Bill as Introduced

HB 139 – AS AMENDED BY THE HOUSE

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2003 SESSION

03-0140
04/09

HOUSE BILL ***139***

AN ACT relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

SPONSORS: Rep. Naro, Graf 15; Rep. Carson, Rock 75; Rep. Bleyler, Graf 17; Sen. Cohen, Dist 24; Sen. Estabrook, Dist 21

COMMITTEE: Education

AMENDED ANALYSIS

This bill provides for the collection and reporting of certain school drop-out, suspension, and expulsion data and makes certain changes to the deadlines for school districts and cities to submit certain reports to the department of education.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Delivery of an Adequate Education; Reporting of Certain Data. Amend RSA 193-E:3 to read as follows:

193-E:3 Delivery of an Adequate Education.

I. By April 1, 2000, each school district shall report to the department of education its data for the previous 12 months on its school and district performance indicators ***in a uniform manner.*** The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. ***The state board of education or the commissioner of the department of education shall ensure the accuracy and completeness of such data and shall take enforcement or other actions when necessary, including verification checks, for the purpose of enforcing the provisions of this section.***

(a) Performance indicators shall include the following areas:

(1) Attendance and ***annual*** drop-out rates ***and cumulative drop-out rates of eighth graders who do not graduate from high school.***

(2) School environment indicators, such as safe-schools data.

(3) Proportion of graduating students going on to post-secondary education, military service, and the workplace.

(4) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(5) Beginning December 1, 2004, and every year thereafter, expulsion and suspension rates, including in-house suspensions and partial day suspensions, which shall be reported for each school year.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

II. No later than December 1 ***of each year,*** the department of education shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis ***for all students for the previous school year, and beginning December 1, 2005, and every year thereafter, such data shall be disaggregated by the student subgroups specified in the No Child Left Behind Act of 2001.*** This report shall include demographic and student performance data including, but not limited to, school and district performance on state tests administered

pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, data provided under paragraph I, as well as other relevant statistics. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

2 Statistical Reports. RSA 189:28 is repealed and reenacted to read as follows:

189:28 Statistical Reports; Failure to File Report.

I. School boards of every school district or city, and the board of trustees of approved public academies, shall, on or before September 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the fall enrollment, drop-outs, teacher and administrator census, and average teacher salary, as of October 1 of each school year, shall be submitted to the department of education on or before October 15.

II. The information needed to determine compliance with performance or accountability measures of the school district or city under RSA 193-E:3, or the No Child Left Behind Act of 2001, shall be submitted to the department of education in a timely manner as determined by the department of education. If the department of education requests verification of information submitted, the school district or city shall provide corrected information or verification within 10 business days of such request. A school district or city shall maintain files of all records, data, and other information submitted pursuant to this section for not less than 5 years from the date of submission. The state board of education shall have access to such records, data, and information for the purpose of verifying the accuracy of reported information.

III. Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."

IV. The commissioner of the department of education may grant a school district or city up to a 30-day extension of the reporting deadline set forth in paragraph I. The commissioner of the department of education shall notify the governing body of the school district or city that all state aid

to education and all federal aid, if the report is required by federal law, shall be withheld until such time as complete and accurate information is submitted.

3 Submission of Data. Amend RSA 198:45 is repealed and reenacted to read as follows:

198:45 Submission of Data. School boards of every school district or city, and the board of trustees of approved public academies shall submit all records, data, or other information required under this subdivision in accordance with the provisions of RSA 189:28.

4 Penalty for Failure to File Report. RSA 198:4-f is repealed and reenacted to read as follows:

198:4-f Penalty for Failure to File Report. A school district or city shall file the report due under RSA 198:4-d, III no later than September 1 of each year. For just cause, the commissioner of the department of education may grant a school district or city up to a 30-day extension to this reporting deadline. The commissioner may further extend the deadline when unusual or unforeseen circumstances prevent a school district or a city from submitting the required report before the expiration of the extension provided in this section. The commissioner shall notify the governing body of the school district or city that all state aid to education shall be withheld until complete and accurate information is submitted.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Sen. O'Hearn, Dist. 12
May 20, 2003
2003-1700s
04/09

Amendment to HB 139

Amend the bill by replacing all after the enacting clause with the following:

1 Adequate Public Education; Reporting on the Delivery of Education. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Reporting on the Delivery of Education.

I. By August 1, 2003, and annually thereafter, each school district shall report data to the department of education, at the school and district levels for the previous school year, on the following indicators, provided that the department shall develop a reasonable schedule to phase-in the reporting of data that is not being collected systematically during school year 2002-2003:

(a) Numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major racial and ethnic groups.

(b) Annual and cumulative dropout rates for highschools and annual dropout rates for grades 7 and 8.

(c) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment.

(d) Percentage of graduating pupils going on to post-secondary education and military service.

(e) Number and percentage of classes taught by highly qualified teachers.

(f) Teacher and administrator turnover rates at the school and district levels.

II. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

III. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in paragraph I and all enrollment and cost data related to determining the cost of an adequate education.

IV.(a) Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles" and shall be made available at every school administrative unit for public review. It shall

include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan.

(b) A school or school district designated as in need of improvement under this paragraph shall have 30 days from the date of the report to appeal such designation to the commissioner of the department of education.

V. The department of education shall promote school improvement through annual recognition as deemed appropriate.

2 Statistical Reports. RSA 189:28 is repealed and reenacted to read as follows:

189:28 Statistical Reports; Failure to File Report.

I. School boards of every school district or city maintaining a school department within its corporate organization, and the board of trustees of approved public academies, shall, on or before September 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils in attendance and the average daily membership in residence. Information relating to the fall enrollment, drop-outs, teacher and administrator census, and average teacher salary, as of October 1 of each school year, shall be submitted to the department of education on or before October 15.

II. The information needed to determine compliance with performance or accountability measures of the school district or city maintaining a school department within its corporate organization under RSA 193-E:3, shall be submitted to the department of education in a timely manner as determined by the department of education. If the department of education requests verification of information submitted, the school district or city maintaining a school department within its corporate organization shall provide corrected information or verification within 10 business days of such request. A school district or city maintaining a school department within its corporate organization shall maintain files of all records, data, and other information submitted pursuant to this section for not less than 5 years from the date of submission.

III. Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's

governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."

IV. The commissioner of the department of education may grant a school district or city maintaining a school department within its corporate organization up to a 30-day extension of the reporting deadlines. The commissioner of the department of education shall notify the governing body of the school district or city maintaining a school department within its corporate organization that all state aid to education and all federal aid, if the report is required by federal law, shall be withheld until such time as complete and accurate information is submitted.

3 Submission of Data. Amend RSA 198:45 is repealed and reenacted to read as follows:

198:45 Submission of Data. School boards of every school district or city maintaining a school department within its corporate organization, and the board of trustees of approved public academies shall submit all records, data, or other information required under this subdivision in accordance with the provisions of RSA 189:28.

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5 Effective Date. This act shall take effect 60 days after its passage.

2003-1700s

AMENDED ANALYSIS

This bill provides for the collection and reporting of certain school drop-out, suspension, and expulsion data and makes certain changes to the deadlines for a school district and city maintaining a school department within its corporate organization to submit certain reports to the department of education.

Senate Education
May 21, 2003
2003-1744s
04/05

Amendment to HB 139

Amend the bill by replacing all after the enacting clause with the following:

1 Adequate Public Education; Reporting on the Delivery of Education. RSA 193-E:3 is repealed and reenacted to read as follows:

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(c) Performance on statewide tests administered pursuant to RSA 193-C:3, IV(i) including the percentage of pupils reading at grade level on the reading component of the grade 3 statewide educational assessment.

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II. The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

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include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan.

