



Substitute House Bill No. 6623

Public Act No. 13-207

AN ACT CONCERNING STUDENT ASSESSMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-14n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

[(a) (1) Each student enrolled in the fourth grade in any public school shall annually take a state-wide mastery examination. For purposes of this section, a state-wide mastery examination is defined as an examination which measures whether or not a student has mastered essential grade-level skills in reading, language arts and mathematics. The mastery examination shall be provided by and administered under the supervision of the State Board of Education.

(2) Each student enrolled in the sixth grade and each student enrolled in the eighth grade in any public school shall annually take a state-wide mastery examination. Such mastery examination shall be provided by and administered under the supervision of the State Board of Education.

(3) Annually each student enrolled in the tenth grade in any public school or any endowed or incorporated high school or academy approved by the State Board of Education pursuant to section 10-34

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shall take a state-wide mastery examination. Such mastery examination shall be provided by and administered under the supervision of the State Board of Education.

(b) Beginning in the 2005-2006 school year, the state-wide mastery examinations pursuant to subsection (a) of this section shall be administered in March or April.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the state-wide mastery examinations pursuant to this section shall be administered as follows:

(1) Beginning in the 2005-2006 school year, each student enrolled in grades three to eight, inclusive, and ten in any public school shall, annually, in March or April, take a state-wide mastery examination that measures the essential and grade-appropriate skills in reading, writing and mathematics; and

(2) Beginning in the 2007-2008 school year, each student enrolled in grades five, eight and ten in any public school shall, annually, in March or April, take a state-wide mastery examination in science.]

(a) As used in this section, "mastery examination" means an examination or examinations, approved by the State Board of Education, that measure essential and grade-appropriate skills in reading, writing, mathematics or science.

(b) (1) For the school year commencing July 1, 2013, and each school year thereafter, each student enrolled in grades three to eight, inclusive, and grade ten or eleven in any public school shall, annually, in March or April, take a mastery examination in reading, writing and mathematics.

(2) For the school year commencing July 1, 2013, and each school year thereafter, each student enrolled in grade five, eight, ten or eleven

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in any public school shall, annually, in March or April, take a state-wide mastery examination in science.

[(d)] (c) Mastery examinations pursuant to subsection [(c)] (b) of this section shall be provided by and administered under the supervision of the State Board of Education.

[(e) Student] (d) The scores on each component of the [state-wide tenth grade] mastery examination for each tenth or eleventh grade student may be included on the permanent record and transcript of each such student who takes such examination. [provided, for a] For each tenth or eleventh grade student who meets or exceeds the state-wide mastery goal level on any component of the [state-wide tenth grade] mastery examination, a certification of having met or exceeded such goal level shall be made on the permanent record and the transcript of each such student and such student shall be issued a certificate of mastery for such component. Each tenth or eleventh grade student who fails to meet the mastery goal level on each component of said mastery examination may annually take or retake each such component at its regular administration until such student scores at or above each such state-wide mastery goal level or such student graduates or reaches age twenty-one.

[(f) No such] (e) No public school [or endowed or incorporated high school or academy] may require achievement of a satisfactory score on [the state-wide] a mastery examination, or any subsequent retest on a component of such examination as the sole criterion of promotion or graduation.

[(g) On and after July 1, 2003, mastery testing pursuant to this section shall be in conformance with the testing requirements of the No Child Left Behind Act, P.L. 107-110. The joint standing committee of the General Assembly having cognizance of matters relating to education shall, on or before February 1, 2004, evaluate the estimated

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additional cost to the state and its local and regional boards of education for compliance with the requirements of the No Child Left Behind Act, P.L. 107-110, net of appropriated federal funds for such purpose, and the comparable amount of estimated federal funds to be received by the state and its local and regional boards of education pursuant to the No Child Left Behind Act, P.L. 107-110 and report its findings and recommendations, if any, pursuant to the provisions of section 11-4a.]

[(h)] (f) [Within available appropriations, the Commissioner of Education shall, not later than October 1, 2007,] Not later than April 1, 2014, the Commissioner of Education shall develop and implement a state-wide developmentally appropriate kindergarten assessment tool that measures a child's level of preparedness for kindergarten, but shall not be used as a measurement tool for program accountability pursuant to section 10-16s.

