

1 HB439
2 218531-1
3 By Representative Kiel
4 RFD: Education Policy
5 First Read: 03-MAR-22

SYNOPSIS: Under existing law, public K-12 schools and school systems are annually subject to a school grading system that reflects school and district performance.

This bill would exempt the academic performance of certain English language learner students from consideration in the assigning of an academic achievement grade to a school or school system.

This bill would also require the State Superintendent of Education to retain the current provisions of the state Every Student Succeeds Act plan detailing the provisions of this act.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-6C-2, Code of Alabama 1975, relating to the public K-12 school grading system; to exempt

1 the academic performance of certain English as a second
2 language students from consideration in the assigning of an
3 academic achievement grade to a school or school system; and
4 to require the State Superintendent of Education to retain the
5 current provisions of the state Every Student Succeeds Act
6 plan detailing the provisions of this act.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 16-6C-2 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§16-6C-2.

11 "(a) In addition to any other labels or designations
12 assigned to public schools and public school districts
13 pursuant to a federal, state, school, district, or other
14 assessment or accountability system, the State Superintendent
15 of Education, consistent with ~~the provisions of~~ this chapter,
16 shall develop a school grading system reflective of school and
17 district performance. The grading system shall utilize the
18 traditional A, B, C, D, or F framework.

19 "(1) Schools receiving a grade of "A" are making
20 excellent progress.

21 "(2) Schools receiving a grade of "B" are making
22 above average progress.

23 "(3) Schools receiving a grade of "C" are making
24 satisfactory progress.

25 "(4) Schools receiving a grade of "D" are making
26 less than satisfactory progress.

1 "(5) Schools receiving a grade of "F" are failing to
2 make adequate progress.

3 "(b) In developing this school grading system, the
4 State Superintendent of Education shall seek input from
5 parents, teachers, school administrators, existing State
6 Department of Education advisory groups or task forces, and
7 other education stakeholders on how the system can properly
8 reflect not only the overall academic proficiency of each
9 public school but also the academic improvements made by each
10 public school, along with other key performance indicators
11 that give a total profile of the school or the school system,
12 or both.

13 "(c) The State Superintendent of Education shall
14 prescribe the design and content of the school grading system
15 by not later than December 31, 2012. It is the intent of the
16 Legislature that the system be in place by no later than the
17 2013-2014 school year. The system may not be utilized by the
18 State Superintendent of Education or the State Department of
19 Education until sufficient rules have been ~~promulgated~~ adopted
20 by the State ~~Department~~ Board of Education pursuant to the
21 Alabama Administrative Procedure Act.

22 "(d) Using an easy to understand grading scale, the
23 school grading system shall describe achievement in the state,
24 each district, and each school. Additionally, the State
25 Superintendent of Education shall not be precluded from also
26 assigning grades to school feeder patterns or grades that

1 reflect the fiscal health and fiscal efficiency of a school or
2 school system.

3 "(e) The State Superintendent of Education shall
4 make these grades available to the general public, and shall
5 post these grades on the website of the State Department of
6 Education as soon as the grades are available. Additionally,
7 appropriate grade information shall be delivered to the parent
8 or guardian of each public school student at least once
9 annually in the same manner that student report cards are
10 currently delivered.

11 "(f) (1) Using state-authorized assessments and other
12 key performance indicators that give a total profile of the
13 school or the school system, or both, a school's grade, at a
14 minimum, shall be based on a combination of student
15 achievement scores, achievement gap, college and career
16 readiness, learning gains, and other indicators as determined
17 by the State Superintendent of Education to impact student
18 learning and success.

19 "(2) Commencing with the 2021-2022 school year, the
20 academic achievement of each student identified as an English
21 language learner, who has not shown proficiency on ACCESS for
22 EL, or other state approved English proficiency assessment,
23 may not be considered in assigning an academic achievement
24 grade to a school or school system for the first five years of
25 enrollment of the student. The educational progress of each of
26 these students shall continue to be measured in the academic
27 growth category and the progress in English language

1 proficiency category and, at the end of the five-year period
2 for the student, his or her proficiency shall again be
3 considered in assigning an academic achievement grade to a
4 school or school system on the state A-F school grading
5 system.

6 "(3) The State Superintendent of Education may not
7 amend the state Every Student Succeeds Act option for
8 including test scores of English language learners enrolled in
9 United States schools. The option provides as follows: For the
10 first year of enrollment, the test scores shall be reported,
11 but the results on both the reading/language arts and math
12 tests shall be excluded from the federal accountability
13 system; for the second year of enrollment, a measure of
14 student growth on both tests shall be included in the federal
15 accountability system; and for the third year of enrollment,
16 proficiency on both tests shall be included in the federal
17 accountability system. Additionally, the option requires
18 English language learners who have successfully left the
19 English language learner subgroup by attaining English
20 proficiency to be included in that subgroup for accountability
21 purposes for four years.

22 "(g) The A-F school grading system shall be
23 consistently applied so that grades of one school or system
24 may be compared to the grades of any other school or system."

25 Section 2. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