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II. The information needed to determine compliance with performance or accountability measures of the school district or city maintaining a school department within its corporate organization under RSA 193-E:3, shall be submitted to the department of education in a timely manner as determined by the department of education. If the department of education requests verification of information submitted, the school district or city maintaining a school department within its corporate organization shall provide corrected information or verification within 10 business days of such request. A school district or city maintaining a school department within its corporate organization shall maintain files of all records, data, and other information submitted pursuant to this section for not less than 5 years from the date of submission.

III. Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's

governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."

IV. The commissioner of the department of education may grant a school district or city maintaining a school department within its corporate organization up to a 30-day extension of the reporting deadlines. The commissioner of the department of education shall notify the governing body of the school district or city maintaining a school department within its corporate organization that all state aid to education and all federal aid, if the report is required by federal law, shall be withheld until such time as complete and accurate information is submitted.

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5 Effective Date. This act shall take effect 60 days after its passage.

2003-1744s

AMENDED ANALYSIS

This bill provides for the collection and reporting of certain school drop-out, suspension, and expulsion data and makes certain changes to the deadlines for a school district and city maintaining a school department within its corporate organization to submit certain reports to the department of education.

Committee Minutes

Date: April 23, 2003
Time: 1:15 p.m.
Room: 105-A SH

The Senate Committee on Education held a hearing on the following:

HB 139	(New Title) relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

Members of Committee present:
Senator O'Hearn
Senator Johnson
Senator Foster
Senator Larsen

The Chair, Senator Jane E. O'Hearn, opened the hearing.

I'd like to open the hearing on HB 139. I see the prime sponsor is Representative Naro but I know Deb is not the only one. So I would then like to call Representative Sharon Carson. I understand you had a subcommittee on this and this is the end result of the subcommittee work.

Representative Carson: yes. Good afternoon Madame Chair. As you're well aware Representative Naro is feeling very, very ill. She is not able to make it today. What I have is some testimony that Deb had submitted to the house. We went over some of the fine points and things that we'd like to talk about. I'll address those in this bill. She basically states "as the prime sponsor of HB 139 the aim is to make sure that we have an effective and comprehensive system on the state and school level to identify and address the problem of student dropout and suspension and expulsion rates. We already have a system or framework of data collection outlined in RSA 193-E: 3. Passed in 1998 this law requires school districts to report certain data to the Department of Education. The department in turn formats the data as required by the statute and reports it to the public. The reported data is supposed to show how schools and the state as a whole are doing in regard to the following performance indicators.

The first is the attendance and drop out rates. The second is school environment indicators such as safe schools data. The third is the proportion of students going on to post-secondary education, military and the workplace. The fourth is the performance on the NHEAP assessment tests. The fifth is locally developed indicators and assessment measures. While not a full accountability system, this system was and is conceptually sound. However, experience with the law over the past four years coupled with new developments and study suggest that several changes are in order which are addressed in this bill and amendment.

For example, while RSA 193-E: 3 requires that all school districts report school drop out rates, the New Hampshire Center for Public Policy Studies found that for the school year 2001-2002, 18% of New Hampshire High Schools did not report drop out data to the state. Of those that did there were several methodological problems that tended to understate the problem. Also, the way the data was collected and reported on an annual rather than a cumulative basis gave the impression that one in twenty students were dropping out rather than the true figure which was one in four students who started 9th grade.

There are collection enforcement and methodological problems in some of the other performance indicator areas as well. Suspension and expulsion rates are not even included as data elements even though they are clear indicators or correlates of how well schools are doing in educating all students and a forecaster of student drop rates in current and future anti-social or criminal activity.

The changes to RSA 193-E, which I am now proposing, are designed to ensure that the Department of Education receives complete and accurate dropout data and suspension and expulsion data as well as other data in the other performance indicator areas of the law. The changes also add a provision for desegregation of data by student subgroups beginning in the school year 2004-2005. The sub groups are low-income students, ESL students and students with disabilities. They are the ones listed in the reauthorization of the elementary and secondary education act of 2002, the no child left behind act. The 2004-2005 school year was chosen based on advice from the Department of Education as this was the date that the state has to begin reporting desegregated data under the no child left behind act.

We need to strengthen our current system to ensure it produces complete and accurate performance or outcome data broken down by schools, school districts and by the state as a whole. Only with complete and accurate data will schools themselves, the state, parents and the public know how their

schools are doing. And it is only with complete and accurate data that we will be able to pinpoint incorrect problems.

There are already many well documented approaches to reducing drop out, suspension and expulsion rates many of which have the additional benefit of improving test scores and post secondary placement rates. The Department of Education has in fact a number of pilot initiatives or projects in these areas. The merits of these programs along with others will be studied in a separate bill introduced by Senator Burt Cohen, which seeks to establish a committee to study methods to prevent or reduce the high school drop out rate.

The point is that without accurate and complete data, there is no baseline or impetus to adopt these programs. There is also no measure to determine if whether or not these programs are working for or whether the public's investment in schools is actually paying off.

Madame Chair, I'd like to thank you for listening to this testimony and I'd be happy to answer any questions.

Senator Jane E. O'Hearn, D. 12: A couple of questions. After the long hearing this morning they had some of this right out of 107. My first question would be on line 4 by April 1, 2000 each school district shall report their data. This then makes according to what we've done with the accountability bill that's there, reporting data twice a year. I think it's by August 1st. Why the date of April 1?

Representative Carson: I can't answer that. That was a date that Deb had put in there. I'm not sure if she got that in conjunction with speaking with the Department of Education. I know that in conversations we've had with Sally Fellows who's with the department who's here, we had talked about the dates and the dates are staggered for when they receive information. I really don't see a problem if that date needs to be corrected so that the information is collected all at once.

Senator Jane E. O'Hearn, D. 12: I just think if it's just for the previous 12 months of it's school districts performance indicators that we wait until after the school year. So it would be after June and ask for the past 12 months. My next question has to do with the cumulative drop out rates of 8th graders including the 8th graders in this and I agree. Was there any question on whether we have any 7th grade 16 year olds or 7th graders that are dropping?

Representative Carson: Madame Chair, I don't believe that question was asked. We did hear testimony from individuals that came in and from students themselves that a lot of times a teacher already knows about the time the student is in 8th grade whether or not they can predict whether or not that student is going to actually make it through high school. We thought it would be worthwhile to start looking at 8th graders to realize that this problem just doesn't happen in high schools. That students often start disengaging even before they get there. We need to start tracking some of these students and perhaps create some sort of intervention program. I know the Department of Education has already looked into doing something like this.

Senator Jane E. O'Hearn, D. 12: Number 5, under the delivery is 193-E: 3 part of 107?

Representative Carson: I believe so.

Senator Jane E. O'Hearn, D. 12: So in other words so what we have here is the house version of how you will amend 107?

Representative Carson: I don't have a problem with doing that. I think they work very well together and it's unfortunate that with time constraints we couldn't get the two of them together.

Senator Jane E. O'Hearn, D. 12: I just want to address a concern with Arabic 5. If the data has to depend on it's expulsion and suspension rates, in-house suspensions and it's used for accountability purposes, will they be under-reported or not happening if those rates get too high in order to protect the school image? That's one of the reasons we didn't include that because we were concerned that this would no longer happen in our schools.

Representative Carson: Well Madame Chair, I would hope that since it's in the law that they wouldn't be under-reporting. That they would be fairly accurate with these rates. Schools as I testified, schools would look at this and say, "do we have a problem here and is it something that we need to do something about?" Rather than hiding it under the rug and pretending that we don't have an issue here, it's going to let the schools, the school boards, the communities and the parents know that there might be an issue here and we might have to take proactive action here and allow a local community to do that within it's own district.

Senator Jane E. O'Hearn, D. 12: Provided the report goes through?

Representative Carson: Provided the report goes through.

Senator Jane E. O'Hearn, D. 12: Then page 2 line 10, statistical reports on failure to report. Is this a repeat of or rewrite of the bottom you already have now. It says if the statistics do not come in at a time after they're certified, money is withheld.

Representative Carson: I believe it is.

