Introduced by Representative Scheuermann of Stowe

Referred to Committee on

Date:

Subject: Education; annual student performance reports

Statement of purpose of bill as introduced: This bill proposes to require that annual student performance reporting required under State and federal law be designed to maximize the amount of grade-specific and school-specific student performance information as possible and to require that the State Board of Education and Secretary of Education update applicable student performance reporting rules and operating systems.

An act relating to annual student performance reports

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

(a) Beginning with academic year 2018 information, annual reporting to the public of student performance data must comply with federal law changes set forth in the federal Every Student Succeeds Act (ESSA) and the State’s ESSA State Plan approved in 2017 by the U.S. Department of Education.

(b) The Agency of Education implemented material changes to its data suppression techniques that is applied to the annual reporting to the public of
student performance data that materially reduced the data available to the
public on a per grade and per school basis without the approval of the State
Board of Education as required by State law and State Board of Education
Rule Series 2500.

(c) Citizens of Vermont since June 2019 have been denied access to student
performance data that was available to it from 2005 to 2017 due to this data
suppression methodology change implemented by the Agency of Education.

Sec. 2. REPORTING OF STUDENT ACADEMIC PERFORMANCE

(a) Annual student performance reporting required under State and federal
law shall, to the extent consistent with State and federal student privacy laws
and with reporting statistically reliable information, be designed to maximize
the amount of grade-specific and school-specific student performance
information as possible.

(b) On or before December 31, 2021, the State Board of Education shall
update its Series 2500 Rules (School Accountability System Based on Student
Achievement) to conform these rules with State and federal law. The State
Board shall consider best practices in updating these rules, and shall:

(1) set the State’s N-size for purposes of student performance reporting
at 11 under the Every Student Succeeds Act, Pub. L. No. 95-114 (20 U.S.C.
§ 6301 et. seq.), where N-size means the number of students from a group for
that group to count as a viable group for purposes of student performance
reporting under the Every Student Succeeds Act;

(2) set the category size for purposes of student performance reporting
within a subgroup at three, which is used for reporting on a category of an
outcome measure for the subgroup; and

(3) include a description of the reporting data suppression logic.

(c) On or before December 31, 2021, the State Board of Education shall
approve the State’s Plan under the Every Student Succeeds Act.

(d) On or before July 1, 2022, the Secretary of Education shall:

(1) update its student performance reporting operating system to
conform with the State Board’s Series 2500 Rules, the State’s Plan under the
Every Student Succeeds Act, and State and federal law;

(2) prior to implementation, test the efficacy of the student performance
reporting operating system with superintendents, principals, school boards, and
the public and consider and respond to their feedback; and

(3) post and maintain on the Agency of Education’s website a narrative
description of the student performance reporting operating system’s data
suppression logic, which shall include examples and be designed to be readily
understandable by the public.

(e) The annual student performance reports required under State and
federal law for the 2022–2023 school year shall also include the reports for the
2018–2019, 2019–2020, and 2021–2022 school years, which shall be prepared
in conformance with the State Board’s updated Series 2500 Rules, the State’s
Plan under the Every Student Succeeds Act as approved by the State Board,
and State and federal law.
Sec. 3. AUDIT

On or before December 1, 2021, the State Auditor shall audit the Agency of
Education’s management of student performance data and reporting for the
2018–2019 and 2019–2020 school years to determine if the Agency was in
compliance with then-existing statutes and rules and shall report its findings to
the General Assembly.
Sec. 4. APPROPRIATION OF FUNDS

Notwithstanding any provision of law to the contrary, $40,000.00 is
appropriated from the Education Fund to the State Board of Education for
fiscal year 2022 for the State Board to fulfill its obligations under Sec. 1 of this
act.
Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.