Sec. 2. (*Effective from passage*) The Department of Education shall conduct a study of the use of standardized tests in public schools. Such study shall include, but not be limited to, (1) the fiscal, administrative and educational impacts of standardized tests, including the impacts on instructional time, curricula, professional flexibility, administrative time and focus, and school district budgets; and (2) a review of standardized tests currently implemented and proposed in the state. Not later than July 1, 2014, the department shall submit such study and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 3. Subdivisions (15) and (16) of section 10-262f of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(15) "Mastery percentage" of a town for any school year means,

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using the mastery test data of record for the mastery examination administered in such year, pursuant to section 10-14n, as amended by this act, the number obtained by dividing (A) the total number of valid tests with scores below the state-wide standard for remedial assistance, as determined by the Department of Education, in each subject of the examinations pursuant to [subdivisions (1) and (2) of] subsection [(a)] (b) of section 10-14n, as amended by this act, taken by resident students, by (B) the total number of such valid tests taken by such students.

(16) "Mastery test data of record" means [(A) for any examination administered prior to the 2005-2006 school year, the data of record on the April thirtieth subsequent to the administration of the examinations pursuant to subdivisions (1) and (2) of subsection (a) of section 10-14n, except that school districts may, not later than the March first following the administration of an examination, file a request with the Department of Education for an adjustment of the mastery test data from such examination, and (B) for examinations administered in the 2005-2006 school year and each school year thereafter] for the school year commencing July 1, 2013, and each school year thereafter, the data of record on the December thirty-first subsequent to the administration of the mastery examinations pursuant to [subdivisions (1) and (2) of subsection (c)] subsection (b) of section 10-14n, as amended by this act, or such data adjusted by the Department of Education pursuant to a request by a local or regional board of education for an adjustment of the mastery test data from such examination filed with the department not later than the November thirtieth following the administration of [the] such examination.

Sec. 4. Section 10-19d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The Department of Education shall establish, within available

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appropriations, a high school mathematics and science challenge pilot program, which uses [student] performance results [for] on the mathematics and science [on the state-wide tenth grade] components of the mastery examination, given in accordance with the provisions of section 10-14n, as amended by this act, for students in grade ten or eleven to design and implement mathematics and science curricula for students in the eleventh grade in the public high schools, including technical high schools. For purposes of the program, the Commissioner of Education may award grants to local and regional boards of education and technical high schools for demonstration projects. Local and regional boards of education and technical high schools seeking to participate in the pilot program shall apply to the department at such time and in such manner as the commissioner prescribes. The commissioner shall select a diverse group of participants based on the population, geographic location and economic characteristics of the school district or technical high school. Local and regional boards of education and technical high schools awarded grants under the program shall use grant funds for expenses for developing and implementing an instructional program in the mathematics and science subject areas targeting students who did not meet or exceed the level of proficiency in mathematics or science on such [state-wide tenth grade] mastery examination, and conduct an evaluation of the program, including an analysis of student testing performance before and after participation in the program.

Sec. 5. Subsection (e) of section 10-95 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(e) The technical high school system board shall establish specific achievement goals for students at the technical high schools at each grade level. The board shall measure the performance of each technical high school and shall identify a set of quantifiable measures to be used.

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The measures shall include factors such as the performance of students in grade ten or eleven on the [state-wide tenth grade] mastery examination, under section 10-14n, as amended by this act, trade-related assessment tests, dropout rates and graduation rates.

Sec. 6. Subdivision (1) of subsection (b) of section 10-95m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(1) On or before January 1, 2002, the department shall describe (A) the number and distribution of students by class in each of the technical high schools, (B) the format and contents of the initial data base developed to carry out the study, (C) the measures, such as the scores of students in grade ten or eleven on the [state-wide tenth grade] mastery examination, under section 10-14n, as amended by this act, grade point average, class rank, dropout rates, or trade specific assessment tests, selected to assess the ability of the individual components of the admissions score to predict success in the technical high school, and (D) any other factors the department deems relevant to conducting the study or understanding the results of the study;

Sec. 7. Subsection (b) of section 10-223a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(b) On or before September 1, 2002, each local and regional board of education shall specify the basic skills necessary for graduation for classes graduating in 2006, and for each graduating class thereafter, and include a process to assess a student's level of competency in such skills. The assessment criteria shall include, but [shall] not be exclusively [be] based on, the results of the [tenth grade] mastery examination, pursuant to section 10-14n, as amended by this act, for students in grade ten or eleven. Each local and regional board of education shall identify a course of study for those students who have

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not successfully completed the assessment criteria to assist such students to reach a satisfactory level of competency prior to graduation.

