16 NCAC 06D .0313 is proposed for adoption as follows:

**16 NCAC 06D .0313 USE OF STATE-DESIGNATED STUDENT ASSESSMENTS IN NC TEACHER EVALUATION PROCESS**

(a) This rule specifies requirements for the assessments used as standardized artifacts to report student growth for teachers and school growth for participants in the North Carolina Teacher Evaluation Process. The following assessments are considered standardized artifacts reflective of student growth for teachers and school growth for participants in the Teacher Evaluation Process:

1. End-of-Grade English Language Arts/Reading (grades 3–8)
2. End-of-Grade Mathematics (grades 3–8)
3. End-of-Grade Science (grades 5 and 8)
4. End-of-Course NC Math 1
5. End-of-Course NC Math 3
6. End-of-Course English II
7. End-of-Course Biology
8. NC Final Exams (will end after the 19-20 school year)
9. K–3 Checkpoints
10. Career and Technical Education State Assessments

(b) All eligible public school students shall participate in the standard administration of the aforementioned assessments, with or without accommodations.

1. All students (including charter school students) enrolled in North Carolina Virtual Public School (NCVPS) courses that administer a North Carolina Final Exam (NCFE) shall participate in the administration of the NCFE.
2. All students in NCVPS Occupational Course of Study (OCS) courses that are taught jointly between the local education agency (LEA) and the NCVPS shall participate in the administration of the NCFEs.

(c) Public schools shall administer these assessments within the North Carolina Department of Public Instruction’s (NCDPI’s) designated testing window:

1. Last 5 days of the course for block or semester courses or
2. Last 10 days of the course for yearlong courses.

(d) Public schools shall administer these assessments to students enrolled in NCVPS courses within the final five instructional days for block/semester courses and within the final 10 instructional days of the course for yearlong courses.

1. For students who will complete an NCVPS course before the five- or ten-day testing window opens, public schools shall apply to the NCDPI’s Division of Accountability Services for permission to administer the assessment(s) at the completion of the NCVPS course as long as there is no impact on providing instruction to other students in the school.

(e) Public schools shall use the course-specific operational assessment as the only final exam for the course.
(f) Public schools shall use results from all course-specific operational assessments as a minimum of twenty percent (20%) of the student's final grade for each respective course.

1. This requirement does not apply to end-of-year assessments in grades 3–8 nor does it apply to students following the OCS Pathway.

2. This requirement does not apply to English Learner (EL) students in their first year in a U.S. school.

3. Effective with the 2018–19 school year and beyond, this requirement does not apply to students enrolled in a course during the initial implementation year of the new assessment for that course where scores are not immediately available due to standard setting.

4. Since the NCVPS is a supplement to public schools, determination of an NCVPS final course grade is the district’s decision. The district determines according to local policy how much the final exam will count (i.e., minimum of 20% or higher) in the student’s final grade for the course.

(g) Public schools may adopt policies to use results from end-of-year assessments in grades 3–8 elementary and middle school assessments as part of the student’s final grade.

(h) Regardless of the grade level in which the course is offered, students enrolled in courses in which assessments are required shall take the appropriate assessment at the completion of the course.

1. This requirement does not apply to students for Science NCFEs at grades 6, and 7 whose teachers have their test scores for the same year from the end-of-grade (EOG) tests of English Language Arts (ELA)/Reading and/or Mathematics and/or the Social Studies NCFEs. The decision must be applied consistently to all schools within a district so that teachers in like categories have the same measures.

2. This requirement does not apply to students for Social Studies NCFEs at grades 6, 7 and 8 whose teachers have their test scores for the same year from the EOG tests of ELA/Reading, Mathematics, and/or Science and/or Science NCFEs. The decision must be applied consistently to all schools within a district so that teachers in like categories have the same measures.

3. School Systems may elect to administer the Science and Social Studies Final Exams even if teachers have ELA/Reading, Mathematics, Science, or Social Studies scores.

(i) Public school students (including seniors) who are exempt from final exams by local board of education policy shall not be exempt from these assessments.

Public school students who are identified as failing a course/grade/subject for which an assessment is required shall take the appropriate assessment.

History Note:  Authority G.S. 115C-12(9); 115C-83.6; 115C-83.5; 115C-174.11; 115C-174.12; 115C-269.35; 115C-333.2; 115C-334; 115C-335; Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b); Emergency Rule Eff. August 20, 2019.