Senator Jane E. O'Hearn, D. 12: And failure to report. So this is not new language?

Representative Carson: As far as I know, no. We were informed by Sara Browning that this was not new language. This was already in statute.

Senator Jane E. O'Hearn, D. 12: Any questions? Senator Larsen.

Senator Sylvia B. Larsen, D. 15: Doesn't line, I'm sorry that I came in at the point you started this but doesn't on page 3 line 7, doesn't it say that the penalty for failure to report that's repealed and reenacted to read as follows, doesn't that mean it's new language.

Representative Carson: Senator Larsen, we were told by Sara Browning that this was already in statute. This was already in statute. This was nothing new.

Senator Jane E. O'Hearn, D. 12: Not quite the same. It refers to the same section, September 1st. I think what's new is this "at the end of 30 days the commissioner shall notify." This gives a 30-day grace period. Is that correct, the department may grant a 30-day extension to the reporting deadline. Any further questions? Thank you Representative Carson. In support also is Representative Clark but not speaking. Representative Bleyler but not speaking. She has written testimony. Richard Cohen would be next. In support and speaking.

Richard Cohen, Disabilities Rights Center: For the record my name is Richard Cohen. I'm the Executive Director of the Disabilities Rights Center

who I am representing. I'm passing out written testimony but with the fairly comprehensive testimony of Representative Carson and some of the questions that the Chair had.

See Attachment A

I'd just like to address some of the questions and some of the major points of the bill a little bit more extemporaneously. The first sort of issue that came up that the chair raised was the dates. I think that in looking at sort of parallel language of SB 107 I think actually some of the dates and time frames in there on areas that are similarly covered, that is RSA 193-E. I think actually SB 107 may in fact do a better job on the dates than this one. I think the April 1 date, which is at the very beginning of the bill, line 4, is the current date in law. That's the current law. But perhaps there needs to be more flexibility and I think Sally Fellows, I would defer to her. She is sort of the date person and knows when all of these things are coming in. So I think she certainly is the expert on what the dates are.

With regard to 107 as I think the Chair is aware because she was present, I did this morning in providing testimony to House Education on 107 took basically these same changes and proposed to House Education that they be embedded in that part of SB 107 that also addresses HB 139. It's slightly different but basically the same so that this bill and that bill can be simpatico. I assume that the legislators can work all of that out. There is a way to just take what's in here and put it in there if that's the preference of both bodies.

The sort of four key changes to... Let me point out one other thing in regard to this bill. The current date that the school districts are required to report to the Department of Education under 193-E is as they say in the trade, secondary indicators. They're not the indicators of course that schools are held accountable on. This is just for reporting purposes and the public can know etc. There not the primary indicators for example are in SB 107, the new 193-G portion of that. Schools would not be unless the suspension, expulsion piece for example or any of these pieces were in the primary indicator section of SB 107, schools would not be held accountable on this in the no child left behind sense. Let me put it that way. But this would be valuable information and we think suspension, expulsion rates for reasons that were mentioned by Representative Carson and cumulative drop out rate are important indicators of how schools are doing. If there's an alarming increase in suspension and expulsion and we get a lot of information at the Disabilities Rights Center. We're actually doing a survey right now since we don't believe that the data that the state gets is accurate. There's a huge

number of suspensions and expulsions and we think that's a very important thing to track as well as cumulative drop out rate.

With the regard to the issue of whether it is tracked from the 8th grade, I think perhaps that language could be deleted and the amendment which I believe reads "attendance and annual drop out rates and cumulative drop out rates of 8th graders who do not graduate from high school." I think it would be acceptable and I consulted with Doug Hall on this by the way about an hour ago. Deleting 8th graders who do not graduate from high school would be acceptable. Having the 8th graders in could create problems because there could be kids who have transferred in from other schools. I think as the chair pointed out this could leave out potentially 7th graders if there are 16 year olds. I think it's sufficient to have cumulative dropout rates.

The other two sort of key provisions to this bill are the need to disagregate data and I've spoken about this before. This allows again school administrators, the public, students, legislators to know not only how schools are doing as a whole with regard to all students but how on these indicators, how schools are doing with regard to kids with ESL, slow income kids, kids with disabilities by disagregating it we were able to focus in on those subgroups. So that if a school is doing well as a whole and not doing well by certain subgroups that fact isn't masked and people can focus in on it. We think that adding this disagregation provision in the bottom of the first page is essential. It is certainly consistent with no child left behind. It is consistent with education reform literature about focusing in on the groups who are most needy. Sometimes schools struggle to do well by.

The final sort of piece to this bill is strengthening some language around the state boards authority and obligation to enforce situations where they're getting either incomplete or inaccurate data. And there are a number of provisions that do that. I always find it interesting that we have 100 auditors to audit budgetary expenditures of people. But on critical performance data on how well schools are doing, this could be in human services as well, we don't seem to be doing the same sorts of verification checks that we do on money.

I think that this bill doesn't necessarily say that there have to be audits but it does authorize the department to do verification checks where it feels that data is perhaps not accurate. If some under reporting came up on suspension and expulsion, the department would have an obligation to perhaps look at that more closely through some sort of verification. There's other provisions which allow the department to request more information from the school districts to verify data. I believe it is a new provision. The chair raised the issue of whether all of the amendments to, all of the language to 189:28 is

new. Without doing a side by side, my recollection is, and if Sally testified, Sally Fellows, maybe she can clarify. Roman 2 on page 2 and Roman 4, I believe are new. Roman 4 in particular allows a 30 day extension if the data isn't provided according to the deadline but then does require the commissioner to withhold funds until the data is provided. It doesn't mean that the funds will not be forever denied, it just means that they're withheld during the period in which the data is tardy. Again, we think that's important. If schools are doing well, people need to have confidence in that fact.

Right now a lot of people suspect all the various data. If there is enforcement, if there is verification, people can have confidence when a school looks like it's doing well. When a school isn't doing well in certain areas we can rely on that data and then we can be better assured of improvements. We think that these changes are not really substantial. They're really to what is considered the secondary indicator part of this whole accountability piece. I think it, again allows the public to know what is going on. It allows schools to have better data in which then to make necessary corrections to improve the delivery of education to students.

For that reason we support it. I would also add that this did pass 16-3 by House Education and I don't think there was any opposition from any source and the Department of Education is also supporting this bill, at least supportive.

Senator Jane E. O'Hearn, D. 12: Thank you. Questions of the committee? My one question, I should have posed it to Representative Carson, but maybe you can answer it. Is the purpose of this legislation for the collection of data or is it to address the dropout rate.

Mr. Cohen: Well I think it's both because the dropout and suspension and expulsion because 193-E talks about the importance of collecting data. But in the very last Roman Numeral of I think 193-E, I think 193-E II it talks about "that the report shall be organized," I'm reading from line 6 on page 2. The report, "shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, weaknesses and the development of it's local education improvement and assessment plan." So I think that's in SB 107. It just keeps that same language. Again it's data that's helpful for the public to know but also to enable the schools to figure out where their strengths and weaknesses are.

Senator Jane E. O'Hearn, D. 12: I'm not sure that isn't existing law.

Mr. Cohen: That's in existing law.

Senator Jane E. O'Hearn, D. 12: That's in existing law. So there's really no change to.

Mr. Cohen: That's right. That's existing law.

Senator Jane E. O'Hearn, D. 12: Further questions of the committee? Thank you.

Senator Jane E. O'Hearn, D. 12: Paul Leather in support from the Department of Education and Sally Fellows.

Paul Leather, Director of Adult Learning and Rehabilitation with the Department of Education: As noted on the form the department does in fact support this bill. We've been working very closely with the subcommittee in the house that has been looking at the bill and the amendments to the bill. We are in favor. We recognize that over the last year or two there's been increased attention on the whole issue of dropouts including how data is collected in terms of dropouts.

