

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 34

48th Legislature, 1st Session, 2007

Short Title: Public School Accountability & Assessment

Sponsor(s): Representative Mimi Stewart and Others

Analyst: Pamela Herman

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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Bill Summary:

HB 34 amends the *Assessment and Accountability Act* in several ways to clarify its provisions regarding students who require remediation and schools and school districts in need of improvement, and to clean up language inconsistent with the federal *No Child Left Behind Act of 2001* (NCLB). In brief, HB 34:

- defines a student’s “academic proficiency” to mean “mastery of the subject-matter knowledge and skills specified in state academic content and performance standards for a student’s grade level,” and distinguishes it from the “adequate yearly progress” (AYP) required of schools, school districts and the state under state and federal law;
- deletes the word “alternative” to describe assessments used by a school district in making determinations regarding a student’s need for remediation;
- brings state law defining the school improvement cycle for schools that do not make AYP into conformity with federal law and state practice, both in nomenclature and in the sequence of required actions in each year of the cycle;
- requires that a school in the school improvement cycle be placed in a delay status when it makes AYP for one year, and be removed from the cycle if it makes AYP for a second consecutive year, consistent with federal law;
- makes clear that the prohibition against entering into management contracts with private entities applies to charter schools as well as public schools or school districts subject to corrective action;
- requires that when public schools, school districts, and the state disaggregate and report school data for demographic subgroups, they must also report data disaggregated by gender; and
- describes the steps the Public Education Department (PED) must take to reopen a public school subject to restructuring as a state-chartered charter school. In school districts with fewer than 1,300 students, the option to reopen as a charter school is limited to schools with a total population of not more than 10 percent of the total student membership of the school district. Within 90 days of determination by the department that the school should reopen as a charter school, the following must occur:

- PED must find at least five qualified persons to serve as a governing body;
- the governing body must find a qualified school administrator within 30 days of the its appointment;
- the governing body must qualify as a board of finance and satisfy other conditions of the Public Education Commission (PEC);
- the governing body must develop a written plan and proposed charter that is satisfactory to the PEC; and
- the governing body and the school must comply with all other legal and regulatory requirements and have a plan to provide for an orderly transition.

Fiscal Impact:

HB 34 does not contain an appropriation and has no fiscal impact.

Issues:

- In 2003, the LESC endorsed and the Legislature passed a comprehensive package of school reforms including the *Assessment and Accountability Act*, which overhauled the state’s methods for measuring student achievement, rating the success of the public school system, and rewarding success or sanctioning underperforming schools and school districts.
- The new system was designed in part to align with NCLB as required to maintain the flow of federal Title I funds to schools with substantial populations of low-income students.
- One of the key requirements of NCLB is that states develop an accountability plan that imposes a sequence of consequences for schools that do not make adequate yearly progress (AYP) toward 100 percent student proficiency by school year 2013-2014.
- In general, the state statute and federal law are aligned (see Attachment). However, state and federal law diverge in the following ways:
 - NCLB describes student academic performance in terms of proficiency, and school performance in terms of AYP toward the goal of 100 percent student proficiency. State law currently uses the term “adequate yearly progress” to refer to students as well as public schools and school districts. PED states that there is no methodology or guidance from the US Department of Education (USDE) or other states regarding AYP calculations, ratings and designations for individual students;
 - NCLB assigns a label or designation to each year of the school improvement cycle, while current state law does not;
 - after a school has failed to make AYP for five years, NCLB provides for a year to plan for restructuring, while current state law requires immediate restructuring without the planning year;
 - NCLB provides that if any school in the school improvement cycle makes AYP for two consecutive years, the school loses its designation and is no longer subject to sanctions, while current state law has no such provision; and
 - NCLB provides that a school in the final, restructuring phase of the school improvement cycle must either reopen as a charter school; replace the principal and staff; contract with a private management company; submit to state takeover; or conduct another major restructuring of the school’s governance.

