

2016 -- H 7131

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO EDUCATION -- THE RHODE ISLAND BOARD OF EDUCATION ACT

Introduced By: Representatives McNamara, Bennett, Azzinaro, Malik, and Diaz

Date Introduced: January 13, 2016

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-97 of the General Laws entitled "The Rhode Island Board of
2 Education Act" is hereby amended by adding thereto the following sections:

3 **16-97-9. State assessment program.** -- (a) The state department of elementary and
4 secondary education shall develop a state assessment program with the goal of offering a variety
5 of competency-based and age-appropriate assessments to students, which assessments shall also
6 have local school district input. In furtherance of this program, by July 1, 2017, the department of
7 elementary and secondary education, in collaboration with local school districts, shall develop a
8 set of competency-based assessments in the instructional areas of language arts, mathematics, and
9 science. The assessments shall be conducted after the prohibition period contained in §16-97-8,
10 and no sooner than the 2018-2019 school year.

11 (b) The department shall administer a state assessment in English language arts and a
12 state assessment in mathematics to all students enrolled in grades three (3) through nine (9) in
13 public schools throughout the state.

14 (c) The department shall administer a state assessment in science to students enrolled in
15 public elementary, middle, and high schools throughout the state. The department shall select the
16 specific grades to administer the state science assessment, ensuring that students take the state
17 science assessment once in grades one through six (6), once in grades seven (7) through eight (8),
18 and once in grades nine (9) through eleven (11).

19 (d) The department of education, in collaboration with local education providers, shall

1 administer the state assessments on a schedule that the department annually establishes. Such
2 schedule shall include alternate and make-up dates for students.

3 (e) The department shall review and update the assessment administration and security
4 policies as necessary to maintain the integrity of the system.

5 (f) Except as otherwise provided, each student enrolled in a public school shall be
6 required to take the state assessments administered pursuant to this section at the student's grade
7 level, as determined by the local school district; provided, a district which is participating in a
8 pilot program with an alternative assessment as provided for in §16-97-14, may administer the
9 alternative assessment to selected students as provided for in §16-97-14 in lieu of the assessment
10 developed pursuant to this section.

11 (g) A child who is enrolled in a nonpublic school or participating in a nonpublic home-
12 based educational program shall not be required to take a state assessment administered pursuant
13 to this section. Provided, a parent or guardian may elect to have the child or ward take such
14 assessment.

15 **16-97-10. Literacy assessments. --** No students in public schools in grades kindergarten
16 through grade three (K-3) shall be required to take a state assessment in literacy, either through
17 assessments prepared by the Partnership for Assessment of Readiness for College and Careers,
18 commonly known as "PARCC" tests, or a similar test aligned to common core standards.

19 **16-97-11. "PARCC" to be eliminated for upper high school grades. --** (a) No
20 assessments prepared by the partnership for assessment of readiness for college and careers,
21 commonly known as "PARCC" tests, or a similar test aligned to common core standards shall be
22 administered to students in grades eleven (11) and twelve (12) as part of the state assessment
23 program. Instead, school districts shall administer an assessment that is administered throughout
24 the United States and relied upon by institutions of higher education, referred to in this section as
25 a "curriculum-based achievement college exam." The curriculum-based achievement college
26 exam shall be considered part of the state assessment program established in §16-97-9. The
27 department shall identify which tests shall qualify as curriculum-based achievement college
28 exams. Provided, representative samples of such tests include, but are not limited to, the
29 following:

30 (1) SAT and SAT subject tests;

31 (2) PSAT/NMSQT tests; and

32 (3) ACT tests.

33 (b) The department of elementary and secondary education shall pay the costs of
34 administering the curriculum-based achievement college exam. Provided, the department shall be

1 responsible only for the administration of one test to a student during either grade eleven (11) or
2 grade twelve (12). The provisions of this section shall not prohibit a student from taking
3 additional tests or retaking a test, and using such test results, but the department shall not be
4 responsible for the costs of such retesting.

