

**Proposed Substitute
Bill No. 7024**

LCO No. 5904

**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2 statutes are repealed and the following is substituted in lieu thereof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, as defined in section 10-262f, as amended by this act,
11 student academic achievement and growth measured over time,
12 student attendance, absenteeism and discipline, measures of college
13 and career readiness, graduation rates, enrollment at institutions of
14 higher education and postsecondary education programs.

15 [(2)] (3) "School subject performance index for mathematics" means
16 the sum of the school mastery test data of record, as defined in section

17 10-262f, 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)] (4) "School subject performance index for reading" means the
25 sum of the school mastery test data of record, as defined in section 10-
26 262f, as amended by this act, for reading weighted based on: (A) The
27 percentage of students scoring below basic, (B) the percentage of
28 students scoring at basic, (C) the percentage of students scoring at
29 proficient, (D) the percentage of students scoring at goal, and (E) the
30 percentage of students scoring at advanced, except that the State Board
31 of Education may authorize the use of alternative versions of this
32 formula at grade levels other than elementary grade levels.

33 [(4)] (5) "School subject performance index for writing" means the
34 sum of the school mastery test data of record, as defined in section 10-
35 262f, as amended by this act, for writing weighted based on: (A) The
36 percentage of students scoring below basic, (B) the percentage of
37 students scoring at basic, (C) the percentage of students scoring at
38 proficient, (D) the percentage of students scoring at goal, and (E) the
39 percentage of students scoring at advanced, except that the State Board
40 of Education may authorize the use of alternative versions of this
41 formula at grade levels other than elementary grade levels.

42 [(5)] (6) "School subject performance index for science" means the
43 sum of the school mastery test data of record, as defined in section 10-
44 262f, as amended by this act, for science weighted based on: (A) The
45 percentage of students scoring below basic, (B) the percentage of
46 students scoring at basic, (C) the percentage of students scoring at
47 proficient, (D) the percentage of students scoring at goal, and (E) the
48 percentage of students scoring at advanced, except that the State Board
49 of Education may authorize the use of alternative versions of this

50 formula at grade levels other than elementary grade levels.

51 [[6)] (7) "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)] (8) "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 school
64 performance index over time, growth in student achievement as
65 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)] (9) "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 school
74 performance index over time, growth in student achievement as
75 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)] (10) "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)] (11) "Category one schools" means schools that have the
89 highest 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)] (12) "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] years commencing July 1, 2012, [and each
108 school year thereafter] to July 1, 2015, inclusive, the Department of
109 Education shall prepare a state-wide performance management and
110 support plan, consistent with federal law and regulation. Such plan
111 shall (A) identify districts in need of improvement, (B) classify schools
112 as category one, two, three, four or five schools based on their school
113 performance index and other factors, and (C) identify focus schools.

114 (3) For the school year commencing July 1, 2016, and each school

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

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

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

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

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

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

132 [(3)] (4) "District subject performance index for mathematics" means
133 thirty per cent multiplied by the sum of the mastery test data of record,
134 as defined in section 10-262f, as amended by this act, for a district for
135 mathematics weighted as follows: (A) Zero for the percentage of
136 students scoring below basic, (B) twenty-five per cent for the
137 percentage of students scoring at basic, (C) fifty per cent for the
138 percentage of students scoring at proficient, (D) seventy-five per cent
139 for the percentage of students scoring at goal, and (E) one hundred per
140 cent for the percentage of students scoring at advanced.

141 [(4)] (5) "District subject performance index for reading" means
142 thirty per cent multiplied by the sum of the mastery test data of record,
143 as defined in section 10-262f, as amended by this act, for a district for
144 reading weighted as follows: (A) Zero for the percentage of students
145 scoring below basic, (B) twenty-five per cent for the percentage of

146 students scoring at basic, (C) fifty per cent for the percentage of
147 students scoring at proficient, (D) seventy-five per cent for the
148 percentage of students scoring at goal, and (E) one hundred per cent
149 for the percentage of students scoring at advanced.

150 [(5)] (6) "District subject performance index for writing" means
151 thirty per cent multiplied by the sum of the mastery test data of record,
152 as defined in section 10-262f, as amended by this act, for a district for
153 writing weighted as follows: (A) Zero for the percentage of students
154 scoring below basic, (B) twenty-five per cent for the percentage of
155 students scoring at basic, (C) fifty per cent for the percentage of
156 students scoring at proficient, (D) seventy-five per cent for the
157 percentage of students scoring at goal, and (E) one hundred per cent
158 for the percentage of students scoring at advanced.

159 [(6)] (7) "District subject performance index for science" means ten
160 per cent multiplied by the sum of the mastery test data of record, as
161 defined in section 10-262f, as amended by this act, for a district for
162 science weighted as follows: (A) Zero for the percentage of students
163 scoring below basic, (B) twenty-five per cent for the percentage of
164 students scoring at basic, (C) fifty per cent for the percentage of
165 students scoring at proficient, (D) seventy-five per cent for the
166 percentage of students scoring at goal, and (E) one hundred per cent
167 for the percentage of students scoring at advanced.

168 [(7)] (8) "Educational reform district" means a school district that is
169 in a town that is among the ten lowest district performance indices
170 when all towns are ranked highest to lowest in district performance
171 indices scores.

172 Sec. 3. Subdivision (16) of section 10-262f of the general statutes is
173 repealed and the following is substituted in lieu thereof (*Effective July*
174 *1, 2015*):

175 (16) "Mastery test data of record" means for the school year
176 commencing July 1, 2013, and each school year thereafter, the data of
177 record [on the December thirty-first] subsequent to the administration

178 of the mastery examinations pursuant to subsection (b) of section 10-
179 14n, as amended by this act, [or such data] as adjusted by the
180 Department of Education pursuant to a request by a local or regional
181 board of education [for an adjustment of the mastery test data from
182 such examination] filed with the department not later than the
183 [November] August thirtieth following the administration of such
184 examination.

