

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- EDUCATION ACCOUNTABILITY ACT

Introduced By: Representative Joseph M. McNamara

Date Introduced: February 21, 2023

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-97.1-1 of the General Laws in Chapter 16-97.1 entitled
2 "Education Accountability Act" is hereby amended to read as follows:

3 **16-97.1-1. Performances of local education agencies and individual public schools —**
4 **Evaluation system — Assessment instruments — Reports.**

5 (a) The board of education (the "board") shall adopt a system for evaluating, on an annual
6 basis, the performance of both local education agencies ("LEAs") and individual public schools.

7 The system shall:

8 (1) Include instruments designed to assess the extent to which schools and LEAs succeed
9 in improving or fail to improve student performance, as defined by:

10 (i) Student acquisition of the skills, competencies, and knowledge called for by the
11 academic standards and embodied in the curriculum frameworks established in the areas of
12 mathematics, English language arts, science and technology, history and social studies, world
13 languages, and the arts; and

14 (ii) Other gauges of student learning judged by the board to be relevant and meaningful to
15 students, parents, teachers, administrators, and taxpayers.

16 (2) Be designed both to measure outcomes and results regarding student performance, and
17 to improve the effectiveness of curriculum and instruction.

18 (3) In its design and application, strike a balance among considerations of accuracy,
19 fairness, expense, and administration.

- 1 (4) Employ a variety of assessment instruments on either a comprehensive or statistically
2 valid sampling basis. Such instruments shall:
- 3 (i) Be criterion-referenced, assessing whether students are meeting the academic standards
4 described in this chapter;
- 5 (ii) As much as is practicable, especially in the case of students whose performance is
6 difficult to assess using conventional methods, include consideration of work samples, projects,
7 and portfolios, and shall facilitate authentic and direct gauges of student performance;
- 8 (iii) Provide the means to compare student performance among the various school systems
9 and communities in the state, and between students in other states and in other nations, especially
10 those nations that compete with the state for employment and economic opportunities;
- 11 (iv) Be designed to avoid gender, cultural, ethnic, or racial stereotypes; and
- 12 (v) Recognize sensitivity to different learning styles and impediments to learning, which
13 may include issues related, but not limited, to cultural, financial, emotional, health, and social
14 factors.
- 15 (5) Take into account, on a nondiscriminatory basis, the cultural and language diversity of
16 students in the state and the particular circumstances of students with special needs.
- 17 (6) Comply with federal requirements for accommodating children with special needs.
- 18 (7) Allow all potential English-proficient students from language groups in which English
19 language learner programs are offered opportunities for assessment of their performance in the
20 language that best allows them to demonstrate educational achievement and mastery of academic
21 standards and curriculum frameworks.
- 22 (8) Identify individual schools and LEAs that need comprehensive support and
23 improvement.
- 24 (9) Incorporate the department of elementary and secondary education's SurveyWorks
25 school climate indicators, or any other such future system used as a replacement or substitute for
26 SurveyWorks to measure school climate indicators, disaggregated by LEAs and individual public
27 schools.
- 28 (b) The board shall take all appropriate action to bring about and continue the state's
29 participation in the assessment activities of the National Assessment of Educational Progress and
30 in the development of standards and assessments by the New Standards Program.
- 31 (c) In addition, comprehensive diagnostic assessment of individual students shall be
32 conducted at least in the fourth, eighth, and tenth or eleventh grades. The diagnostic assessments
33 shall identify academic achievement levels of all students in order to inform teachers, parents,
34 administrators, and the students themselves, as to individual academic performance.

1 (d) The board shall develop procedures for updating, improving, or refining the assessment
2 system.

3 (e) The commissioner of elementary and secondary education (the “commissioner”) is
4 authorized and directed to gather information, including the information specified herein and such
5 other information as the board shall require, for the purposes of evaluating individual public
6 schools, school districts, and the efficacy and equity of state and federally mandated programs. All
7 information gathered pursuant to this section shall be filed in the manner and form prescribed by
8 the department of education (the “department”).

