

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SCHOOL GRADING SYSTEM; DESCRIBING THE  
5 REQUIREMENTS OF THE SCHOOL GRADING SYSTEM; PROVIDING DUTIES OF THE BOARD OF PUBLIC  
6 EDUCATION AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING A FORMULA FOR THE  
7 SCHOOL GRADING SYSTEM; PROVIDING GUIDELINES FOR THE SCHOOL GRADING SYSTEM IF THE  
8 STATEWIDE STUDENT ASSESSMENT CHANGES; AMENDING SECTION 20-7-104, MCA; AND PROVIDING  
9 AN IMMEDIATE EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 **NEW SECTION. Section 1. School grading system -- general description -- requirements --**

14 **reporting.** (1) There is a school grading system to be implemented by the superintendent of public instruction  
15 for each public school in Montana.

16 (2) The school grading system must be based on statewide student assessment results that establish  
17 for individual students, schools, school districts, and the state:

- 18 (a) proficiency or achievement levels; and
- 19 (b) student learning gains or declines between proficiency or achievement levels.
- 20 (3) The school grading system must assign to each school one of the following grades:
- 21 (a) "A", schools making excellent progress;
- 22 (b) "B", schools making above average progress;
- 23 (c) "C", schools making satisfactory progress;
- 24 (d) "D", schools making less than satisfactory progress; or
- 25 (e) "F", schools failing to make adequate progress.

26 (4) Schools with fewer than 10 students with valid statewide student assessment scores in the current  
27 or previous school year are exempt from the school grading system.

28 (5) The superintendent of public instruction shall report each school's grade annually as part of any  
29 school data reports, including the school district's educational profile under 20-7-104, and each school district  
30 shall deliver to parents a school report card including the school's grade and an explanation of the school's



1 performance.

2 (6) The superintendent of public instruction shall withhold the designation of a school's grade if the  
3 superintendent determines that the performance data does not accurately represent the progress of the school.  
4 Circumstances under which a school's performance data may be considered to not accurately represent the  
5 progress of the school include:

6 (a) less than 90% of the school's student population eligible for inclusion in the designation of the  
7 school's grade was assessed; or

8 (b) circumstances are identified before, during, or following the administration of a statewide student  
9 assessment in which the validity or integrity of the test results is called into question and the results are subject  
10 to an investigation or review as determined by the superintendent. The school's grade must be designated  
11 incomplete until the investigation is complete. If, following the completion of the investigation, the superintendent  
12 determines that the data accurately represents the performance of the school, the superintendent and school  
13 district shall report the school's grade as described in subsection (5).

14 (7) After the initial issuance of school performance grades, the school district has 30 days to review the  
15 data on which the grade was based. If the school district determines that a different grade should be assigned  
16 because of the omission of student data, a data miscalculation, or special circumstances that might have affected  
17 the grade assigned, the school district may submit a request for review of the data to the superintendent of public  
18 instruction. Appropriate documentation of all elements and data to be reviewed must be submitted within the time  
19 limits specified by the superintendent of public instruction. Following review, the superintendent of public  
20 instruction's determination of a school's grade is final.

21  
22 **NEW SECTION. Section 2. School grading system -- grading formula based on CRT.** (1) (a) The  
23 school grading system described in this section must be in effect while the statewide student assessment includes  
24 the MontCAS CRT.

25 (b) For the purposes of this section, "CRT" means the MontCAS CRT or MontCAS CRT-Alt, as  
26 applicable.

27 (2) Designation of school grades is based on a combination of:

28 (a) student achievement scores, based on CRT reading and mathematics assessments in grades 3  
29 through 8 and grade 10 and CRT science assessments in grades 4, 8, and 10;

30 (b) student learning gains as measured by CRT reading and mathematics assessments in grades 3

1 through 8 and grade 10. Learning gains indicate the percentage of students who have:

2 (i) improved their CRT achievement level from testing year to testing year;

3 (ii) maintained their "Proficient" or "Advanced" achievement level on the CRT from testing year to testing  
4 year; or

5 (iii) remained within CRT achievement level "Novice" or "Nearing Proficient" but have demonstrated more  
6 than 1 year's growth on the CRT developmental scale. This method of determining gains is not applicable to  
7 students who are tested at the same grade level as in the previous testing year, at a lower grade level than in the  
8 previous testing year, or at a grade level more than one grade higher than in the previous testing year. However,  
9 these students may still demonstrate gains as indicated in subsections (2)(b)(i) and (2)(b)(ii). The board of public  
10 education shall identify scores and establish them in a table representing 1 year's growth. Students whose CRT  
11 achievement levels decline from testing year to testing year may not be considered to have made learning gains.

