



General Assembly

January Session, 2015

Raised Bill No. 7024

LCO No. 5216



Referred to Committee on EDUCATION

Introduced by:
(ED)

AN ACT CONCERNING MEASURES FOR CALCULATING SCHOOL AND DISTRICT PERFORMANCE AND WAIVERS OF FEDERAL LAW SOUGHT BY THE DEPARTMENT OF EDUCATION.

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

1 Section 1. Subsections (a) and (b) of section 10-223e of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2015*):

4 (a) As used in this section:

5 (1) ["School performance index" means the weighted sum of the
6 subject performance indices for mathematics, reading, writing and
7 science.] "Performance index" means measures of student
8 performance, as weighted by the Department of Education, relating to
9 the mastery test data of record, as defined in section 10-262f, student
10 academic achievement and growth measured over time, student
11 attendance, absenteeism and discipline, measures of college and career
12 readiness, graduation rates, enrollment at institutions of higher
13 education and postsecondary education programs, physical fitness,

14 arts access and civics education.

15 [(2) "School subject performance index for mathematics" means the
16 sum of the school mastery test data of record, as defined in section 10-
17 262f, for mathematics weighted based on: (A) The percentage of
18 students scoring below basic, (B) the percentage of students scoring at
19 basic, (C) the percentage of students scoring at proficient, (D) the
20 percentage of students scoring at goal, and (E) the percentage of
21 students scoring at advanced, except that the State Board of Education
22 may authorize the use of alternative versions of this formula at grade
23 levels other than elementary grade levels.

24 (3) "School subject performance index for reading" means the sum of
25 the school mastery test data of record, as defined in section 10-262f, for
26 reading weighted based on: (A) The percentage of students scoring
27 below basic, (B) the percentage of students scoring at basic, (C) the
28 percentage of students scoring at proficient, (D) the percentage of
29 students scoring at goal, and (E) the percentage of students scoring at
30 advanced, except that the State Board of Education may authorize the
31 use of alternative versions of this formula at grade levels other than
32 elementary grade levels.

33 (4) "School subject performance index for writing" means the sum of
34 the school mastery test data of record, as defined in section 10-262f, for
35 writing weighted based on: (A) The percentage of students scoring
36 below basic, (B) the percentage of students scoring at basic, (C) the
37 percentage of students scoring at proficient, (D) the percentage of
38 students scoring at goal, and (E) the percentage of students scoring at
39 advanced, except that the State Board of Education may authorize the
40 use of alternative versions of this formula at grade levels other than
41 elementary grade levels.

42 (5) "School subject performance index for science" means the sum of
43 the school mastery test data of record, as defined in section 10-262f, for
44 science weighted based on: (A) The percentage of students scoring

45 below basic, (B) the percentage of students scoring at basic, (C) the
46 percentage of students scoring at proficient, (D) the percentage of
47 students scoring at goal, and (E) the percentage of students scoring at
48 advanced, except that the State Board of Education may authorize the
49 use of alternative versions of this formula at grade levels other than
50 elementary grade levels.]

51 [(6)] (2) "Category five schools" means schools with the lowest
52 performance as indicated by factors set forth in the state-wide
53 performance management and support plan, prepared pursuant to
54 subsection (b) of this section, that may include, but are not limited to,
55 the [school] performance index, change in [school] performance index
56 over time, growth in student achievement as measured by
57 standardized assessments, and high school graduation and dropout
58 rates for the entire student population and for subgroups of students.

59 [(7)] (3) "Category four schools" means schools with the lowest
60 performance other than category five schools as indicated by factors
61 set forth in the state-wide performance management and support plan,
62 prepared pursuant to subsection (b) of this section, that may include,
63 but are not limited to, the [school] performance index, change in
64 [school] performance index over time, growth in student achievement
65 as measured by standardized assessments, and high school graduation
66 and dropout rates for the entire student population and for subgroups
67 of students.

68 [(8)] (4) "Category three schools" means schools with higher
69 performance than category four and five schools, but lower
70 performance than category one and two schools as indicated by factors
71 set forth in the state-wide performance management and support plan,
72 prepared pursuant to subsection (b) of this section, that may include,
73 but are not limited to, the [school] performance index, change in
74 [school] performance index over time, growth in student achievement
75 as measured by standardized assessments, and high school graduation
76 and dropout rates for the entire student population and for subgroups

77 of students.

