

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

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**SENATE BILL 502**

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Short Title:   Modify School Performance Grades. (Public)

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Sponsors:    Senators Hunt, Waddell, and Chaudhuri (Primary Sponsors).

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Referred to:  Rules and Operations of the Senate

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April 4, 2023

1   A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY SCHOOL PERFORMANCE GRADES TO PROVIDE THAT ALL  
3 SCHOOLS RECEIVE A GRADE FOR SCHOOL ACHIEVEMENT AND A GRADE FOR  
4 SCHOOL GROWTH.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. ESTABLISH SEPARATE ACHIEVEMENT AND GROWTH GRADES**

8       **SECTION 1.1.** G.S. 115C-12(9) reads as rewritten:

9       "(9)   Miscellaneous Powers and Duties. – All the powers and duties exercised by  
10           the State Board of Education shall be in conformity with the Constitution and  
11           subject to such laws as may be enacted from time to time by the General  
12           Assembly. Among such duties are:

13       ...

14       c1.    To issue an annual "report card" for the State and for each local school  
15           administrative unit, assessing each unit's efforts to improve student  
16           performance based on the growth in performance of the students in  
17           each school and taking into account progress over the previous years'  
18           level of performance and the State's performance in comparison with  
19           other states. This assessment shall take into account factors that have  
20           been shown to affect student performance and that the State Board  
21           considers relevant to assess the State's efforts to improve student  
22           performance. The annual "report card" for each local school  
23           administrative unit shall include the following:

- 24           1.    The State Board shall award, in accordance with  
25           G.S. 115C-83.15, an overall numerical school achievement,  
26           growth, and performance score on a scale of zero to 100  
27           achievement and school growth scores and a separate  
28           corresponding performance school achievement and school  
29           growth letter grade grades of A, B, C, D, or F earned by each  
30           school within the local school administrative unit. The school  
31           performance score and grade achievement and growth scores  
32           and grades shall reflect the measures required for achievement  
33           and growth, respectively, by G.S. 115C-83.15, in measures  
34           such as student performance on annual subject-specific  
35           assessments, college and workplace readiness measures,  
36           graduation rates, and student progress in achieving English



language proficiency. In addition, the State Board shall award separate ~~performance~~ scores and grades for the following:

- I. School achievement and school growth performance of certain subgroups of students as provided in G.S. 115C-83.15.
- II. For schools serving students in any grade from kindergarten to eighth grade, school achievement and school growth performance in reading and mathematics respectively.

...."

**SECTION 1.2.** G.S. 115C-47(58) reads as rewritten:

"(58) To Inform the Public About the North Carolina School Report Cards Issued by the State Board of Education. – Each local board of education shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise provided to the public. Each local board of education shall ensure that the ~~overall-school performance score~~ achievement and growth scores and grade-grades earned by each school in the local school administrative unit for the current and previous four school years ~~is~~are prominently displayed on the Web site of the local school administrative unit. If any school in the local school administrative unit earned ~~an overall-a~~ school ~~performance-achievement or growth~~ grade of D or F, the local board of education shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school."

**SECTION 1.3.** G.S. 115C-83.15 reads as rewritten:

**"§ 115C-83.15. School ~~achievement, growth, performance scores,~~ achievement scores, growth scores, and grades.**

(a) School Scores and Grades. – The State Board of Education shall award school ~~achievement, growth, and performance-achievement and school growth scores and an~~ associated ~~performance-grade-grades~~ as required by G.S. 115C-12(9)c1., and calculated as provided in this section.

...

(b1) Calculation of School Achievement Grades. – For all schools, the score for school achievement, as provided in subsection (b) of this section, shall be used to determine the school achievement grade. The school achievement grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

- (1) A score of at least 85 is equivalent to a school achievement grade of A.
- (2) A score of at least 70 is equivalent to a school achievement grade of B.
- (3) A score of at least 55 is equivalent to a school achievement grade of C.
- (4) A score of at least 40 is equivalent to a school achievement grade of D.
- (5) A score of less than 40 is equivalent to a school achievement grade of F.

