

2022 -- H 8062 SUBSTITUTE A

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LC005608/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION -- EDUCATION ACCOUNTABILITY ACT

Introduced By: Representatives Amore, Biah, and Barros

Date Introduced: March 30, 2022

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-97.1-1 and 16-97.1-2 of the General Laws in Chapter 16-97.1
2 entitled "Education Accountability Act" are hereby amended to read as follows:

3 **16-97.1-1. Performances of local education agencies and individual public schools --**
4 **Evaluation system -- Assessment instruments -- Reports. [Effective June 30, 2022.]**

5 (a) The board of education (the "board") shall adopt a system for evaluating, on an annual
6 basis, the performance of both local education agencies ("LEAs") and individual public schools.
7 The system shall:

8 (1) Include instruments designed to assess the extent to which schools and LEAs succeed
9 in improving or fail to improve student performance, as defined by:

10 (i) Student acquisition of the skills, competencies, and knowledge called for by the
11 academic standards and embodied in the curriculum frameworks established in the areas of
12 mathematics, English language arts, science and technology, history and social studies, world
13 languages, and the arts; and

14 (ii) Other gauges of student learning judged by the board to be relevant and meaningful to
15 students, parents, teachers, administrators, and taxpayers.

16 (2) Be designed both to measure outcomes and results regarding student performance, and
17 to improve the effectiveness of curriculum and instruction.

18 (3) In its design and application, strike a balance among considerations of accuracy,
19 fairness, expense, and administration.

1 (4) Employ a variety of assessment instruments on either a comprehensive or statistically
2 valid sampling basis. Such instruments shall:

3 (i) Be criterion-referenced, assessing whether students are meeting the academic standards
4 described in this chapter;

5 (ii) As much as is practicable, especially in the case of students whose performance is
6 difficult to assess using conventional methods, include consideration of work samples, projects,
7 and portfolios, and shall facilitate authentic and direct gauges of student performance;

8 (iii) Provide the means to compare student performance among the various school systems
9 and communities in the state, and between students in other states and in other nations, especially
10 those nations that compete with the state for employment and economic opportunities;

11 (iv) Be designed to avoid gender, cultural, ethnic, or racial stereotypes; and

12 (v) Recognize sensitivity to different learning styles and impediments to learning, which
13 may include issues related, but not limited, to cultural, financial, emotional, health, and social
14 factors.

15 (5) Take into account, on a nondiscriminatory basis, the cultural and language diversity of
16 students in the state and the particular circumstances of students with special needs.

17 (6) Comply with federal requirements for accommodating children with special needs.

18 (7) Allow all potential English-proficient students from language groups in which English
19 language learner programs are offered opportunities for assessment of their performance in the
20 language that best allows them to demonstrate educational achievement and mastery of academic
21 standards and curriculum frameworks.

22 (8) Identify individual schools and LEAs that need comprehensive support and
23 improvement.

24 (b) The board shall take all appropriate action to bring about and continue the state's
25 participation in the assessment activities of the National Assessment of Educational Progress and
26 in the development of standards and assessments by the New Standards Program.

27 (c) In addition, comprehensive diagnostic assessment of individual students shall be
28 conducted at least in the fourth, eighth, and tenth or eleventh grades. The diagnostic assessments
29 shall identify academic achievement levels of all students in order to inform teachers, parents,
30 administrators, and the students themselves, as to individual academic performance.

31 (d) The board shall develop procedures for updating, improving, or refining the assessment
32 system.

33 (e) The commissioner of elementary and secondary education (the "commissioner") is
34 authorized and directed to gather information, including the information specified herein and such

1 other information as the board shall require, for the purposes of evaluating individual public
2 schools, school districts, and the efficacy and equity of state and federally mandated programs. All
3 information gathered pursuant to this section shall be filed in the manner and form prescribed by
4 the department of education (the "department").

5 (f) The board shall establish and maintain a data system to collect information from school
6 districts for the purpose of assessing the effectiveness of district evaluation systems in ensuring
7 effective teaching and administrative leadership in the public schools. The information shall be
8 made available in the aggregate to the public; provided, however, that the following information
9 shall be considered personnel information and shall not be subject to disclosure:

10 (1) Any data or information that school districts, the department, or both, create, send, or
11 receive in connection with an educator assessment that is evaluative in nature and that may be
12 linked to an individual educator, including information concerning:

13 (i) An educator's formative assessment or evaluation;

14 (ii) An educator's summative evaluation or performance rating; or

15 (iii) The student learning, growth, and achievement data that may be used as part of an
16 individual educator's evaluation.

