16 NCAC 06G.0315 is proposed for adoption as follows:

**16 NCAC 06G.0315 ACCOUNTABILITY ANNUAL PERFORMANCE STANDARDS**

(a) All eligible students in membership (i.e., enrolled in a school) at grades 3 through 8 and in high school courses in which an end-of-course (EOC) assessment is administered shall participate in the state assessment program adopted by the State Board of Education (SBE). Participation is reported for:

1. grades 3 through 8 end-of-grade (EOG) English language arts/reading and mathematics;
2. grades 5 and 8 EOG science;
3. grade 10 EOC English II,
4. grade 11 EOC assessments in NC Math, NC Math 3, and EOC Biology;
5. grade 11 ACT; and
6. grade 12 Career and Technical Education Concentrators and ACDT WorkKeys.

(b) Effective 2017–18 and beyond, all eligible students in membership at grade 8 enrolled for credit in NC Math 1 shall take the EOC assessment at the completion of the course. Schools shall not assess these students on the grade 8 mathematics EOG assessment. These students shall take the NC Math 3 EOC assessment for federal accountability in high school.

(c) For the accountability model, a school that does not assess at least 95 percent of its expected test population for the all students group and each subgroup of students shall be deemed not to have met participation rate requirements. For the ELA/reading and mathematics assessment (i.e., EOG ELA/reading, EOG Mathematics, EOC English, and EOCs NC Math 1/NC Math 3) academic indicator, the greater of all students tested, or 95 percent of students expected to test, shall be the denominator for proficiency calculations used in reporting, long-term goals, and the accountability model. Participation rates shall be publicly reported annually.

(d) For the science (i.e., EOG Science and EOC Biology), ACT, and ACT WorkKeys assessments, participation rates shall be reported for all students and each subgroup of students. Missed participation rates will be highlighted in public reporting. Schools shall submit to the North Carolina Department of Public Instruction (NCDPI) justification for not meeting participation rates and a plan of action to improve participation rates.

(e) Students identified as English Learners (ELs) shall participate in the statewide testing program using either the standard test administration or the standard test administration with accommodations.

1. Effective 2017–18 and beyond, ELs shall participate in state assessments beginning with their first year in a U.S. school; however,
   - (A) For the first year, the requirement is for participation and for reporting (e.g., NC School Report Card), not the accountability model.
   - (B) For year two, ELs’ test scores shall be included in the growth analysis for the accountability model.
   - (C) For year three and beyond, ELs’ test scores shall be included in growth and the achievement indicator of the accountability model.

(f) All students with disabilities who are included in membership, including those with Individualized Education Programs (IEPs) and those identified under Section 504 of the Rehabilitation Act of 1973, shall participate in the state
assessment program using one of the following assessments as appropriate and as determined by the student’s IEP or
Section 504 Plan:
(1) The standard test administration with or without accommodations, or
(2) An alternate assessment (as defined below in letter F) with or without accommodations, if eligible.
(g) Only students with the most significant cognitive disabilities who have IEPs may participate in a state-designated
alternate assessment based on alternate academic achievement standards.
(1) These students shall be evaluated and included in the accountability performance composite.
(2) The Every Students Succeeds Act (ESSA) requires the total number of students assessed in each
subject using the alternate assessment based on alternate academic achievement standards statewide
does not exceed 1.0 percent of the total number of all students assessed in each subject.
(3) As required by ESSA, the NCDPI must notify districts and charter schools that have been identified
(based on the previous school year’s participation data) as being likely to exceed 1.0 percent of
students assessed in a subject area on the alternate assessment for the current school year.
(A) These identified districts and charter schools must provide the NCDPI a justification of the
need to assess more than 1.0 percent of its students on the alternate assessment in any
subject.
(B) Districts and charter schools that did not exceed 1.0 percent in the previous school year but
anticipate exceeding in the current school year, must also submit a justification.
(C) Justifications from each district and charter school will be reviewed by the NCDPI, and
follow up actions will be determined based on the information in the justification
document.
(D) The completed justification must be signed by the superintendent/charter school director,
exceptional children’s director, and LEA/charter school test coordinator.
(E) The justification documents for districts and charter schools that actually exceed the 1.0
percent participation on the alternate assessment will be publicly posted.

History Note: Authority G.S. 115C-12; 115C-105.35; Every Student Succeeds Act ESSA);