



General Assembly

Substitute Bill No. 7024

January Session, 2015



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2 statutes are repealed and the following is substituted in lieu thereof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.

8 (2) "Performance index" means measures of student performance, as
9 weighted by the Department of Education, relating to the mastery test
10 data of record; student academic achievement and growth measured
11 over time; student attendance, absenteeism and discipline; measures of
12 college and career readiness; graduation rates; and enrollment at
13 institutions of higher education and postsecondary education
14 programs.

15 (3) "Mastery test data of record" has the same meaning as provided
16 in section 10-262f, as amended by this act.

17 [(2)] (4) "School subject performance index for mathematics" means
18 the sum of the school mastery test data of record [, as defined in
19 section 10-262f,] for mathematics weighted based on: (A) The
20 percentage of students scoring below basic, (B) the percentage of
21 students scoring at basic, (C) the percentage of students scoring at
22 proficient, (D) the percentage of students scoring at goal, and (E) the
23 percentage of students scoring at advanced, except that the State Board
24 of Education may authorize the use of alternative versions of this
25 formula at grade levels other than elementary grade levels.

26 [(3)] (5) "School subject performance index for reading" means the
27 sum of the school mastery test data of record [, as defined in section
28 10-262f,] for reading weighted based on: (A) The percentage of
29 students scoring below basic, (B) the percentage of students scoring at
30 basic, (C) the percentage of students scoring at proficient, (D) the
31 percentage of students scoring at goal, and (E) the percentage of
32 students scoring at advanced, except that the State Board of Education
33 may authorize the use of alternative versions of this formula at grade
34 levels other than elementary grade levels.

35 [(4)] (6) "School subject performance index for writing" means the
36 sum of the school mastery test data of record [, as defined in section
37 10-262f,] for writing weighted based on: (A) The percentage of
38 students scoring below basic, (B) the percentage of students scoring at
39 basic, (C) the percentage of students scoring at proficient, (D) the
40 percentage of students scoring at goal, and (E) the percentage of
41 students scoring at advanced, except that the State Board of Education
42 may authorize the use of alternative versions of this formula at grade
43 levels other than elementary grade levels.

44 [(5)] (7) "School subject performance index for science" means the
45 sum of the school mastery test data of record [, as defined in section
46 10-262f,] for science weighted based on: (A) The percentage of students
47 scoring below basic, (B) the percentage of students scoring at basic, (C)
48 the percentage of students scoring at proficient, (D) the percentage of
49 students scoring at goal, and (E) the percentage of students scoring at

50 advanced, except that the State Board of Education may authorize the
51 use of alternative versions of this formula at grade levels other than
52 elementary grade levels.

53 ~~[(6)]~~ (8) "Category five schools" means schools with the lowest
54 performance as indicated by factors set forth in the state-wide
55 performance management and support plan, prepared pursuant to
56 subsection (b) of this section, that may include, but are not limited to,
57 the school performance index, change in school performance index
58 over time, growth in student achievement as measured by
59 standardized assessments, and high school graduation and dropout
60 rates for the entire student population and for subgroups of students.

61 ~~[(7)]~~ (9) "Category four schools" means schools with the lowest
62 performance other than category five schools as indicated by factors
63 set forth in the state-wide performance management and support plan,
64 prepared pursuant to subsection (b) of this section, that may include,
65 but are not limited to, the school performance index, change in school
66 performance index over time, growth in student achievement as
67 measured by standardized assessments, and high school graduation
68 and dropout rates for the entire student population and for subgroups
69 of students.

70 ~~[(8)]~~ (10) "Category three schools" means schools with higher
71 performance than category four and five schools, but lower
72 performance than category one and two schools as indicated by factors
73 set forth in the state-wide performance management and support plan,
74 prepared pursuant to subsection (b) of this section, that may include,
75 but are not limited to, the school performance index, change in school
76 performance index over time, growth in student achievement as
77 measured by standardized assessments, and high school graduation
78 and dropout rates for the entire student population and for subgroups
79 of students.