9 (f) The board shall establish and maintain a data system to collect information from school
10 districts for the purpose of assessing the effectiveness of district evaluation systems in ensuring
11 effective teaching and administrative leadership in the public schools. The information shall be
12 made available in the aggregate to the public; provided, however, that the following information
13 shall be considered personnel information and shall not be subject to disclosure:

14 (1) Any data or information that school districts, the department, or both, create, send, or
15 receive in connection with an educator assessment that is evaluative in nature and that may be
16 linked to an individual educator, including information concerning:

17 (i) An educator’s formative assessment or evaluation;

18 (ii) An educator’s summative evaluation or performance rating; or

19 (iii) The student learning, growth, and achievement data that may be used as part of an
20 individual educator’s evaluation.

21 (g) Each school district shall maintain individual records on every student and employee.
22 Each student record shall contain a unique and confidential identification number, basic
23 demographic information, program and course information, and such other information as the
24 department shall determine necessary. The records shall conform to parameters established by the
25 department.

26 (h) For the purposes of improving the performance of school districts, individual public
27 schools, and the efficacy and equity of state and federal programs, each district shall file with the
28 commissioner once in each three-year (3) period a comprehensive, three-year (3) district
29 improvement plan. The plan shall:

30 (1) Be developed and submitted in a manner and form prescribed by the department of
31 education.

32 (2) To the extent feasible, be designed to fulfill all planning requirements of state and
33 federal education laws.

34 (3) Include, but not be limited to:

- 1 (i) An analysis of student and subgroup achievement gaps in core subjects;
- 2 (ii) Identification of specific improvement objectives;
- 3 (iii) A description of the strategic initiatives the district will undertake to achieve its
4 improvement objectives; and
- 5 (iv) Performance benchmarks and processes for evaluating the effect of district
6 improvement initiatives.
- 7 (4) Describe the professional development activities that will support each district
8 improvement initiative and the teacher induction and mentoring activities that will be undertaken
9 to support successful implementation of the district's improvement efforts.
- 10 (i) On an annual basis, not later than September 1 of each year, each district shall prepare
11 and have available for state review an annual action plan. The district annual action plan shall:
- 12 (1) Enumerate the specific activities, persons responsible, and timelines for action to be
13 taken as part of the strategic initiatives set forth in the district's three-year (3) improvement plan;
14 and
- 15 (2) Identify the staff and financial resources allocated to support these activities.
- 16 (j) Annually, the principal of each school shall:
- 17 (1) In consultation with the school improvement team, adopt student performance goals for
18 the schools consistent with the school performance goals established by the department of
19 education pursuant to state and federal law and regulations;
- 20 (2) Consistent with any educational policies established for the district, assess the needs of
21 the school in light of those goals;
- 22 (3) Formulate a school plan to advance such goals and improve student performance. The
23 school's plan to support improved student performance shall:
- 24 (i) Include, but not be limited to, the same components required for the district
25 improvement plan;
- 26 (ii) Conform to department and district specifications to ensure that such school
27 improvement plans meet state and federal law requirements; and
- 28 (iii) Be submitted to the superintendent who shall review and approve the plan, after
29 consultation with the school committee, not later than July 1 of the year in which the plan is to be
30 implemented, according to a plan development and review schedule established by the district
31 superintendent; and
- 32 (4)(i) Prepare and have available for district and state review by July 1 annually, a report,
33 based on SurveyWorks or other data collection, that shall provide aggregated graduating student
34 data on race, ethnicity, and gender for the following:

