

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require local education agencies to develop and administer developmentally appropriate assessments for students in pre-kindergarten through second grade, to require the Office of the State Superintendent of Education to adopt assessments for students in grades 3 through 8 and high schools, and to require the establishment of policies governing the administration of assessments; and, to establish student promotion criteria, notice requirements and remedial education efforts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Focused Student Achievement Act of 2013”.

TITLE I. STUDENT ASSESSMENT

Sec. 101. Short title.

This title may be cited as the “Student Assessment Act of 2013”.

Sec. 102. Definitions.

For purposes of this title, the term:

(1) “Districtwide assessment ” has the same meaning as D.C. Official Code § 38-

1800.02(13).

(2) “Field test” means a test used during the test development process to assess the quality and appropriateness of test items, administration procedures, scoring, or reporting.

(3) “Local education agency” or “LEA” means District of Columbia Public Schools and public charter schools.

Sec. 103. Assessments for students in prekindergarten through second grades.

1 Each LEA shall develop and administer developmentally appropriate assessments
2 consistent with District of Columbia academic standards for students in prekindergarten through
3 second grades for purposes of monitoring student learning to assess progress, diagnose
4 difficulties, and inform instruction and remediation needs.

5 Sec. 104. Assessments for students in grades 3 through 8 and high school.

6 (a) The State Superintendent shall adopt and provide to LEAs:

7 (1) Districtwide assessments for students in grades 3 through 8 and in high school
8 consistent with District of Columbia academic standards. At minimum, these assessments shall
9 measure student progress toward District of Columbia academic standards in English language
10 arts and mathematics and may measure progress in other content areas as determined by the State
11 Superintendent; and

12 (2) All student assessments required by federal law or as a condition of a federal
13 grant.

14 (b) The State Superintendent may adopt additional assessments for grades 3 through 8
15 and in high school for purposes of allowing comparisons with national or state indicators of
16 student achievement or with other states; provided that any such assessment be conducted with
17 the smallest sample of students necessary to ensure valid comparisons.

18 (c)(1) Assessments adopted pursuant to paragraphs (a) and (b) of this section shall not
19 constitute a portion of a student's grade or be used as promotion criteria.

20 (2) Notwithstanding paragraph (1), the State Superintendent may determine by
21 regulation that such an assessment shall constitute a fixed percentage of a DCPS student's final
22 grade for a course if the assessment is an end-of-year or end-of-course assessment aligned to
23 District of Columbia academic standards.

1 Sec. 105. State superintendent responsibilities.

2 (a) The Office of the State Superintendent shall be responsible for the administration of
3 the assessments provided by section 104 of this act, and the State Superintendent may appoint an
4 advisory committee to assist in carrying out the requirements of this act.

5 (b) The State Superintendent shall establish policies and guidelines designed to minimize
6 instructional time dedicated to the administration of assessments. These policies shall reflect
7 standard testing practices to ensure test reliability and validity and shall include the following:

8 (1) A maximum amount of instructional time per year a school may devote to the
9 taking of practice tests that do not have the primary purpose of assessing current student
10 learning;

11 (2) Whether students shall be subject to field tests or national tests during the two-
12 week period preceding the administration of end-of-grade tests, end-of-course tests, end-of-year
13 tests, or the school's regularly scheduled final exams; and

14 (3) Whether a school shall participate in more than two field tests at any one
15 grade level during a school year unless the school's principal volunteers to participate in more
16 than two field tests.

17 (b) The State Superintendent shall develop policies regarding the testing of students with
18 disabilities. Such policies at a minimum shall:

19 (1) Provide for accommodations and alternate methods of assessment that are
20 consistent with a student's Individualized Education Program and Section 504 plan;

21 (2) Prohibit the use of the assessment provided pursuant to this act as the sole
22 determinant of decisions about a child's graduation or promotion; and

1 (3) Provide parents with information about assessments and options for students
2 with disabilities.

3 Sec. 106. Effective date.

4 This title shall be effective as of the 2014–2015 school year.

5 Sec. 107. Rulemaking.

6 The State Superintendent shall promulgate regulations pursuant to section 3(b)(11) of the
7 State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-
8 176; D.C. Official Code § 38-2602(b)(11), necessary for the implementation of this title.

9 TITLE II. STUDENT PROMOTION

10 Sec. 201. Short title.

11 This title may be cited as the “Student Promotion Act of 2013”

12 Sec. 202. Definitions.

13 For the purposes of this title, the term:

14 (1) “Chancellor” means the chief executive officer of DCPS.

15 (2) “DCPS” means the District of Columbia Public Schools agency established by
16 Section 102 of the District of Columbia Public Schools Agency Establishment Act of 2007,
17 effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171).

18 (3) “DCPS school” means a school under the administration of DCPS that offers classes
19 at any grade level from prekindergarten through twelfth.

20 (4) “Elementary level” means prekindergarten through fifth grade.

21 (5) “Parent” means a natural parent, adoptive parent or step-parent, or any person who
22 has legal custody by court order or marriage.

23 (6) “Passing grade or mark” means:

1 (A) At the elementary level, achieving proficient or advanced grades in a subject
2 or content area; and

3 (B) At the secondary level, receiving credit for a course.

4 (7) “Promotion” means advancement to the next grade level for students in
5 prekindergarten through grade eleven, and “promoted” describes prekindergarten through
6 eleventh students who are advanced to the next grade level.

7 (8) “Retention” means repetition of a student’s current school grade level due to the
8 student’s failure to meet promotion criteria, and “retained” describes students who are required
9 to repeat their current grade level due to their failure to meet promotion criteria.