80 ~~[(9)]~~ (11) "Category two schools" means schools that have higher
81 performance than category three, category four and category five

82 schools, but lower performance than category one schools as indicated
83 by factors set forth in the state-wide performance management and
84 support plan, prepared pursuant to subsection (b) of this section, that
85 may include, but are not limited to, the school performance index,
86 change in school performance index over time, growth in student
87 achievement as measured by standardized assessments, and high
88 school graduation and dropout rates for the entire student population
89 and for subgroups of students.

90 [(10)] (12) "Category one schools" means schools that have the
91 highest performance as indicated by factors set forth in the state-wide
92 performance management and support plan, prepared pursuant to
93 subsection (b) of this section, that may include, but are not limited to,
94 the school performance index, change in school performance index
95 over time, growth in student achievement as measured by
96 standardized assessments, and high school graduation and dropout
97 rates for the entire student population and for subgroups of students.

98 [(11)] (13) "Focus schools" means schools that have a low performing
99 subgroup of students using measures of student academic
100 achievement and growth in the aggregate or for such subgroups over
101 time, including any period of time prior to July 1, 2014.

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

109 (2) For the school [year] years commencing July 1, 2012, [and each
110 school year thereafter] to July 1, 2015, inclusive, the Department of
111 Education shall prepare a state-wide performance management and
112 support plan, consistent with federal law and regulation. Such plan
113 shall (A) identify districts in need of improvement, (B) classify schools

114 as category one, two, three, four or five schools based on their school
115 performance index and other factors, and (C) identify focus schools.

116 (3) For the school year commencing July 1, 2016, and each school
117 year thereafter, the Department of Education shall prepare a state-wide
118 performance management and support plan, consistent with federal
119 law and regulation. Such plan shall (A) identify districts in need of
120 improvement, (B) classify schools as category one, two, three, four or
121 five schools based on their performance index and other factors, and
122 (C) identify focus schools.

123 Sec. 2. Subsection (a) of section 10-262u of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective July*
125 *1, 2015*):

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

127 (1) "Alliance district" means a school district that is in a town that is
128 among the towns with the lowest district performance indices.

129 (2) "District performance index" means the sum of the district
130 subject performance indices for mathematics, reading, writing and
131 science.

132 (3) "Performance index" has the same meaning as provided in
133 section 10-223e, as amended by this act.

134 (4) "Mastery test data of record" has the same meaning as provided
135 in section 10-262f, as amended by this act.

136 ~~[(3)]~~ (5) "District subject performance index for mathematics" means
137 thirty per cent multiplied by the sum of the mastery test data of record
138 [, as defined in section 10-262f,] for a district for mathematics weighted
139 as follows: (A) Zero for the percentage of students scoring below basic,
140 (B) twenty-five per cent for the percentage of students scoring at basic,
141 (C) fifty per cent for the percentage of students scoring at proficient,
142 (D) seventy-five per cent for the percentage of students scoring at goal,

143 and (E) one hundred per cent for the percentage of students scoring at
144 advanced.

145 [(4)] (6) "District subject performance index for reading" means
146 thirty per cent multiplied by the sum of the mastery test data of record
147 [, as defined in section 10-262f,] for a district for reading weighted as
148 follows: (A) Zero for the percentage of students scoring below basic,
149 (B) twenty-five per cent for the percentage of students scoring at basic,
150 (C) fifty per cent for the percentage of students scoring at proficient,
151 (D) seventy-five per cent for the percentage of students scoring at goal,
152 and (E) one hundred per cent for the percentage of students scoring at
153 advanced.

154 [(5)] (7) "District subject performance index for writing" means
155 thirty per cent multiplied by the sum of the mastery test data of record
156 [, as defined in section 10-262f,] for a district for writing weighted as
157 follows: (A) Zero for the percentage of students scoring below basic,
158 (B) twenty-five per cent for the percentage of students scoring at basic,
159 (C) fifty per cent for the percentage of students scoring at proficient,
160 (D) seventy-five per cent for the percentage of students scoring at goal,
161 and (E) one hundred per cent for the percentage of students scoring at
162 advanced.