- ◆ State law does not allow the state or a school district to enter into contracts with private entities for management of a public school or school district subject to corrective action. HB 34 would make clear that this prohibition applies to charter schools.
- ◆ The *Assessment and Accountability Act* states that a school in restructuring may be reopened as a charter school; however, in 2006 the Legislature eliminated the process by which an existing public school may convert to charter status under the *Charter School Act*, thereby effectively removing the charter option for restructuring.
- In May 2003, USDE approved the accountability plan submitted by PED for addressing all the accountability items required in NCLB. Where state law diverges from NCLB, the state accountability plan and state practice adhere to federal requirements.
- The amendments to the *Assessment and Accountability Act* proposed in HB 34 will bring state statute into substantial alignment with NCLB, the state accountability plan, and state practice regarding the school improvement cycle.
- HB 34 also adds a provision to the act requiring that, when public schools, school districts and the state disaggregate and report school data for demographic subgroups, they include data disaggregated by gender.
 - Currently, under federal and state law, accountability data is disaggregated for most purposes by ethnicity, race, limited English proficiency, disability status, and poverty status.
 - The LESC heard testimony during the 2006 interim that described a growing gap between male and female students in academic achievement, graduation rates, enrollment in higher education, and receipt of postsecondary degrees.
 - To enable stakeholders to track gender-based disparities and identify strategies to address them, witnesses suggested that data disaggregated by gender be made readily available to researchers and the public.
 - PED indicates that it currently disaggregates, but does not consistently report, student assessment data by gender.

Related Bills:

*HB 68 *High School Reforms*

*SB 211 *High School Reforms*

SB 287 *Public School Accountability & Assessment*

**SCHEDULE OF EVENTS FOR SCHOOLS THAT DO NOT MAKE ADEQUATE YEARLY PROGRESS
THROUGH CONSECUTIVE SCHOOL YEARS**

Note: If a school in the school improvement cycle achieves AYP for one year, it retains its ranking for a “delay” year. If it achieves AYP for two years, it leaves the school improvement cycle. If not, it moves to the next step in the cycle.

School Year	NCLB Ranking/ State Designation	Action Required per NCLB	Action Required per State Law
SY 1	1 st Year of Not Making AYP	[none]	[none]
SY 2	2 nd Year of Not Making AYP	[none]	[none]
SY 3	1 st Year of School Improvement/ School Improvement I	School must develop an improvement plan; Local education agency (LEA, that is, the school district) must provide technical assistance (TA); and All students must be offered public school choice, that is, the option of transferring to a higher performing school.	School and district must prepare an improvement plan, which the district submits to PED; School applies to PED for financial or other assistance per improvement plan; and Public school must provide or pay for transportation, within available funds, for students who transfer to a higher ranked school.
SY 4	2 nd Year of School Improvement/ School Improvement II	In addition to the earlier measures: LEA must offer supplemental educational services (SES) to low-income students.	In addition to the earlier measures: Public school must provide supplemental educational services, within available funds.
SY 5	Corrective Action/[same]	In addition to the earlier measures, LEA must do one or more of following: Replace school staff responsible for school’s not meeting AYP; Implement new curriculum; Decrease management authority at the school level; Appoint outside expert to advise the school; Extend the school day or year; <u>or</u> Change the school’s internal organizational structure.	In addition to the earlier measures, the school district, together with PED, must: Replace staff as allowed by law; Implement a new curriculum; Decrease management authority of the school; Appoint an outside expert to manage the school; Extend the school day or year; <u>or</u> Change the school’s internal organizational structure.
SY 6	Restructuring/Restructuring I	In addition to the earlier measures, LEA must prepare a plan and arrange to: Reopen the school as a charter school; Replace the principal and staff; Contract with a private management company of demonstrated effectiveness; Submit the school to state takeover; <u>or</u> Conduct any other major restructuring of the school’s governance.	In addition to the earlier measures, school district, together with PED, must: Reopen the public school as a charter school; Replace all or most of the staff as allowed by law; Turn over management of the school to PED; <u>or</u> Make other governance changes.
SY 7	Implementation of Restructuring/Restructuring II	Alternative governance plan (from the preceding year) must be implemented by the first day of school.	