(c) Calculation of the School Growth Score. – Using the Education Value-Added Assessment System (EVAAS), the State Board shall calculate the overall growth score earned by schools. In calculating the total growth score earned by schools, the State Board of Education shall weight student growth on the achievement measures as provided in subsection (b) of this section that have available growth values; provided that for schools serving students in grades nine through 12, the growth score shall only include growth values for measures calculated under sub-subdivisions a. and b. of subdivision (2) of subsection (b) of this section. The numerical values used to determine whether a school has met, exceeded, or has not met expected growth shall be translated to a 100-point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

1       (c1) Calculation of School Growth Grades. – For all schools, the score for school growth,  
2 as provided in subsection (c) of this section, shall be converted by the State Board of Education  
3 to a 100-point scale and used to determine the school growth grade. The school growth grade  
4 shall be based on the following scale and shall not be modified to add any other designation  
5 related to other performance measures, such as a "plus" or "minus":

- 6           (1) A score of at least 90 is equivalent to a school growth grade of A.
- 7           (2) A score of at least 80 is equivalent to a school growth grade of B.
- 8           (3) A score of at least 70 is equivalent to a school growth grade of C.
- 9           (4) A score of at least 60 is equivalent to a school growth grade of D.
- 10          (5) A score of less than 60 is equivalent to a school growth grade of F.

11       (d) ~~Calculation of the Overall School Performance Scores and Grades.~~ – The State Board  
12 ~~of Education shall calculate the overall school performance score by adding the school~~  
13 ~~achievement score, as provided in subsection (b) of this section, and the school growth score, as~~  
14 ~~determined using EVAAS as provided in subsection (c) of this section, earned by a school. The~~  
15 ~~school achievement score shall account for eighty percent (80%), and the school growth score~~  
16 ~~shall account for twenty percent (20%) of the total sum. For all schools, the total school~~  
17 ~~performance score shall be converted to a 100 point scale and used to determine an overall school~~  
18 ~~performance grade. The overall school performance grade shall be based on the following scale~~  
19 ~~and shall not be modified to add any other designation related to other performance measures,~~  
20 ~~such as a "plus" or "minus":~~

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

31       (d1) Establishment of Subgroups of Students. – The State Board shall establish the  
32 minimum number of students in a subgroup served by a school that is necessary to disaggregate  
33 information on student performance and to determine a subgroup performance score achievement  
34 and subgroup growth scores and grade-associated grades for the following subgroups of students:

- 35           (1) Economically disadvantaged students.
- 36           (2) Students from major racial and ethnic groups.
- 37           (3) Children with disabilities.
- 38           (4) English learners.

39       (d2) Calculation of the School Performance Scores and Achievement and School Growth  
40 Scores and Corresponding Grades for Certain Subgroups of Students Served by a School. – In  
41 addition to the overall school performance achievement and school growth scores and  
42 corresponding grades awarded under subsections (b) through (c1) of this section, for each school  
43 that serves a minimum number of students in a subgroup of students listed in subsection (d1) of  
44 this section, the State Board of Education shall calculate school performance achievement and  
45 school growth scores and shall determine a corresponding school performance grade grades for  
46 each subgroup using the same method as set forth in subsection (d) subsections (b) through (c1)  
47 of this section. School performance achievement and school growth scores for subgroups of  
48 students shall not be included in the calculation of the overall school performance achievement  
49 and school growth scores and corresponding grades under subsection (d) subsections (b) through  
50 (c1) of this section.