163 [(6)] (8) "District subject performance index for science" means ten
164 per cent multiplied by the sum of the mastery test data of record [, as
165 defined in section 10-262f,] for a district for science weighted as
166 follows: (A) Zero for the percentage of students scoring below basic,
167 (B) twenty-five per cent for the percentage of students scoring at basic,
168 (C) fifty per cent for the percentage of students scoring at proficient,
169 (D) seventy-five per cent for the percentage of students scoring at goal,
170 and (E) one hundred per cent for the percentage of students scoring at
171 advanced.

172 [(7)] (9) "Educational reform district" means a school district that is
173 in a town that is among the ten lowest district performance indices
174 when all towns are ranked highest to lowest in district performance

175 indices scores.

176 Sec. 3. Subdivision (16) of section 10-262f of the general statutes is
177 repealed and the following is substituted in lieu thereof (*Effective July*
178 *1, 2015*):

179 (16) "Mastery test data of record" means for the school year
180 commencing July 1, 2013, and each school year thereafter, the data of
181 record [on the December thirty-first] subsequent to the administration
182 of the mastery examinations pursuant to subsection (b) of section 10-
183 14n, [or such data] as adjusted by the Department of Education
184 pursuant to a request by a local or regional board of education [for an
185 adjustment of the mastery test data from such examination] filed with
186 the department not later than the [November] August thirtieth
187 following the administration of such examination.

188 Sec. 4. (*Effective July 1, 2015*) Not later than January 1, 2016, the
189 Department of Education shall submit a report to the joint standing
190 committee of the General Assembly having cognizance of matters
191 relating to education, in accordance with the provisions of section 11-
192 4a of the general statutes, explaining and comparing the formulas and
193 scores of the school performance index, as defined in section 10-223e of
194 the general statutes, as amended by this act, the district performance
195 index, as defined in section 10-262u of the general statutes, as amended
196 by this act, and the performance index, as defined in section 10-223e of
197 the general statutes, as amended by this act. Such report shall include,
198 but need not be limited to, (1) an explanation of the formula for the
199 school performance index, district performance index and
200 performance index; (2) the categories of the data used in the
201 computation of the school performance index, district performance
202 index and performance index; (3) an explanation of how such data is
203 weighted in the school performance index, district performance index
204 and performance index; (4) the school performance index, district
205 performance index and performance index scores for each school
206 district; (5) a comparison of such scores; and (6) an explanation for
207 why the scores for the performance index are different from the scores

208 for the school performance index and district performance index.

209 Sec. 5. (NEW) (*Effective from passage*) (a) On and after the effective
210 date of this section, the Commissioner of Education shall submit any
211 application for a federal waiver of the Elementary and Secondary
212 Education Act of 1965, 20 USC 6301, et seq., as amended from time to
213 time, to the joint standing committee of the General Assembly having
214 cognizance of matters relating to education prior to the submission of
215 any such application to the federal government. Not later than thirty
216 days after the date of its receipt of such application, said joint standing
217 committee shall hold a public hearing on the waiver application. At the
218 conclusion of a public hearing held in accordance with the provisions
219 of this section, said joint standing committee shall advise the
220 commissioner of its approval, denial or modifications, if any, of the
221 commissioner's waiver application. If said joint standing committee
222 advises the commissioner of its denial of the commissioner's waiver
223 application, the commissioner shall not submit the application for a
224 federal waiver to the federal government. If said joint standing
225 committee does not so advise the commissioner during the thirty-day
226 period, the waiver application shall be deemed approved. Any
227 application for a federal waiver submitted to the federal government
228 by the commissioner, pursuant to this section, shall be in accordance
229 with the approval or modifications, if any, of said joint standing
230 committee.

231 (b) If in developing the budget for the Department of Education for
232 the next fiscal year, the commissioner contemplates applying for a
233 federal waiver to the federal government, the commissioner shall
234 notify the joint standing committee of the General Assembly having
235 cognizance of matters relating to education of the possibility of such
236 application.