We've been attempting over the last year or two to really step up the attention that the department is placing both on the collection of the data, the uniform collection of that data, the consistency of that data with both state and federal requirements as well as what can be done both at the state and the local level relative to addressing both drop out prevention and drop out recovery. So for that reason we support the intent of this bill which we understood to first of all make the data more uniform but also to provide a base of information that would allow us evaluate efforts at the state and local level to improve the dropout rate across the state.

If I could just speak to a couple of points that we have shared with the House subcommittee and have already come up to some degree. But I'll give you our position on them. As you know, Sally is here and if there is anyone here who is an expert on the data of the department it's Sally.

The first item is the date under line 12, Roman numeral 1. We're recommending that be worded annually so that it can be folded into the reports as they are currently done rather than citing an actual date which as you know from the earlier legislation has gone by, if you will, April 1, 2000.

Senator Jane E. O'Hearn, D. 12: 193-E: 3?

Mr. Leather: Am I looking at the right one?

Ms. Fellows: We actually have, the copies that we have are actually the same text but they were printed differently so the pages don't line up.

Senator Jane E. O'Hearn, D. 12: That's why I'm not asking you specific lines, I'm asking you sections.

Mr. Leather: Line 4 of Roman numeral 1. Section 1 of Roman numeral 1.

Senator Sylvia B. Larsen, D. 15: You'd like to change that to annually?

Mr. Leather: Annually instead of by April 1, 2000.

Senator Jane E. O'Hearn, D. 12: Maybe you don't know the answer to this but I'm not sure if I know the answer to this without having the bill in front of me, in SB 107 I think it's August 1st and I think that's what we had in law before is August 1st so that you had annually.

Unidentified Speaker: Jane, SB 107 does read by August 1st 2003 annually thereafter.

Senator Jane E. O'Hearn, D. 12: Annually. Would it be better to do August 1st so that school districts have a deadline and you know schools know that they have to get it in by a specific certain date rather than September 1st or October 1st?

Ms. Fellows: Actually that August 1 is not going to work either. It will work for some of the items but it won't work for dropout rates because the dropout data is as of, collected as of October 1 and the reporting deadline is October 15th.

Mr. Leather: Which has to do with the definition of dropouts.

Ms. Fellows: It's hard. I think it's probably fair to say that one date won't work for everything.

Mr. Leather: I think what we are saying is that this April 1st date doesn't make any sense.

Ms. Fellows: Actually we would have absolutely nothing that is due April 1st.

Mr. Leather: It won't work for this in particular.

Senator Jane E. O'Hearn, D. 12: I think my concern is that, isn't it a concern having data coming in at different times for different things.

Ms. Fellows: No. Actually it works better because if everything came in all at once then my staff would just be overloaded with, for that couple of months. Just completely overloaded. Spreading things out helps. It depends on what the piece of information is. Some of the information is fall enrollment related information that we collect in October. Other things are end of the year. August 1 works fine for end of the year information which the current deadline for that is September 1.

Senator Sylvia B. Larsen, D. 15: Could you in these performance indicators list, could you include the dates you would like to have them in by?

Ms. Fellows: Are you speaking about? Which bill?

Senator Sylvia B. Larsen, D. 15: I'm talking about 193-E: 3 Roman 1 small a.

Mr. Leather: Are you talking about HB 139? You're referring to that bill?

Senator Sylvia B. Larsen, D. 15: You have attendance and drop out rates required to be reported. School environment indicators. Portions graduating. You could put dates you'd like to have that information in by.

Ms. Fellows: We could do that.

Senator Sylvia B. Larsen, D. 15: At least include on the ones.

Senator Jane E. O'Hearn, D. 12: Following up on Senator Larsen, part of the proportion of graduating students going on and performance on the state tests falls into accountability. You need those for a specific time in order to start weighing things. Something as minor as (inaudible) becomes a major thing. Resolving this. Specific timelines on that would be helpful.

Senator Sylvia B. Larsen, D. 15: Only put dates on those that are particularly critical that they be in by a certain date.

Mr. Leather: I guess we would just ask whether you felt it was necessary to have that entirely in statute. We could provide you with our best guesstimate about that as to when it would be best provided to the department.

Senator Sylvia B. Larsen, D. 15: Would have a no later than so it wouldn't be...

Senator Jane E. O'Hearn, D. 12: You'll need a section in here on rules because otherwise you've been given a 30-day extension, 30 days from what?

Mr. Leather: From the due date that we provide.

Senator Jane E. O'Hearn, D. 12: That you provide.

Mr. Leather: You're right. It would be something that would be covered in rules.

Senator Jane E. O'Hearn, D. 12: That way I thought, just thinking that, all the paperwork the schools are going to have to do not to mention what they have to do for special ed. Now what they have to do for state requirements on adequacy, now federal requirements on no child. How much are we overburdening our schools with paperwork of filling out the data? So they're data related and not education related.

Mr. Leather: What you're getting is why we're recommending if the state could be a little looser with that requirement. Stating it annually and we would try to bring the state and the federal into balance.

If I could continue. The next item that we did share was, I want to make sure that I have the right citation but it's section 1 Roman, numeral 1, paren 4. "Performance on state tests administered pursuant to RSA 193-C." We'd recommend you strike "and other standardized tests administered at local option." That really has to do with the fact that that's been in place for some time and we've been serving district utilization of standardized tests and we've never reached that threshold so it's been a fairly onerous process that is not really resulted in anything so we just as soon if we could at this point in time strike that requirement.

Senator Jane E. O'Hearn, D. 12: So all the way to the end of the sentence where it ends in statistics?

Mr. Leather: No, it's just again Roman numeral 1, paren 4, "performance in state tests administered pursuant to RSA 193-C."

Senator Jane E. O'Hearn, D. 12: I'm already looking at it in another place.

Ms. Fellows: It is, I think, in two other places.

Senator Jane E. O'Hearn, D. 12: Which would require us to remove (inaudible)

Ms. Fellows: We could give you the copy that shows where it is.

Mr. Leather: In Roman numeral 1 A 1, we'd also like to recommend that it be worded "attendance and annual drop out rates and cumulative drop out rates." As the previous speaker addressed, there are a number of concerns that we have about the added phrases, eighth graders who do not graduate from high school. Please understand that we certainly recognize that there are issues relative to students who start to delay later in elementary and middle schools and the impact therein. I'm not sure that by starting to count them as of the eighth grade however you're going to really capture that in a statistical way.

Secondly, because of the way New Hampshire Districts and Schools are organized, this in terms of the collection process becomes quite complex. When you think about the fact that a given district might in fact send students to a number of different high schools coming out of middle, it starts to get fairly complex. We'd rather again keep it at annual drop out rates and cumulative drop out rates and define that again through rule making process and in consistency with the federal language.

Senator Jane E. O'Hearn, D. 12: Does the federal language include kids below. How do we get an indication of the kids that are below high school level that are dropping out?

Ms. Fellows: No child left behind refers to high school dropout rates. The difficulty with developing a rate that includes eighth grade through twelfth grade is that we have no schools that have eighth grade and twelfth grade in it. To try to combine schools to make a rate is where it starts to make it not feasible. There are some districts. You might be able to do a district rate in some cases but we have many districts that are only eighth grade and below and they send their students to a regional high school. Then you have places like Manchester where eighth grade and below are primarily Manchester students but once you get to the high school you have kids coming from Bedford and from some of the other places. So the numbers just aren't there. The numbers don't work out to come out with a single rate that says 10% or 20% that's eighth grade plus high school.

It doesn't mean that there's nothing to be done or nothing to be recorded about seventh and eighth grade. At the moment, we don't collect those numbers but we can collect just the numbers of seventh and eighth graders who do drop out. That's entirely feasible. To try and make them into some rate that's combined with the high school is the part that's not going to work.

Senator Jane E. O'Hearn, D. 12: Is there a way we can add a sentence in here then to indicate what the cumulative rate of non-high school students would be?