- 1 (A) The total number of students graduating;
- 2 (B) The total number of students graduating who are applying for admission to a college,
3 university, or vocational training program;
- 4 (C) The total number of students completing a free application for federal student aid
5 (“FAFSA”) form; and
- 6 (D) The total number of students who are eligible to fill out and submit a FAFSA form.
- 7 (ii) The department shall include, in SurveyWorks or an equivalent data collection tool,
8 inquiries to collect the data and information referenced in subsection (j)(4)(i) of this section.
- 9 (k) The three-year (3) comprehensive district plan, annual district action plan, and annual
10 school improvement plan shall replace any district and school plans previously required under the
11 general laws or regulation, that, in the professional opinion of the commissioner, would be most
12 effectively presented as part of the coordinated district or school plan for improving student
13 achievement. The department shall identify any additional reports or plans called for by any general
14 law or regulation that can be incorporated into this single filing in order to reduce paperwork and
15 eliminate duplication.
- 16 (l) Each school district in which more than twenty percent (20%) of the students do not
17 meet grade-level expectations of at least proficient or its equivalent on the Rhode Island
18 comprehensive assessment system exam (“RICAS”) shall submit a RICAS success plan to the
19 department. The plan shall describe the school district’s strategies for helping each student to
20 master the skills, competencies, and knowledge required for the competency determination. In
21 recognition of the department’s mission as a district support agency, then at the request of the
22 district or in response to reporting data provided under this subsection, the department shall:
- 23 (1) Determine the elements that shall be required to be included in such plan. These
24 elements may include, but are not limited to, the following:
- 25 (i) A plan to assess each student’s strengths, weaknesses, and needs;
- 26 (ii) A plan to use summer school, after school, and other additional support to provide each
27 child with the assistance needed; and
- 28 (iii) A plan for involving the parents of students.
- 29 (2) Examine each district’s plan and determine if it has a reasonable prospect of
30 significantly reducing the school district’s failure rates.
- 31 (3) Coordinate oversight of the RICAS success plans with existing education review and
32 oversight functions and with the RICAS grant program.
- 33 (m) Each school district shall file a report with the department every year by a date and in
34 a format determined by the board. The report shall include, but not be limited to, the following:

- 1 (1) An outline of the curriculum and graduation requirements of the district;
- 2 (2) Pupil/teacher ratios and class size policy and practice;
- 3 (3) Teacher and administrator evaluation procedures;
- 4 (4) Statistics, policies, and procedures relative to truancy and dropouts;
- 5 (5) Statistics, policies, and procedures relative to expulsions and in-school and out-of-
- 6 school suspensions;
- 7 (6) Percent of school-age children attending public schools;
- 8 (7) Racial composition of teaching and administrative staff;
- 9 (8) Enrollment and average daily attendance; and
- 10 (9) The annual budgets and expenditures for both the district and the individual schools in
- 11 the district.

12 (n) Each school district shall file a description of the following instructional procedures
13 and programs with the department every year:

- 14 (1) Art and music programs;
- 15 (2) Technology education;
- 16 (3) Programs for gifted and talented students;
- 17 (4) Adult education programs;
- 18 (5) Library and media facilities;
- 19 (6) Condition of instructional materials, including textbooks, workbooks, audio-visual
- 20 materials, and laboratory materials;
- 21 (7) Types and condition of computers and computer software;
- 22 (8) Basic skills remediation programs;
- 23 (9) Drug, tobacco, and alcohol abuse programs;
- 24 (10) Multi-cultural education training for students and teachers;
- 25 (11) Global education; and
- 26 (12) Nutrition and wellness programs.

27 (o) Each school district and charter school shall file an annual report for the current school
28 year regarding implementation with the department on or before every November 1 in a format
29 determined by the board. The report shall include, but not be limited to, the following:

- 30 (1) The number of children receiving services within each disability category;
- 31 (2) The number of children, by grade level, within each disability category and the costs of
- 32 services provided by each such category for such children receiving their education in a publicly
- 33 operated day school program;
- 34 (3) The number of children, by grade level, within each disability category and the costs of

1 services provided by each category for these children receiving their education in a private day
2 setting;

3 (4) The number of children, by grade level, within each such disability category and the
4 costs of services provided by each such category for such children receiving their education in a
5 private residential setting;