78 [(9)] (5) "Category two schools" means schools that have higher
79 performance than category three, category four and category five
80 schools, but lower performance than category one schools as indicated
81 by factors set forth in the state-wide performance management and
82 support plan, prepared pursuant to subsection (b) of this section, that
83 may include, but are not limited to, the [school] performance index,
84 change in [school] performance index over time, growth in student
85 achievement as measured by standardized assessments, and high
86 school graduation and dropout rates for the entire student population
87 and for subgroups of students.

88 [(10)] (6) "Category one schools" means schools that have the highest
89 performance as indicated by factors set forth in the state-wide
90 performance management and support plan, prepared pursuant to
91 subsection (b) of this section, that may include, but are not limited to,
92 the [school] performance index, change in [school] performance index
93 over time, growth in student achievement as measured by
94 standardized assessments, and high school graduation and dropout
95 rates for the entire student population and for subgroups of students.

96 [(11)] (7) "Focus schools" means schools that have a low performing
97 subgroup of students using measures of student academic
98 achievement and growth in the aggregate or for such subgroups over
99 time, including any period of time prior to July 1, 2014.

100 (b) (1) For the school years commencing July 1, 2002, to July 1, 2011,
101 inclusive, in conformance with the No Child Left Behind Act, P.L. 107-
102 110, the Commissioner of Education shall prepare a state-wide
103 education accountability plan, consistent with federal law and
104 regulation. Such plan shall identify the schools and districts in need of
105 improvement, require the development and implementation of
106 improvement plans and utilize rewards and consequences.

107 (2) For the school year commencing July 1, 2012, and each school

108 year thereafter, the Department of Education shall prepare a state-wide
109 performance management and support plan, consistent with federal
110 law and regulation. Such plan shall (A) identify districts in need of
111 improvement, (B) classify schools as category one, two, three, four or
112 five schools based on their [school] performance index and other
113 factors, and (C) identify focus schools.

114 Sec. 2. Subsection (a) of section 10-262u of the general statutes is
115 repealed and the following is substituted in lieu thereof (*Effective July*
116 *1, 2015*):

117 (a) As used in this section and section 10-262i:

118 (1) "Alliance district" means a school district that is in a town that is
119 among the towns with the lowest [district] performance indices.

120 (2) ["District performance index" means the sum of the district
121 subject performance indices for mathematics, reading, writing and
122 science.] "Performance index" has the same meaning as provided in
123 section 10-223e, as amended by this act.

124 [(3) "District subject performance index for mathematics" means
125 thirty per cent multiplied by the sum of the mastery test data of record,
126 as defined in section 10-262f, for a district for mathematics weighted as
127 follows: (A) Zero for the percentage of students scoring below basic,
128 (B) twenty-five per cent for the percentage of students scoring at basic,
129 (C) fifty per cent for the percentage of students scoring at proficient,
130 (D) seventy-five per cent for the percentage of students scoring at goal,
131 and (E) one hundred per cent for the percentage of students scoring at
132 advanced.

133 (4) "District subject performance index for reading" means thirty per
134 cent multiplied by the sum of the mastery test data of record, as
135 defined in section 10-262f, for a district for reading weighted as
136 follows: (A) Zero for the percentage of students scoring below basic,
137 (B) twenty-five per cent for the percentage of students scoring at basic,

138 (C) fifty per cent for the percentage of students scoring at proficient,
139 (D) seventy-five per cent for the percentage of students scoring at goal,
140 and (E) one hundred per cent for the percentage of students scoring at
141 advanced.

142 (5) "District subject performance index for writing" means thirty per
143 cent multiplied by the sum of the mastery test data of record, as
144 defined in section 10-262f, for a district for writing weighted as
145 follows: (A) Zero for the percentage of students scoring below basic,
146 (B) twenty-five per cent for the percentage of students scoring at basic,
147 (C) fifty per cent for the percentage of students scoring at proficient,
148 (D) seventy-five per cent for the percentage of students scoring at goal,
149 and (E) one hundred per cent for the percentage of students scoring at
150 advanced.

