

SB 266 - AS INTRODUCED

2023 SESSION

23-0942

10/04

SENATE BILL **266**

AN ACT relative to the statewide education improvement and assessment program.

SPONSORS: Sen. Ward, Dist 8

COMMITTEE: Education

ANALYSIS

This bill modifies and recodifies education laws on the administration of and criteria for the statewide education improvement and assessment program, the criteria for an adequate education, accountability, and education reporting.

This bill is a request of the department of education.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the statewide education improvement and assessment program.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Statewide Education Improvement and Assessment Program. RSA 193-C is repealed and reenacted to read as follows:

CHAPTER 193-C

STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM

193-C:1 Statement of Purpose.

I. Improvement and accountability in education are of primary concern to all of the citizens of New Hampshire. A well-educated populace is essential for the maintenance of democracy, the continued growth of our economy, and the encouragement of personal enrichment and development.

II. A statewide education improvement and assessment program built upon the establishment of academic standards specifying what students should know and be able to do is an important element in educational improvement. Such a program also serves as an effective measure of accountability and student performance when the assessment exercises or tasks are valid and appropriate representations of the knowledge and skills that students are expected to achieve.

III. Widespread participation in the establishment of a statewide education improvement and assessment program is essential. Consultation with educators at all levels, business people, government officials, community representatives, and parents must occur in the development of academic standards. In turn, widespread dissemination of those standards, once established, must occur. Teachers, administrators, and school board members must be fully apprised of these state-developed standards. They must, in turn, communicate these expectations to students and parents, and find and implement methods to enable students to acquire and apply the requisite knowledge and skills.

IV. In addition, the assessment results must be reported to students, parents, teachers, administrators, school board members, and to all other citizens of New Hampshire in order that informed decisions can be made concerning curriculum, in-service education, instructional improvement, teacher training, resource allocation, and staffing.

V. The purpose of the statewide education improvement and assessment program is not to establish a statewide curriculum. It is, rather, to establish what New Hampshire students should know and be able to do and to develop and implement effective methods for assessing that learning and its application so that local decisions about curriculum development and delivery can be made.

193-C:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of education.

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1 II. "Department" means the department of education.

2 III. "N-size" means the student sample size necessary to disclose or display data to ensure
3 maximum student group visibility while protecting student privacy

4 IV. "Program" means the New Hampshire statewide education improvement and
5 assessment program.

6 V. "Statewide academic standards" or "academic standards" means what a student should
7 know and be able to do at each grade level.

8 VI. "Testing entity" means any vendor contracted to provide the statewide assessment under
9 this section.

10 193-C:3 Program Established; Goals. There is established within the department of education a
11 statewide education improvement and assessment program. The commissioner shall develop and
12 implement this program in conjunction with the state board of education and the legislative
13 oversight committee established in RSA 193-E:7. In carrying out this program, the commissioner
14 shall consult widely with educators at all levels, business people, government officials, community
15 representatives, and parents.

16 I. The aims of this program shall be to:

17 (a) Define what students should know and be able to do.

18 (b) Develop and implement methods for assessing that learning and its application.

19 (c) Report assessment results to all citizens of New Hampshire.

20 (d) Help to provide accountability at all levels.

21 (e) Use the results, at both the state and local levels, to improve instruction and advance
22 student learning.

23 II. Since the program is not a minimum competency testing program, assessment
24 instruments should be designed to reflect the range of learning exhibited by students. The
25 assessment portion of the program shall consist of a variety of assessment tasks that measure
26 academic standards and are objectively scored. The assessment instruments shall include, but not
27 be limited to:

28 (a) Constructed response items which require students to produce answers to questions
29 rather than to select from an array of possible answers.

30 (b) A writing sample.

31 (c) Other item types identified by the department and testing entity, as necessary, to
32 appropriately measure student learning.

33 III. The following criteria shall be used in the development of the program:

34 (a) Statewide academic standards established by the department, in consultation with
35 educators and stakeholders, which shall be used to identify grade level expectations and
36 standardized cut scores.

(b) The assessment exercises or tasks shall be valid and appropriate representations of the academic standards the students are expected to achieve.

(c) At each grade level assessed, the standards and expectations identifying what a student should know and be able to do shall be the same for every New Hampshire student.

(d) Teachers shall be involved in designing and using the assessment system.

(e) Assessment frameworks and reports shall be understandable and widely disseminated to parents, teachers, administrators, other school personnel, school board members, teacher preparation programs, business people, government officials, and community members.

(f) The assessment system shall be subject to continuous review and improvement.

(g) The assessment portion of the program shall be designed to be a measure of student academic achievement and growth of knowledge and skills.

IV. The assessment system shall generate data which may be used:

(a) At the student level, by students, parents, and teachers, to determine what the student knows and is able to do in relationship to the state-established academic standards.

(b) At the classroom and school building levels, to monitor student progress, to enhance learning, and to improve instruction.

(c) At the district level, to measure school and district-wide progress toward meeting goals and outcomes, to revise curriculum, and to design in-service education programs.

(d) At the state level, to measure what students know and are able to do in relation to the attainment of goals and outcomes from the assessment frameworks, and to report the results to the citizens of New Hampshire.

(e) At the state level, to target services to schools, improve existing programs, develop new initiatives, and revise standards for school improvement, teacher certification, etc.

(f) At the college level, to integrate into teacher preparation programs instruction in state-established standards, techniques for enhancing student learning in these areas, and the use of assessment results to improve instruction.

(g) At all levels, to correlate, to the extent possible, with national goals and international standards.

(h) At all levels, to provide a basis for accountability.

(i) At the school, district, and state levels, to provide performance reports on specific subgroups of pupils as required by federal law.

(j) At the high school level, to serve as one indicator of a student's college and career readiness.

193-C:4 Rulemaking. The state board of education may adopt rules, pursuant to RSA 541-A, relative to the exemption of certain students from participation in the program. Nothing in this section shall be construed to limit the ability of the state board of education to adopt rules pursuant to the authority granted by the general court.

1 193-C:5 Areas of Assessment. The statewide academic areas to be assessed shall include
2 reading and language arts, mathematics, and science. History, geography, civics, and economics
3 remain required critical areas of study and therefore, assessment of these subjects remains within
4 the purview of the local school board. The statewide assessment program shall only measure
5 student understanding of key content-specific concepts, skills, and knowledge applied within or
6 across academic content domains.

7 193-C:6 Assessment Required.