6 (5) The number of children who remain in the regular education program full-time; the
7 number of children who are removed from the regular classroom for up to twenty-five percent
8 (25%) of the day; the number of children who are removed from the regular classroom between
9 twenty-five percent (25%) and sixty percent (60%) of the day;

10 (6) The number of children who are placed in substantially separate classrooms on a regular
11 education school site;

12 (7) The number of children, ages three (3) and four (4) who are educated in integrated and
13 separate classrooms; and the assignment, by sex, national origin, economic status, and race, of
14 children by age level, to special education classes and the distribution of children residing in the
15 district, by sex, national origin, economic status, and race of children by age level; and

16 (8) The number of children, by grade level, receiving special education services who have
17 limited English proficiency.

18 (p) Each school district and charter school shall furnish in a timely manner such additional
19 information as the department shall request.

20 (q) Each school district required to provide an English language learners program shall file
21 the following information with the department annually:

22 (1) The type of English language learners programs provided;

23 (2) With regard to limited English proficient students:

24 (i) The number enrolled in each type of English language learners program;

25 (ii) The number enrolled in English as a second language who are not enrolled in another
26 English language learners program;

27 (iii) The results of basic skills, curriculum assessment, achievement, and language
28 proficiency testing, whether administered in English or in the native language;

29 (iv) The absentee, suspension, expulsion, dropout, and promotion rates; and

30 (v) The number of years each limited English proficient student has been enrolled in an
31 English language learners program;

32 (3) The number of students each year who have enrolled in institutions of higher education
33 and were formerly enrolled in an English language learners program;

34 (4) The academic progress in regular education of students who have completed an English

1 language learners program;

2 (5) For each limited English proficient student receiving special education, the number of
3 years in the school district prior to special education evaluation and the movement in special
4 education programs by program placement;

5 (6) The number of limited English proficient students enrolled in programs of occupational
6 or vocational education;

7 (7) The name, national origin, native language, certificates held, language proficiency,
8 grade levels, and subjects taught by each teacher of an English language learners program, bilingual
9 aides or paraprofessionals, bilingual guidance or adjustment counselors, and bilingual school
10 psychologists;

11 (8) The per-pupil expenditures for each full-time equivalent student enrolled in an English
12 language learners program;

13 (9) The sources and amounts of all funds expended on students enrolled in English
14 language learners programs, broken down by local, state, and federal sources, and whether any such
15 funds expended supplanted, rather than supplemented, the local school district obligation;

16 (10) The participation of parents through parent advisory councils;

17 (11) Whether there were any complaints filed with any federal or state court or
18 administrative agency, since the program's inception, concerning the compliance with federal or
19 state minimum legal requirements, the disposition of the complaint, and the monitoring and
20 evaluation of any such agreement or court order relative to the complaint; and

21 (12) This information shall be filed in the form of the total for the school district as well as
22 categorized by school, grade, and language.

23 (r) The commissioner annually shall analyze and publish data reported by school districts
24 under this section regarding English language learners programs and limited English proficient
25 students. Publication shall include, but need not be limited to, availability on the department's
26 website. The commissioner shall submit annually a report to the committees of jurisdiction for
27 education in the house of representatives and senate on this data on a statewide and school district
28 basis including, but not limited to, by language group and type of English language learners
29 programs.

30 (s) For the purposes of this chapter, "local education agencies" shall include all of the
31 following within the state of Rhode Island:

32 (1) Public school districts;

33 (2) Regional school districts;

34 (3) State-operated schools;

- 1 (4) Regional collaborative schools; and
- 2 (5) Charter schools and mayoral academies.
- 3 SECTION 2. This act shall take effect upon passage.

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LC002336
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- EDUCATION ACCOUNTABILITY ACT

1 This act would incorporate the department of elementary and secondary education's
2 SurveyWorks school climate indicators disaggregated by local education agencies ("LEAs") and
3 individual public schools, or any other such future system used as a replacement or substitute for
4 SurveyWorks to measure school climate indicators for evaluating the performance of LEAs and
5 individual public schools.

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