

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 230*
Senate Education/Higher Education Committee Substitute Adopted 5/28/14

Short Title: Clarify Read to Achieve/Sch. Perform. Grades. (Public)

Sponsors:

Referred to:

March 7, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY PROVISIONS OF THE READ TO ACHIEVE ACT AND SCHOOL
3 PERFORMANCE GRADES AND TO EXPAND THE TESTING WINDOW FOR ONE
4 YEAR.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-83.3(2) reads as rewritten:

7 "(2) "Alternative assessment" means a valid and reliable standardized assessment
8 of reading comprehension, approved by the State Board of Education, that is
9 not the same test as the State-approved standardized test of reading
10 comprehension administered to third grade students. The State Board of
11 Education shall (i) provide several valid and reliable alternative assessments
12 to local school administrative units upon request, (ii) approve valid and
13 reliable alternative assessments submitted by local school administrative
14 units, and (iii) establish achievement level ranges for each approved
15 alternative assessment. The State Board of Education shall annually review
16 all alternative assessments to ensure ongoing relevance, validity, and
17 reliability."

18 **SECTION 2.** G.S. 115C-83.3(8) reads as rewritten:

19 "(8) "Student reading portfolio" means a compilation of independently produced
20 student work selected by the student's teacher, beginning during the first half
21 of the school year, and signed by the teacher and principal, as an accurate
22 picture of the student's reading ability. The student reading portfolio shall
23 include an organized collection of evidence of the student's mastery of the
24 State's reading standards that are assessed by the State-approved
25 standardized test of reading comprehension administered to third grade
26 students. A single piece of evidence may show mastery of up to two
27 standards. For each benchmark, there shall be three examples of student
28 work demonstrating mastery by a grade of seventy percent (70%) or above."

29 **SECTION 3.** G.S. 115C-83.3(9) reads as rewritten:

30 "(9) ~~"Summer reading"~~ "Reading camp" means an additional educational program
31 outside of the instructional calendar provided by the local school
32 administrative unit to any student who does not demonstrate reading
33 proficiency. Parents or guardians of the student not demonstrating reading
34 proficiency shall make the final decision regarding the student's ~~summer~~
35 reading camp attendance. Summer-Reading camps shall (i) be six to eight
36 weeks long, four or five days per week; (ii) include at least three hours of



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1 ~~instructional time per day; (iii) offer at least 72 hours of reading instruction~~
2 ~~to yield positive reading outcomes for participants; (ii) be taught by~~
3 ~~compensated, licensed teachers selected based on demonstrated student~~
4 ~~outcomes in reading proficiency; and (iv) allow (iii) allow volunteer mentors~~
5 ~~to read with students. students at times other than during the 72 hours of~~
6 ~~reading instruction. The 72 hours of reading instruction shall be provided~~
7 ~~over no less than three weeks for students in schools using calendars other~~
8 ~~than year-round calendars."~~

9 **SECTION 4.** G.S. 115C-83.5(d) reads as rewritten:

10 "(d) The kindergarten entry assessment shall (i) address the five essential domains of
11 school readiness: language and literacy development, cognition and general knowledge,
12 approaches toward learning, physical well-being and motor development, and social and
13 emotional development. development and (ii) yield both qualitative and quantitative data in
14 each of these domains. Data obtained through administration of the kindergarten entry
15 assessment shall be used to populate relevant fields in a longitudinal data base. The language
16 and literacy component of the kindergarten entry assessment may be used as a formative and
17 diagnostic reading assessment as provided in G.S. 115C-83.6."

18 **SECTION 5.** G.S. 115C-83.7(b) reads as rewritten:

19 "(b) Students may be exempt from mandatory retention in third grade for good cause, but
20 shall continue to be eligible to participate in reading camps, receive instructional supports and
21 services and reading interventions appropriate for their age and reading level. Good cause
22 exemptions shall be limited to the following:

- 23 (1) Limited English Proficient students with less than two ~~years~~ school years of
24 instruction in an English as a Second Language program.
- 25 (2) Students with disabilities, as defined in ~~G.S. 115C-106.3(1), whose~~
26 ~~individualized education program indicates the use of alternative~~
27 ~~assessments and reading interventions. G.S. 115C-106.3(1), and whose~~
28 individualized education program indicates (i) the use of the NCEXTEND1
29 alternate assessment, (ii) at least a two school year delay in educational
30 performance, or (iii) receipt of intensive reading interventions for at least
31 two school years.
- 32 (3) Students who demonstrate reading proficiency appropriate for third grade
33 students on an alternative assessment approved by the State Board of
34 Education. ~~Teachers may administer alternative assessment following the~~
35 ~~administration of the State approved standardized test of reading~~
36 ~~comprehension typically given to third grade students at the end of the~~
37 ~~school year or after a student's participation in the local school~~
38 ~~administrative unit's summer reading camp.~~
- 39 (4) Students who demonstrate, through a student reading portfolio, reading
40 proficiency appropriate for third grade students. ~~Teachers may submit the~~
41 ~~student reading portfolio at the end of the school year or after a student's~~
42 ~~participation in the local school administrative unit's summer reading camp.~~
43 The student Student reading portfolio and review process processes used by
44 local school administrative units shall be established approved by the State
45 Board of Education.
- 46 (5) Students who have (i) received reading intervention and (ii) previously been
47 retained more than once in kindergarten, first, second, or third grades."

48 **SECTION 6.** G.S. 115C-83.8 reads as rewritten:

49 **"§ 115C-83.8. Successful reading development for retained students.**

50 (a) Parents or guardians of Students students not demonstrating reading proficiency
51 shall be enrolled encouraged to enroll their student in a summer reading camp provided by the

1 local school administrative ~~unit prior to being retained.~~ unit. ~~Students who demonstrate reading~~
2 ~~proficiency on an alternative assessment of reading comprehension or student reading portfolio~~
3 ~~after completing a summer reading camp shall be promoted to the fourth grade. Students who~~
4 ~~do not demonstrate reading proficiency on these measures after completing a summer reading~~
5 ~~camp shall be retained under G.S. 115C-83.7(a) and provided with the instruction listed in~~
6 ~~subsection (b) of this section during the retained year.~~ Parents or guardians of a student not
7 demonstrating reading proficiency shall make the final decision regarding a student's reading
8 camp attendance. Local school administrative units shall provide at least one opportunity for
9 students not participating in a reading camp to demonstrate reading proficiency appropriate for
10 third grade students on an alternative assessment or through a student reading portfolio process
11 approved by the State Board of Education prior to retaining the student.

12 (b) Students retained under G.S. 115C-83.7(a) shall be provided with a teacher selected
13 based on demonstrated student outcomes in reading proficiency and placed in an accelerated
14 reading class or a transitional third and fourth grade class combination, as appropriate.
15 Classroom instruction shall include at least 90 minutes of daily, uninterrupted, evidence-based
16 reading instruction, not to include independent reading time, and other appropriate instructional
17 supports and services and reading interventions.

18 (c) The State Board of Education shall establish a midyear promotion policy for any
19 student retained under G.S. 115C-83.7(a) who, by November 1, demonstrates reading
20 proficiency through administration of the alternative assessment of reading comprehension or
21 student reading portfolio review. Principals shall use the provisions under G.S. 115C-288(a) to
22 grade and classify students demonstrating reading proficiency after the November 1 midyear
23 promotion deadline.

24 (d) Repealed by Session Laws 2013-360, s. 8.30, effective July 1, 2013.

25 (e) Parents or guardians of students who have been retained twice under the provisions
26 of G.S. 115C-83.7(a) shall be offered supplemental tutoring for the retained student in
27 evidence-based reading services outside the instructional day."

28 **SECTION 7.** G.S. 115C-83.9 reads as rewritten:

29 **"§ 115C-83.9. Notification requirements to parents and guardians.**

30 (a) Parents or guardians shall be notified in writing, and in a timely manner, that the
31 student shall be retained, unless he or she is exempt from mandatory retention for good cause,
32 if the student is not demonstrating reading proficiency by the end of third grade. Parents or
33 guardians shall receive this notice when a kindergarten, first, second, or third grade student (i)
34 is demonstrating difficulty with reading development; (ii) is not reading at grade level; or (iii)
35 has a personal education plan under G.S. 115C-105.41.

36 (b) Parents or guardians of any student who is to be retained under the provisions of
37 G.S. 115C-83.7(a) shall be notified in writing of the reason the student is not eligible for a good
38 cause exemption as provided in G.S. 115C-83.7(b). Written notification shall also include a
39 description of proposed reading interventions that will be provided to the student to remediate
40 identified areas of reading deficiency.

41 (c) Parents or guardians of students retained under G.S. 115C-83.7(a) shall receive at
42 least monthly written reports on student progress toward reading proficiency. The evaluation of
43 the student's progress shall be based upon the student's classroom work, observations, tests,
44 assessments, and other relevant information.

45 (d) Teachers and principals shall provide ~~opportunities~~ opportunities, including, but not
46 limited to, information sessions, to discuss with parents and guardians the notifications listed in
47 this section."

