

CHAPTER 198

SB 180-FN – FINAL VERSION

03/11/09 0658s

06May2009... 1403h

06/24/09 2338eba

2009 SESSION

09-0714

04/09

SENATE BILL ***180-FN***

AN ACT establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education.

SPONSORS: Sen. Kelly, Dist 10; Rep. Rous, Straf 7

COMMITTEE: Education

AMENDED ANALYSIS

This bill establishes an accountability system to ensure schools are providing the opportunity for an adequate education and repeals the joint legislative oversight committee on costing an adequate education.

This bill is a request of the joint legislative oversight committee on accountability for an adequate education established in 2008, 173:13.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 198:1 New Sections; Accountability for the Opportunity for an Adequate Education. Amend  
2 RSA 193-E by inserting after section 3 the following new sections:

3 193-E:3-a Definitions. In this section:

4 I. "Commissioner" means the commissioner of the department of education.

5 II. "Department" means the department of education.

6 III. "Input-based school accountability system" means the certified narrative explanation  
7 describing how a school has demonstrated compliance with the school approval standards  
8 included in the opportunity for an adequate education required under RSA 193-E:3-b.

9 IV. "Performance-based school accountability system" means the scoring system required  
10 under RSA 193-E:3-b and implemented by the department in rules adopted pursuant to RSA  
11 541-A.

12 V. "State board" means the state board of education.

13 193-E:3-b Accountability for the Opportunity for an Adequate Education. Beginning with the  
14 2009-2010 school year, a school shall demonstrate by the end of the school year that it  
15 provides the opportunity for an adequate education under RSA 193-E:2-a by meeting the  
16 requirements of paragraph I of this section. Beginning with the 2011-2012 school year, a  
17 school shall demonstrate by the end of the school year that it provides the opportunity for an  
18 adequate education by meeting the requirements of either paragraph I or II of this section.  
19 Following the adoption of the performance-based accountability system as provided in RSA  
20 193-E:3-c and RSA 193-E:3-d, the department shall evaluate all schools using both the input-  
21 based school accountability system under paragraph I of this section and the performance-  
22 based accountability system under RSA 193-E:3-c and RSA 193-E:3-d. A school that satisfies  
23 the requirements of either system shall be providing the opportunity for an adequate  
24 education.

25 I. A school may demonstrate, through the input-based school accountability system, that it  
26 provides the opportunity for an adequate education as set forth in RSA 193-E:2-a by  
27 establishing that it met the following school standards in effect as of the effective date of this  
28 section:

29 (a) English/language arts and reading as set forth in Ed 306.37.

30 (b) Mathematics as set forth in Ed 306.43.

31 (c) Science as set forth in Ed 306.45.

32 (d) Social studies as set forth in Ed 306.46.

33 (e) Arts education as set forth in Ed 306.31.

34 (f) World languages as set forth in Ed 306.48.

35 (g) Health education as set forth in Ed 306.40.

36 (h) Physical education as set forth in Ed 306.41.

37 (i) Technology education, and information and communication technologies as set forth in Ed  
38 306.42 and Ed 306.47.

39 (j) School year as set forth in Ed 306.18.

40 (k) Minimum credits required for a high school diploma as set forth in Ed 306.27(f) and (m).

41 II. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the  
42 school year that it provides the opportunity for an adequate education through the  
43 performance-based school accountability system to be developed and implemented by the  
44 department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure  
45 educational outcomes.

46 III. In order to demonstrate that a school provides the opportunity for an adequate education  
47 through the input-based school accountability system under paragraph I:

48 (a) The commissioner shall require school officials to submit a narrative explanation  
49 detailing how the school has complied with each of the standards included in the opportunity  
50 for an adequate education contained in paragraph I. The school principal and school district  
51 superintendent shall certify in writing that the responses submitted are accurate. The  
52 commissioner shall develop a form which conforms to the provisions of this paragraph.

53 (b) The commissioner shall review the responses to each school's self-assessment required  
54 under this section and shall verify that the responses comply with the standards included in  
55 the opportunity for an adequate education specified under paragraph I.

56 (c) Schools that successfully demonstrate that they provide the opportunity for an adequate  
57 education through the input-based school accountability system for any year beginning with  
58 the 2009-2010 school year shall be required by the commissioner to resubmit the narrative  
59 explanations at least once every 2 years.

60 (d) Schools that are unable to demonstrate that they provide the opportunity for an adequate  
61 education through the input-based school accountability system for the 2009-2010 school  
62 year, or for any year thereafter, shall be required by the commissioner to resubmit the  
63 narrative explanations annually until such demonstration has been made.

64 (e) The commissioner shall integrate, to the maximum extent practicable, the input-based  
65 school accountability system to demonstrate the opportunity for an adequate education with  
66 the school approval process pursuant to RSA 21-N:6, V.