Sec. 8. Subdivision (1) of subsection (i) of section 10-145b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(i) (1) The State Board of Education may revoke any certificate, authorization or permit issued pursuant to sections 10-144o to 10-149, inclusive, for any of the following reasons: (A) The holder of the certificate, authorization or permit obtained such certificate, authorization or permit through fraud or misrepresentation of a material fact; (B) the holder has persistently neglected to perform the duties for which the certificate, authorization or permit was granted; (C) the holder is professionally unfit to perform the duties for which the certificate, authorization or permit was granted; (D) the holder is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the board continued holding of a certificate, authorization or permit by the person would impair the standing of certificates, authorizations or permits issued by the board; or (E) other due and sufficient cause. The State Board of Education shall revoke any certificate, authorization or permit issued pursuant to said sections if the holder is found to have intentionally disclosed specific questions or answers to students or otherwise improperly breached the security of any administration of a [state-wide] mastery examination, pursuant to section 10-14n, as amended by this act. In any revocation proceeding pursuant to this section, the State Board of Education shall have the burden of establishing the reason for such revocation by a preponderance of the evidence. Revocation shall be in accordance with procedures established by the State Board of Education pursuant to chapter 54.

Sec. 9. Subsection (a) of section 10-262l of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Each local and regional board of education, within available appropriations, shall be eligible to receive a state grant of funds as a reward for demonstrating improvement in district-wide student achievement on the [state-wide] mastery examinations, under [subdivisions (1) and (2) of subsection (a)] subsection (b) of section 10-14n, as amended by this act. Each local and regional board of education shall receive a proportional share of the amount appropriated for purposes of this section based upon the improvement in its mastery goal improvement count, as defined in subdivision (31) of section 10-262f. The minimum grant for each eligible town shall be five hundred dollars. Each local and regional board of education shall expend grant funds pursuant to this section on behalf of its schools in a manner consistent with each school's relative contribution to the level of mastery goal achievement within the district.

Sec. 10. Subsection (e) of section 10-265g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(e) An individual reading plan that incorporates the competencies required for early reading success and explicit reading instruction as delineated in section 10-221l shall be maintained for a student who is substantially deficient in reading until the student achieves grade level proficiency, as determined by a reading assessment pursuant to subsection (b) of this section or a [state-wide] mastery examination, pursuant to section 10-14n, as amended by this act.

Sec. 11. Subsection (a) of section 10-265l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

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(a) For the [2006-2007] school year commencing July 1, 2006, and each school year thereafter, each local and regional board of education for a priority school district pursuant to section 10-266p shall, within available appropriations, require the schools under its jurisdiction to develop and implement a personal reading plan, as described in section 10-265g, as amended by this act, for each student in grades three to five, inclusive, who fails to meet the state-wide standard for remedial assistance on the reading component of the [third, fourth or fifth grade] mastery examination, under section 10-14n, as amended by this act, unless the school principal determines that such additional instruction is not necessary based on the recommendations of the student's teacher.

Sec. 12. Section 10a-149b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

At each public institution of higher education, independent study programs that award credit shall include opportunities for students enrolled in such institutions to tutor seventh and eighth-grade students, particularly students in school districts [which] that have a significant number of students requiring remedial assistance as demonstrated [on] by the results of the most recent [sixth grade] mastery examination for students in grade six, administered pursuant to section 10-14n, as amended by this act.

Sec. 13. Section 10-14q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The provisions of this chapter shall apply to all students requiring special education pursuant to section 10-76a, except in the rare case when the planning and placement team for an individual student determines that an alternate assessment as specified by the State Board of Education is appropriate. The provisions of this chapter shall not apply to (1) any limited English proficient student, as defined in Title

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VII of the Improving America's Schools Act of 1994, P.L. 103-382, enrolled in school for ten school months or less, or (2) any limited English proficient student enrolled in school for more than ten school months and less than twenty school months who scores below the level established by the State Board of Education on the linguistic portion of the designated English mastery standard assessment administered in the month prior to the administration of the [state-wide] mastery examination, pursuant to section 10-14n, as amended by this act.