17 (g) Each school district shall maintain individual records on every student and employee.
18 Each student record shall contain a unique and confidential identification number, basic
19 demographic information, program and course information, and such other information as the
20 department shall determine necessary. The records shall conform to parameters established by the
21 department.

22 (h) For the purposes of improving the performance of school districts, individual public
23 schools, and the efficacy and equity of state and federal programs, each district shall file with the
24 commissioner once in each three-year (3) period a comprehensive, three-year (3) district
25 improvement plan. The plan shall:

26 (1) Be developed and submitted in a manner and form prescribed by the department of
27 education.

28 (2) To the extent feasible, be designed to fulfill all planning requirements of state and
29 federal education laws.

30 (3) Include, but not be limited to:

31 (i) An analysis of student and subgroup achievement gaps in core subjects;

32 (ii) Identification of specific improvement objectives;

33 (iii) A description of the strategic initiatives the district will undertake to achieve its
34 improvement objectives; and

1 (iv) Performance benchmarks and processes for evaluating the effect of district
2 improvement initiatives.

3 (4) Describe the professional development activities that will support each district
4 improvement initiative and the teacher induction and mentoring activities that will be undertaken
5 to support successful implementation of the district's improvement efforts.

6 (i) On an annual basis, not later than ~~September~~ December 1 of each year, each district
7 shall prepare and have available for state review an annual action plan. The district annual action
8 plan shall:

9 (1) Enumerate the specific activities, persons responsible, and timelines for action to be
10 taken as part of the strategic initiatives set forth in the district's three-year (3) improvement plan;
11 and

12 (2) Identify the staff and financial resources allocated to support these activities.

13 (j) Annually, the principal of each school shall:

14 (1) In consultation with the school improvement team, adopt student performance goals for
15 the schools consistent with the school performance goals established by the department of
16 education pursuant to state and federal law and regulations;

17 (2) Consistent with any educational policies established for the district, assess the needs of
18 the school in light of those goals;

19 (3) Formulate a school plan to advance such goals and improve student performance. The
20 school's plan to support improved student performance shall:

21 (i) Include, but not be limited to, the same components required for the district
22 improvement plan;

23 (ii) Conform to department and district specifications to ensure that such school
24 improvement plans meet state and federal law requirements; and

25 (iii) Be submitted to the superintendent who shall review and approve the plan, after
26 consultation with the school committee, not later than July 1 of the year in which the plan is to be
27 implemented, according to a plan development and review schedule established by the district
28 superintendent; and

29 (4)(i) Prepare and have available for district and state review by July 1 annually, a report,
30 based on SurveyWorks or other data collection, that shall provide aggregated graduating student
31 data on race, ethnicity, and gender for the following:

32 (A) The total number of students graduating;

33 (B) The total number of students graduating who are applying for admission to a college,
34 university, or vocational training program;

1 (C) The total number of students completing a free application for federal student aid
2 ("FAFSA") form; and

3 (D) The total number of students who are eligible to fill out and submit a FAFSA form.

4 (ii) The department shall include, in SurveyWorks or an equivalent data collection tool,
5 inquiries to collect the data and information referenced in subsection (j)(4)(i) of this section.

6 (k) The three-year (3) comprehensive district plan, annual district action plan, and annual
7 school improvement plan shall replace any district and school plans previously required under the
8 general laws or regulation, that, in the professional opinion of the commissioner, would be most
9 effectively presented as part of the coordinated district or school plan for improving student
10 achievement. The department shall identify any additional reports or plans called for by any general
11 law or regulation that can be incorporated into this single filing in order to reduce paperwork and
12 eliminate duplication.

13 (l) Each school district in which more than twenty percent (20%) of the students do not
14 meet grade-level expectations of at least proficient or its equivalent on the Rhode Island
15 comprehensive assessment system ~~exam~~ ("RICAS") shall submit a ~~RICAS~~ state assessment success
16 plan, as defined by ~~to~~ the department. The plan shall describe the school district's strategies for
17 helping each student to master the skills, competencies, and knowledge required for the competency
18 determination. In recognition of the department's mission as a district support agency, then at the
19 request of the district or in response to reporting data provided under this subsection, the department
20 shall:

21 (1) Determine the elements that shall be required to be included in such plan. These
22 elements may include, but are not limited to, the following:

23 (i) A plan to assess each student's strengths, weaknesses, and needs;

24 (ii) A plan to use summer school, after school, and other additional support to provide each
25 child with the assistance needed; and

26 (iii) A plan for involving the parents of students.