67 (f) Beginning September 1, 2012, the department shall annually conduct site visits at 10  
68 percent of schools statewide to assess the validity of the input-based school accountability  
69 system and to determine whether those schools demonstrate the opportunity for an adequate  
70 education by meeting the school standards identified in paragraph I. To the extent feasible,  
71 the commissioner shall conduct these site visits together with other site visits conducted by  
72 the department for other purposes and programs. The commissioner may require more  
73 frequent site visits at schools which have been unable to demonstrate that they provide the  
74 opportunity for an adequate education. To the extent that the department conducts school  
75 site visits for other state and/or federal programs after the commencement of the 2009-2010  
76 school year, but prior to September 1, 2012, the department shall, to the maximum extent

77 practicable, endeavor to audit the input-based school accountability self-reporting completed  
78 by the visited school.

79 193-E:3-c Development of the Performance-Based Accountability System.

80 I. There is hereby established a task force to develop a performance-based school  
81 accountability system that, beginning with the 2011-2012 school year, will serve as one  
82 method a school may use to demonstrate by the end of the school year that it is providing the  
83 opportunity for an adequate education. The commissioner shall be the chairman of the task  
84 force and shall appoint no fewer than 9 and no more than 13 members to the task force  
85 which shall consist of department personnel, one or more representatives of a school district  
86 including at least one school board member, educational experts, parents or guardians of a  
87 current public school pupil, members of a public interest group concerned with education,  
88 members of the business community, and other individuals with information or expertise of  
89 benefit to the task force's duties. The task force shall include one member of the house of  
90 representatives, appointed by the speaker of the house of representatives, and one member of  
91 the senate, appointed by the president of the senate.

92 II. The task force shall have the following duties:

93 (a) Define the performance-based accountability system to be used by schools that will  
94 ensure that the opportunity for an adequate education is maintained.

95 (b) Identify performance criteria and measurements.

96 (c) Establish performance goals and the relative weights assigned to those goals.

97 (d) Establish the basis, taking into account the totality of the performance measurements, for  
98 determining whether the opportunity for an adequate education exists, which may include  
99 the assignment of a value for performance on each measurement.

100 (e) Ensure the integrity, accuracy, and validity of the performance methodology as a means  
101 of establishing that a school provided the opportunity for an adequate education as defined in  
102 RSA 193-E:2-a.

103 III. The task force shall develop a performance-based scoring system using only the best  
104 available data and indicators which are already provided to the department and/or  
105 performance measures that schools are already required to provide the department under  
106 other state or federal law. In establishing the performance-based system, the task force may  
107 consider one or more of the following data and indicators:

108 (a) Performance on state tests administered pursuant to RSA 193-C and, upon the prior  
109 approval of the department, other assessments administered at local option that are  
110 consistent with the state's curriculum standards.

111 (b) Number and percentage of pupils participating in an advanced placement course.

112 (c) Number and percentage of graduating pupils going on to post-secondary education and  
113 military service.

114 (d) Attendance rates.

115 (e) Annual cumulative drop-out rates of high school pupils.

116 (f) School environment indicators, such as safe schools data.

117 (g) Expulsion and suspension rates, including in-school and out-of-school suspensions, which  
118 shall be reported for each school year.

119 (h) Number and percentage of classes taught by highly qualified teachers.

120 (i) Teacher and administrative turnover rates at the school and district levels.

121 IV. No later than April 1, 2010, the task force shall submit an interim report of its findings  
122 and recommendations for future legislation for the performance-based accountability system  
123 to the chairpersons of the house and senate education committees, the speaker of the house  
124 of representatives, and the senate president. After the interim report is reviewed by the  
125 house and senate education committees, the department shall verify the integrity, accuracy,  
126 and validity of the performance-based accountability system utilizing actual school data as  
127 provided in RSA 193-E:3-d and shall submit a final report no later than November 1, 2010,  
128 including recommendations for future legislation and legislative adoption of the  
129 performance-based accountability system, to the chairpersons of the house and senate  
130 education committees, the speaker of the house of representatives, the senate president, the  
131 governor, the house clerk, and the senate clerk.

132 V. During the department's verification process, the task force may further evaluate and  
133 review whether there are any new or emerging performance measures, or modifications to  
134 the performance-based accountability system based upon the verification process that should  
135 be considered by the department for implementation beginning with the 2012-2013 school  
136 year. No later than November 1, 2011, the task force shall present any further  
137 recommendations for legislation regarding the performance-based school accountability  
138 system to the same individuals receiving the final report under paragraph IV.

139 VI. The department shall annually prepare a detailed report documenting the results of each  
140 school on the performance-based school accountability system to be developed pursuant to  
141 RSA 193-E:3-c, and identifying all schools that can demonstrate the opportunity for an  
142 adequate education through the performance-based methodology. The report shall be  
143 submitted no later than October 1 to the same individuals receiving the final report under  
144 paragraph IV. The initial report shall be due October 1, 2012.

145 193-E:3-d Performance-Based School Accountability System; Verification Process. Prior to  
146 the submission of the final report pursuant to RSA 193-E:3-c, IV the department shall  
147 undertake a process to verify and test the integrity, accuracy, and validity of the  
148 performance-based accountability system utilizing the best available data from one school  
149 from each of the counties in the state. The commissioner shall ensure, to the greatest extent  
150 possible, that the verification process utilizes the best available data from a balance of  
151 elementary and secondary schools representing diverse socioeconomic conditions throughout  
152 the state. The commissioner shall work with school officials and faculty from the selected  
153 schools to implement the performance-based school accountability program and to develop a  
154 data collection system which will allow schools to easily report results to the department for  
155 analysis and reporting.