8 I. A statewide assessment shall be administered in all chartered and district public schools
9 in the state in grades 3 through 8 and one grade in high school. A school district may choose to
10 participate in a locally-developed, alternative assessment program, in place of the statewide
11 assessment, if such a program is offered by the department and approved by the United States
12 Department of Education.

13 II. All public school students in the designated grades shall participate in the assessment,
14 unless such student is exempted from taking the test by his or her parent or legal guardian, or
15 provided that the commissioner of the department of education may, through an agreement with
16 another state when such state and New Hampshire are parties to an interstate agreement, allow
17 pupils to participate in that state's assessment program as an alternative to the assessment required
18 under this chapter.

19 III. Home educated students may contact their local school districts if they wish to
20 participate in the statewide assessment. Nonpublic schools may contact the department of education
21 to participate in the statewide assessment.

22 IV. The department shall select one or more vendors through the statewide contracting
23 process, pursuant to RSA 4:15, to deliver the statewide assessment program.

24 V. The department shall provide the testing entity with individual pupil names and unique
25 pupil identifiers, and other student demographic or statistical information necessary to comply with
26 reporting requirements. The testing entity shall maintain the results, scores, or other evaluative
27 materials for the purpose of measuring and reporting individual student growth. The department
28 may provide, or may request the testing entity to provide, the assessment results and comparative
29 data to a parent, a legal guardian, or the pupil's school. The department may collect, and the
30 districts shall provide, student address information from the individual school districts solely for the
31 purpose of effectuating the distribution of assessment results and comparative data as provided in
32 this section. The report shall be provided to parents in an informative and instructional manner to
33 help children meet challenging state academic standards and advance student learning. The testing
34 entity shall destroy all student data on a schedule as determined by the state contract.

35 VI. Individual pupil names or codes contained in the statewide assessment results, scores, or
36 other evaluative materials shall be deleted for the purposes of records maintenance and storage of
37 such results or scores at the department of education, unless a parent or legal guardian provides

1 written authorization otherwise, or as required under federal law. Individual pupil results shall be
2 made available to a parent, a legal guardian, or the pupil's school in accordance with the Family
3 Educational and Privacy Rights Act, 20 U.S.C. section 1232g. For the purposes of public reporting,
4 the state shall use a minimum n-size of 11 to maintain student data privacy.

5 VII. The statewide assessment results of a student or the student's school district shall not
6 be included as part of the student's transcript unless the student, if 18 years of age or older, or the
7 student's parent or legal guardian if the student is under 18 years of age, consents.

8 VIII. A school district shall develop a form to be signed by the parent or legal guardian of
9 any student exempted from the assessment. The name of the parent or legal guardian and any
10 specific reasons disclosed to school officials for the objection to the assessment shall not be public
11 information and shall be excluded from access under RSA 91-A.

12 IX. After the assessment results are released by the department, a pupil's parent or legal
13 guardian shall have the right to inspect and review the pupil's assessment, including the individual
14 items, the pupil's answers, instructions or directions to the pupil, and other supplementary
15 materials related or used to administer the pupil's assessment. A parent or legal guardian shall
16 direct a request for inspection or review to the pupil's school, and the school shall comply with such
17 request within 45 days of its receipt. The department of education shall make available released
18 assessment items on the department's website as soon as possible after the statewide assessment
19 results are released. The department may adopt rules, pursuant to RSA 541-A, to implement
20 procedures for the review and inspection of assessment materials. These rules shall provide parents
21 and legal guardians with no fewer rights accorded to them under the Family Educational and
22 Privacy Rights Act, 20 U.S.C. section 1232g.

23 2 Adequate Public Education RSA 193-E is repealed and reenacted to read as follows:

24 **CHAPTER 193-E**

25 **ADEQUATE PUBLIC EDUCATION**

26 **193-E:1 Policy and Purpose**

27 I. It is the policy of the state of New Hampshire that public elementary and secondary
28 education shall provide all students with the opportunity to acquire the knowledge and skills
29 necessary to prepare them for successful participation in the social, economic, scientific,
30 technological, and political systems of a free government, now and in the years to come; an education
31 that is consistent with the criteria for an adequate education defined in this chapter, and the state-
32 established academic standards as set forth in RSA 193-C.

33 II. Respecting New Hampshire's long tradition of community involvement, it is the purpose
34 of this chapter to ensure that appropriate means are established to provide an adequate education
35 through an integrated system of shared responsibility between state and local government. In this
36 system, the state establishes the criteria for an adequate education and academic standards, and the
37 measurement of the delivery of an adequate education at the local level. School districts then have

responsibility and flexibility in implementing diverse educational approaches to instruction and curriculum tailored to meet student needs.

III. The general court shall use the definition of the opportunity for an adequate education in this chapter to determine the resources necessary to provide essential programs, considering educational needs. The general court shall make an initial determination of the necessary specific resource elements to be included in the opportunity for an adequate education. The general court recognizes that schools with greater educational challenges will benefit from varying resources. Schools with varying educational challenges often exist within a single school district. The general court is committed to addressing the varying educational challenges that exist among the schools of the state.

IV. The general court shall create a process for the periodic determination of the specific resource elements essential to providing the substantive educational content of an adequate education. This review should occur no less frequently than every 10 years.

193-E:2 Definitions. In this chapter:

I. "Academic Achievement" means the measurement of student proficiency on the statewide assessment system across 4 different levels, where level 1 is below proficient, level 2 is approaching proficient, level 3 is proficient, and level 4 is above proficient.

II. "Academic Standards" or "Statewide Academic Standards" means what a student should know and be able to do at each grade level.

III. "Commissioner" means the commissioner of the department of education.

IV. "Comprehensive support and improvement school" means:

(a) Any school that accepts federal funds from Title I, Part A of ESSA and is among the 5 percent lowest performing Title I schools in the state as defined by the New Hampshire consolidated state plan required for ESSA dated January 19, 2018.

(b) Any school that is among the lowest performing 5 percent of all schools in the state based on the same methodology used in subparagraph (a), regardless of Title I status.

(c) Any high school with a graduation rate less than 67 percent.

V. "Curriculum" means the lessons and academic content taught in school or in a specific course or program.

VI. "Department" means the department of education.

VII. "ESSA" means the Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the Every Student Succeeds Act

VIII. "Growth" means the measurement of the pace of student achievement over time on the statewide assessment as measured using student growth percentiles.

IX. "Input-based school accountability system" or "IBAS" means the certified narrative explanation describing how a school has demonstrated compliance with the criteria for an adequate education required under this chapter.