Ms. Fellows: I can't think of any way to make a cumulative rate out of it. We can get a count. We can count the number of seventh and eighth graders. If you tried to make a rate out of it you could say number of seventh or eighth graders who dropped out divided by the numbers of seventh and eighth graders that there are. Because the seventh and eighth graders are always in the same school so we can do that. We can have a separate rate that is for seventh and eighth graders. It would be different schools. It wouldn't be the high schools. It would be middle school or elementary school.

Senator Jane E. O'Hearn, D. 12: If you could get the wording for me in a way that you could collect it and analyze it so that we could have that number of seventh and eighth graders or kids that are..

Ms. Fellows: So a high school dropout rate and a cumulative rate. Then a seventh and eighth grade rate that is not cumulative. So two different rates.

Senator Jane E. O'Hearn, D. 12: That would change the law that made available junior high dropping out. So they wouldn't be the numbers collected.

Ms. Fellows: When we last collected it a couple of years ago, my recollection is that the number of seventh and eighth graders who dropped out across the whole state was over 100 but it wasn't over 150. One of the things we've done since then is that we've changed the definition significantly of dropouts. So by tightening up the definition we may find that the count is lower or we may find out it's higher. I don't know. We can do that. We can have a separate collection of seventh and eighth graders.

Senator Jane E. O'Hearn, D. 12: Would you provide the wording on that for me?

Mr. Leather: As you've already noted but I'll just cite, on page 2, I think of the version that you're taking a look at on line 5, there's also again the reference "on other standardized tests administered at local option by at least 25% of school districts. We'd recommend striking that as well. Consistent to the earlier comment and then lastly on page 2, line 36, "the commissioner of the Department of Education may grant a school district or city up to a 30 day extension of the reporting deadlines." Strike "set forth in paragraph one" and the reason for that is when this bill was drafted there was a redrafting of the original paragraph 1 so it was split in both paragraph one and two. So

rather than leave it as just paragraph one because I think we're talking about reports in both, just strike that piece of it and refer to deadlines. I know this is all technical but we just want to get it on the record.

Senator Jane E. O'Hearn, D. 12: I'll go back to the page 2 in the bill. Lines 1 and 2. "Other standardized tests administered at local option." Now the question, line 2, end it at "districts" or end it at the end of the sentence "statistics?"

Ms. Fellows: Cross out the part between the 2 parentheses so it will read "state tests administered pursuant to RSA 190-3:C as well as other relevant statistics."

Senator Jane E. O'Hearn, D. 12: OK. There's a date on the last page, Arabic 4 "penalty to failure to report, to file a report." It is the second line, 198-4:F. Second line of that paragraph. No later than September 1st. September 1st an appropriate day?

Ms. Fellows: For today it works but if you're making that change in the accountability bill to change that to August 1, then the date that you're looking at here should be August 1.

Senator Jane E. O'Hearn, D. 12: There is no penalty for data collection in accountability. But this is I believe federal, state law. 198-4:F I know we have penalties in the law already but I'm not sure if this is a change in the day or if this is something new.

Ms. Fellows: I believe the current 198, F says that "if the school districts don't submit their report then their aide will be withheld for" I think the word used is "ensuing school year." That has little effect with respect to reports coming in on time because the reports, if the reports are due in September or October or November, the ensuing school year doesn't begin until the following July. So we have reports coming in 2 or 3 months late but they're all in by the following July. I believe the intent was to give that current statute more teeth by making it take effect immediately.

Senator Sylvia B. Larsen, D. 15: When I compared 198:4-f to the existing law there is some new language in HB 139. It still allows for a 30 day extension but the language that says in line 9 of our copies "for just cause, the commissioner of the department of education may grant a school district or city a 30-day extension." That is new language. The just cause language is new. That's not in the existing statutes. Then there's more new language in line 11 where it starts, "the commissioner may further extend the deadline when unusual or unforeseen circumstances prevent a school district from

submitting the required report." That whole sentence is new. That's not in existing law. The language of notifying the governing body that state aid will be withheld until, the current law says, until the report is filed the state aid for the upcoming fiscal year. That's current law. "Shall be withheld until the final report is filed." So there's some minor changes in that as well. It's actually clearer in current law because it says "all state aid to education shall be withheld" and current law says "state aid to education for the upcoming fiscal year." That is clearer is it not? If you're notified by September 30, it's a matter of which state aid is being withheld.

Ms. Fellows: And when the state aid is being withheld. Because the departments interpretation of the current law is that if the report is due September 1 and they don't get their report in then their aid can be withheld but not until you get to the following July which effectively has no teeth. Nobody is still outstanding 8 months later.

Senator Sylvia B. Larsen, D. 15: So you believe that it would be better to have the language in the HB 139 that says "the commissioner shall notify the governing body that all state aide to education shall be withheld." That implies immediate.

Ms. Fellows: Immediately.

Mr. Leather: With those previous sentences.

Ms. Fellows: The way this is currently drafted in the bill it suggests, my interpretation of what it says is that if the report is due, doesn't matter when it's due, August 1 and the reports due August 1 and the district for some reason just can't get it in by August 1 they can ask for an extension. The commissioner can say yes I give you an extension until September 1but they will not receive any state aide or if federal aide is applicable, any of the federal aide until their report is received. So even though the commissioner grants the extension, the aide is withheld until they get the information in.

Senator Sylvia B. Larsen, D. 15: How much of a problem is this that you need to have this kind of a hammer that they're not submitting the data. How many districts are non-compliant?

Ms. Fellows: I'd say for the major reports, like the fall enrollment report which is due October 15th and the average daily membership, the stuff that's currently due September 1, I would say that about 1/3 of the districts get them in within 1 week of the deadline. Not even 25% before the deadline but a lot of them roll in within the next 2 or 3 days. Then another maybe 30% will come in maybe within two weeks following the deadline. The majority of

the rest of them will come in a month after the deadline and then there will be stragglers. There's also sometimes we have problems, we get a report, we look at it and we identify a problem. We call them up and we say, "these numbers don't make a lot of sense. Could you please check them and get back to me?" They're not always very good at getting back. We have to call them several times.

Mr. Leather: I guess it would make the case that many cases of these reports, both the general court and the federal government is expecting the roll up of the data, the full reports by a certain date. A date certain on the other end. Often we are questioned as to both the veracity and the quality of the data. What we are saying is that we need a way to capture this data in more certain terms.

Senator Joseph A. Foster, D. 13: I just wanted to ask a question on what you had in mind on line 7-10 of the bill. "State Board of Education or the commissioner of the department of education shall ensure the accuracy and completeness of such data and shall take enforcement or other actions when necessary, including verification checks." What do you have in mind there and do you have the staff to do it?

Ms. Fellows: The department didn't craft that language. In terms of the issue of verification.

Senator Joseph A. Foster, D. 13: It sounds like an audit to me and that's expensive and time consuming.

Ms. Fellows: It is. There are different levels by which you can verify data and what we do now is we do the best we can with the data that is in front of us. We compare it to the prior year. We compare sometimes cross reports to make sure there is consistency there. We look for outlyers like any district reports to us that their attendance is 99.5%. We say we can't figure that there's something wrong here and you need to check it. Sometimes it depends on the circumstances and it depends on the availability on the resources and human resources. So this bill gives the department the authority to do those checks. To what extent the department would ask a district to just send us backup documentation or actually to go so far as to go out for a site visit would depend on the circumstances to the extent we think there's an error. The resources we have available to do that.

Senator Joseph A. Foster, D. 13: It does say "shall" it doesn't say "may." It is telling you that you have to do it.

Mr. Leather: I think there was also the sense that with some additional federal resources that we would have some additional capacity to perform this through the resources coming in through no child left behind. We do want to just state that you have to balance that with the pressures both at the federal and most particularly at the state level where we have seen some cutbacks at the state level in this area so it might be that we'll have more capacity coming in from the federal level but less from state and other sources. Our overall capacity may be the same or a little more or a little less. What I'm sharing with you is that we're not sure yet as to where we'll end up standing in terms of having the capacity to perform this.