5 **16-97-12. Option to take paper tests. --** If any portion of a state assessment required as
6 part of this chapter requires a student to use a computer to take the assessment, an option shall be
7 provided for the student to take the assessment in a format that a student may complete using
8 pencil and paper. This option of taking the assessment with pencil and paper or a computer
9 format shall be with the student. This option shall apply to a PARCC test, and a similar test
10 subsequently adopted by the department of education, a test developed either by the department
11 of education and/or a local school district to be used as, or any other test that is part of the state
12 assessment program required by this chapter.

13 **16-97-13. Waiver application. --** As soon as practicable after the effective date of this
14 act, the Rhode Island department of elementary and secondary education shall apply to the United
15 States Department of Education and any other applicable entity as necessary, for a waiver of
16 federal statutory and regulatory requirements that the state department of education determines
17 are necessary in order to effectuate the provisions of this chapter.

18 **16-97-14. Pilot program -- Alternative assessment. --** (a) There is hereby authorized
19 and established a pilot program to allow local school districts and education providers to create or
20 select assessments which the local school district may administer to provide the validity and
21 reliability for the assessments and the comparability of their local assessments with the state
22 assessments. The goals of the pilot program shall be to provide more timely and relevant data to
23 educators in order to provide instruction throughout the school year, while continuing to provide
24 comparative data for state accountability purposes.

25 (b) For a local school district to participate in the pilot program as described in subsection
26 (a) of this section, the local school board or committee or other governing body must first adopt a
27 written resolution that authorizes the local school district to participate in the pilot program. If so
28 authorized, a local school district, individually or in combination with one or more local
29 education providers, may participate in the pilot program by creating or selecting assessments that
30 meet the requirements specified in §16-97-9 and administering those assessments for at least two
31 (2) school years to a portion of the students enrolled in at least one elementary grade, one middle
32 school or junior high grade, and one high school grade. After administering the assessments for
33 two (2) school years, the school district must submit to the department of elementary and
34 secondary education the assessment results for each year in which the alternative assessments

1 were administered. The school district must demonstrate to the satisfaction of the department that
2 the results of the alternative assessments are comparable to the results obtained on the state
3 assessments administered in the same school years.

4 (c) Based on the assessment data submitted pursuant to subsection (b) of this section, the
5 department shall make recommendations to the council on elementary and secondary education
6 on the use of local assessments in lieu of the state assessments. The council shall review the data
7 submitted and any recommendations made by the department, and after hearing thereon, shall
8 select which districts, if any, may use their local assessments in lieu of the assessment developed
9 by the department. Districts which are so selected by the council may substitute their locally-
10 developed assessment for the assessment developed by the department. Provided, that the
11 department may authorize a school department to continue to develop its local school-district
12 assessment while still utilizing the assessment developed by the department.

13 (d) Any school district electing to develop its own assessments pursuant to the provisions
14 of this section shall fund all costs associated with developing said assessments, except for any
15 costs incurred by the department of elementary and secondary education or the council in regard
16 to reviewing the assessment.

17 **16-97-15. Teacher discretion.** -- Nothing in this chapter shall be construed to limit the
18 academic freedom and academic integrity of a teacher or of the teacher's judgment. A teacher
19 may administer a particular test or assessment mechanism to a student in the class which the
20 teacher determines would be in furtherance of the teacher's instruction, but such assessment shall
21 not be deemed to be a state assessment.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- THE RHODE ISLAND BOARD OF EDUCATION ACT

1 This act would amend the implementation of state assessments of students in Rhode
2 Island public schools. The act would direct the department of elementary and secondary
3 education to develop its own state assessment for use in public schools beginning in the 2018-
4 2019 school year. School districts would also be given the option to develop their own
5 assessments to use in lieu of the department's assessment, but such assessments would need to be
6 approved by the council on elementary and secondary education. PARCC testing would be
7 phased out of use for grades 11 and 12, and instead other assessments such as the SAT would be
8 used. The department of elementary and secondary education would be directed to apply for any
9 waivers necessary as a result of the provisions of the Rhode Island Board of Education Act.

10 This act would take effect upon passage.

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