

Amendment to SB 266

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to administration of school assessment and accountability programs by the
4 department of education.
5

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

7
8 1 New Paragraph; Statewide Education Improvement and Assessment Program; Definitions.
9 Amend RSA 193-C:2 by inserting after paragraph III the following new paragraph:

10 III-a. "N-size" means the student sample size necessary to disclose or display data to ensure
11 maximum student group visibility while protecting student privacy.

12 2 Program Goals; Assessment. Amend RSA 193-C:3, II to read as follows:

13 II. Since the program is not a minimum competency testing program, assessment
14 instruments should be designed to reflect the range of learning exhibited by students. The
15 assessment portion of the program shall consist of a variety of assessment tasks that measure
16 academic standards and are objectively scored. The assessment instruments shall include, but not
17 be limited to:

18 (a) Constructed response items which require students to produce answers to questions
19 rather than to select from an array of possible answers.

20 (b) A writing sample.

21 (c) ~~Other~~ Open-ended performance tasks.

22 (d) ***Other item types identified by the department and testing entity, as***
23 ***necessary, to appropriately measure student learning.***

24 3 Assessment Required. Amend RSA 193-C:6 to read as follows:

25 193-C:6 Assessment Required.

26 I. A statewide assessment ***of mathematics and English and language arts*** shall be
27 administered in all ~~[school districts]~~ ***chartered public schools, public schools, and public***
28 ***academies*** in the state ~~[once in an elementary school grade, once in a middle school grade]~~ ***in each***
29 ***of the grades 3 through 8***, and one grade in high school. ~~[For those years in grades 3 through 8 in~~
30 ~~which the school district does not administer the statewide assessment, the school district, in~~
31 ~~consultation with the department and as part of the statewide education improvement and~~
32 ~~assessment program, shall develop and administer its own assessment or shall administer a~~

Amendment to SB 266

- Page 2 -

1 ~~standardized assessment that identifies a pupil's range of learning and yields objective data to use in~~
2 ~~improving instruction and learning.]~~ ***A statewide assessment of science shall be administered***
3 ***in all chartered public schools, public schools, and public academies in the state once in***
4 ***grade 5, once in grade 8, and one grade in high school.***

5 ***II. A school district may choose to participate in a locally-developed, alternative***
6 ***assessment program, in place of the statewide assessment, if such a program is offered by***
7 ***the department and approved by the United States Department of Education.***

8 ***III.*** All public school students in the designated grades shall participate in the assessment,
9 unless such student is exempted from taking the test by his or her parent or legal guardian, or
10 provided that the commissioner of the department of education may, through an agreement with
11 another state when such state and New Hampshire are parties to an interstate agreement, allow
12 pupils to participate in that state's assessment program as an alternative to the assessment required
13 under this chapter.

14 ***IV.*** Home educated students may contact their local school districts if they wish to
15 participate in the statewide assessment. Private schools may contact the department of education to
16 participate in the statewide assessment.

17 ***V.*** The department may use the College Board SAT or ACT college readiness assessment to
18 satisfy the high school assessment requirements of this chapter.

19 ***VI.*** The statewide assessment results of a student or the student's school district shall not
20 be included as part of the student's transcript unless the student, if 18 years of age or older, or the
21 student's parent or legal guardian if the student is under 18 years of age, consents.

22 ***VII.*** A school district shall not penalize any exempted student nor shall the department of
23 education or the state board of education penalize any school district for a lower participation rate.
24 A school district shall develop a form to be signed by the parent or legal guardian of any student
25 exempted from the assessment. The school district shall provide an appropriate alternative
26 educational activity for the time period during which the assessment is administered. The
27 alternative activity shall be agreed upon by the school district and the parent or legal guardian of
28 the student. The name of the parent or legal guardian and any specific reasons disclosed to school
29 officials for the objection to the assessment shall not be public information and shall be excluded
30 from access under RSA 91-A.

31 4 Anonymity of Pupil Assessment Results. Amend RSA 193-C:11 to read as follows:

32 193-C:11 Anonymity of Pupil Assessment Results; Parental Authorization Required. Individual
33 pupil names or codes contained in the statewide assessment results, scores, or other evaluative
34 materials shall be deleted for the purposes of records maintenance and storage of such results or
35 scores at the department of education, unless a parent or legal guardian provides written
36 authorization otherwise, or as required under federal law. Individual pupil results shall be made
37 available to a parent, a legal guardian, or the pupil's school in accordance with the Family

Amendment to SB 266
- Page 3 -

1 Educational and Privacy Rights Act, 20 U.S.C. 1232g. ***For the purposes of public reporting, the***
2 ***state shall use a minimum n-size of 11 to maintain student data privacy.***

3 5 Pupil Assessment Information. Amend RSA 193-C:12 to read as follows:

4 193-C:12 Pupil Assessment Information.

5 I. The department shall provide the testing entity as defined in RSA 189:65, VIII, with
6 individual pupil names and unique pupil identifiers, ***and other demographic and statistical***
7 ***information necessary to comply with state and federal reporting.*** The testing entity shall
8 maintain the results, scores, or other evaluative materials for the purpose of measuring and
9 reporting individual student growth.

