



HOUSE BILL 798: Low-Performing Schools.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 2, 2019
Introduced by:	Reps. Elmore, Bell, Brockman	Prepared by:	Kara McCraw
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: *HB 798 would change the selection process for schools in the Innovative School District (ISD), make additional changes to the ISD statutes, require additional reporting by local boards of education to county commissioners on the academic performance of certain schools, and require additional study on changes to the ISD and statutes related to low-performing schools.*

CURRENT LAW: Article 7A of the Chapter 115C establishes the Innovative School District (ISD). Schools are selected by the State Board of Education (SBE) to be supervised in the ISD if they meet qualifying criteria and are recommended by the ISD Superintendent. To qualify, the school must be a low-performing school that meets one of the following criteria:

- a) The school earned an overall school performance grade in the lowest 5% of all schools in the prior school year that:
 1. Served students in grades kindergarten through fifth (K-5).
 2. Did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years, and
 3. Was not using a continually low-performing school reform model.
- b) The school (i) received a school performance score in the lowest ten percent (10%) of all schools in the prior school year that include all or part of grades kindergarten through fifth and (ii) was designated by the local board of education (LBE) for consideration by the SBE as an innovative school.

Once selected, a LBE may either transfer the school to the ISD or close the school. The SBE may select up to 5 schools statewide to include in the ISD. Once transferred to the ISD, the school becomes an innovative school. The SBE must select an innovative school operator (IS operator), an entity that meets certain criteria related to improving student performance, to operate the school for a period of 5 years. If no IS operator can be found, the ISD may serve as the operator.

LBEs with schools transferred to the ISD may request to create an innovation zone that may include up to 3 continually low-performing schools or all low-performing schools if that is more than 35% of the unit. Low-performing schools in innovation zones become an innovative school if the school does not exceed expected growth in the last 2 of the 5 consecutive years in the innovation zone.

BILL ANALYSIS: HB 798 would make the following changes to the ISD:

- **Definition of Qualifying School:** Replace the current definition for a qualifying school with a requirement that the school meet at least one of the following criteria in the school year prior to identification:

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- A Title I school in the lowest performing 5% of school performance grades of all Title I schools.
- A school serving students in grades nine through 12 that failed to graduate one third or more of its students.
- A school identified by the State Board of Education as being in need of comprehensive support and improvement under the federal Elementary and Secondary Education Act of 1965, due to at least one consistently underperforming subgroup.
- **Selection from 2019-2020 to 2022-2023:** Require, for each year from 2019-2020 through 2022-2023, that the SBE select the lowest scoring school, based on the school performance score, in the State to become an innovative school.
- **Selection Process Beginning with 2023-2024:** Beginning with selection of schools for the 2023-2024 school year, require the SBE to select innovative schools as follows:
 - **Lists:** Schools would be placed on 3 lists before being transferred into the ISD.
 - **Year 1 - Qualifying List:** Notice would be given to the local board of the status, along with considerations for improvement. The ISD Superintendent, or designee, would hold a public hearing to provide information to parents, teachers, and community members on the ISD selection process, as well as resources for comprehensive support and improvement to assist in plans for improvement of the school.
 - **Year 2 – Watch List:** If the school was on the qualifying list the year before, and still meets the definition of a qualifying school, the school would be moved to a watch list. Notice and considerations for improvement would be provided, and the LBE would hold a public hearing to share information with parents and employees about potential impacts of the designation and plans for improvement of the school. The ISD Superintendent, or designee, would also present at the public hearing to provide information to parents, teachers, and community members on the ISD selection process, as well as resources for comprehensive support and improvement to assist in plans for improvement of the school.
 - **Year 3 - Warning List:** If the school was on the watch list in the prior year, and still meets the definition of a qualifying school, the school would be moved to a warning list. Notice and considerations for improvement would be provided, and the LBE would hold a public hearing to share information with parents and employees about potential impacts of the designation, including the possibility of becoming an innovative school, and plans for improvement of the school. The ISD Superintendent, or designee, would also present at the public hearing to provide information to parents, teachers, and community members on the ISD selection process, as well as resources for comprehensive support and improvement to assist in plans for improvement of the school. The LBE would also present information at a public meeting to the county commissioners on the school's performance and efforts by the LBE to improve the school's performance. The ISD Superintendent would also be provided the opportunity to present as part of that meeting.
 - **Year 4 – Selection:** If the school (i) was on the warning list in the prior year, and still meets the definition of a qualifying school, and (ii) is one of the lowest 5 qualifying schools, as measured by school performance scores, on the ISD warning list, the SBE must select the school to transfer to the ISD.
 - **Voluntary Selection:** A LBE, upon the recommendation of the ISD Superintendent, could request the SBE to select a qualifying school for transfer to the ISD at any time.