156 193-E:3-e Corrective and Technical Assistance. The department shall implement corrective  
157 and technical assistance to schools that do not demonstrate that they provide the opportunity  
158 for an adequate education under RSA 193-E:3-b, I or II as follows:

159 I. In the first year of a school being unable to demonstrate that it provides the opportunity  
160 for an adequate education under either RSA 193-E:3-b, I or II, school officials shall submit an  
161 action plan to the commissioner. The plan shall detail the specific actions the school will take  
162 and the timeline to be followed to demonstrate that the school provides the opportunity for  
163 an adequate education. The plan shall:

164 (a) Identify areas where the school failed to meet the requirements under paragraph RSA  
165 193-E:3-b, I or II.

166 (b) Identify and explain the strategy the school intends to implement to achieve compliance  
167 and improve performance.

168 (c) Detail how the school budget reflects the goals of the action plan.

169 II. After the second consecutive year of a school being unable to demonstrate that it provides  
170 the opportunity for an adequate education under either RSA 193-E:3-b, I or II, school officials  
171 shall submit an action plan to the commissioner. The plan shall:

172 (a) Describe procedures for providing mentoring or coaching to school personnel.

- 173 (b) Include ongoing technical assistance and a liaison from the department.
- 174 (c) Provide an accounting of how education funds are being expended to provide opportunities  
175 for an adequate education as defined in RSA 193-E:2-a.
- 176 (d) Establish and explain a strategy designed to promote family and community involvement.
- 177 III. After the third consecutive year of a school being unable to demonstrate that it provides  
178 the opportunity for an adequate education under either RSA 193-E:3-b, I or II, the  
179 commissioner shall:
- 180 (a) Assess how the school is expending its education funds and may order that adequacy  
181 funds be redirected to address those areas that are contributing to the failure of the school to  
182 provide the opportunity for an adequate education.
- 183 (b) Assign a coach or mentor to the school until the school demonstrates sufficient progress  
184 toward providing the opportunity for an adequate education.
- 185 (c) Require the school to provide an accounting of how education funds are being used to  
186 provide the opportunity for an adequate education under RSA 193-E:2-a.
- 187 (d) Require or provide, to the extent necessary, one or more of the following:
- 188 (1) Professional development that is aligned with school improvement goals.
- 189 (2) External support and resources based on their effectiveness and alignment with school  
190 improvement goals.
- 191 (3) Instructional models that incorporate research-based practices that have been proven to  
192 be effective in improving pupil achievement.
- 193 (4) Formal and informal opportunities to assess and monitor each pupil's progress.
- 194 (5) Evidence of decisions supported by data.
- 195 (6) Improvements to the school's curriculum, including curricular priorities and instructional  
196 materials.
- 197 (7) External support and resources based on their effectiveness and alignment with the  
198 school improvement plan.
- 199 (8) Extended learning opportunities for pupils.

200 (9) Structural reform strategies that may include changes in scheduling, organization,  
201 support mechanisms, and resources.

202 (10) Structural changes to school leadership to support school improvement.

203 (e) Meet quarterly with school officials in the affected school to assess the school's progress.

204 IV. The commissioner shall provide progress reports annually to the state board and the  
205 legislative oversight committee established in RSA 193-C:7 on the status and effectiveness of  
206 the corrective and technical assistance provided by the department in achieving the  
207 demonstration of adequacy by all schools.

208 198:2 Increase in Department of Education Site Visits; Report. The commissioner shall  
209 investigate the use of volunteer professional teams consisting of educational professionals to  
210 conduct site visits for the purpose of verifying that a school is providing the opportunity for  
211 an adequate education as required under RSA 193-E. The commissioner shall further  
212 investigate the feasibility of using existing department personnel who are conducting site  
213 visits to schools under other federal or state programs to assist with site visits required  
214 under RSA 193-E. No later than January 1, 2012, and biennially thereafter, the  
215 commissioner shall report its findings on these matters to the legislative oversight committee  
216 established in RSA 193-C:7.

217 198:3 New Paragraph; Statewide Education Improvement and Assessment Program;  
218 Legislative Oversight Committee. Amend RSA 193-C:8 by inserting after paragraph IX the  
219 following new paragraph:

220 X. Review the implementation and results of the program relative to accountability for the  
221 opportunity for an adequate education established in RSA 193-E, consult and receive reports  
222 on such program, evaluate and review existing and emergent performance-based  
223 measurement tools, and propose legislation for improvements to the accountability program,  
224 as necessary.

225 198:4 Repeal. RSA 193-E:2-d, relative to legislative committee on costing an adequate  
226 education, is repealed.

227 198:5 Effective Date. This act shall take effect upon its passage.

228 Approved: July 14, 2009

229 Effective Date: July 14, 2009