1 (d3) Report of Subgroup ~~Performance Scores and School Achievement~~ and School  
2 Growth Scores and Corresponding Grades. – The subgroup ~~performance school achievement and~~  
3 school growth scores and associated grades shall be reported separately on the annual school  
4 report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8 in a  
5 way that provides the following information:

- 6 (1) For the current year and the previous two years, the achievement score for  
7 each subgroup of students defined in subsection (d1) of this section for the  
8 school.
- 9 (2) The statewide average achievement score for each subgroup defined in  
10 subsection (d1) of this section.
- 11 (3) The difference between the achievement score for all students in the school  
12 and the achievement score for each subgroup that meets the minimum number  
13 of students defined in subsection (d1) of this section.
- 14 (4) Based on the information reported in subdivision (3) of this subsection, the  
15 State Board shall determine and identify schools that are closing achievement  
16 gaps, experiencing a widening of gaps, or seeing no significant gap changes.

17 ...

18 (f) Indication of Growth. – In addition to awarding the ~~overall~~ school scores for  
19 achievement, growth, and performance and the performance grade, achievement and growth and  
20 associated grades, using EVAAS, the State Board shall designate that a school has met, exceeded,  
21 or has not met expected growth. The designation of student growth shall be clearly displayed in  
22 the annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66,  
23 and 116-239.8.

24 (g) Access to Annual Report Card Information on the Department's Web Site. –  
25 Beginning with data collected in the 2017-2018 school year, the State Board of Education shall  
26 provide user-friendly access to the public on the annual report cards issued for local school  
27 administrative units and individual schools provided under G.S. 115C-12(9)c1., 115C-218.65,  
28 115C-238.66, and 116-239.8 through the Department of Public Instruction's Web site. The annual  
29 report card shall be designed and organized to display the following information more  
30 prominently than any other information:

- 31 (1) A summary for each local school administrative unit and for each individual  
32 school of the school ~~performance achievement and growth~~ grades, whether  
33 the school has met, exceeded, or has not met expected growth, and any other  
34 information required to be provided as part of the annual report card.
- 35 (2) The percentage of schools receiving ~~an overall a school performance~~  
36 achievement letter grade of A, B, C, D, or F earned by each school located  
37 within a local school administrative unit and statewide.
- 38 (2a) The percentage of schools receiving a school growth letter grade of A, B, C,  
39 D, or F earned by each school located within a local school administrative unit  
40 and statewide.
- 41 (3) The number and percentage of schools that have met, exceeded, or have not  
42 met expected growth by each school located within a local school  
43 administrative unit and statewide.
- 44 (4) A Web page for each individual school that prominently displays the school's  
45 ~~performance achievement and growth~~ grades, whether the school has met,  
46 exceeded, or has not met expected growth, and the school's ~~performance~~  
47 achievement and growth scores in a way that is easy for the user to read.
- 48 (5) The ability to easily compare annual report card information, including school  
49 ~~performance achievement and growth~~ grades and whether schools have met,  
50 exceeded, or have not met expected growth, for local school administrative  
51 units and for individual schools for a time span of at least three years."

1           **SECTION 1.4.** G.S. 115C-83.17 reads as rewritten:

2   "**§ 115C-83.17. Definitions.**

3       The following definitions apply in this Part:

- 4           (1) Achievement score. – A numerical score ~~on a scale of zero to 100~~ that is based  
5           on the sum of points earned by a school or by a subgroup of students pursuant  
6           to G.S. 115C-83.15.
- 7           (2) Growth score. – A numerical score measuring student growth calculated for a  
8           school or for a subgroup of students pursuant to G.S. 115C-83.15.
- 9           (3) ~~Overall school performance grade. School grades.~~ School grades. – The letter ~~grade~~ grades  
10           earned by a school for achievement and growth for all students served by a  
11           school pursuant to ~~G.S. 115C-83.15(d)~~ G.S. 115C-83.15(b1) and (c1).
- 12           (4) ~~Overall school performance score. School scores.~~ School scores. – The numerical ~~score~~  
13           scores earned by a school ~~that is calculated by adding the school achievement~~  
14           score and the school growth score earned by a school for achievement and  
15           growth pursuant to ~~G.S. 115C-83.15(d)~~ G.S. 115C-83.15(b) and (c).
- 16           (5) ~~Subgroup performance grade. grades.~~ grades. – The letter ~~grade~~ grades earned by a  
17           school for achievement and growth for a subgroup of students served by the  
18           school pursuant to G.S. 115C-83.15(d2).
- 19           (6) ~~Subgroup performance score. scores.~~ scores. – The numerical ~~score~~ scores earned by  
20           a school ~~that is calculated by adding the~~ for subgroup achievement ~~score~~ and  
21           the subgroup growth score earned by a school ~~that are converted to a 100-point~~  
22           scale pursuant to G.S. 115C-83.15(d2)."