Senator Joseph A. Foster, D. 13: Does this need a fiscal note? Does this take resources out the department? I noted that the bill looks like in the House started as a study committee, I guess. I came in late. I'm sorry.

Mr. Leather: I actually believe in talking with Sara Browning late yesterday that she did have a request for a fiscal note at that point in time. I think she's indicating what I just stated which that there has been a balancing of the resources. We're trying to figure where we're ending up in terms of our capacity to perform this particular function.

Senator Jane E. O'Hearn, D. 12: Any further questions of the committee? Thank you. That is all that I have that would like to speak. Is there someone who would like to speak again or did not sign up? Please come forward.

Peter Antal, Research Director with Children's Alliance of New Hampshire, Director of Kid's Count Data Project: I wanted to come here today to offer a few brief words about the importance of the bill relative to the public of New Hampshire.

See Attachment B

There are three areas.

Relative to the reporting of cumulative drop out data. Based on the research that we did on a statewide basis and looking at the number of eighth graders enrolled versus the number that graduated by 2001, there was a 24% drop in that population. So about 4,000 children had dropped out sometime between eighth grade and twelfth grade. That's based on an estimate of actual enrolled students statewide from between those years. While that information would be available every couple of years as the data is available for the Kid's Count project, I think that the information such that will be available on a yearly basis and reported cumulative fashion would help the

public much better understanding of the severity of the drop out problem in New Hampshire and take better action accordingly.

The second point is relative to the collection of suspension and expulsion data by specific groups, including students with disabilities. One of the major new findings that we have is that we were able to look at some of the Kids Count data for children who were born in 1984 and 1985 who are now 18 years of age. Of those students who were in the special education program and who had exited, approximately 340 of them had exited the special ed system because they had dropped out of high school. Of that group, 40% of those children had at some point in their lives been identified with an emotional disturbance disability. To the extent that speaks to the potential lack of necessary supports for children especially dealing with emotional disturbance problems. And the host of other children that being just the tip of the iceberg speaks to the necessity of having a better overall awareness and assessment of the extent to which children are being expelled or suspended within the school systems.

The last point I wanted to mention relative to the Kids Count data is the importance of having an understanding of variables such as income and it's potential impact on how students perform in school. Looking at the 2001 NHEIP data for third graders there was a marked difference between those students that lived in the wealthiest school clusters versus those that live in the poorest areas to the point that there was a 12 or 13 point difference. Keep in mind that there's only a 100 point maximum range in the NHEIP score, that amount of difference is considered to be a major and important difference to note and it speaks to the fact that there is a very strong likelihood of a correlation between where children live and their economic circumstances and their ability to perform, learn, educate and grow in school and in their communities.

So as a policy that would help the education department to have a better understanding of the extent to which individual circumstances such as income or poverty are related to performance. That would be important to understand in terms of developing more of a strategic approach for developing better education policy.

Senator Jane E. O'Hearn, D. 12: Questions from the committee? The first question is dealing with the emotionally disturbed youth that drop out. Do you know if they went elsewhere or if they actually dropped out?

Mr. Antal: Based on the data that was available is that their last point of entry into the special education system is that they said that they exited and

there was no further entry and that their last exit reason was that they dropped out of school and therefore no longer receiving special ed services.

Senator Jane E. O'Hearn, D. 12: The next question dealing with community wealth. How do you determine that?

Mr. Antal: It is based off of 4 indicators of the US census including median family income, per capita income, percent of children in poverty and let me see. Median family income in 1999, per capita income in 1999, percent of 0-17 year olds below poverty level and the percent of person below 185% of poverty level. What we had done is that we took each of those factors and ranked school districts based on the accompanying towns based on each of those variables. We developed a cumulative estimate of relative wealth for each of those areas and then ranked in order all the elementary school districts from lowest to highest, separating into 5 different groups.

Senator Jane E. O'Hearn, D. 12: What was your last one, percent of those living in poverty?

Mr. Antal: Percent of those persons below 185% of poverty level. So all 4 of those indicators are drawn from the 2000 census.

Senator Jane E. O'Hearn, D. 12: Did you do any correlation with on how it relates to free and reduced lunch?

Mr. Antal: There's a definite relationship. That's one of the pieces that will be coming out in the Kids Count report, which will be released in May.

Senator Jane E. O'Hearn, D. 12: Is it similar?

Mr. Antal: The kids that were living in the poorest areas were much more dependent on free or reduced lunch program as opposed to children growing up in the wealthiest elementary districts.

Senator Jane E. O'Hearn, D. 12: You must be very pleased with No Child Left Behind because it targets poor children.

Mr. Antal: To the extent that the system is able to provide a comprehensive method for ensuring that all these issues are addressed. I think one of the evolving issues that some of the Kids Count material talks about is the need to start incorporating more of an understanding of not only poverty but also other socioeconomic issues that aren't necessarily identified by No Child Left Behind but which need to be, should be brought into the discussion of how education policy is planned so that it is able to target some of those other

areas that traditionally are not incorporated into the thinking of who's responsible for what and to start seeing education issues as not just education but part of a larger community issue.

Senator Jane E. O'Hearn, D. 12: Thank you. Any further questions of the committee?

Mr. Antal: Thank you.

Senator Jane E. O'Hearn, D. 12: Is there anyone else who wishes to speak or speak for a second time. Thank you. I'll close the hearing on HB 139

Hearing closed at 2:25 p.m.

Respectfully submitted,
Recorded by Meredith Chandler

Pamela Manocchi

Transcribed by
Pamela Manocchi

Attachments

Attachment A

Disabilities Rights Center, Inc.
18 Low Avenue, PO Box 3660 • Concord, NH 03302-3660
(603) 228-0432 • 1-800-834-1721(Both Voice/TTY) • fax: (603) 225-2077
e-mail: advocacy@drcnh.org

• Protection and Advocacy System for New Hampshire •

STATEMENT RELATIVE TO HB 139

This bill as recommended by House Education in a 16 to 3 vote and passed by the House will provide better and more reliable information on how New Hampshire's students and schools are performing. It does this by strengthening our current system of reporting performance indicator data under RSA 193-E and one other statute. RSA 193-E was enacted after the Claremont II decision. It was passed to further the state's policy of providing "all" New Hampshire's students the opportunity obtain a quality education to prepare them for successful participation in all aspects of society and education which is consistent with New Hampshire's curriculum frameworks.

RSA 193-E requires the Department to collect data from the school districts and then report on it publicly, by schools, by school district and statewide in the following "performance indicator areas."

- Attendance and drop out rates
- School environmental indicators, such as safe-schools data.
- Proportion of students going on to post-secondary education, military, and the workplace.
- Performance on NHEIAP assessment tests
- Locally developed indicators and assessment measures

RSA 193-E:3 also calls for the use of the data by school districts in the "development of its local education improvement ...plans" detailed in RSA 193-C. This provision in effect makes the need to study whether data should be used for corrective purposes moot. Again, current law already provides for it.

Testimony, which focused on experience with the law as well as several related developments, demonstrated that changes or enhancements were needed. Four changes or types of changes were recommended then approved by the House.

The first change gives more enforcement authority to assure that data collected is accurate and complete. This is accomplished through changes to RSA 193-E:3, Section I and to RSA 189:28, by:

--requiring schools to provide verification information upon request

--requiring schools to retain data for 5 years

--authorizing the department to perform verification checks and take enforcement action, including withholding of funds if data is incomplete or not timely reported after extensions.

Much time and energy is spent collecting data. It is unfair to all stakeholders and to the schools who do report fully and in good faith, if some schools fail to live up to their obligations.

Data and obviously accurate data is important at every level. First and foremost schools must know how they are doing in order to see if programs are working and what to do if they are not. Parents, other stakeholders and the public at large have a need and right to know how schools are doing in educating society's children. The performance indicators are important measures of how schools are doing. This legislature has already determined this. These changes just better assure it. We should have confidence in data that show the many schools performing well and have a right to know which schools are under-performing so improvements will be better assured.