10 (9) “School year” means the school term beginning in August of one year and ending in
11 the following year. The school year does not include summer school.

12 (10) “Secondary level” means sixth through twelfth grades.

13 (11) “Subject” and “content area” mean a particular course of study, such as
14 mathematics, English language arts, writing, or literature.

15 Sec. 203. Criteria for student promotion.

16 (a)(1) Promotion criteria for students enrolled in prekindergarten through second grade at
17 a DCPS school shall be made by the school’s principal.

18 (2) Students enrolled in third grade at a DCPS school shall be promoted if they
19 earn passing grades or marks in English language arts, mathematics, and in a majority of their
20 other subjects or content areas.

21 (3) Students enrolled in fourth through eighth grades at a DCPS school shall be
22 promoted if they earn passing grades or marks in a majority of their subjects or content areas.

1 (4) Students in ninth through eleventh grades in a DCPS school shall be promoted
2 if they meet requirements approved by the State Board of Education.

3 (b) Except as provided in Section 206, DCPS principals may retain any student who does
4 not meet the promotion criteria specified in subsection (a) of this section. A decision to promote
5 a student who fails to meet the criteria specific in subsection (a) of this section shall include a
6 written explanation by the principal regarding the decision to the Chancellor

7 (c) Notwithstanding subsection (a), no student with more than 30 unexcused absences in
8 a school year shall be promoted without express approval of the principal.

9 Sec. 204. Identification of students at risk of retention.

10 (a) By January 15 of each school year, each DCPS principal shall identify all students at
11 risk of retention based on current academic performance. In collaboration with teachers and other
12 school personnel, each principal shall develop a plan that specifies activities, instructional
13 strategies, and other interventions to help each student at risk of retention meet or exceed
14 promotion standards. The principal shall provide this plan to the parent of each student at risk of
15 retention.

16 (b) Except as provided in Section 206, a principal may retain any student who does not
17 meet the promotion criteria in Section 203, regardless of whether the principal identified the
18 student as being at risk of retention under paragraph (a) of this section.

19 Sec. 205. Notice and reporting requirements.

20 (a) At the beginning of each school year, the Chancellor shall provide to all parents
21 written notice of the criteria for student promotion.

22 (b) At least 60 calendar days prior to the end of the school year, the principal shall
23 provide written notice to the parents of students at risk for retention. Such notice shall include a

1 statement of the student’s academic deficiencies and the possible consequences if the student
2 does not meet pertinent promotion criteria. The principal shall also provide the parents with
3 information to assist them in helping their child meet the promotion criteria.

4 (c) Except as provided in Section 206, a principal may retain any student who does not
5 meet the promotion criteria in Section 203 of this act, regardless of whether the principal
6 provided the written notice required under paragraph (b) of this section.

7 (d) Within seven calendar days after the end of the school year, each principal shall
8 submit to the Chancellor a list containing the following for each retained student:

9 (1) The student’s name;

10 (2) The underlying reason for the retention decision;

11 (3) Whether the principal identified the student as at risk of retention under
12 Section 204 of this act; and

13 (4) Whether the principal provided the student’s parents with notice and
14 information pursuant to paragraph (b) of this section.

15 (e) Within 30 calendar days after the end of the school year, the Chancellor shall submit
16 to the Office of the State Superintendent of Education a list containing the information required
17 under paragraph (d) of this section for all retained DCPS students.

18 Sec. 206. Review; exemptions.

19 (a) The Chancellor shall establish procedures to review retention decisions made pursuant
20 to section 203(b).

21 (b) Notwithstanding the requirements of this act, the Chancellor shall consider whether to
22 promote students who do not meet the promotion criteria and who:

23 (1) Are enrolled in English Language Learner programs; or

1 (2) Receive special education services.

2 Sec. 207. Appeals.

3 The Chancellor shall establish a process, including deadlines, to allow parents of a
4 student to be retained for failure to meet the promotion criteria in Section 203 of this act to
5 appeal the retention decision on the grounds that the student meets the promotion criteria.

6 Sec. 208. Summer school.

7 (a)(1) Each student retained pursuant to Section 203 of this act shall attend the summer
8 school session immediately following the school year in which the student was retained unless
9 specifically excused by the principal.

10 (2) A student who attends summer school pursuant to this section shall be
11 reevaluated for promotion if the student:

12 (A) Does not have more than three absences from summer school that are
13 unexcused as determined by the DCPS; and

14 (B) Receives a passing grade or mark in a subject or content area.

15 (2) Principals shall promote students who meet the promotion criteria in Section
16 203 of this act after completion of summer school.

17 (b) In addition to those students identified to attend summer school pursuant to
18 subsection (a), a principal shall provide to the Chancellor prior to the summer school registration
19 deadline a list of all student who the principal believes could benefit from summer school
20 instruction.

21 Sec. 209. Applicability.

22 Section 208 of this act shall apply upon the inclusion of its fiscal effect in an approved
23 budget and financial plan, as certified by the Chief Financial Officer.

1 Sec. 210. Rulemaking.

2 The Chancellors shall promulgate regulations pursuant to section 105(c)(5) of the Public
3 Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C.
4 Official Code 38-174(c)(5)), necessary for the implementation of this title.

5 TITLE III. GENERAL PROVISIONS

6 Sec. 301. Fiscal impact statement.

7 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
8 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved
9 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

10 Sec. 302. Effective date.

11 This act shall take effect following approval by the Mayor (or in the event of veto by the
12 Mayor, action by the Council to override the veto), a 30-day period of Congressional review, as
13 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
14 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)) and publication in the District of
15 Columbia Register.

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