23  
24   **PART II. CONFORMING CHANGES**

25           **SECTION 2.1.** G.S. 115C-75.5(5) reads as rewritten:

- 26           "(5) Qualifying school. – A school with a school ~~performance~~ achievement score  
27           in the lowest-performing five percent (5%) of all schools meeting the  
28           following criteria:
- 29           a.       Receives funds under Part A of Title I of the Elementary and  
30           Secondary Education Act of 1965, as amended.
- 31           b.       Is governed by a local board of education subject to this Article.
- 32           c.       Is not one of the following types of schools:
- 33                   1.       An alternative school.
- 34                   2.       A cooperative innovative high school.
- 35                   3.       A school that was in its first or second year of operation in the  
36                   previous school year.
- 37                   4.       A newcomers school. For the purposes of this subdivision, a  
38                   newcomers school is a school in which at least ninety percent  
39                   (90%) of its students are enrolled for no more than one year on  
40                   the basis of their status as recently arrived English language  
41                   learners."

42           **SECTION 2.2.** G.S. 115C-83.16 reads as rewritten:

43   "**§ 115C-83.16. School performance indicators for the purpose of compliance with federal**  
44   **law.**

45           (a) The State Board of Education shall use the school ~~performance~~ achievement and  
46           growth ~~scores and grades as calculated~~ required under G.S. 115C-83.15 to satisfy the federal  
47           requirement under the Elementary and Secondary Education Act of 1965, as amended by the  
48           Every Student Succeeds Act (ESSA), P.L. 114-95, to meaningfully differentiate the performance  
49           of schools on an annual basis. For the purpose of compliance with federal law, the State Board  
50           of Education shall calculate the overall school performance score by adding the school  
51           achievement score and the school growth score earned by a school. The school achievement score

1 shall account for eighty percent (80%) and the school growth score shall account for twenty  
2 percent (20%) of the total sum. Additionally, the indicators shall be defined as follows:

3 ...

4 (b) Notwithstanding subsection (a) of this section and only for the purpose of conforming  
5 with ESSA, the State Board may label measures as indicators different from those described in  
6 subsection (a) of this section; ~~provided that each measure shall be calculated in accordance with~~  
7 ~~the requirements of G.S. 115C-83.15 section.~~"

8 **SECTION 2.3.** G.S. 115C-105.37 reads as rewritten:

9 **"§ 115C-105.37. Identification of low-performing schools.**

10 (a) Identification of Low-Performing Schools. – The State Board of Education shall  
11 identify low-performing schools on an annual basis. Low-performing schools are those that earn  
12 ~~an overall a school performance achievement~~ grade of D or F and a school growth score of "met  
13 expected growth" or "not met expected growth" as defined by G.S. 115C-83.15.

14 (a1) Plan for Improvement of Low-Performing Schools. – If a school has been identified  
15 as low-performing as provided in this section and the school is not located in a local school  
16 administrative unit identified as low-performing under G.S. 115C-105.39A, the following  
17 actions shall be taken:

18 (1) The superintendent shall proceed under G.S. 115C-105.39.

19 (2) Within 30 days of the initial identification of a school as low-performing by  
20 the State Board, the superintendent shall submit to the local board of education  
21 a preliminary plan for improving ~~both the school performance grade and~~  
22 ~~school growth score, grades, including how the superintendent and other~~  
23 ~~central office administrators will work with the school and monitor the~~  
24 school's progress.

