CHAPTER 198

SB 180-FN – FINAL VERSION

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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.


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.

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

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

I. “Commissioner” means the commissioner of the department of education.

II. “Department” means the department of education.

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

IV. “Performance-based school accountability system” means the scoring system required under RSA 193-E:3-b and implemented by the department in rules adopted pursuant to RSA 541-A.
V. “State board” means the state board of education.

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

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

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

(b) Mathematics as set forth in Ed 306.43.

(c) Science as set forth in Ed 306.45.

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

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

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

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

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

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

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

(k) Minimum credits required for a high school diploma as set forth in Ed 306.27(f) and (m).
II. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes.

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

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

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

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

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

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

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

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

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

II. The task force shall have the following duties:

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

(b) Identify performance criteria and measurements.

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

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

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

III. The task force shall develop a performance-based scoring system using only the best available data and indicators which are already provided to the department and/or performance measures that schools are already required to provide the department under other state or federal law. In establishing the performance-based system, the task force may consider one or more of the following data and indicators:
(a) Performance on state tests administered pursuant to RSA 193-C and, upon the prior approval of the department, other assessments administered at local option that are consistent with the state’s curriculum standards.

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

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

(d) Attendance rates.

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

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

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

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

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

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

V. During the department’s verification process, the task force may further evaluate and review whether there are any new or emerging performance measures, or modifications to the performance-based accountability system based upon the verification process that should be considered by the department for implementation beginning with the 2012-2013 school year. No later than November 1, 2011, the task force shall present any further recommendations for legislation regarding the performance-based school accountability system to the same individuals receiving the final report under paragraph IV.
VI. The department shall annually prepare a detailed report documenting the results of each
school on the performance-based school accountability system to be developed pursuant to
RSA 193-E:3-c, and identifying all schools that can demonstrate the opportunity for an
adequate education through the performance-based methodology. The report shall be
submitted no later than October 1 to the same individuals receiving the final report under
paragraph IV. The initial report shall be due October 1, 2012.

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

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

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

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

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

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

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

(a) Describe procedures for providing mentoring or coaching to school personnel.
(b) Include ongoing technical assistance and a liaison from the department.

(c) Provide an accounting of how education funds are being expended to provide opportunities for an adequate education as defined in RSA 193-E:2-a.

(d) Establish and explain a strategy designed to promote family and community involvement.

III. After the third consecutive year of a school being unable to demonstrate that it provides the opportunity for an adequate education under either RSA 193-E:3-b, I or II, the commissioner shall:

(a) Assess how the school is expending its education funds and may order that adequacy funds be redirected to address those areas that are contributing to the failure of the school to provide the opportunity for an adequate education.

(b) Assign a coach or mentor to the school until the school demonstrates sufficient progress toward providing the opportunity for an adequate education.

(c) Require the school to provide an accounting of how education funds are being used to provide the opportunity for an adequate education under RSA 193-E:2-a.

(d) Require or provide, to the extent necessary, one or more of the following:

1. Professional development that is aligned with school improvement goals.

2. External support and resources based on their effectiveness and alignment with school improvement goals.

3. Instructional models that incorporate research-based practices that have been proven to be effective in improving pupil achievement.

4. Formal and informal opportunities to assess and monitor each pupil’s progress.

5. Evidence of decisions supported by data.

6. Improvements to the school’s curriculum, including curricular priorities and instructional materials.

7. External support and resources based on their effectiveness and alignment with the school improvement plan.

8. Extended learning opportunities for pupils.
(9) Structural reform strategies that may include changes in scheduling, organization, support mechanisms, and resources.

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

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

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

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

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

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

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

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

Approved: July 14, 2009

Effective Date: July 14, 2009