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1 X. Logic " means a reasoning skill that better enables a student to analyze problems in
2 learning areas such as mathematics and to develop problem solutions; to better understand the
3 principle of cause and effect; and to develop critical thinking skills to better identify fact from
4 unverified information or data.

5 XI. "Minimum standards" means the minimum standards for public school approval adopted
6 by the state board of education

7 XII. " Rhetoric " means the skill of speaking and writing as a means of communication or
8 persuasion.

9 XIII. "Performance-based school accountability system" or "PBAS" means the scoring system
10 required under this section.

11 XIV. "State board" means the state board of education.

12 XV. "State plan" means the New Hampshire consolidated state plan as required by the
13 Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the Every
14 Student Succeeds Act.

15 XVI. "Statewide assessment" means the New Hampshire education improvement and
16 assessment program as established under RSA 193-C.

17 XVII. "School" means a district public, chartered public school, or public academy located
18 New Hampshire or authorized by the New Hampshire state board of education.

19 XVIII. "Targeted support and improvement schools" means any school with at least one
20 consistently low performing subgroup as defined by the state's methodology documented in the New
21 Hampshire consolidated state plan required for ESSA dated January 19, 2018. Additional targeted
22 support and improvement schools are those schools with subgroups of students that, on their own,
23 would fall below the thresholds used to identify all schools for comprehensive support and
24 improvement

25 193-E:3 Criteria for an Adequate Education. An adequate education shall provide all students
26 with the opportunity to acquire:

27 I. Skill in reading, writing, and speaking English to enable them to communicate effectively
28 and think creatively and critically.

29 II. Skill in mathematics and familiarity with methods of science to enable them to analyze
30 information, solve problems, and make rational decisions.

31 III. Knowledge of the biological, physical, and earth sciences, including environmental
32 sciences that investigate the complex interaction of physical, chemical, and biological processes that
33 take place on the earth, to enable them to understand and appreciate the world and the engineering,
34 socio-economic, and geopolitical challenges around them.

35 IV. Knowledge of civics and government, economics, geography, history, and Holocaust and
36 genocide education to enable them to participate in the democratic process and to make informed
37 choices as responsible citizens.

1 V. Grounding in the arts, languages, and literature to enable them to appreciate our
2 cultural heritage and develop lifelong interests and involvement in these areas.

3 VI. Sound wellness and environmental practices, including outdoor recreation, to enable
4 them to enhance their own well-being, as well as that of others.

5 VII. Skills for lifelong learning, including interpersonal, environmental education, and
6 technological skills, to enable them to learn, work, communicate, and participate effectively in a
7 changing society and environment.

8 VIII. The specific criteria and substantive educational program that deliver the opportunity
9 for an adequate education shall be defined and identified as the minimum standards in the following
10 areas:

11 (a) English/language arts and reading.

12 (b) Mathematics.

13 (c) Science.

14 (d) Social studies, including civics, government, economics, geography, history, and
15 Holocaust and genocide education.

16 (e) Arts education.

17 (f) World languages.

18 (g) Health and wellness education.

19 (h) Physical education.

20 (i) Engineering and technologies including technology applications.

21 (j) Personal finance literacy.

22 (k) Computer science and digital literacy.

23 IX. Teachers shall use academic and applied instruction to teach the learning areas under
24 paragraph VIII, and shall integrate computer use and digital literacy, and logic and rhetoric
25 throughout the learning areas.

26 X. The standards shall cover kindergarten through twelfth grade and shall clearly set forth
27 the opportunities to acquire the communication, analytical and research skills and competencies, as
28 well as the substantive knowledge expected to be possessed by students at the various grade levels,
29 including defining the school year and the minimum credit requirement necessary to earn a high
30 school diploma.

31 XI. Instruction in support of kindergarten standards shall be engaging and shall foster
32 children's development and learning in all domains including physical, social, cognitive, and
33 language. Educators shall create a learning environment that facilitates high quality, child-directed
34 experiences based upon early childhood best teaching practices and play-based learning that
35 comprise movement, creative expression, exploration, socialization, and music. Educators shall
36 develop literacy through guided reading and shall provide unstructured time for the discovery of
37 each child's individual talents, abilities, and needs.

1 XII. Public district schools, chartered public schools, and public academies shall adhere to
2 the standards identified in paragraph VIII to ensure the delivery of an adequate education.

3 XIII. The minimum standards for the areas identified in paragraph VIII shall constitute the
4 opportunity for the delivery of an adequate education. The general court shall periodically, but not
5 less frequently than every 10 years, review, revise, and update, as necessary, the minimum
6 standards identified in paragraph VIII and shall ensure that the high quality of the minimum
7 standards in each area of education identified in paragraph VIII is maintained.

8 XIV. Changes made by the board of education to the school approval standards through
9 rulemaking after the effective date of this section shall not be included within the standards that
10 constitute the opportunity for the delivery of an adequate education without prior adoption by the
11 general court. The board of education shall provide written notice to the speaker of the house of
12 representatives, the president of the senate, and the chairs of the house and senate education
13 committees of any changes to the school approval standards adopted pursuant to RSA 541-A.

14 XV. Neither the department of education nor the state board of education shall by statute or
15 rule require that the common core standards developed jointly by the National Governors
16 Association and the Council of Chief State School Officers be implemented in any school or school
17 district in this state. If the local school board elects not to implement the common core standards or
18 the common core state standards adopted by the state board pursuant to RSA 541-A, the local school
19 board shall determine, approve, and implement alternative academic standards.

20 XVI. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the
21 approval of alternative programs for granting credit leading to graduation.

22 XVII. The state board shall not amend any existing academic standards and shall not
23 approve any new academic standards without the prior review and recommendation of the
24 legislative oversight committee established in RSA 193-E:7.

25 XVIII. The general court requires the state board of education and the department of
26 education to institute procedures for maintaining, updating, improving, and refining the minimum
27 standards for each area of education identified in paragraph VIII. Each school district shall be
28 responsible for maintaining, updating, improving, and refining curriculum. The curriculum shall
29 present educational goals, broad pedagogical approaches and strategies for assisting students in the
30 development of the skills, competencies, and knowledge called for by the minimum standards for
31 each area of education identified in paragraph VIII. It is the responsibility of local teachers,
32 administrators, and school boards to identify and implement approaches best suited for the students
33 in their communities to acquire the skills and knowledge included in the curriculum, to determine
34 the scope, organization, and sequence of course offerings, and to choose the methods of instruction,
35 the activities, and the materials to be used.