25 ...

26 (b) Parental Notice of Low-Performing School Status. – Each school that the State Board  
27 identifies as low-performing shall provide written notification to the parents and guardians of  
28 students attending that school within 30 days of the identification that includes the following  
29 information:

30 (1) A statement that the State Board of Education has found that the school has  
31 earned ~~an overall a school performance achievement~~ grade of D or F and a  
32 school growth score of "met expected growth" or "not met expected growth"  
33 and has been identified as a low-performing school as defined by  
34 ~~G.S. 115C-105.37, this section.~~ The statement shall include an explanation of  
35 the school ~~performance grades and growth scores.~~ achievement and growth  
36 scores and grades.

37 (2) ~~The school performance grade and growth score~~ achievement and growth  
38 scores and grades earned.

39 (3) Information about the preliminary plan developed under subsection (a1) of  
40 this section and the availability of the final plan on the local school  
41 administrative unit's Web site.

42 (4) The meeting date for when the preliminary plan will be considered by the local  
43 board of education.

44 (5) A description of any additional steps the school is taking to improve student  
45 performance."

46 **SECTION 2.4.** G.S. 115C-105.39A reads as rewritten:

47 **"§ 115C-105.39A. Identification of low-performing local school administrative units.**

48 (a) Identification of Low-Performing Local School Administrative Units. – The State  
49 Board of Education shall identify low-performing local school administrative units on an annual  
50 basis. A low-performing local school administrative unit is a unit in which the majority of the  
51 schools in that unit that earned ~~an overall school performance grade and school growth score~~

1 achievement and growth scores and grades as provided in G.S. 115C-83.15 have been identified  
2 as low-performing schools, as provided in G.S. 115C-105.37.

3 (b) Plan for Improvement of Low-Performing Local School Administrative Units. – Once  
4 a local school administrative unit has been identified as low-performing under this section, the  
5 following actions shall be taken:

6 (1) The superintendent shall proceed under G.S. 115C-105.39.

7 (2) Within 30 days of the identification of a local school administrative unit as  
8 low-performing by the State Board, the superintendent shall submit to the  
9 local board of education a preliminary plan for improving ~~both the school~~  
10 ~~performance grade and school growth score~~ achievement and growth scores  
11 and grades of each low-performing school in the unit, including how the  
12 superintendent and other central office administrators will work with each  
13 low-performing school and monitor the low-performing school's progress and  
14 how current local school administrative unit policy should be changed to  
15 improve student achievement throughout the local school administrative unit.  
16 The plan shall also include specific strategies to improve early childhood  
17 learning along with measurable goals.

18 ...

19 (c) Parental Notice of Low-Performing Local School Administrative Unit Status. – Each  
20 local school administrative unit that the State Board identifies as low-performing shall provide  
21 written notification to the parents and guardians of all students attending any school in the local  
22 school administrative unit within 30 days of the identification that includes the following  
23 information:

24 (1) A statement that the State Board of Education has found that a majority of the  
25 schools in the local school administrative unit have earned ~~an overall a school~~  
26 ~~performance achievement~~ grade of D or F and a school growth score of "met  
27 expected growth" or "not met expected growth" and have been identified as  
28 low-performing schools as defined by G.S. 115C-105.37. The statement shall  
29 also include an explanation of the school ~~performance grades and school~~  
30 ~~growth scores~~ achievement and growth scores and grades.

31 (2) The percentage of schools identified as low-performing.

32 (3) Information about the preliminary plan developed under subsection (b) of this  
33 section and the availability of the final plan on the local school administrative  
34 unit's Web site.

35 (4) The meeting date for when the preliminary plan will be considered by the local  
36 board of education.

37 (5) A description of any additional steps the local school administrative unit and  
38 schools are taking to improve student performance.