151 (6) "District subject performance index for science" means ten per
152 cent multiplied by the sum of the mastery test data of record, as
153 defined in section 10-262f, for a district for science weighted as follows:
154 (A) Zero for the percentage of students scoring below basic, (B)
155 twenty-five per cent for the percentage of students scoring at basic, (C)
156 fifty per cent for the percentage of students scoring at proficient, (D)
157 seventy-five per cent for the percentage of students scoring at goal,
158 and (E) one hundred per cent for the percentage of students scoring at
159 advanced.]

160 [(7)] (3) "Educational reform district" means a school district that is
161 in a town that is among the ten lowest [district] performance indices
162 when all towns are ranked highest to lowest in district performance
163 indices scores.

164 Sec. 3. Subdivision (16) of section 10-262f of the general statutes is
165 repealed and the following is substituted in lieu thereof (*Effective July*
166 *1, 2015*):

167 (16) "Mastery test data of record" means for the school year
168 commencing July 1, 2013, and each school year thereafter, the data of

169 record [on the December thirty-first] subsequent to the administration
170 of the mastery examinations pursuant to subsection (b) of section 10-
171 14n, as amended by this act, [or such data] as adjusted by the
172 Department of Education pursuant to a request by a local or regional
173 board of education [for an adjustment of the mastery test data from
174 such examination] filed with the department not later than the
175 [November] August thirtieth following the administration of such
176 examination.

177 Sec. 4. (NEW) (*Effective from passage*) (a) On and after the effective
178 date of this section, the Commissioner of Education shall submit an
179 application for a federal waiver of the Elementary and Secondary
180 Education Act of 1965, 20 USC 6301, et seq., as amended from time to
181 time, to the joint standing committee of the General Assembly having
182 cognizance of matters relating to education prior to the submission of
183 such application or proposed amendment to the federal government.
184 Not later than thirty days after the date of their receipt of such
185 application, such joint standing committee shall hold a public hearing
186 on the waiver application. At the conclusion of a public hearing held in
187 accordance with the provisions of this section, such joint standing
188 committee shall advise the commissioner of its approval, denial or
189 modifications, if any, of the commissioner's waiver application. If such
190 joint standing committee advises the commissioner of its denial of the
191 commissioner's waiver application, the commissioner shall not submit
192 the application for a federal waiver to the federal government. If such
193 joint standing committee does not so advise the commissioner during
194 the thirty-day period, the waiver application shall be deemed
195 approved. Any application for a federal waiver submitted to the
196 federal government by the commissioner, pursuant to this section,
197 shall be in accordance with the approval or modifications, if any, of
198 such joint standing committee.

199 (b) If in developing the budget for the Department of Education for
200 the next fiscal year, the commissioner contemplates applying for a
201 federal waiver to the federal government, the commissioner shall

202 notify the joint standing committee of the General Assembly having
203 cognizance of matters relating to education of the possibility of such
204 application.

205 (c) Prior to submission of an application for a waiver from said
206 Elementary and Secondary Education Act of 1965 to the joint standing
207 committee of the General Assembly having cognizance of matters
208 relating to education under subsection (a) of this section, the
209 commissioner shall publish a notice that the commissioner intends to
210 seek such a waiver to the federal government in the Connecticut Law
211 Journal, along with a summary of the provisions of the waiver
212 application and the manner in which individuals may submit
213 comments. The commissioner shall allow fifteen days for written
214 comments on the waiver application prior to submission of the
215 application for a waiver to the joint standing committee of the General
216 Assembly having cognizance of matters relating to education under
217 subsection (a) of this section and shall include all written comments
218 with the waiver application in the submission to such joint standing
219 committee.

220 (d) The commissioner shall include with any waiver application
221 submitted to the federal government pursuant to this section: (1) Any
222 written comments received pursuant to subsection (c) of this section;
223 and (2) a complete transcript of the proceedings of the joint standing
224 committee of the General Assembly having cognizance of matters
225 relating to education held pursuant to subsection (a) of this section,
226 including any additional written comments submitted to such joint
227 standing committee at such proceedings. Such joint standing
228 committee shall transmit any such materials to the commissioner for
229 inclusion with any such waiver application.