36 193-E:4 Accountability for the Opportunity for an Adequate Education. The department shall
37 implement the input based accountability system and the performance based accountability system

1 as required by this chapter to measure the delivery of an adequate education. A school shall
2 demonstrate that it provides the opportunity for an adequate education under RSA 193-E:3 by
3 meeting both the requirements of paragraphs I and II:

4 I. Input Based Accountability System. A school shall demonstrate that it provides the
5 opportunity for an adequate education through the input-based accountability by providing inputs
6 under subparagraph (b) as set forth in minimum standards.

7 (a) A school shall submit a narrative explanation detailing how the school has complied
8 with each of the minimum standards in paragraph VIII of RSA 193-E:3.

9 (b) The input-based accountability system shall be completed each year comprehensive
10 support and improvement (CSI) determinations are completed, on a schedule determined by the
11 department. The school principal and school district superintendent shall certify in writing that the
12 responses submitted are accurate. The department shall review the input-based school
13 accountability system responses to each school's self-assessment required under this section to verify
14 that the responses comply with the minimum standards in paragraph VIII of RSA 193-E:3.

15 (c) The department may conduct site visits at all schools to assess the validity of the
16 responses in the input-based accountability system.

17 II. Performance Based Accountability System. A school shall demonstrate that it provides
18 the opportunity for an adequate education through the performance-based accountability system.
19 The performance-based accountability system shall be based on data and indicators aligned to the
20 New Hampshire consolidated state plan, as required by the Elementary and Secondary Education
21 Act, 20 U.S.C. section 6301 et seq. as amended by the Every Student Succeeds Act.

22 (a) To implement the performance-based accountability system to be used by schools
23 that will ensure that the opportunity for an adequate education is maintained, the department shall
24 publish statewide performance targets and performance based indicators, aligned to the New
25 Hampshire consolidated state plan. Performance based indicators shall include measures of
26 academic achievement, academic growth, English-language acquisition, graduation rate, and college
27 and career readiness.

28 (b) The performance based indicators in subparagraph (a) shall be used as the criteria
29 for the performance based accountability system.

30 (c) Any school that demonstrates and meets the criteria established as a comprehensive
31 support and improvement school shall be identified as not meeting the requirements of the
32 performance based accountability system.

33 193-E:5 Identification and Public Disclosure of Schools That Fail to Demonstrate the
34 Opportunity For an Adequate Education.

35 I. In each determination year, the department shall prepare a detailed report documenting
36 the results of each school on the input-based and performance-based school accountability systems to
37 be developed pursuant to this section, and identifying all schools that have failed to demonstrate the

1 opportunity for an adequate education. The report shall be made available on the department's
2 website.

3 II. At least every 5 years, the department shall review the performance-based accountability
4 system and if necessary, submit a report of its findings with recommendations for future legislation
5 to members of the general court.

6 193-E:6 Corrective and Technical Assistance. The department shall implement corrective
7 and technical assistance to schools that do not demonstrate that they provide the opportunity for an
8 adequate education as follows:

9 I. In the first year of a school being unable to demonstrate that it provides the opportunity
10 for an adequate education, school officials shall submit an action plan to the department. The plan
11 shall detail the specific actions the school will take and the timeline to be followed to demonstrate
12 that the school provides the opportunity for an adequate education. The plan shall:

13 (a) Address areas where the school failed to meet the requirements under paragraph
14 RSA 193-E:4, I or II.

15 (b) Identify and explain the strategy the school intends to implement to achieve
16 compliance and improve performance.

17 (c) Detail how the school budget reflects the goals of the action plan.

18 II. After the second consecutive determination year of a school being unable to demonstrate
19 that it provides the opportunity for an adequate education, school officials shall submit an action
20 plan to the department. The plan shall:

21 (a) Describe procedures for providing mentoring or coaching to school personnel.

22 (b) Include ongoing technical assistance and a liaison from the department.

23 (c) Provide an accounting of how education funds are being expended to provide
24 opportunities for an adequate education.

25 (d) Establish and explain a strategy designed to promote family and community
26 involvement.

27 III. After the third consecutive determination year of a school being unable to demonstrate
28 that it provides the opportunity for an adequate education, the department shall:

29 (a) Assess how the school is expending its education funds and may order that adequacy
30 funds be redirected to address those areas that are contributing to the failure of the school to provide
31 the opportunity for an adequate education.

32 (b) Assign a coach or mentor to the school until the school demonstrates sufficient
33 progress toward providing the opportunity for an adequate education.

34 (c) Require the school to provide an accounting of how education funds are being used to
35 provide the opportunity for an adequate education.

36 (d) Require or provide, to the extent necessary, one or more of the following:

37 (1) Professional development that is aligned with school improvement goals.

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1 (2) External support and resources based on their effectiveness and alignment with
2 school improvement goals.

3 (3) Instructional models that incorporate research-based practices that have been
4 proven to be effective in improving pupil achievement.

5 (4) Formal and informal opportunities to assess and monitor each pupil's progress.

6 (5) Evidence of decisions supported by data.

7 (6) Improvements to the school's curriculum, including curricular priorities and
8 instructional materials.

9 (7) External support and resources based on their effectiveness and alignment with
10 the school improvement plan.

11 (8) Extended learning opportunities for pupils.

12 (9) Structural reform strategies that may include changes in scheduling,
13 organization, support mechanisms, and resources.

14 (10) Structural changes to school leadership to support school improvement.

15 (e) Meet quarterly with school officials in the affected school to assess the school's
16 progress.

17 IV. The commissioner or designee shall provide progress reports annually to the state board
18 on the status and effectiveness of the corrective and technical assistance provided by the department
19 in achieving the demonstration of adequacy by all schools.

20 V. Nothing in this chapter shall be construed to permit either the department of education
21 or the state board of education to take control of the daily operations of any local public school.

22 193-E:7 Legislative Oversight Committee.

23 I.(a) It is the duty and policy of the state of New Hampshire that public elementary and
24 secondary education shall provide all students with the opportunity to acquire the knowledge and
25 skills necessary to prepare them for successful participation in the social, economic, scientific,
26 technological, and political systems of a free government, now and in the years to come, regardless of
27 where the students live.

28 (b) Respecting New Hampshire's long tradition of community involvement, appropriate
29 means are established to provide an adequate education through an integrated system of shared
30 responsibility between state and local government. In this system, the state establishes minimum
31 standards for public school approval and academic standards for delivery of educational services at
32 the local level. School districts then have the responsibility and flexibility in implementing diverse
33 educational approaches to instruction and curriculum tailored to meet student needs.