237 (c) Prior to submission of an application for a waiver from said
238 Elementary and Secondary Education Act of 1965 to the joint standing
239 committee of the General Assembly having cognizance of matters
240 relating to education under subsection (a) of this section, the

241 commissioner shall publish a notice that the commissioner intends to
242 seek such a waiver to the federal government in the Connecticut Law
243 Journal, along with a summary of the provisions of the waiver
244 application and the manner in which individuals may submit
245 comments. The commissioner shall allow fifteen days for written
246 comments on the waiver application prior to submission of the
247 application for a waiver to the joint standing committee of the General
248 Assembly having cognizance of matters relating to education under
249 subsection (a) of this section and shall include all written comments
250 with the waiver application submitted to said joint standing
251 committee.

252 (d) The commissioner shall include with any waiver application
253 submitted to the federal government pursuant to this section: (1) Any
254 written comments received pursuant to subsection (c) of this section;
255 and (2) a complete transcript of the proceedings of the joint standing
256 committee of the General Assembly having cognizance of matters
257 relating to education held pursuant to subsection (a) of this section,
258 including any additional written comments submitted to said joint
259 standing committee at such proceedings. Said joint standing committee
260 shall transmit any such materials to the commissioner for inclusion
261 with any such waiver application.

262 Sec. 6. Subdivision (2) of subsection (j) of section 10-66bb of the
263 general statutes is repealed and the following is substituted in lieu
264 thereof (*Effective July 1, 2015*):

265 (2) [An] (A) For the school years commencing July 1, 2012, to July 1,
266 2015, inclusive, an enrollment lottery described in subdivision (8) of
267 subsection (d) of this section shall not be held for a local charter school
268 that is established at a school that is among the schools with a
269 percentage equal to or less than five per cent when all schools are
270 ranked highest to lowest in school performance index scores, as
271 defined in section 10-223e, as amended by this act.

272 (B) For the school year commencing July 1, 2016, and each school

273 year thereafter, an enrollment lottery described in subdivision (8) of
274 subsection (d) of this section shall not be held for a local charter school
275 that is established at a school that is among the schools with a
276 percentage equal to or less than five per cent when all schools are
277 ranked highest to lowest in performance index scores, as defined in
278 section 10-223e, as amended by this act.

279 Sec. 7. Subdivisions (1) and (2) of subsection (j) of section 10-223h of
280 the general statutes are repealed and the following is substituted in
281 lieu thereof (*Effective July 1, 2015*):

282 (j) (1) The Commissioner of Education shall annually submit a
283 report on the academic performance of each school participating in the
284 commissioner's network of schools to the joint standing committee of
285 the General Assembly having cognizance of matters relating to
286 education, in accordance with the provisions of section 11-4a. Such
287 report shall include, but not be limited to, (A) (i) for the school years
288 commencing July 1, 2012, to July 1, 2015, inclusive, (I) the school
289 performance index score, as defined in section 10-223e, as amended by
290 this act, for such school, [(B)] and (II) trends for the school performance
291 index scores during the period that such school is participating in the
292 commissioner's network of schools, (ii) for the school year
293 commencing July 1, 2016, and each school year thereafter, (I) the
294 performance index score, as defined in section 10-223e, as amended by
295 this act, for such school, and (II) trends for the performance index
296 scores during the period that such school is participating in the
297 commissioner's network of schools, [(C)] (B) adjustments for
298 subgroups of students at such school, including, but not limited to,
299 students whose primary language is not English, students receiving
300 special education services and students who are eligible for free or
301 reduced price lunches, and [(D)] (C) performance evaluation results in
302 the aggregate for teachers and administrators at such school.