230 Sec. 5. Subdivision (2) of subsection (j) of section 10-66bb of the
231 general statutes is repealed and the following is substituted in lieu
232 thereof (*Effective July 1, 2015*):

233 (2) An enrollment lottery described in subdivision (8) of subsection
234 (d) of this section shall not be held for a local charter school that is
235 established at a school that is among the schools with a percentage
236 equal to or less than five per cent when all schools are ranked highest
237 to lowest in [school] performance index scores, as defined in section
238 10-223e, as amended by this act.

239 Sec. 6. Subdivisions (1) and (2) of subsection (j) of section 10-223h of
240 the general statutes are repealed and the following is substituted in
241 lieu thereof (*Effective July 1, 2015*):

242 (j) (1) The Commissioner of Education shall annually submit a
243 report on the academic performance of each school participating in the
244 commissioner's network of schools to the joint standing committee of
245 the General Assembly having cognizance of matters relating to
246 education, in accordance with the provisions of section 11-4a. Such
247 report shall include, but not be limited to, (A) the [school] performance
248 index score, as defined in section 10-223e, as amended by this act, for
249 such school, (B) trends for the [school] performance index scores
250 during the period that such school is participating in the
251 commissioner's network of schools, (C) adjustments for subgroups of
252 students at such school, including, but not limited to, students whose
253 primary language is not English, students receiving special education
254 services and students who are eligible for free or reduced price
255 lunches, and (D) performance evaluation results in the aggregate for
256 teachers and administrators at such school.

257 (2) The Commissioner of Education shall annually submit a report
258 comparing and analyzing the academic performance of all the schools
259 participating in the commissioner's network of schools to the joint
260 standing committee of the General Assembly having cognizance of
261 matters relating to education, in accordance with the provisions of
262 section 11-4a. Such report shall include, but not be limited to, (A) the
263 [school] performance index [scores] score, as defined in section 10-
264 223e, as amended by this act, for the school, (B) trends for the school

265 performance indices during the period that such schools are
266 participating in the commissioner's network of schools, (C)
267 adjustments for subgroups of students at such schools, including, but
268 not limited to, students whose primary language is not English,
269 students receiving special education services and students who are
270 eligible for free or reduced price lunches, and (D) performance
271 evaluation results in the aggregate for teachers and administrators at
272 such schools.

273 Sec. 7. Section 10-223k of the general statutes is repealed and the
274 following is substituted in lieu thereof (*Effective July 1, 2015*):

275 The Department of Education shall annually publish and make
276 available on the department's Internet web site (1) the state-wide
277 performance management and support plan, as described in
278 subsection (b) of section 10-223e, as amended by this act, (2) a list of
279 schools ranked highest to lowest in [school] performance index scores,
280 as defined in section 10-223e, as amended by this act, (3) the formula
281 and manner in which the [school] performance index was calculated
282 for each school, and (4) the alternative versions of the formula used to
283 calculate the school subject performance indices at grade levels other
284 than elementary grade levels.

285 Sec. 8. Subsection (a) of section 10-223f of the general statutes is
286 repealed and the following is substituted in lieu thereof (*Effective July*
287 *1, 2015*):

288 (a) For the school year commencing July 1, 2013, and each school
289 year thereafter, the Department of Education shall calculate the
290 [district] performance index, as defined in section [10-262u] 10-223e, as
291 amended by this act, for an alliance district, as defined in [said] section
292 10-262u, as amended by this act, with data from each school under the
293 jurisdiction of the board of education for such alliance district and data
294 from any state or local charter school, as defined in section 10-66aa,
295 located in such alliance district, provided the local board of education

296 for such alliance district and the state or local charter school reach
297 mutual agreement for the inclusion of the data from the state or local
298 charter schools and the terms of such agreement are approved by the
299 State Board of Education.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	10-223e(a) and (b)
Sec. 2	<i>July 1, 2015</i>	10-262u(a)
Sec. 3	<i>July 1, 2015</i>	10-262f(16)
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2015</i>	10-66bb(j)(2)
Sec. 6	<i>July 1, 2015</i>	10-223h(j)(1) and (2)
Sec. 7	<i>July 1, 2015</i>	10-223k
Sec. 8	<i>July 1, 2015</i>	10-223f(a)

Statement of Purpose:

To make revisions on how the Department of Education calculates school and district performance and to require the Commissioner of Education to receive approval from the joint standing committee of the General Assembly having cognizance of matters relating to education before the department may seek a waiver of the provisions of the Elementary and Secondary Education Act from the federal government.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]