34 (c) New Hampshire's long history of authorizing local governments in the form of local
35 districts, to develop and administer public schools pursuant to a set of minimum standards
36 established by the state has successfully achieved, on average across the state, high quality
37 educational outcomes.

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1 II. An oversight committee shall be established consisting of:

2 (a) Five members of the house of representatives, appointed by the speaker of the house
3 of representatives.

4 (b) One member of the senate, appointed by the senate president.

5 III. The first meeting of the oversight committee shall be at the call of the first-named house
6 member. The first order of business shall be for the members to elect a chair. The members of the
7 committee shall receive mileage at the legislative rate when attending to duties of the committee.

8 IV. The legislative oversight committee shall:

9 (a) Review the development and implementation of the school performance and
10 accountability program set forth in this chapter to ensure compliance with state and federal law.
11 Implementation of the program shall be in conjunction with the committee's review.

12 (b) Review the provisions of this chapter and submit a report of such review annually to
13 the speaker of the house of representatives, the president of the senate, the governor, and the
14 chairpersons of the house and senate education committees.

15 (c) Propose legislation that is needed as a result of the review of the progress and results
16 of the policies implemented under this chapter, including any changes necessitated by federal law.

17 (d) Confer with the commissioner and the state board of education to identify
18 operational principles which should guide the work of the department of education in supporting
19 improved school performance and accountability.

20 (e) Analyze existing department of education programs and initiatives which support
21 improved school performance and accountability.

22 (f) Receive reports from the commissioner regarding the status of public education in
23 New Hampshire, updates on the improvement made by local school districts toward achieving
24 satisfactory progress in statewide student performance under this chapter and status reports on the
25 on-going issues and implications of school accountability at the state and federal level. Reports by
26 the commissioner shall occur at least once annually or more frequently as needed, as determined by
27 the committee and the commissioner.

28 (g) Review and approve statewide performance targets required under this chapter
29 developed by the department of education and recommended to the legislative oversight committee
30 by the state board of education.

31 (h) Receive reports from the state board of education including rules recommended by
32 the department to be adopted by the state board of education under RSA 541-A relative to statewide
33 performance targets required under this chapter. The legislative oversight committee shall propose
34 legislation to be submitted to establish such statewide performance targets in state statute during
35 the legislative session following the approval of any recommendations which the state board of
36 education is required to make.

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1 (i) Review the implementation and results of the program relative to accountability for
2 the opportunity for an adequate education established in this chapter, consult and receive reports on
3 such program, evaluate and review existing and emergent performance-based measurement tools,
4 and propose legislation for improvements to the accountability program, as necessary.

5 (j) Review and make recommendations relating to academic standards under
6 consideration by the state board of education pursuant to this chapter.

7 3 Repeal; School Performance and Accountability. RSA 193-H, relative to school performance
8 and accountability, is repealed.

9 4 New Chapter; Education Reporting. Amend RSA by inserting after chapter 193-J the
10 following new chapter:

11 CHAPTER 193-K

12 EDUCATION REPORTING

13 193-K:1 Education Reporting; Policy and Purpose. The department of education shall impose
14 and comply with reporting requirements as defined in this chapter.

15 193-K:2 Definitions. In this chapter:

16 I. "Chartered public school" means a school approved by the state board of education under
17 RSA 194:B.

18 II. "Commissioner" means the commissioner of the department of education.

19 III. "Department" means the department of education.

20 IV. "Data warehouse" means the electronic system operated by the department of education
21 that maintains the information about pupils. The data warehouse shall not contain the name,
22 address, telephone number, e-mail address, social security number, or any other personally
23 identifiable information about any pupil.

24 V. "District" means a New Hampshire public school district or a district outside of New
25 Hampshire educating publicly funded New Hampshire pupils.

26 VI. "District of origin" means the district in which the pupil resides at the point at which the
27 pupil first enters the New Hampshire educational system, whether in an early childhood program,
28 district, or postsecondary education level.

29 VII. "Early childhood program" means a preschool or childcare program receiving Head
30 Start or child care scholarship funds, whether licensed or exempt from licensing, or a preschool
31 program operated by a district. Early childhood programs not operated by a district shall report
32 data only for pupils for which Head Start or child care scholarship funds are received.

33 VIII. "Postsecondary institution" means the university system of New Hampshire or the
34 community college system of New Hampshire.

35 IX. "Random number generator" means the electronic system that creates unique pupil
36 identification numbers and assigns a unique pupil identification number to a pupil when an early
37 childhood program, a district, or a postsecondary institution enters a pupil's name, date of birth,

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town of birth, and gender. The system shall maintain that information and the name of the district of origin, and no other information. This system shall not retain the unique pupil identification number.

X. "SASID" (State Assign Student Identifier) means a randomly generated number assigned to an early childhood program pupil, a district pupil, or postsecondary institution pupil in order to gather and report pupil level data.

XI. "Scholarship organization" means a scholarship organization approved under RSA 77:G, that administers and implements the education freedom account program established in RSA 194: E.

XII. "Testing entity" means any vendor contracted to provide the statewide assessment under RSA 193-C.

XIII. "Unique pupil identification system" means an electronic system comprised of the data warehouse and the random number generator.

193-K:3 Unique Pupil Identification.

I. The department of education shall, implement, and maintain a unique pupil identification system and SASID, on a statewide basis that complies with the following requirements:

(a) Except as provided in RSA 193-C:12, no personally identifiable information about a pupil including name and social security number, shall be collected or maintained by the state in such a manner as to allow such information to be connected with the unique pupil identifier. Under no circumstances shall the department of education obtain or use a social security number as an identifier for any pupil. The department shall not use unique pupil identifiers except in connection with the data warehouse and such use shall not be accessible to the public.

(b) The random number generator shall make available to each early childhood program, district, chartered public school, scholarship organization, adult education program, or postsecondary institution a unique pupil identifier for each pupil pursuing an education in a New Hampshire early childhood program, district, chartered public school, scholarship organization, adult education program, or postsecondary institution. The unique pupil identifier itself shall not permit pupil identification within a subcategory including, but not limited to, early childhood program, district, chartered public school, scholarship organization, adult education program, postsecondary institution, sex, age, grade, or county of residence.

