

1 SB170
2 216798-3
3 By Senators Orr, Scofield, Livingston, Stutts, Jones and
4 Melson
5 RFD: Education Policy
6 First Read: 02-FEB-22

1 SB170

2
3
4 ENROLLED, An Act,

5 To amend Section 16-6C-2, Code of Alabama 1975,
6 relating to the public K-12 school grading system; to exempt
7 the academic performance of certain English as a second
8 language students from consideration in the assigning of an
9 academic achievement grade to a school or school system; and
10 to require the State Superintendent of Education to retain the
11 current provisions of the state Every Student Succeeds Act
12 plan detailing the provisions of this act.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 16-6C-2 of the Code of Alabama
15 1975, is amended to read as follows:

16 "§16-6C-2.

17 "(a) In addition to any other labels or designations
18 assigned to public schools and public school districts
19 pursuant to a federal, state, school, district, or other
20 assessment or accountability system, the State Superintendent
21 of Education, consistent with ~~the provisions of~~ this chapter,
22 shall develop a school grading system reflective of school and
23 district performance. The grading system shall utilize the
24 traditional A, B, C, D, or F framework.

1 "(1) Schools receiving a grade of "A" are making
2 excellent progress.

3 "(2) Schools receiving a grade of "B" are making
4 above average progress.

5 "(3) Schools receiving a grade of "C" are making
6 satisfactory progress.

7 "(4) Schools receiving a grade of "D" are making
8 less than satisfactory progress.

9 "(5) Schools receiving a grade of "F" are failing to
10 make adequate progress.

11 "(b) In developing this school grading system, the
12 State Superintendent of Education shall seek input from
13 parents, teachers, school administrators, existing State
14 Department of Education advisory groups or task forces, and
15 other education stakeholders on how the system can properly
16 reflect not only the overall academic proficiency of each
17 public school but also the academic improvements made by each
18 public school, along with other key performance indicators
19 that give a total profile of the school or the school system,
20 or both.

21 "(c) The State Superintendent of Education shall
22 prescribe the design and content of the school grading system
23 by not later than December 31, 2012. It is the intent of the
24 Legislature that the system be in place by no later than the
25 2013-2014 school year. The system may not be utilized by the

1 State Superintendent of Education or the State Department of
2 Education until sufficient rules have been ~~promulgated~~ adopted
3 by the State ~~Department~~ Board of Education pursuant to the
4 Alabama Administrative Procedure Act.

5 "(d) Using an easy to understand grading scale, the
6 school grading system shall describe achievement in the state,
7 each district, and each school. Additionally, the State
8 Superintendent of Education shall not be precluded from also
9 assigning grades to school feeder patterns or grades that
10 reflect the fiscal health and fiscal efficiency of a school or
11 school system.

12 "(e) The State Superintendent of Education shall
13 make these grades available to the general public, and shall
14 post these grades on the website of the State Department of
15 Education as soon as the grades are available. Additionally,
16 appropriate grade information shall be delivered to the parent
17 or guardian of each public school student at least once
18 annually in the same manner that student report cards are
19 currently delivered.

20 "(f) (1) Using state-authorized assessments and other
21 key performance indicators that give a total profile of the
22 school or the school system, or both, a school's grade, at a
23 minimum, shall be based on a combination of student
24 achievement scores, achievement gap, college and career
25 readiness, learning gains, and other indicators as determined

1 by the State Superintendent of Education to impact student
2 learning and success.

3 "(2) Commencing with the 2021-2022 school year, the
4 academic achievement of each student identified as an English
5 language learner, who has not shown proficiency on ACCESS for
6 EL, or other state approved English proficiency assessment,
7 may not be considered in assigning an academic achievement
8 grade to a school or school system for the first five years of
9 enrollment of the student. The educational progress of each of
10 these students shall continue to be measured in the academic
11 growth category and the progress in English language
12 proficiency category and, at the end of the five-year period
13 for the student, his or her proficiency shall again be
14 considered in assigning an academic achievement grade to a
15 school or school system on the state A-F school grading
16 system.

17 "(3) The State Superintendent of Education may not
18 amend the state Every Student Succeeds Act option for
19 including test scores of English language learners enrolled in
20 United States schools. The option provides as follows: For the
21 first year of enrollment, the test scores shall be reported,
22 but the results on both the reading/language arts and math
23 tests shall be excluded from the federal accountability
24 system; for the second year of enrollment, a measure of
25 student growth on both tests shall be included in the federal

1 accountability system; and for the third year of enrollment,
2 proficiency on both tests shall be included in the federal
3 accountability system. Additionally, the option requires
4 English language learners who have successfully left the
5 English language learner subgroup by attaining English
6 proficiency to be included in that subgroup for accountability
7 purposes for four years.

8 "(g) The A-F school grading system shall be
9 consistently applied so that grades of one school or system
10 may be compared to the grades of any other school or system."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB170

Senate 10-FEB-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 05-APR-22

Senate concurred in House amendment 05-APR-22

By: Senator Orr