10 II. The department may provide, or may request the testing entity to provide, the
11 assessment results and comparative data to a parent, a legal guardian, or the pupil's school as
12 provided in RSA 193-C:11. The department may collect, and the districts shall provide, student
13 address information from the individual school districts solely for the purpose of effectuating the
14 distribution of assessment results and comparative data as provided in this section.

15 III. The report shall be provided to parents in an informative and instructional manner to
16 help children meet challenging state academic standards and advance student learning.

17 IV. The testing entity shall destroy all student data ~~[after 8 years]~~ ***on a schedule***
18 ***determined by the state contract with the testing entity.***

19 V. ***Student data shall not be disclosed by the testing entity to any person,***
20 ***organization, entity, or government or any component thereof, other than the parent or***
21 ***guardian, the department, or the school or school district, and shall not be used by the***
22 ***testing entity for any other purpose except as provided in RSA 193-C:12.***

23 6 School Performance and Accountability; Comprehensive Support and Improvement School.
24 Amend RSA 193-H:1, III to read as follows:

25 III.(a) "Comprehensive support and improvement school" means:

26 (1) Any school that accepts federal funds from Title I, Part A of ESSA and is among
27 the 5 percent lowest performing Title I schools in the state as defined by the New Hampshire
28 consolidated state plan required for ESSA ~~[dated January 19, 2018]~~.

29 (2) Any school that is among the lowest performing 5 percent of all schools in the
30 state based on the same methodology used in subparagraph (1) ***regardless of Title I status.***

31 (3) Any high school with a graduation rate of less than ~~[69]~~ **67** percent ~~[over 2~~
32 ~~consecutive years]~~.

33 (b) The department shall produce initial determinations of comprehensive support and
34 improvement schools in the fall of 2018, using data from the 2017-2018 school year. Subsequent
35 determinations shall be made ~~[every 3 years following the initial identification period]~~ ***based upon***
36 ***a schedule set forth in the New Hampshire consolidated state plan. The purpose of the***
37 ***consolidated state plan is to provide parents with quality, transparent information about***

1 *how the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every*
2 *Student Succeeds Act (ESSA), will be implemented in New Hampshire as submitted by the*
3 *state and approved by the federal Department of Education.*

4 (c) Those schools identified as comprehensive support and improvement schools, that
5 also receive Title I, Part A funds through ESSA, may also receive federal Title I school improvement
6 funds, if available, to assist in improvement activities.

7 (d) *Any school that demonstrates and meets criteria established as a*
8 *comprehensive support and improvement school pursuant to subparagraph (a) shall be*
9 *identified as a school in need of corrective and technical assistance and subject to RSA*
10 *193-E:3-e.*

11 7 School Performance and Accountability; Targeted Support and Improvement Schools. Amend
12 RSA 193-H:1, VII to read as follows:

13 VII. "Targeted support and improvement schools" means:

14 (a)(1) Any school with at least one consistently low performing subgroup as defined by
15 the state's methodology documented in the New Hampshire consolidated state plan required for
16 ESSA [~~dated January 19, 2018~~]. Additional targeted support and improvement schools are those
17 schools with subgroups of students that, on their own, would fall below the thresholds used to
18 identify all schools for comprehensive support and improvement. The department shall produce
19 initial determinations of targeted support and improvement schools using data from the 2017-2018
20 school year. Subsequent determinations shall be made[~~annually following the initial identification~~
21 ~~period~~] ***based upon a schedule set forth in the New Hampshire consolidated state plan.***

22 (2) Any school that demonstrates and meets criteria established as a targeted
23 support and improvement school pursuant to subparagraph (a) shall be identified as a school in need
24 of corrective and technical assistance and subject to RSA 193-E:3-e.

25 (b) Those schools identified for targeted support and improvement schools, that also
26 receive Title I, Part A funds through ESSA, may also receive federal Title I school improvement
27 funds, if available, to assist in improvement activities.

28 8 School Performance Targets. Amend RSA 193-H:2 to read as follows:

29 193-H:2 Statewide Performance Targets.

30 I. [~~On or before the 2018-2019 school year, schools shall ensure that all pupils are~~
31 ~~performing at the proficient level or above on the statewide assessment as established in RSA 193-C.~~

32 II. [~~In addition to the requirement of paragraph I,~~] Schools shall meet performance based
33 indicators under this chapter, and statewide performance targets as approved by the legislative
34 oversight committee established in RSA 193-C and thereafter, as established in rules adopted by the
35 state board of education pursuant to RSA 541-A.

36 [~~III.~~] II. Notwithstanding RSA 541-A, the state board of education shall receive approval
37 from the legislative oversight committee established in RSA 193-C prior to the submission of any

Amendment to SB 266

- Page 5 -

- 1 rules to the joint legislative committee on administrative rules relative to statewide performance
- 2 targets and performance based indicators required under this section.
- 3 9 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 266
- Page 6 -

2023-2390h

AMENDED ANALYSIS

This bill modifies the statewide education improvement and assessment program and the school performance and accountability program as administered by the bureau of assessment and accountability in the department of education.