(c) The SASID shall be requested and maintained by the early childhood program, district, chartered public school, scholarship organization, adult education program, or postsecondary institution. The unique pupil identifier shall remain in the pupil's file throughout the pupil's academic career in New Hampshire.

(d)(1) Access to the random number generator shall be limited to an early childhood program director or designee, a district superintendent or designee, chartered public school director or designee, scholarship organization director or designee, adult education program director or designee, or a postsecondary institution registrar or designee, and only for pupils pursuing an

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1 education in that early childhood program, district, chartered public school, scholarship program,
2 adult education program, or postsecondary institution.

3 (2) A parent or legal guardian shall, upon request made in person to the early child
4 program director, school district superintendent for the district which the child last attended,
5 chartered public school director, scholarship organization director, an adult education program
6 director, or postsecondary institution registrar, have access to their child's unique pupil identifier
7 and their child's data maintained in the data warehouse. A person who is 18 years of age or older
8 shall, upon request made in person to the early child program director, school district
9 superintendent for the district which the person last attended, chartered public school director,
10 scholarship organization director, adult education program director, or postsecondary institution
11 registrar, have access to their unique pupil identifier and their data maintained in the data
12 warehouse.

13 (3) Any person who knowingly violates the provisions of this subparagraph is guilty
14 of a class B felony and may be subject to involuntary termination of employment.

15 (f) The data warehouse shall create and maintain an audit trail for all users accessing
16 secure information.

17 (g) No person, including an individual, business, government, or governmental entity,
18 shall require an individual to provide a unique pupil identifier as a condition of doing business,
19 providing a service, or receiving a benefit of any kind, except as provided in educational services.
20 Any person or entity who knowingly violates the provisions of this subparagraph shall be liable for
21 actual damages or \$25,000, whichever is greater, for each violation. Each denial of services or
22 benefits shall constitute a separate offense under this subparagraph.

23 (h) If a pupil's records become part of an administrative action outside of the pupil's
24 early childhood program, district, chartered public school, scholarship program, adult education
25 program, or postsecondary institution, or a part of any judicial or quasi-judicial proceeding, the part
26 of the record containing the pupil's unique pupil identifier shall be redacted by the early childhood
27 program, district, chartered public school, scholarship organization, adult education program, or
28 postsecondary institution prior to release.

29 (i) The information maintained in the data warehouse shall be available to the
30 department of education and to the public using the data maintained by the department of
31 education. No personally identifiable information shall be required as a condition of access or usage
32 under this subparagraph, nor shall such access or usage be tracked. Under no circumstances shall
33 the unique pupil identifier be made available to the public.

34 (j) Information maintained with the SASID shall be exempt from the provisions of RSA
35 91-A.

36 (k) Authorized personnel at the department of education shall administer and maintain
37 the unique pupil identification system.

1 (l) Except as provided in RSA 193, the department of education shall provide no
2 personally identifiable information collected pursuant to this chapter, including but not limited to
3 name, date of birth, or social security number to any person or entity, other than an early childhood
4 program, district, chartered public school, scholarship organization, adult education program, or
5 postsecondary institution authorized to access this data, absent a court order. Under no
6 circumstances shall personally identifiable information or the unique pupil identifier be provided to
7 any person or entity outside of New Hampshire. Any person who knowingly violates this provision is
8 guilty of a class B felony and may be subject to involuntary termination of employment.

9 (m) Early childhood programs not receiving Head Start or child care scholarship funds,
10 private schools comprised of kindergarten through grade 12, and all private postsecondary
11 institutions may participate in the data warehouse and random number generator. Participating
12 early childhood programs may volunteer to include data for pupils for which Head Start or child care
13 scholarship funds are not received. Permission of a parent or legal guardian of a pupil enrolled in an
14 early childhood program shall be obtained before a pupil may participate in the data warehouse and
15 random number generator. For the purposes of this section, such voluntary participating early
16 childhood programs shall be included in the definition set forth in RSA 193-E:4.

17 (n) Notwithstanding subparagraphs (a)-(m), to enable the department of education to
18 ensure the accuracy of the data, the commissioner of the department of education may, in writing,
19 grant individuals access to the data warehouse, including but not limited to, access to the unique
20 pupil identifier for the purpose of connecting information in the warehouse with the random number
21 generator.

22 (o) At the request of an early childhood program, school district, chartered public school,
23 scholarship organization, adult education program, or postsecondary institution, the department of
24 education shall provide pupil-level data from the unique pupil identification system to an early
25 childhood program, school district, chartered public school, scholarship organization, adult education
26 program, or postsecondary institution for pupils pursuing an education in that entity. Except as
27 otherwise specifically provided in statute, the department shall not provide for any purpose any
28 student personally-identifiable data to any public or private individual or entity, including the local,
29 state, or federal government, or department or agency thereof, regardless of whether such individual
30 or entity is for profit or not-for-profit, and regardless of whether the public or private individual or
31 entity is involved in any way with the pupil's education.

32 (p) New Hampshire home educated pupils pursuing an education in a postsecondary
33 institution who have not been assigned a unique pupil identifier may, without penalty, opt out of
34 being included in the unique pupil identification system for postsecondary pupils.

35 II. Any contracts or agreements necessary to implement the provisions of this section shall
36 be approved by the governor with the consent of the executive council.

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1 5 New Section; Transfer; Commission on Holocaust and Genocide Education. Amend RSA 189
2 by inserting after section 10 the following new section:

3 189:10-a Commission on Holocaust and Genocide Education.

4 I. There is established, notwithstanding RSA 14:49, a commission to study best practices for
5 teaching students how intolerance, bigotry, antisemitism, and national, ethnic, racial, or religious
6 hatred and discrimination have evolved in the past, and can evolve into mass violence and genocide,
7 such as the Holocaust.

8 I-a. In this section:

9 (a) "Genocide" means any of the following acts committed with the intent to destroy, in
10 whole or in part, a national, ethnic, racial, or religious group: killing members of the group; causing
11 serious bodily or mental harm to members of the group; deliberately inflicting on the group
12 conditions of life calculated to bring about its physical destruction in whole or in part; imposing
13 measures intended to prevent births within the group; or forcibly transferring children of the group
14 to another group.

15 (b) "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and
16 murder of approximately 6,000,000 Jews by the Nazi regime and its collaborators.

17 (c) "Holocaust and genocide education" means studies on the Holocaust, genocide, and
18 other acts of mass violence.

19 II. The members of the commission shall be as follows:

20 (a) One member of the senate, appointed by the president of the senate.