Several illustrations were provided the House of some of the data reliability problems. For example, a June 2002 study by the NH Center on Public Policy Studies[1] revealed several serious collection and methodological problems with the way in which the drop out data is reported to the Department of Education (DOE). 18% of the districts did not report drop out data. The manner in which the data is collected and reported gives the impression that 1 in 20 students drop out where the real figure is closer to 1 in 4.

A July 22, 2002 study by the Disabilities Rights Center of 20% of the school districts showed that a majority of the school districts did not report any post-secondary data for school year 1999-2000, as required by the law. This data was gathered from the DOE website. While improvements have occurred since, the data that is collected is of questionable accuracy

The second change requires that drop out data, which already must be collected, be reported in a cumulative as well as in an annual format for the reasons indicated and elaborated on in the NH Center of Public Policy Studies June 2002 report.

The third change adds suspension and expulsion rates to the law. Actually the state is currently under an obligation to do this under other laws. By bringing suspension and expulsion under this law, it is recognized as an important indicator of how schools are addressing children's needs. This change also makes clear that so-called in-house and

[1] This study is available at http://www.unh.edu/nhcpps/dropouts.pdf.

partial day suspensions are to be reported. These types of suspension or exclusions are important to know. They often "fly under the radar screen," but can result in much missed instructional time and have many of the same consequences as conventional suspension. This change is not to say that some students should not be suspended, but rather that it is important to track it. As with the other data categories, if a school is suspending 10% of its students and the state average is 3%, and some schools are as low as .05%, the 10% rate at the very least raises a red flag for the school, parents and the community to investigate more and determine whether corrective strategies are needed. Without data in this category, the discussion may not even begin, or begin too late. It is well documented that suspension and expulsion leads to or correlates to low performance, drop out, and anti-social or criminal activity.

Fourth, the proposed amendment calls for disaggregation of all data beginning with the 2004-2005 school year for certain subgroups of students i.e. ESL and low income students, students with educational disabilities, and racial and ethnic minorities.. Much of the federal and state education reform initiatives and legislation around country places heavy emphasis on these groups of students. The discussion of targeting some of the adequacy aid toward poorer towns in New Hampshire is a recognition of the importance of this issue. The need to collect data for these subgroups was also recognized by this Committee and the Senate in its recent passage of SB 107.

By disaggregating, schools and the state have a way to measure progress of the neediest groups. A school could perform well on the RSA 193-E indicators for most of its students, but poorly for a subgroup. Without disaggregation, neither the school nor others may see the subpar performance of the subgroups thus making it less likely that corrective strategies will be implemented. This is the currently the problem with students with disabilities. In most schools (though significantly not in all) students with disabilities perform poorly on the NHEIAP relative to the rest of the student population. This is the case even for students with learning disabilities and orthopedic impairments, where a large gap would not be expected. However, currently DOE does not display disaggregated on the website with its aggregated data, and the disaggregated data is not otherwise widely distributed. Thus little light is shed on this problem and insufficient corrective action taken.

In sum, the changes proposed to RSA 193-E:3, while for the most part not major and consistent with the intent of the legislature in enacting the law in 1998, will better aid schools and the state in fulfilling its obligation to provide an opportunity for each and every student in New Hampshire to acquire a good education.

Richard Cohen, Esq., Executive Director
Disabilities Rights Center 4/23/03

Attachment B

Children's Alliance of New Hampshire

RAISING OUR VOICES FOR CHILDREN

Senate Education Committee

Hearing on House Bill 139. April 23, 2003

Testimony of Peter Antal, Research Director, Children's Alliance of NH

Thank you for the opportunity to comment on and offer my support for HB 139. For the following reasons, the Children's Alliance believes the bill is of significant importance to effective education policy:

- **Relative to the reporting of cumulative drop out data**

Based on Kids Count research on the New Hampshire graduating class of 2001, an estimated 24% of students had dropped out of school between eighth grade and the date of their graduation. While Kids Count data on this statistic will likely be available approximately every two years, requiring schools to report the cumulative rate on an ongoing basis enables parents and other community leaders to come to a better, and more timely, understanding of the extent to which the youth in their communities are at greater risk for poor economic, health and safety outcomes.

- **Relative to the collection of suspension and expulsion data by specific groups, including students with disabilities.**

A Kids Count analysis of special education data on youth born in 1984-1985 found that over 40% of youth who exited the special education system and dropped out of high school had, at some point during their lives, been identified with an emotional disturbance disability. Unfortunately, little is known about the characteristics of these cases and whether or not certain services or supports could have helped some of these youth to stay in school. This finding supports the argument that much more is needed to be known about the occurrence of suspensions and expulsions, particularly reasons they occur and the rate of occurrence by school district.

- **Relative to the dis-aggregation of data by income**

New Kids Count research demonstrates a strong correlation between community wealth and educational outcomes among children. An analysis of 2001 3rd grade NHEIAP scores in elementary school districts found that children attending school in the wealthiest districts scored, on average, 258 in Language Arts and 260 in Math. However, for children in the poorest districts, average scores for Language Arts was 245 and, for Math, only 248. Given that the maximum range of NHEIAP test scores is only 100 points, the 13 point difference in Language Arts and the 12 point difference in Math scores is substantial. By understanding more about the socio-economic characteristics of students, educational policy can more strategically address factors, such as a prevalence of low income families, that are likely to impact education.

Board Members
Joffree Barrnett
Kelly Clark
Elisa Cleary
Nan Clough
Clark Dumont
Michele Grennon
Douglas Hatfield
Richard Herman
Elizabeth Janeway
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Ellen Shemitz

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Tel: (603) 225-CANH (2264) • Fax: (603) 225-8264 • E-mail: info@ChildrenNH.org • www.ChildrenNH.org

A MEMBER OF THE NATIONAL ASSOCIATION OF CHILD ADVOCATES

Attachment C

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

19 Rocky Hill Lane
Lyme, NH 03768
April 21, 2003

Dear members of Senate Education Committee:

As one of the cosponsors of HB 139, I am writing in support of this bill. Although the existing state law, RSA 193-C:3, which was passed in 1998 requires school districts to report data to the Department of Education pertaining to high school graduation rates, drop out rates, and other measures relating to performance, the data are incomplete and do not present a state-wide comparative picture. HB 139 provides the means to improve the data being reported and thereby increases our understanding of how our schools are measuring up.

In order to improve educational outcomes, we need to first understand the current situation across the entire state and be able to identify those schools that need attention. One of the important improvements to the reporting requirement in this bill is that cohort dropout data will be reported based on how many students begin the ninth grade and the cumulative drop out rate, not just a yearly count. Another improvement is that the data will be disaggregated by subgroups (low income students, students with disabilities, students with English as their second language, and minority students). All stakeholders will know how the schools, districts, and the state as a whole compare within the various subgroups.

Please support this much needed bill which will play an important role in understanding our state-wide school performance and providing the data necessary to improve our schools.

Thank you,

Representative Ruth Bleyler, Grafton District 17

Recommended Changes by DOE - Paul Leather + Sallie Fellows 4/23/03

HB 139 – AS AMENDED BY THE HOUSE

2003 SESSION

03-0140
04/09

HOUSE BILL ***139***

AN ACT relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

SPONSORS: Rep. Naro, Graf 15; Rep. Carson, Rock 75; Rep. Bleyler, Graf 17; Sen. Cohen, Dist 24; Sen. Estabrook, Dist 21

COMMITTEE: Education

AMENDED ANALYSIS

This bill provides for the collection and reporting of certain school drop-out, suspension, and expulsion data and makes certain changes to the deadlines for school districts and cities to submit certain reports to the department of education.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

changes recommended by Dot L. Leather and S. Fellows

25mar03...0849h

HB 139 – AS AMENDED BY THE HOUSE

03-0140
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Delivery of an Adequate Education; Reporting of Certain Data. Amend RSA 193-E:3 to read as follows:

193-E:3 Delivery of an Adequate Education.