27 (2) Examine each district's plan and determine if it has a reasonable prospect of
28 significantly reducing the school district's failure rates.

29 ~~(3) Coordinate oversight of the RICAS success plans with existing education review and~~
30 ~~oversight functions and with the RICAS grant program.~~

31 (m) Each school district shall file a report with the department every year by a date and in
32 a format determined by the board. The report shall include, but not be limited to, the following:

33 (1) ~~An outline of the curriculum~~ The status of the implementation of high quality
34 curriculum adoption and graduation requirements of the district;

- 1 (2) Pupil/teacher ratios ~~and class size policy and practice~~;
- 2 (3) Teacher and administrator evaluation procedures;
- 3 (4) Statistics, and policies, ~~and procedures~~ relative to truancy and dropouts;
- 4 (5) Statistics, and policies, ~~and procedures~~ relative to ~~expulsions and~~ in-school and out-of-
- 5 school suspensions;
- 6 (6) ~~Percent of school age children attending public schools~~;
- 7 (7) Racial composition of teaching and administrative staff;
- 8 (8) Enrollment and average daily attendance; and
- 9 (9) The annual budgets and expenditures for both the district and the individual schools in
- 10 the district.

11 (n) Each school district shall file a description of the following instructional procedures
12 and programs with the department every year and/or RIDE shall, where appropriate, provide the
13 information:

- 14 (1) Art and music programs;
- 15 (2) Technology education, and/or computer science;
- 16 (3) Programs for gifted and talented students;
- 17 (4) Adult education programs;
- 18 (5) Library and media facilities;
- 19 (6) ~~Condition of instructional materials, including textbooks, workbooks, audio-visual~~
- 20 ~~materials, and laboratory materials~~;
- 21 (7) ~~Types and condition of computers and computer software~~;
- 22 (8) ~~Basic skills remediation programs~~;
- 23 (9) Drug, tobacco, and alcohol abuse programs;
- 24 (10) Multi-cultural education training for students and teachers;
- 25 (11) Global education; and
- 26 (12) Nutrition and wellness programs.

27 (o) Each school district and charter school shall file an annual report for the current school
28 year regarding implementation with the department on or before every ~~November~~ December 1 in a
29 format determined by the board. The report shall include, but not be limited to, ~~the following~~:

- 30 (1) ~~The number of children receiving services within each disability category~~;
- 31 (2) ~~The number of children, by grade level, within each disability category and the costs of~~
- 32 ~~services provided by each such category for such children receiving their education in a publicly~~
- 33 ~~operated day school program~~;
- 34 (3) ~~The number of children, by grade level, within each disability category and the costs of~~

1 ~~services provided by each category for these children receiving their education in a private day~~
2 ~~setting;~~

3 ~~(4) The number of children, by grade level, within each such disability category and the~~
4 ~~costs of services provided by each such category for such children receiving their education in a~~
5 ~~private residential setting;~~

6 ~~(5) The number of children who remain in the regular education program full time; the~~
7 ~~number of children who are removed from the regular classroom for up to twenty five percent~~
8 ~~(25%) of the day; the number of children who are removed from the regular classroom between~~
9 ~~twenty five percent (25%) and sixty percent (60%) of the day;~~

10 ~~(6) The number of children who are placed in substantially separate classrooms on a regular~~
11 ~~education school site;~~

12 ~~(7) The number of children, ages three (3) and four (4) who are educated in integrated and~~
13 ~~separate classrooms; and the assignment, by sex, national origin, economic status, and race, of~~
14 ~~children by age level, to special education classes and the distribution of children residing in the~~
15 ~~district, by sex, national origin, economic status, and race of children by age level; and~~

16 ~~(8) The number of children, by grade level, receiving special education services who have~~
17 ~~limited English proficiency.~~

18 (1) The number of children, by grade level, receiving special education services who have
19 been classified as English language learners; and

20 (2) Other data collections required by federal reporting guidelines related to students
21 receiving special education services.

22 (p) Each school district and charter school shall furnish in a timely manner such additional
23 information as the department shall request.