21 (b) Two members of the house of representatives, appointed by the speaker of the house
22 of representatives.

23 (c) The commissioner of education, or designee.

24 (d) One high school teacher, appointed by the governor.

25 (e) One middle school teacher, appointed by the governor.

26 (f) One school administrator, appointed by the New Hampshire School Administrators
27 Association.

28 (g) One school curriculum coordinator, appointed by NEA-NH.

29 (h) The Roman Catholic bishop of Manchester, or designee.

30 (i) A representative of the New Hampshire Council of Churches, appointed by the
31 council.

32 (j) A representative of the Keene state college Cohen Center for Holocaust and Genocide
33 Studies, appointed by the college president.

34 (k) Two members appointed by the Jewish Federation of New Hampshire, one of whom
35 shall be a religious leader.

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(l) Two survivors or direct descendants of a survivor of either the Holocaust or another genocide, one appointed by the president of the senate and one appointed by the speaker of the house of representatives.

(m) A representative appointed by the Anti-Defamation League, New England region.

III. The commission shall:

(a) Recommend model school district policies for Holocaust and genocide education.

(b) Recommend to the state board of education rules for fulfilling the Holocaust and genocide education requirement.

(c) Identify best practices for teaching Holocaust and genocide education and the appropriate number of hours of instruction at multiple grade levels.

(d) Identify existing teaching materials and curriculum as well as strategies and content for providing and enhancing genocide education to students.

(e) Identify in-service education opportunities for educators.

(f) Promote, within the schools and the general population of the state, implementation of Holocaust and genocide education.

IV. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction over education, the senate clerk, the house clerk, the state board of education, the governor, and the state library. A preliminary report shall be submitted on or before January 1, 2021. An annual report shall be submitted on or before November 1, 2021 and each year thereafter. The commission shall monitor the implementation by grade, curriculum, and hours of instruction. A final report shall be submitted on or before November 1, 2024.

6 Repeal. RSA 189:10-a, relative to the commission on holocaust and genocide education, repealed.

7 New Section; High Schools; Approval of Courses and Programs. Amend RSA 194 by inserting after section 22 the following new section:

194:22-a Approval of Courses and Programs. The principal or other administrator of a high school shall grant credit toward high school graduation for similar courses and programs that have been satisfactorily completed at other approved schools or shall provide reasonable justification for denial. For purposes of this section, approved schools include all New Hampshire public schools,

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1 including chartered public schools, public academies, approved public or private tuition program
2 schools, and all schools in Vermont and Maine that are members of an interstate school district with
3 schools in New Hampshire.

4 8 Reference Corrected; Unique Pupil Identification. Amend RSA 77-G:2, I(b) to read as follows:

5 I.(b) The average value of all scholarships awarded by a scholarship organization, excluding
6 eligible students who received scholarships for educational expenses related to home education only,
7 shall not exceed \$2,500. Beginning in the second year of the program, the commissioner of the
8 department of revenue administration shall annually adjust this amount based on the average
9 change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services
10 less medical care services" special aggregate index, as published by the Bureau of Labor Statistics,
11 United States Department of Labor. The average change shall be calculated using the calendar year
12 ending 12 months prior to the beginning of program year. In each of the first and second program
13 years, a scholarship organization shall award a minimum of 70 percent of all scholarships issued to
14 eligible students as defined in RSA 77-G:1, VIII(a)(1) and (2) and, notwithstanding RSA ~~[193-E:5]~~
15 **193-K**, shall notify the department of education of the unique pupil identifier and date of birth for
16 each of these students granted a scholarship within 30 days following the end of each program year.
17 The required minimum percentage of all scholarships issued by a scholarship organization to eligible
18 students as defined in RSA 77-G:1, VIII(a)(1) and (2) shall be reduced by 5 percent each program
19 year for years 3 through 15 of the program, and, at the beginning of the sixteenth program year and
20 every program year thereafter, there shall be no required minimum percentage of scholarships.

21 9 Reference Corrected; Unique Pupil Identification. Amend RSA 77-G:5, II(e) to read as follows:

22 (e) Notwithstanding RSA ~~[193-E:5]~~ **193-K**, within 30 days following the end of each
23 program year, a scholarship organization shall furnish the unique pupil identifier and date of birth
24 for each student eligible pursuant to RSA 77-G:1, VIII(a)(1) and (2) who received a scholarship, and
25 the subparagraph under which he or she was eligible, to the department of education. The
26 department of education shall notify the scholarship organization within 30 days of any students
27 who are ineligible under RSA 77-G:1, VIII(a)(1).

28 10 Reference Corrected; Unique Pupil Identification. Amend RSA 91-A:5, VII to read as follows:

29 VII. Unique pupil identification information collected in accordance with RSA ~~[193-E:5]~~ **193-**
30 **K**.

31 11 Reference Corrected; Accountability. Amend RSA 189:28, II(a) to read as follows:

32 II.(a) The information needed to determine compliance with performance or accountability
33 measures of public education agency under RSA ~~[193-E:3]~~ **193-E:4** or federal law, shall be submitted
34 to the department of education in a timely manner as determined by the department of education.
35 The state board of education shall ensure the accuracy and completeness of such data and shall take
36 enforcement or other actions when necessary, including verification checks, for the purpose of
37 enforcing the provisions of this section.

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12 Reference Corrected; Unique Pupil Identification. Amend RSA 189:65, VI to read as follows:

VI. "Statewide longitudinal data system" (SLDS) means the department's statewide longitudinal data system containing student information collected pursuant to RSA ~~[193-E:5]~~ **193-K** and the state longitudinal database created to house data pursuant to RSA ~~[193-E:5]~~ **193-K**.

13 Reference Corrected; Unique Pupil Identification. Amend RSA 189:67, IV to read as follows:

IV. Except as provided in RSA ~~[193-E:5]~~ **193-K**, or pursuant to a court order signed by a judge, the department shall not disclose student personally-identifiable data in the SLDS or teacher personally-identifiable data in other department data systems to any individual, person, organization, entity, government or component thereof, but may disclose such data to the school district in which the student resides or the teacher is employed.