48 **SECTION 8.** Part 1A of Article 8 of Chapter 115C of the General Statutes is
49 amended by adding a new section to read:

50 **"§ 115C-83.11. Continued support for students demonstrating reading proficiency.**

1 (a) Parents or guardians of a student demonstrating reading proficiency appropriate for
2 a third grade student as provided under G.S. 115C-83.7 may choose to enroll the student in the
3 reading camp as defined in G.S. 115C-83.3(9) but may be charged an attendance fee. Local
4 boards of education may establish a fee amount to be equal to the per student program cost of
5 participating in the reading camp, not to exceed eight hundred twenty-five dollars (\$825.00).

6 (b) Priority enrollment in the reading camp is for students not demonstrating reading
7 proficiency as provided under G.S. 115C-83.8. Local boards of education shall establish
8 application procedures and enrollment priorities for reading camps for students demonstrating
9 reading proficiency."

10 **SECTION 9.** G.S. 115C-238.29F(d1) reads as rewritten:

11 "(d1) Reading Proficiency and Student Promotion. –

12 (1) Students in the third grade shall be retained if the student fails to
13 demonstrate reading proficiency by reading at or above the third grade level
14 as demonstrated by the results of the State-approved standardized test of
15 reading comprehension administered to third grade students. The charter
16 school shall provide reading interventions to retained students to remediate
17 reading deficiency, which may include 90 minutes of daily, uninterrupted,
18 evidence-based reading instruction, accelerated reading classes, transition
19 classes containing third and fourth grade students, and summer reading
20 camps.

21 (2) Students may be exempt from mandatory retention in third grade for good
22 cause but shall continue to receive instructional supports and services and
23 reading interventions appropriate for their age and reading level. Good cause
24 exemptions shall be limited to the following:

25 a. Limited English Proficient students with less than two school years
26 of instruction in an English as a Second Language program.

27 b. Students with disabilities, as defined in G.S. 115C-106.3(1), and
28 whose individualized education program indicates ~~the use of~~ (i) the use of the
29 NCEXTEND1 alternate assessment, (ii) at least a two school year
30 delay in educational performance, or (iii) receipt of intensive reading
31 interventions for at least two school years.

32 c. Students who demonstrate reading proficiency appropriate for third
33 grade students on an alternative assessment of reading
34 comprehension. The charter school shall notify the State Board of
35 Education of the alternative assessment used to demonstrate reading
36 proficiency.

37 d. Students who demonstrate, through a student reading portfolio,
38 reading proficiency appropriate for third grade students.

39 e. Students who have (i) received reading intervention and (ii)
40 previously been retained more than once in kindergarten, first,
41 second, or third grades.

42 "

43 **SECTION 10.** The State Board of Education shall implement the developmental
44 screening instrument as provided in G.S. 115C-83.5 in each school in a local school
45 administrative unit enrolling kindergarten students, and according to the approved time line for
46 the administration of the Kindergarten Entry Assessment as provided under Section 3.9 of S.L.
47 2013-363. Additional components of the Kindergarten Entry Assessment shall be fully
48 implemented in each school in a local school administrative unit enrolling kindergarten
49 students beginning with the 2016-2017 school year.
50

1 **SECTION 11.** The title of Part 5 of Article 10A of Chapter 115C of the General
2 Statutes reads as rewritten:

3 "CAREER AND COLLEGE READINESS."

4 **SECTION 12.** G.S. 115C-83.4A is recodified in Part 5 of Article 10A of Chapter
5 115C of the General Statutes as G.S. 115C-174.26.

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

7 "(b) Calculation of the School Achievement Score. – In calculating the overall school
8 achievement score earned by schools, the State Board of Education shall total the sum of points
9 earned by a school on all of the following indicators that are measured for that school:

- 10 (1) One point for each percent of students who score at or above proficient on
11 annual assessments for mathematics in grades three through eight.
- 12 (2) One point for each percent of students who score at or above proficient on
13 annual assessments for reading in grades three through eight.
- 14 (3) One point for each percent of students who score at or above proficient on
15 annual assessments for science in grades five and eight.
- 16 (4) One point for each percent of students who score at or above proficient on
17 the Algebra I or Integrated Math I end-of-course test.
- 18 (5) One point for each percent of students who score at or above proficient on
19 the English II end-of-course test.
- 20 (6) One point for each percent of students who score at or above proficient on
21 the Biology end-of-course test.
- 22 (7) One point for each percent of students who complete Algebra II or
23 Integrated Math III with a passing grade.
- 24 (8) One point for each percent of students who achieve the minimum score
25 required for admission into a constituent institution of The University of
26 North Carolina on a nationally normed test of college readiness.
- 27 (9) One point for each percent of students enrolled in Career and Technical
28 Education courses who meet the standard when scoring at Silver, Gold, or
29 Platinum levels on a nationally normed test of workplace readiness.
- 30 (10) One point for each percent of students who graduate within four years of
31 entering high school.