303 (2) The Commissioner of Education shall annually submit a report
304 comparing and analyzing the academic performance of all the schools
305 participating in the commissioner's network of schools to the joint

306 standing committee of the General Assembly having cognizance of
307 matters relating to education, in accordance with the provisions of
308 section 11-4a. Such report shall include, but not be limited to, (A) (i) for
309 the school years commencing July 1, 2012, to July 1, 2015, inclusive, the
310 school performance index [scores] score, as defined in section 10-223e,
311 as amended by this act, for the school, and (ii) for the school year
312 commencing July 1, 2016, and each school year thereafter, the
313 performance index score, as defined in section 10-223e, as amended by
314 this act, (B) trends for the school performance indices or performance
315 indices, as the case may be, during the period that such schools are
316 participating in the commissioner's network of schools, (C)
317 adjustments for subgroups of students at such schools, including, but
318 not limited to, students whose primary language is not English,
319 students receiving special education services and students who are
320 eligible for free or reduced price lunches, and (D) performance
321 evaluation results in the aggregate for teachers and administrators at
322 such schools.

323 Sec. 8. Section 10-223k of the general statutes is repealed and the
324 following is substituted in lieu thereof (*Effective July 1, 2015*):

325 The Department of Education shall annually publish and make
326 available on the department's Internet web site (1) the state-wide
327 performance management and support plan, as described in
328 subsection (b) of section 10-223e, as amended by this act, (2) for the
329 school years commencing July 1, 2012, to July 1, 2015, inclusive, (A) a
330 list of schools ranked highest to lowest in school performance index
331 scores, [(3)] as defined in section 10-223e, as amended by this act, and
332 (B) the formula and manner in which the school performance index
333 was calculated for each school, (3) for the school year commencing July
334 1, 2016, and each school year thereafter, (A) a list of schools ranked
335 highest to lowest in performance index scores, as defined in section 10-
336 223e, as amended by this act, and (B) the formula and manner in which
337 the performance index was calculated for each school, and (4) the
338 alternative versions of the formula used to calculate the school subject

339 performance indices at grade levels other than elementary grade
340 levels.

341 Sec. 9. Subsection (a) of section 10-223f of the general statutes is
342 repealed and the following is substituted in lieu thereof (*Effective July*
343 *1, 2015*):

344 (a) (1) For the school [year] years commencing July 1, 2013, [and
345 each school year thereafter] to July 1, 2015, inclusive, the Department
346 of Education shall calculate the district performance index, as defined
347 in section 10-262u, as amended by this act, for an alliance district, as
348 defined in [said] section 10-262u, as amended by this act, with data
349 from each school under the jurisdiction of the board of education for
350 such alliance district and data from any state or local charter school, as
351 defined in section 10-66aa, located in such alliance district, provided
352 the local board of education for such alliance district and the state or
353 local charter school reach mutual agreement for the inclusion of the
354 data from the state or local charter schools and the terms of such
355 agreement are approved by the State Board of Education.

356 (2) For the school year commencing July 1, 2016, and each school
357 year thereafter, the Department of Education shall calculate the
358 performance index, as defined in section 10-223e, as amended by this
359 act, for an alliance district, as defined in section 10-262u, as amended
360 by this act, with data from each school under the jurisdiction of the
361 board of education for such alliance district and data from any state or
362 local charter school, as defined in section 10-66aa, located in such
363 alliance district, provided the local board of education for such alliance
364 district and the state or local charter school reach mutual agreement
365 for the inclusion of the data from the state or local charter schools and
366 the terms of such agreement are approved by the State Board of
367 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>July 1, 2015</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>July 1, 2015</i>	10-66bb(j)(2)
Sec. 7	<i>July 1, 2015</i>	10-223h(j)(1) and (2)
Sec. 8	<i>July 1, 2015</i>	10-223k
Sec. 9	<i>July 1, 2015</i>	10-223f(a)

Statement of Legislative Commissioners:

In Sections 1 and 2, references to "as defined in section 10-262f" were bracketed or deleted and a definition of "mastery test data of record" was added for clarity, in Section 4 the effective date was changed to July 1, 2015, for consistency, and in Section 7(j)(1) designator references were changed for clarity.

ED *Joint Favorable Subst.*