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

206 Sec. 5. (NEW) (*Effective from passage*) (a) On and after the effective
207 date of this section, the Commissioner of Education shall submit an
208 application for a federal waiver of the Elementary and Secondary
209 Education Act of 1965, 20 USC 6301, et seq., as amended from time to
210 time, to the joint standing committee of the General Assembly having
211 cognizance of matters relating to education prior to the submission of

212 such application or proposed amendment to the federal government.
213 Not later than thirty days after the date of their receipt of such
214 application, such joint standing committee shall hold a public hearing
215 on the waiver application. At the conclusion of a public hearing held in
216 accordance with the provisions of this section, such joint standing
217 committee shall advise the commissioner of its approval, denial or
218 modifications, if any, of the commissioner's waiver application. If such
219 joint standing committee advises the commissioner of its denial of the
220 commissioner's waiver application, the commissioner shall not submit
221 the application for a federal waiver to the federal government. If such
222 joint standing committee does not so advise the commissioner during
223 the thirty-day period, the waiver application shall be deemed
224 approved. Any application for a federal waiver submitted to the
225 federal government by the commissioner, pursuant to this section,
226 shall be in accordance with the approval or modifications, if any, of
227 such joint standing committee.

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

234 (c) Prior to submission of an application for a waiver from said
235 Elementary and Secondary Education Act of 1965 to the joint standing
236 committee of the General Assembly having cognizance of matters
237 relating to education under subsection (a) of this section, the
238 commissioner shall publish a notice that the commissioner intends to
239 seek such a waiver to the federal government in the Connecticut Law
240 Journal, along with a summary of the provisions of the waiver
241 application and the manner in which individuals may submit
242 comments. The commissioner shall allow fifteen days for written
243 comments on the waiver application prior to submission of the
244 application for a waiver to the joint standing committee of the General
245 Assembly having cognizance of matters relating to education under

246 subsection (a) of this section and shall include all written comments
247 with the waiver application in the submission to such joint standing
248 committee.

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

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

262 (2) [An] (A) For the school years commencing July 1, 2012, to July 1,
263 2015, inclusive, an enrollment lottery described in subdivision (8) of
264 subsection (d) of this section shall not be held for a local charter school
265 that is established at a school that is among the schools with a
266 percentage equal to or less than five per cent when all schools are
267 ranked highest to lowest in school performance index scores, as
268 defined in section 10-223e, as amended by this act.

269 (B) For the school year commencing July 1, 2016, and each school
270 year thereafter, an enrollment lottery described in subdivision (8) of
271 subsection (d) of this section shall not be held for a local charter school
272 that is established at a school that is among the schools with a
273 percentage equal to or less than five per cent when all schools are
274 ranked highest to lowest in performance index scores, as defined in
275 section 10-223e, as amended by this act.

276 Sec. 7. Subdivisions (1) and (2) of subsection (j) of section 10-223h of
277 the general statutes are repealed and the following is substituted in

278 lieu thereof (*Effective July 1, 2015*):

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

300 (2) The Commissioner of Education shall annually submit a report
301 comparing and analyzing the academic performance of all the schools
302 participating in the commissioner's network of schools to the joint
303 standing committee of the General Assembly having cognizance of
304 matters relating to education, in accordance with the provisions of
305 section 11-4a. Such report shall include, but not be limited to, (A) (i) for
306 the school years commencing July 1, 2012, to July 1, 2015, inclusive, the
307 school performance index [scores] score, as defined in section 10-223e,
308 as amended by this act, for the school, and (ii) for the school year
309 commencing July 1, 2016, and each school year thereafter, the
310 performance index score, as defined in section 10-223e, as amended by
311 this act, (B) trends for the school performance indices or performance

312 indices, as the case may be, during the period that such schools are
313 participating in the commissioner's network of schools, (C)
314 adjustments for subgroups of students at such schools, including, but
315 not limited to, students whose primary language is not English,
316 students receiving special education services and students who are
317 eligible for free or reduced price lunches, and (D) performance
318 evaluation results in the aggregate for teachers and administrators at
319 such schools.

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

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

338 Sec. 9. Subsection (a) of section 10-223f of the general statutes is
339 repealed and the following is substituted in lieu thereof (*Effective July*
340 *1, 2015*):

341 (a) (1) For the school [year] years commencing July 1, 2013, [and
342 each school year thereafter] to July 1, 2015, inclusive, the Department
343 of Education shall calculate the district performance index, as defined
344 in section [10-262u] 10-223e, as amended by this act, for an alliance

345 district, as defined in [said] section 10-262u, as amended by this act,
346 with data from each school under the jurisdiction of the board of
347 education for such alliance district and data from any state or local
348 charter school, as defined in section 10-66aa, located in such alliance
349 district, provided the local board of education for such alliance district
350 and the state or local charter school reach mutual agreement for the
351 inclusion of the data from the state or local charter schools and the
352 terms of such agreement are approved by the State Board of Education.

353 (2) For the school year commencing July 1, 2016, and each school
354 year thereafter, the Department of Education shall calculate the
355 performance index, as defined in section 10-223e, as amended by this
356 act, for an alliance district, as defined in section 10-262u, as amended
357 by this act, with data from each school under the jurisdiction of the
358 board of education for such alliance district and data from any state or
359 local charter school, as defined in section 10-66aa, located in such
360 alliance district, provided the local board of education for such alliance
361 district and the state or local charter school reach mutual agreement
362 for the inclusion of the data from the state or local charter schools and
363 the terms of such agreement are approved by the State Board of
364 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>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)