I. ~~By April 1, 2000~~ annually, each school district shall report to the department of education its data for the previous 12 months on its school and district performance indicators ***in a uniform manner***. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. ***The state board of education or the commissioner of the department of education shall ensure the accuracy and completeness of such data and shall take enforcement or other actions when necessary, including verification checks, for the purpose of enforcing the provisions of this section.***

(a) Performance indicators shall include the following areas:

(1) Attendance and ***annual*** drop-out rates ***and cumulative drop-out rates***~~, of eighth graders who do not graduate from high school~~.

(2) School environment indicators, such as safe-schools data.

(3) Proportion of graduating students going on to post-secondary education, military service, and the workplace.

(4) Performance on state tests administered pursuant to RSA 193-C~~, and other standardized tests administered at local option~~.

(5) Beginning December 1, 2004, and every year thereafter, expulsion and suspension rates, including in-house suspensions and partial day suspensions, which shall be reported for each school year.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

II. No later than December 1 ***of each year,*** the department of education shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis ***for all students for the previous school year, and beginning December 1, 2005, and every year thereafter, such data shall be disaggregated by the student subgroups specified in the No Child Left Behind Act of 2001***. This report shall include demographic and student performance data including, but not limited to, school and district performance on state tests administered

pursuant to RSA 193-C, ~~other standardized tests administered at local option by at least 25 percent of school districts, data provided under paragraph I~~, as well as other relevant statistics. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C ~~and on other standardized tests administered at local option by at least 25 percent of school districts.~~ The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

2 Statistical Reports. RSA 189:28 is repealed and reenacted to read as follows:

189:28 Statistical Reports; Failure to File Report.

I. School boards of every school district or city, and the board of trustees of approved public academies, shall, on or before September 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the fall enrollment, drop-outs, teacher and administrator census, and average teacher salary, as of October 1 of each school year, shall be submitted to the department of education on or before October 15.

II. The information needed to determine compliance with performance or accountability measures of the school district or city under RSA 193-E:3, or the No Child Left Behind Act of 2001, shall be submitted to the department of education in a timely manner as determined by the department of education. If the department of education requests verification of information submitted, the school district or city shall provide corrected information or verification within 10 business days of such request. A school district or city shall maintain files of all records, data, and other information submitted pursuant to this section for not less than 5 years from the date of submission. The state board of education shall have access to such records, data, and information for the purpose of verifying the accuracy of reported information.

III. Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."

IV. The commissioner of the department of education may grant a school district or city up to a 30-day extension of the reporting deadline ~~set forth in paragraph I~~. The commissioner of the department of education shall notify the governing body of the school district or city that all state aid

to education and all federal aid, if the report is required by federal law, shall be withheld until such time as complete and accurate information is submitted.

3 Submission of Data. Amend RSA 198:45 is repealed and reenacted to read as follows:

198:45 Submission of Data. School boards of every school district or city, and the board of trustees of approved public academies shall submit all records, data, or other information required under this subdivision in accordance with the provisions of RSA 189:28.

4 Penalty for Failure to File Report. RSA 198:4-f is repealed and reenacted to read as follows:

198:4-f Penalty for Failure to File Report. A school district or city shall file the report due under RSA 198:4-d, III no later than September 1 of each year. For just cause, the commissioner of the department of education may grant a school district or city up to a 30-day extension to this reporting deadline. The commissioner may further extend the deadline when unusual or unforeseen circumstances prevent a school district or a city from submitting the required report before the expiration of the extension provided in this section. The commissioner shall notify the governing body of the school district or city that all state aid to education shall be withheld until complete and accurate information is submitted.

5 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SENATE EDUCATION COMMITTEE

Date 04/23/03 Time 1:15 PM Public Hearing on **HB 139**

(New Title) relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
X	☐	☐	Representative Naro	Prime Sponsor
☒	☒	☐	Paul Leather	Dept of Education
☒	☒	☐	Rep. Sharon Carson	Dist 75
☐ Not Speaking	☒	☐	Claire Clarke	Dist 35
☐	☒	☐	Rep. Ruth Bleyler	Co-sponsor, Grafton Dist 17
☐	☒	☐	Bonnie Dunham	Self
☐	☐	☐	Richard Cohen	Disabilities Rights Ctr
☑	☐	☐	Peter Antal	
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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: May 22, 2003

THE COMMITTEE ON Education

to which was referred House Bill 139

AN ACT (New Title) relative to the collection and reporting of school drop-out, suspension, and expulsion data and relative to the deadlines for submitting certain reports to the department of education.

VOTE: 2-0

2003-1744s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Carl R. Johnson
For the Committee

HB139 Docket

Bill Title: (2nd New Title) relative to the collection and reporting of school drop-out, suspension, and expulsion data; relative to the deadlines for submitting certain reports to the department of education; and establishing a statewide education accountability system.

Date	Body	Description
1/9/2003	H	Introduced and ref to Education; HJ8, p108
1/9/2003	H	Copy to Chairman on 1/9/2003
1/9/2003	H	Hearing Jan 21 2:00 RM207,LOB
1/22/2003	H	Subcom Work Session Jan 29 9:00 RM207,LOB
1/29/2003	H	Subcom Work Session Feb 5 9:00 RM207,LOB
2/12/2003	H	Subcom Work Session Feb 19 9:00 RM207,LOB
2/19/2003	H	==CANCELLED==Subcom Work Session Mar 12 9:00 RM207,LOB
3/10/2003	H	Rescheduled Subcom Work Session Mar 19 9:00 RM207,LOB
3/19/2003	H	Maj Report OTP/AM for Mar 25 (Vote 16-3;Reg)
3/19/2003	H	Prop Comm Am{0849}(New Title); HC26, p680-681
3/25/2003	H	Comm Am, AA VV; Passed with Am VV; HJ 29-pt 2, p904-906 + 967
4/3/2003	S	Introduced and Ref. to Education; SJ 11, Pg.273
4/11/2003	S	Hearing; April 23, 2003, Room 105-A, SH, 1:15 p.m.; SC18
5/22/2003	S	Committee Report; Ought to Pass with Amendment{1744}, [05/29/03]; SC24, Pg.8-10
5/29/2003	S	Committee Amendment{1744}, AA, VV; SJ 18, Pg.489-491
5/29/2003	S	Sen. O'Hearn Floor Amendment{1866},(New Title), AA, VV; SJ 18, Pg.491-496
5/29/2003	S	Ought to Pass with Amendments{1744},{1866},(New Title), MA, VV; OT3rdg; SJ 18, Pg.496
5/29/2003	S	Passed by 3rd Reading Resolution; SJ 18, Pg.517
6/5/2003	H	House Nonconc with Sen Am req Conf Comm, Rep S L'Heureux MA VV; HJ 47, p1495
6/5/2003	H	(Spkr appts: Reps S. L'Heureux, Naro, Carson & M Carter)
6/5/2003	S	Sen. O'Hearn Accede to House Request For Committee of Conference, MA, VV; SJ 19, Pg.654-655
6/5/2003	S	President Appoints; Senators O'Hearn, Green, Foster; SJ 19, Pg.655
6/6/2003	H	Conf Comm meeting June 11 9:00 RM207,LOB
6/19/2003	S	Committee of Conference Report; New Am.{2074}, Filed;
6/24/2003	S	Conference Committee Report{2074}, Adopted, VV; SJ 20, Pg.762-767
6/24/2003	H	Conf Comm Report Adopted VV;
6/30/2003	S	Enrolled Bill Amendment{2300},(New Title), Adopted, VV
6/30/2003	H	Enrolled Bill Amendment{2300}, (New Title), Adopted, VV
6/30/2003	H	Enrolled
6/30/2003	S	Enrolled;