12 (c) improvement of CRT reading scores of students scoring in the lowest 25% of each grade, aggregated  
13 for each school, unless they are performing at achievement level "Advanced".

14 (3) Each school's grade is based on the sum of the following six school grade point elements:

15 (a) one school grade point for each percentage point of students who score at CRT achievement levels  
16 "Proficient" and "Advanced" in reading;

17 (b) one school grade point for each percentage point of students who score at CRT achievement levels  
18 "Proficient" and "Advanced" in mathematics;

19 (c) one school grade point for each percentage point of students who score at CRT achievement levels  
20 "Proficient" and "Advanced" in science;

21 (d) one school grade point for each percentage point of students who make learning gains in reading  
22 as determined in subsection (2)(b);

23 (e) one school grade point for each percentage point of students who make learning gains in  
24 mathematics as determined in subsection (2)(b); and

25 (f) one school grade point for each percentage point of students scoring in the lowest 25% in reading  
26 in the school as determined in subsection (2)(c) who make learning gains as determined in subsection (2)(b).

27 (4) The percentage of students reflected in each of the six school grade point elements provided in  
28 subsections (3)(a) through (3)(f) must be expressed to the nearest whole number. The corresponding points  
29 assigned for each grade point element must also be expressed to the nearest whole number. In the event that  
30 a school does not have at least 10 students tested in science, the district average in science as provided in

1 subsection (3)(c) must be substituted. In the event that a school does not have at least 10 students in the  
2 lowest-scoring 25% in reading as provided in subsection (2)(c), the lowest-performing 10 students at or below  
3 proficiency, defined as CRT achievement levels "Novice", "Nearing Proficiency", and "Proficient", must be used.  
4 In the event there are still not 10 students in the lowest-achieving group, the grade point element provided in  
5 subsection (3)(d) must be substituted for the grade point element provided in subsection (3)(f).

6 (5) The superintendent of public instruction shall order schools from highest to lowest based on the  
7 number of school grade points earned and percentile score points established based on 2012-2013 scores.  
8 These score points must be used to assign school grades for the 2012-2013 school year and subsequent years  
9 as follows:

10 (a) a school grade of "A" must be assigned to a school with a score at the 95th percentile or above;

11 (b) a school grade of "B" must be assigned to a school with a score at the 83rd percentile or above but  
12 below the 95th percentile;

13 (c) a school grade of "C" must be assigned to a school with a score at the 17th percentile or above but  
14 below the 83rd percentile;

15 (d) a school grade of "D" must be assigned to a school with a score at the 5th percentile or above but  
16 below the 17th percentile;

17 (e) a school grade of "F" must be assigned to a school with a score below the 5th percentile.

18 (6) In order to earn a school grade of "C" or above, a school shall demonstrate that at least 50% of  
19 students scoring in the lowest 25% of students in the school have made adequate progress in reading by making  
20 learning gains as provided in subsection (2)(b). If at least 50% of these lowest-scoring students do not make  
21 learning gains in the current year, adequate progress can be shown if the percentage of the lowest-scoring  
22 students who made learning gains in the current year is:

23 (a) at least 40% and the school demonstrates that this constitutes at least a 1% improvement over the  
24 prior year; or

25 (b) less than 40% and the school demonstrates that this constitutes at least a 5% improvement over the  
26 prior year.

27 (7) Following any year in which 80% or more of schools achieve a school grade of "A" or "B", the number  
28 of school grade points required for each grade designation must increase by 5%, rounded to the nearest point.

29  
30 **NEW SECTION. Section 3. Statewide student assessment changes.** If the statewide student

1 assessment is no longer the CRT and the school grading system described in [section 2] cannot be directly  
 2 adapted to the proficiency levels of the new statewide student assessment, the superintendent of public  
 3 instruction shall design a new school grading formula based on the following guidelines:

4 (1) one-half of the grade must be based on student proficiency or achievement scores for all students  
 5 as measured by the statewide student assessment in reading or language arts and mathematics, and science  
 6 if tested;

7 (2) one-quarter of the grade must be based on student learning gains or declines for all students as  
 8 measured by the statewide student assessment in reading or language arts and mathematics; and

9 (3) one-quarter of the grade must be based on student learning gains or declines of the lowest-scoring  
 10 25% of students in the school as measured by the statewide student assessment in reading or language arts.