32 ~~Each school achievement indicator shall be of equal value when used to determine the~~
33 ~~overall school achievement score. In calculating the overall school achievement score earned~~
34 ~~by schools, the State Board of Education shall (i) use a composite approach to weigh the~~
35 ~~achievement elements based on the number of students measured by any given achievement~~
36 ~~element and (ii) proportionally adjust the scale to account for the absence of a school~~
37 ~~achievement element for award of scores to a school that does not have a measure of one of the~~
38 ~~school achievement elements annually assessed for the grades taught at that school. The overall~~
39 ~~school achievement score shall be translated to a 100-point scale and used for school reporting~~
40 ~~purposes as provided in G.S. 115C-12(9)c1., 115C-238.29F, and 115C-238.66."~~

41 **SECTION 14.** G.S. 115C-83.15(d) reads as rewritten:

42 "(d) Calculation of the School Performance Scores and Grades. – ~~For schools exceeding~~
43 ~~or not meeting expected school growth, the~~ The State Board of Education shall use EVAAS to
44 calculate the school performance score by adding the school achievement score, as provided in
45 subsection (b) of this section, and the school growth score, as provided in subsection (c) of this
46 section, earned by a school. The school achievement score shall account for eighty percent
47 (80%), and the school growth score shall account for twenty percent (20%) of the total sum.
48 ~~For schools meeting expected growth, and with a school achievement score of eighty percent~~
49 ~~(80%) or higher, the school performance score shall solely reflect the achievement score. For~~
50 ~~schools meeting expected growth, and with a school achievement score below eighty percent~~
51 ~~(80%), the school achievement score shall account for eighty percent (80%), and the school~~

1 ~~growth score shall account for twenty percent (20%) of the total sum. If a school has met~~
2 ~~expected growth and inclusion of the school's growth score reduces the school's performance~~
3 ~~score and grade, a school may choose to use the school achievement score solely to calculate~~
4 ~~the performance score and grade. For all schools, the total school performance score shall be~~
5 converted to a 100-point scale and used to determine a school performance grade based on the
6 following scale:

- 7 (1) A school performance score of at least 90 is equivalent to an overall school
8 performance grade of A.
- 9 (2) A school performance score of at least 80 is equivalent to an overall school
10 performance grade of B.
- 11 (3) A school performance score of at least 70 is equivalent to an overall school
12 performance grade of C.
- 13 (4) A school performance score of at least 60 is equivalent to an overall school
14 performance grade of D.
- 15 (5) A school performance score of less than 60 points is equivalent to an overall
16 school performance grade of F."

17 **SECTION 15.** Notwithstanding G.S. 115C-83.15(d), for the 2013-2014 school
18 year only, for all schools the total school performance score shall be converted to a 100-point
19 scale and used to determine a school performance grade based on the following scale:

- 20 (1) A school performance score of at least 85 is equivalent to an overall school
21 performance grade of A.
- 22 (2) A school performance score of at least 70 is equivalent to an overall school
23 performance grade of B.
- 24 (3) A school performance score of at least 55 is equivalent to an overall school
25 performance grade of C.
- 26 (4) A school performance score of at least 40 is equivalent to an overall school
27 performance grade of D.
- 28 (5) A school performance score of less than 40 points is equivalent to an overall
29 school performance grade of F.

30 **SECTION 16.** For the 2014-2015 school year only, local boards of education may
31 apply for waivers from the requirements in G.S. 115C-174.12(4) which limit the administration
32 of final exams for year-long courses to the final 10 instructional days of the school year and the
33 final five instructional days of the semester for semester courses. Local boards of education
34 shall apply for these waivers to the State Board of Education by September 1, 2014. The State
35 Board of Education shall grant the waivers for up to five additional days in order to allow the
36 administration of final exams for year-long courses within the final 15 instructional days of the
37 school year and for semester courses within the final 10 instructional days of the semester. By
38 October 1, 2014, the State Board of Education shall notify the local boards of education
39 whether the requested waivers have been granted.

40 **SECTION 17.** This act is effective when it becomes law. Section 16 of this act
41 applies only for the 2014-2015 school year.