Sec. 14. Section 10-17g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Annually, the board of education for each local and regional school district that is required to provide a program of bilingual education, pursuant to section 10-17f, may make application to the State Board of Education and shall thereafter receive a grant in an amount equal to the product obtained by multiplying the total appropriation available for such purpose by the ratio which the number of eligible children in the school district bears to the total number of such eligible children state-wide. The board of education for each local and regional school district receiving funds pursuant to this section shall annually, on or before September first, submit to the State Board of Education a progress report which shall include (1) measures of increased educational opportunities for eligible students, including language support services and language transition support services provided to such students, (2) program evaluation and measures of the effectiveness of its bilingual education and English as a second language programs, including data on students in bilingual education programs and students educated exclusively in English as a second language programs, and (3) certification by the board of education submitting the report that any funds received pursuant to this section have been used for the purposes specified. The State Board of

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Education shall annually evaluate programs conducted pursuant to section 10-17f. For purposes of this section, measures of the effectiveness of bilingual education and English as a second language programs include [state-wide] mastery examination results, under section 10-14n, as amended by this act, and graduation and school dropout rates. Notwithstanding the provisions of this section, for the fiscal years ending June 30, 2009, to June 30, 2013, inclusive, the amount of grants payable to local or regional boards of education under this section shall be reduced proportionately if the total of such grants in such year exceeds the amount appropriated for such grants for such year.

Sec. 15. Subsection (d) of section 10-66bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(d) Applications pursuant to this section shall include a description of: (1) The mission, purpose and any specialized focus of the proposed charter school; (2) the interest in the community for the establishment of the charter school; (3) the school governance and procedures for the establishment of a governing council that (A) includes (i) teachers and parents and guardians of students enrolled in the school, and (ii) the chairperson of the local or regional board of education of the town in which the charter school is located and which has jurisdiction over a school that resembles the approximate grade configuration of the charter school, or the designee of such chairperson, provided such designee is a member of the board of education or the superintendent of schools for the school district, and (B) is responsible for the oversight of charter school operations, provided no member or employee of the governing council may have a personal or financial interest in the assets, real or personal, of the school; (4) the financial plan for operation of the school, provided no application fees or other fees for attendance, except as provided in this section, may be charged;

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(5) the educational program, instructional methodology and services to be offered to students; (6) the number and qualifications of teachers and administrators to be employed in the school; (7) the organization of the school in terms of the ages or grades to be taught and the total estimated enrollment of the school; (8) the student admission criteria and procedures to (A) ensure effective public information, (B) ensure open access on a space available basis, including the enrollment of students during the school year if spaces become available in the charter school, (C) promote a diverse student body, and (D) ensure that the school complies with the provisions of section 10-15c and that it does not discriminate on the basis of disability, athletic performance or proficiency in the English language, provided the school may limit enrollment to a particular grade level or specialized educational focus and, if there is not space available for all students seeking enrollment, the school may give preference to siblings but shall otherwise determine enrollment by a lottery, except the State Board of Education may waive the requirements for such enrollment lottery pursuant to subsection (j) of this section; (9) a means to assess student performance that includes participation in [state-wide] mastery examinations, pursuant to [chapter 163c] section 10-14n, as amended by this act; (10) procedures for teacher evaluation and professional development for teachers and administrators; (11) the provision of school facilities, pupil transportation and student health and welfare services; (12) procedures to encourage involvement by parents and guardians of enrolled students in student learning, school activities and school decision-making; (13) procedures to document efforts to increase the racial and ethnic diversity of staff; (14) a five-year plan to sustain the maintenance and operation of the school; and (15) a student recruitment and retention plan that shall include, but not be limited to, a clear description of a plan and the capacity of the school to attract, enroll and retain students from among the populations described in subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3) of subsection (c) of this section. Subject to the provisions of subsection (b)

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of section 10-66dd, an application may include, or a charter school may file, requests to waive provisions of the general statutes and regulations not required by sections 10-66aa to 10-66ff, inclusive, and which are within the jurisdiction of the State Board of Education.

