

1 H.372

2 Introduced by Representative Scheuermann of Stowe

3 Referred to Committee on

4 Date:

5 Subject: Education; annual student performance reports

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

12 An act relating to annual student performance reports

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

14 Sec. 1. FINDINGS

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

19 (b) The Agency of Education implemented material changes to its data  
20 suppression techniques that is applied to the annual reporting to the public of

1 student performance data that materially reduced the data available to the  
2 public on a per grade and per school basis without the approval of the State  
3 Board of Education as required by State law and State Board of Education  
4 Rule Series 2500.

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

8 Sec. 2. REPORTING OF STUDENT ACADEMIC PERFORMANCE

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

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

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

1 that group to count as a viable group for purposes of student performance  
2 reporting under the Every Student Succeeds Act;

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

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

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

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

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

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

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

20 (e) The annual student performance reports required under State and  
21 federal law for the 2022–2023 school year shall also include the reports for the

1     2018–2019, 2019–2020, and 2021–2022 school years, which shall be prepared  
2     in conformance with the State Board’s updated Series 2500 Rules, the State’s  
3     Plan under the Every Student Succeeds Act as approved by the State Board,  
4     and State and federal law.

5     Sec. 3. AUDIT

6         On or before December 1, 2021, the State Auditor shall audit the Agency of  
7     Education’s management of student performance data and reporting for the  
8     2018–2019 and 2019–2020 school years to determine if the Agency was in  
9     compliance with then-existing statutes and rules and shall report its findings to  
10    the General Assembly.

11    Sec. 4. APPROPRIATION OF FUNDS

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

16    Sec. 5. EFFECTIVE DATE

17         This act shall take effect on passage.