11

12 **Section 4.** Section 20-7-104, MCA, is amended to read:

13 **"20-7-104. Transparency and public availability of public school performance data -- reporting.**

14 (1) The office of public instruction shall develop a publicly available data system that displays an educational data  
 15 profile for each school district.

16 (2) Each school district's educational profile must include, at a minimum, the following elements:

17 (a) school district contact information and links to district websites, when available;

18 (b) state criterion-referenced testing results;

19 (c) program and course offerings;

20 (d) student enrollment and demographics by grade level; ~~and~~

21 (e) graduation rates; and

22 (f) grades for each school in the district pursuant to [sections 1 through 3].

23 (3) Each school district shall annually report to the office of public instruction and publish and post on  
 24 the school district's internet website the following district data for the preceding school year:

25 (a) the number and type of employee positions, including administrators;

26 (b) for the current employee in each position:

27 (i) the total amount of compensation paid to the employee by the district. The total amount of  
 28 compensation includes but is not limited to the employee's base wage or salary, overtime pay, and other income  
 29 from school-sanctioned extracurricular activities, including coaching and similar activities; ~~and~~

30 (ii) the certification held by and required of the employee;

- 1 (c) the student-teacher ratio by grade;
- 2 (d) (i) the amount, by category, spent by the district for operation and maintenance, stated in total cost  
3 and cost per square foot; and
- 4 (ii) the amount of principal and interest paid on bonds;
- 5 (e) the total district expenditures per student;
- 6 (f) the total budget for all funds;
- 7 (g) the total number of students enrolled and the average daily attendance;
- 8 (h) the total amount spent by the district on extracurricular activities and the total number of students that  
9 participated in extracurricular activities; and
- 10 (i) the number of students that entered the 9th grade in the school district but did not graduate from a  
11 high school in that district and for which the school district did not receive a transfer request. For reporting  
12 purposes, the students identified under this subsection (3)(i) are considered to have dropped out of school.
- 13 (4) Each school district shall also post on the school district's internet website a copy of every working  
14 agreement the district has with any organized labor organization and the district's costs, if any, associated with  
15 employee union representation, collective bargaining, and union grievance procedures and litigation resulting  
16 from union employee grievances.
- 17 (5) If a school district does not have an internet website, the school district shall publish the information  
18 required under subsections (2) and (3) in printed form and provide a copy of the information upon request at the  
19 cost incurred by the school district for printing only.
- 20 (6) The superintendent of public instruction shall continually enhance the statewide data system to  
21 support the collection of data from schools, implement a data collection plan to reduce redundant data requests,  
22 increase data use from the centralized system by various functions within the office of public instruction, and  
23 promote transparency in reporting to schools, school districts, communities, and the public. Actionable data  
24 analysis must be produced to promote academic improvement.
- 25 (7) The superintendent of public instruction shall gather, maintain, and distribute longitudinal, actionable  
26 data in the following areas:
- 27 (a) statewide student identifier;
- 28 (b) student-level enrollment data, including average daily attendance;
- 29 (c) student-level statewide assessment data;
- 30 (d) information on untested students;

- 1 (e) student-level graduation and dropout data;
- 2 (f) ability to match student-level K-12 and higher education data;
- 3 (g) a statewide data audit system;
- 4 (h) a system to track student achievement with a direct teacher-to-student match to help track, report,
- 5 and create opportunities for improved individual student performance;
- 6 (i) student-level course completion data, including transcripts, to assess career and college readiness;
- 7 and
- 8 (j) student-level ACT results, scholastic achievement test results, and advanced placement exam data.
- 9 (8) The superintendent of public instruction shall emphasize the creation of and distribution of individual
- 10 diagnostic data for each student in a manner that is timely and protects the privacy rights of students and families
- 11 as they relate to education so that school districts may use the data to support timely academic intervention as
- 12 needed and to otherwise improve the academic achievement of the students of each school district.
- 13 (9) On or before June 30, 2013, the superintendent of public instruction shall begin presenting
- 14 longitudinal data on academic achievement and shall develop plans for a measurement of growth for the
- 15 statewide student assessment required by the board of public education."

16

17 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 3] are intended to be codified

18 as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [sections 1 through 3].

19

20 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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