 2019 can be eligible for a limited license if they otherwise meet the criteria for the license.

EFFECTIVE DATE: Part VIII would become effective when it becomes law and would apply to individuals holding or seeking licensure on or after the effective date.

**This summary was substantially contributed to by Kara McCraw, Drupti Chauhan, and Tawanda Foster, staff attorneys with the Legislative Analysis Division.*