Sec. 16. Subsections (g) and (h) of section 10-223e of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(g) Any school district or elementary school after two successive years of failing to make adequate yearly progress shall be designated as a low achieving school district or school and shall be evaluated by the Commissioner of Education. After such evaluation, the commissioner may require that such school district or school provide full-day kindergarten classes, summer school, extended school day, weekend classes, tutorial assistance to its students or professional development to its administrators, principals, teachers and paraprofessional teacher aides if (1) on any subpart of the [third grade state-wide] mastery examination administered to students in grade three, pursuant to section 10-14n, as amended by this act, thirty per cent or more of the students in any subgroup, as defined by the No Child Left Behind Act, P.L. 107-110, do not achieve the level of proficiency or higher, or (2) the commissioner determines that it would be in the best educational interests of the school or the school district to have any of these programs. In ordering any educational program authorized by this subsection, the commissioner may limit the offering of the program to the subgroup of students that have failed to achieve proficiency as determined by this subsection, those in particular grades or those who are otherwise at substantial risk of educational failure. The costs of instituting the ordered educational programs shall be borne by the identified low achieving school district or the school district in which an identified low achieving school is located. The commissioner shall not order an educational program that costs more

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to implement than the total increase in the amount of the grant that a town receives pursuant to section 10-262i in any fiscal year above the prior fiscal year.

(h) The Commissioner of Education shall conduct a study, within the limits of the capacity of the Department of Education to perform such study, of academic achievement of individual students over time as measured by performance on [the state-wide mastery examination] mastery examinations administered to students in grades three to eight, inclusive, pursuant to section 10-14n, as amended by this act. If this study evidences a pattern of continuous and substantial growth in educational performance on said examinations for individual students, then the commissioner may determine that the school district or elementary school shall not be subject to the requirements of subsection (g) of this section, but shall still comply with the requirements of the No Child Left Behind Act, P.L. 107-110, if applicable.

Sec. 17. Subsection (b) of section 10-264f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(b) The commissioner may approve, in accordance with section 10-264e, programs pursuant to this section if [he] the commissioner finds the program is likely to increase student performance as measured by [state-wide] mastery examination results, pursuant to section 10-14n, as amended by this act, or enhance student awareness of diversity. Programs which may be eligible for grants pursuant to this section include, but are not limited to, early childhood education and extended-day kindergarten, parent involvement in the education of children and in the schools, reduction in class size, tutoring and mentoring of students, after-school academic programs, lengthening the instructional school day and lengthening the instructional school year.

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Sec. 18. Subsection (d) of section 10-265f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(d) In the case of proposals for intensive early intervention reading programs including after-school and summer programs, the plan shall: (1) Incorporate the competencies required for early reading success, critical indicators for teacher intervention and the components of a high quality early reading success curriculum in accordance with the findings of the Early Reading Success Panel delineated in section 10-221l; (2) provide for a period of time each day of individualized or small group instruction for each student; (3) provide for monitoring of programs and students and follow-up in subsequent grades, documentation of continuous classroom observation of students' reading behaviors and establishment of performance indicators aligned with the [state-wide] mastery examinations, under [chapter 163c] section 10-14n, as amended by this act, measures of efficacy of programs developed by the department pursuant to subsection (i) of this section, the findings of the Early Reading Success Panel pursuant to section 10-221j; (4) include a professional development component for teachers in grades kindergarten to three, inclusive, that emphasizes the teaching of reading and reading readiness and assessment of reading competency based on the findings of the Early Reading Success Panel pursuant to section 10-221j; (5) provide for on-site teacher training and coaching in the implementation of research-based reading instruction delineated in section 10-221l; (6) provide for parental involvement and ensure that parents have access to information on strategies that may be used at home to improve prereading or reading skills; (7) provide for data collection and program evaluation; and (8) include any additional information the commissioner deems relevant. Each school district that receives grant funds under this section shall annually report to the Department of Education on the district's progress toward reducing the achievement

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gap in reading, including data on student progress in reading and how such data have been used to guide professional development and the coaching process.

Approved June 25, 2013