



SENATE BILL 621: Testing Reduction Act of 2019.

2019-2020 General Assembly

Committee:		Date:	December 5, 2019
Introduced by:		Prepared by:	Drupti Chauhan Staff Attorney
Analysis of:	S.L. 2019-212		

OVERVIEW: *S.L. 2019-212 reduces student testing requirements and makes other changes related to education laws in the State as follows:*

- *Eliminates the North Carolina Final Exams (NCFEs).*
- *Requires the Superintendent of Public Instruction to report on the North Carolina Personalized Assessment Tool (NCPAT) pilot.*
- *Requires reporting on and reductions in local testing.*
- *Requires local funding for economically disadvantaged students for graduation projects.*
- *Requires a review of the third grade reading end-of-grade test to ensure alignment with the Read to Achieve alternative assessment.*
- *Directs 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.*
- *Clarifies the definition of high-need retired teachers.*
- *Makes various changes to teacher licensure exam requirements.*

This act became effective September 4, 2019, except as otherwise provided in the act.

PART I: ELIMINATE NC FINAL EXAMS (NCFES)

BILL ANALYSIS: Part I of the act eliminates the North Carolina Final Exams (NCFEs) beginning with the 2020-2021 school year. By March 15, 2020, the State Board of Education (SBE) and the Department of Public Instruction (DPI) are 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.

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

BILL ANALYSIS: Part II of the act sets forth the General Assembly's intent that the State move toward a through-grade assessment model for all State-mandated assessments where multiple short tests are administered throughout the school year rather than a single long test at the end of the year. The Superintendent of Public Instruction is required to report annually by November 15 on the progress of the North Carolina Personalized Assessment Tool (NCPAT) pilot. This report must include the following, among other items: (i) demographic information of the schools in the pilot; (ii) NCPAT performance, including proficiency and growth data, for students in participating schools; (iii) end-of-grade assessment performance, including proficiency and growth data, for students in non-participating schools; (iv) feedback from stakeholders; (v) progress in developing plans to replace all end-of-course-assessments;

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

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and (vi) recommendations for changes needed in State law to implement through-grade assessments statewide. Additionally, the SBE and the Superintendent of Public Instruction are authorized to supervise and administer the NCPAT pilot, notwithstanding any other provision of 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 five-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

BILL ANALYSIS: Part III of the act requires 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 must 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 is required to provide a summary of these local plans. The SBE must also 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 will be based on data reported by local boards of education under existing law.

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

BILL ANALYSIS: Part IV of the act states that if a local board of education requires a graduation project as a condition of graduation from high school, the local board must provide a reimbursement from local funds of up to \$75 to economically disadvantaged students for expenses related to the graduation project. This funding requirement applies 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

BILL ANALYSIS: Part V of the act requires DPI to study the third grade end-of-grade reading assessment to check for alignment with the Read to Achieve alternative assessment. Based on its examination, DPI must modify the third grade reading assessment and report on those modifications by March 15, 2020, to the JLEOC.

PART VI. COMPETENCY-BASED ASSESSMENTS AND TEACHING MODEL

ANALYSIS: Part VI of the act directs 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 must recommend transition steps that accomplish the following competency-based objectives:

- Students advance upon mastery.
- Competencies are broken down into explicit and measurable learning objectives.

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- 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 must also 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.

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 jeopardizes the status of the Teachers' and State Employees' Retirement System under the Internal Revenue Code. S.L. 2019-110 expires 30 days from an adverse ruling from the IRS. Otherwise, the law expires June 30, 2021.

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

- Clarifies 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.
- Clarifies that high-need retired teachers will not be restored to service as a teacher or employee.
- Requires 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, repeals S.L. 2019-110 on the last day of the month following the month of receipt of such determination.

Part VII became effective July 1, 2019, and expires 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.

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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 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 makes the following changes to S.L. 2019-71:

- Allows 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 will not be eligible for a limited license.
- Provides 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.
- Clarifies 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.
- Clarifies 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.

Part VIII became effective September 4, 2019, and applies to individuals holding or seeking licensure on or after that date.

EFFECTIVE DATE: This act became effective September 4, 2019, except as otherwise provided in the act.