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- **Support:** Throughout all 3 years, the SBE would be required to ensure that qualifying schools are engaged in strategies in compliance with federal and State law for comprehensive support and improvement, and the ISD Superintendent would be required to monitor those schools and assist LBEs in identifying funding, strategies, and partners for comprehensive support and improvement efforts.
- **IS Consultants:** The SBE would be authorized to select innovative school consultants (IS consultants), upon the recommendation of the ISD Superintendent, to provide assistance and support through consultation with an innovative school. IS consultants would meet the same selection criteria as IS operators. The SBE could determine, based on the needs of the school, whether to assign an IS operator to fully operate the school, or an IS consultant. If an IS consultant were assigned, the LBE would continue to operate the school, but must meet the requirements of the ISD Superintendent and IS consultant for a 5 year period. An innovative school that failed to meet those requirements would be assigned an IS operator.
- **Innovation Zones:** The following changes would be made:
 - Would enable the LBE to move low-performing schools into an innovation zone, even if it had less than 35% low-performing schools.
 - Would compare innovation zone schools against other low-performing (rather than continually low-performing) schools for performance comparisons.
 - Would require consultation with the ISD Superintendent in selecting the leader of the innovation zone office.
 - Would delete the requirement that a low-performing school in an innovation zone that did not exceed growth in the final 2 years of the zone become an innovative school.
- **Additional ISD Changes:**
 - The prohibition on DPI serving as an IS operator, except when no IS operator was available, would be removed.
 - The SBE could select up to 5 qualifying schools annually into the ISD, rather than 5 total.
 - The timeline for selection of innovative operators or consultants would be moved from January 15 to December 15, and pairing with an innovative school from February 15 to January 15.
 - Would change one method of qualification for IS operators or consultants from a record of performance with persistently low-performing schools or students, to a record of performance with low-performing schools or students.
 - Would require the IS operator to collaborate with the ISD Superintendent on certain matters, such as hiring or removal of the school principal, and entering into funding memorandums of understanding.
 - Would allow, if a LBE of another school unit was selected as an operator, the employees to become employees of that LBE, rather than the ISD.
 - Would allow a teacher at a school selected to be an innovative school to retain career status if the teacher taught at the ISD school and then returned to the same LBE at the end of the ISD employment.
- **County Commissioner Reporting Changes:** LBEs, when submitting the annual budget request to the county commissioners, would be required to also submit the academic performance of schools in the local school administrative unit, including school performance grades, of all schools identified as low-performing, continually low-performing, or includes on an ISD list, and the LBE's efforts to improve those schools. If requested, the LBE would present the academic performance information at a public meeting.

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- **Additional Studies.** – The State Superintendent and ISD Superintendent would jointly study and report to the Joint Legislative Education Oversight Committee, by March 15, 2020, on the following:
 - Options for innovative schools, including structures and partnerships to provide the most effective options and ensure flexibility for those schools.
 - Reforms of low-performing school models to align current statutory requirements for low-performing and continually low-performing schools with other State and federal reform efforts to create a comprehensive and efficient approach that avoids redundancies.

EFFECTIVE DATE: HB 798 would become effective when it becomes law, and, except as otherwise provided, apply to schools based on data from the 2018-2019 school year as qualifying schools for the 2019-2020 school year.