14 References Corrected. Amend RSA 193:3, VII to read as follows:

VII. In this section, "approved as a school tuition program" means a school that has been approved and contracted by the school board to provide students with the opportunity to acquire an adequate education as defined in RSA ~~[193-E:2]~~ **193-E:3**. Upon approval by the school board, the school shall receive status as an approved school tuition program, shall be deemed in compliance with the provisions of RSA ~~[193-E:3-b, I(a) and (b)]~~ **193-K**, and shall qualify as a school approved to provide the opportunity for an adequate education. The school shall be required to submit to the school board an annual student performance progress report in a format selected by the school board, which may include reporting of aggregate achievement data to protect student privacy, and that demonstrates that students are afforded educational opportunities that are substantially equal in quality to state performance standards for determining an adequate education. A private school that receives tuition program students shall:

(a) Comply with statutes and regulations relating to agency approvals such as health, fire safety, and sanitation;

(b) Be a school approved and contracted by a local public school board to provide students with the opportunity for an adequate education;

(c) Be incorporated under the laws of New Hampshire or the United States; and

(d) Administer an annual assessment in reading and language arts, mathematics, and science as defined in RSA 193-C:6 to tuition program students. The assessment may be any nationally recognized standardized assessment used to measure student academic achievement, shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-C:6 for school tuition program students. The school's annual assessment results for tuition program students shall be submitted to the commissioner and school board. If the school enrolls 10 or more publicly-funded tuition program students and if the school's group assessment percentile score for tuition program students is less than the 40th percentile, the commissioner may require a site visit to determine if the school provides the opportunity for an adequate education in accordance with RSA ~~[193-E:3-b]~~ **193-E:3**. After the third consecutive year of a tuition program school being unable

1 to demonstrate that it provides an opportunity for an adequate education, the school may be subject
2 to revocation of tuition program status.

3 15 Reference Corrected; Adequate Education. Amend RSA 198:40-a, I to read as follows:

4 I. For the biennium beginning July 1, 2015, the annual cost of providing the opportunity for
5 an adequate education as defined in RSA ~~[193-E:2-a]~~ **193-E:3** shall be as specified in paragraph II.
6 The department shall adjust the rates specified in this paragraph in accordance with RSA 198:40-d.

7 16 Reference Corrected. Amend RSA 21-N:4, VIII to read as follows:

8 VIII. With the advice of the state board of education, and in consultation with the deputy
9 commissioner, the directors of the affected divisions, and the legislative oversight committee
10 pursuant to RSA ~~[193-C:8]~~ **193-E:7**, transferring or assigning functions, programs, or services within
11 or between any division. When transfers or assignments are enacted within the department that
12 may require legislative action, the commissioner shall work with the legislative oversight committee
13 to propose legislation supporting such transfers or assignments.

14 17 References to Assessment Information. Amend RSA 189:67, II through III to read as follows:

15 II. A school or the department may disclose to a testing entity the student's name, unique
16 pupil identifier, and birth date for the sole purpose of identifying the test taker. Except when
17 collected in conjunction with the SAT or ACT:

18 (a) When such tests are used for the purpose of the state assessment as defined in RSA
19 193-C:6, the data shall be maintained by the testing entity in accordance with RSA ~~[193-C:12]~~ **193-**
20 **C**.

21 (b) The data shall not be disclosed by the testing entity to any other person,
22 organization, entity, or government or any component thereof, other than the parent or guardian,
23 the department, school or school district, and shall not be used by the testing entity for any other
24 purpose except as provided in RSA ~~[193-C:12]~~ **193-C**.

25 II-a. Students taking the SAT or ACT, when such tests are used for the purpose of the state
26 assessment as defined in RSA 193-C:6, may opt to have all personal information destroyed by the
27 testing entity, following the completion and verification of the test.

28 III. Except as provided in RSA ~~[193-C:12]~~ **193-C** or when collected in conjunction with the
29 SAT or ACT, **or** when such tests are used for the purpose of the state assessment as defined in RSA
30 193-C:6, neither a school nor the department shall disclose or permit the disclosure of student or
31 teacher personally-identifiable data, the unique pupil identifier, or any other data listed in RSA
32 189:68, I to any testing entity performing test-data analysis. The testing entity may perform the test
33 analysis but shall not connect such data to other student data.

34 18 Reference Changed. Amend RSA 189:68, I to read as follows:

35 I. Except as provided in RSA ~~[193-C:12]~~ **193-C**, the department shall not collect or maintain
36 the following data in the SLDS:

37 19 Reference Changed. Amend RSA 193-E:5, I(a) to read as follows:

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1 (a) Except as provided in RSA [~~193-C:12~~] **193-C**, no personally identifiable information
2 about a pupil including name and social security number, shall be collected or maintained by the
3 state in such a manner as to allow such information to be connected with the unique pupil identifier.
4 Under no circumstances shall the department of education obtain or use a social security number as
5 an identifier for any pupil. The department shall not use unique pupil identifiers except in
6 connection with the data warehouse and such use shall not be accessible to the public.

7 20 Reference Changed. Amend RSA 193-E:5, I(l) to read as follows:

8 (l) Except as provided in RSA [~~193-C:12~~] **193-C**, The department of education shall
9 provide no personally identifiable information collected pursuant to this chapter, including but not
10 limited to name, date of birth, or social security number to any person or entity, other than an early
11 childhood program, district, chartered public school, scholarship organization, adult education
12 program, or postsecondary institution authorized to access this data, absent a court order. Under no
13 circumstances shall personally identifiable information or the unique pupil identifier be provided to
14 any person or entity outside of New Hampshire. Any person who knowingly violates this provision is
15 guilty of a class B felony and may be subject to involuntary termination of employment.

16 21 Reference Changed. Amend RSA 198:40-a, II(e) to read as follows:

17 (e) An additional \$697.77 for each third grade pupil in the ADMR with a score below the
18 proficient level on the reading component of the state assessment administered pursuant to RSA
19 193-C:6 or the authorized, locally-administered assessment as provided in RSA [~~193-C:3, IV(i)~~] **193-**
20 **C**, provided the pupil is not eligible to receive differentiated aid pursuant to subparagraphs (b)-(d).
21 A school district receiving aid under this subparagraph shall annually provide to the department of
22 education documentation demonstrating that the district has implemented an instructional program
23 to improve non-proficient pupil reading.

24 22 Reference Removed. Amend RSA 186-C:3-a,II-a (a)(4) to read as follows:

25 (4) Shows the progress and compliance with the requirements in the No Child Left
26 Behind Act of 2001, 20 U.S.C. section 6311(b), and RSA [~~193-E:3 and RSA 193-H:2~~] **193-E** with
27 respect to children with disabilities.

28 23 Effective Date.

29 I. Section 6 of this act shall take effect November 1, 2024.

30 II. The remainder of this act shall take effect July 1, 2023.