24 (q) Each school district required to provide an English language learners program shall file
25 the following information with the department annually on or before November 1, with the first
26 submission on or before November 1, 2023:

27 (1) The type of English language learners programs provided;

28 (2) With regard to ~~limited English proficient~~ students classified as English language
29 learners:

30 (i) The number enrolled in each type of English language learners program;

31 (ii) ~~The number enrolled in English as a second language who are not enrolled in another~~
32 ~~English language learners program;~~

33 (iii) The results of ~~basic skills, curriculum assessment,~~ achievement, and on state content
34 assessments as well as state language proficiency ~~testing~~ assessments, whether administered in

1 English or in the native language;

2 (iv) The absentee, suspension, ~~and expulsion,~~ dropout, ~~and promotion~~ rates; and

3 (v) The number of years each ~~limited English proficient~~ English language learner student

4 has been enrolled in an English language learners program;

5 (3) The number of students each year who have enrolled in institutions of higher education

6 and were formerly enrolled in an English language learners program;

7 (4) The academic progress in regular education of students who have completed an English

8 language learners program;

9 (5) For each ~~limited English proficient~~ English language learner student receiving special

10 education, the number of years in the school district prior to special education evaluation and the

11 movement in special education programs by program placement;

12 (6) The number of ~~limited English proficient~~ English language learner students enrolled in

13 programs of occupational or vocational education;

14 (7) The name, ~~national origin,~~ native language, certificates held, language proficiency,

15 grade levels, and subjects taught by each teacher of an English language learners program, bilingual

16 aides or paraprofessionals, bilingual guidance ~~or adjustment counselors, and~~ and/or bilingual

17 school psychologists;

18 (8) The per-pupil expenditures for each full-time equivalent student enrolled in an English

19 language learners program;

20 (9) ~~The sources and amounts of all funds expended on students enrolled in English~~

21 ~~language learners programs, broken down by local, state, and federal sources, and whether any such~~

22 ~~funds expended supplanted, rather than supplemented, the local school district obligation;~~

23 (10) The participation of parents through parent advisory councils;

24 (11) Whether there were any complaints filed with any federal or state court or

25 administrative agency, since the program's inception, concerning the compliance with federal or

26 state minimum legal requirements, the disposition of the complaint, and the monitoring and

27 evaluation of any such agreement or court order relative to the complaint; and

28 (12) This information shall be filed in the form of the total for the school district as well as

29 categorized by school, grade, and language.

30 (r) The commissioner annually shall analyze and publish data reported by school districts

31 under this section regarding English language learners programs and ~~limited English proficient~~

32 English language learner students. Publication shall include, but need not be limited to, availability

33 on the department's website. The commissioner shall submit annually a report to the committees of

34 jurisdiction for education in the house of representatives and senate on this data on a statewide and

1 school district basis including, but not limited to, by language group and type of English language
2 learners programs.

3 (s) For the purposes of this chapter, "local education agencies" shall include all of the
4 following within the state of Rhode Island:

- 5 (1) Public school districts;
- 6 (2) Regional school districts;
- 7 (3) State-operated schools;
- 8 (4) Regional collaborative schools; and
- 9 (5) Charter schools and mayoral academies.

10 **16-97.1-2. Additional duties of the department of education related to school and**
11 **district accountability.**

12 (a) In order to support the commissioner and the board of education (the "board") in
13 fulfilling their duties, the department shall use existing budgetary resources and existing personnel
14 in its implementation of improvement plans pursuant to this section. The department shall:

15 (1) Provide a mechanism to review and report on the efforts of schools, charter schools,
16 and school districts, including regional school districts, to improve the academic achievement of
17 their students;

18 (2) Inform and assist the board in fulfilling their broader responsibilities to promote high
19 levels of achievement in the schools and districts of the state;

20 (3) Be, for purposes of school and district accountability, under the direction and
21 supervision of one individual who shall be appointed by the commissioner. This individual shall be
22 responsible for:

23 (i) The direction and supervision of the targeted assistance and intervention efforts of the
24 department under this chapter;

25 (ii) Such assistance efforts as the commissioner deems necessary to correct deficiencies
26 identified by the department;

27 (iii) Compliance with the accountability provisions of federal law; and

28 (iv) Ensuring that the education reviewing and assistance functions of the department are
29 aligned to promote collaboration and communication across the education reviewing and assistance
30 functions;

31 (4) Ensure that school and district review teams include experienced practitioners in the
32 field of education, except that no member shall have been previously or currently employed by:

33 (i) The school, district, or charter school being reviewed; or

34 (ii) A district, charter school, or education collaborative serving a common student

1 population with the school, district, or charter school being reviewed;

2 (5) Act as an education reviewing body, objectively reviewing the results of educational
3 measurement and tests conducted by or for the department in implementing the laws under this
4 chapter. In executing this subsection, the department shall:

5 (i) Perform no fewer than five (5) school district education reviews annually [beginning in](#)
6 [academic year 2023-2024](#), sixty percent (60%) of which shall be in districts whose students achieve
7 at low levels either in absolute terms or relative to districts that educate similar student populations.
8 The remainder of the education reviews shall be divided equally among districts whose students
9 achieve at high levels relative to districts that educate similar student populations and randomly
10 selected districts;

11 (ii) Ensure that no school or district is reviewed during the administration of any statewide
12 assessments;

13 (iii) Coordinate with other entities in the department to ensure that a school or district is
14 not subject to multiple comprehensive education reviews or reviews by the department or any
15 accrediting body within a nine-month (9) period, unless the board specifically votes to do so on an
16 emergency basis;

17 (iv) Have the following duties relative to school district reviews:

18 (A) Objectively review the school and district reports;

19 (B) Undertake inspections of schools, charter schools, and school districts, including
20 regional school districts, to evaluate efforts to improve and support the quality of instruction and
21 administration;

22 (C) Review the district's ~~RICAS~~ [state assessment](#) success plan, if one was required pursuant
23 to law, and evaluate the implementation of that plan;

24 ~~(D) Review the district's implementation of any RICAS grants received to develop or~~
25 ~~enhance academic support services for students scoring below proficient or its equivalent;~~

26 (E) Evaluate the alignment of curriculum and professional development plans with the state
27 curriculum and assessments;

28 (F) Review the progress of overall student achievement;

29 (G) Evaluate student performance, school and district management, overall district
30 governance, and any other areas deemed necessary by the department; and

31 (H) Ensure the education reviews are conducted in accordance with standards established
32 by the council of elementary and secondary education;

33 (v) Following the school district's education review, produce a comprehensive report
34 detailing its findings and observations, which the commissioner shall present to the council along

1 with any recommendations for further action to be taken by the council. After the council's receipt
2 of the report, the commissioner shall issue recommendations to districts not requiring further action
3 relative to methods for improving any deficiencies identified by the department. The
4 recommendations shall be transmitted to the reviewed district's superintendent and school
5 committee within ninety (90) days of the council's receipt of the report; and

6 (vi) Annually compile a report of best practices from the list of education reviews
7 conducted that year and distribute the compiled list to all school districts in the state;

8 (6) For the purposes of any inspection or education review, have access to all necessary
9 papers, vouchers, books, and records pertaining to a school, including a charter school, a school
10 district, or a regional school district;

11 (7) In establishing protocols for the conduct of school or district education reviews, to the
12 extent practicable, minimize the administrative burden on schools and districts by using existing,
13 recently-compiled or readily-available data sources. Schools, school districts, and school personnel
14 shall cooperate with the department for any inspection or education review conducted pursuant to
15 this section including, but not limited to, participating in interviews and producing books and
16 documents. Each school district, including regional school districts and charter schools, shall
17 annually file with the department, on or before October 1, a copy of its current personnel contracts
18 and collective bargaining agreements in a form and manner prescribed by the commissioner. The
19 department shall ensure that any noncompliance with law, misfeasance, or malfeasance shall be
20 referred to the commissioner for appropriate action;

21 (8) Support the commissioner and the council in carrying out their duties under sections
22 related to underperforming schools. Nothing in this section shall be construed as limiting the ability
23 of the department to contract with individuals, external partners, or other entities to support the
24 assistance functions established by said sections.

25 (b) The department shall transmit its findings, education review reports, recommendations,
26 and follow-up reports to the council on elementary and secondary education, the attorney general,
27 and a local public library in the education reviewed districts. In addition, the department shall
28 appear annually before the health, education and welfare committee of the house of representatives
29 and before the senate education committee, to report on these findings, reviews, recommendations,
30 and other reports.

31 SECTION 2. This act shall take effect on June 30, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- EDUCATION ACCOUNTABILITY ACT

1 This act would extend the due date for the district action plan each and every year from
2 September 1 to December 1, and further require that there are no fewer than five (5) school district
3 education reviews annually beginning in academic year 2023-2024.

4 This act would take effect June 30, 2022.

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