39 (6) For notifications sent to parents and guardians of students attending a school  
40 that is identified as low-performing under G.S. 115C-105.37, a statement that  
41 the State Board of Education has found that the school has earned ~~an overall~~  
42 ~~a school performance achievement~~ grade of D or F and a school growth score  
43 of "met expected growth" or "not met expected growth" and has been  
44 identified as a low-performing school as defined by G.S. 115C-105.37. This  
45 notification also shall include the ~~overall school performance grade and school~~  
46 ~~growth score the school~~ achievement and growth scores and grades earned  
47 and an explanation of the school ~~performance grades and school growth~~  
48 ~~scores~~ achievement and growth scores and grades."

49 **SECTION 2.5.** G.S. 115C-218.65 reads as rewritten:

50 **"§ 115C-218.65. North Carolina School Report Cards.**

1 A charter school shall ensure that the report card issued for it by the State Board of Education  
2 receives wide distribution to the local press or is otherwise provided to the public. A charter  
3 school shall ensure that the ~~overall-school performance score achievement and growth scores and~~  
4 ~~grade-grades~~ earned by the charter school for the current and previous four school years ~~is-are~~  
5 prominently displayed on the school Web site. If a charter school earned ~~an overall-a school~~  
6 ~~performance-achievement or growth~~ grade of D or F, the charter school shall provide notice of  
7 the grade in writing to the parent or guardian of all students enrolled in that school."

8 **SECTION 2.6.** G.S. 115C-218.94(a) reads as rewritten:

9 "(a) Identification of Low-Performing Charter Schools. – The State Board of Education  
10 shall identify low-performing charter schools on an annual basis. Low-performing charter  
11 schools are those that earn ~~an overall-a school performance-achievement~~ grade of D or F and a  
12 school growth score of "met expected growth" or "not met expected growth" as defined by  
13 G.S. 115C-83.15."

14 **SECTION 2.7.** G.S. 115C-238.66(11) reads as rewritten:

15 "(11) North Carolina School Report Cards. – A regional school shall ensure that the  
16 report card issued for it by the State Board of Education receives wide  
17 distribution to the local press or is otherwise provided to the public. A regional  
18 school shall ensure that the ~~overall-school performance score achievement and~~  
19 ~~growth scores~~ and ~~grade-grades~~ earned by the regional school for the current  
20 and previous four school years ~~is-are~~ prominently displayed on the school Web  
21 site. If a regional school earned ~~an overall-a school performance-achievement~~  
22 ~~or growth~~ grade of D or F, the regional school shall provide notice of the grade  
23 in writing to the parent or guardian of all students enrolled in that school."

24 **SECTION 2.8.** G.S. 116-239.8(b)(14) reads as rewritten:

25 "(14) North Carolina school report cards. – A laboratory school shall ensure that the  
26 report card issued for it by the State Board of Education receives wide  
27 distribution to the local press or is otherwise provided to the public. A  
28 laboratory school shall ensure that the ~~overall-school performance score~~  
29 ~~achievement and growth scores~~ and ~~grade-grades~~ earned by the laboratory  
30 school for the current and previous four school years ~~is-are~~ prominently  
31 displayed on the school Web site. If a laboratory school earned ~~an overall-a~~  
32 ~~school performance-achievement or growth~~ grade of D or F, the laboratory  
33 school shall provide notice of the grade in writing to the parent or guardian of  
34 all students enrolled in that school."

35 **SECTION 2.9.** G.S. 116-239.13(3) reads as rewritten:

36 "(3) Public school student achievement data, including school ~~performance-grades~~  
37 ~~and student achievement scores and student growth,~~ achievement and growth  
38 scores and grades, at each laboratory school."

### 40 PART III. EFFECTIVE DATE AND APPLICABILITY CLAUSE

41 **SECTION 3.** This act becomes effective January 1, 2024, and applies to school  
42 achievement grades, growth grades, and report cards issued based on data from the 2023-2024  
43 school year.