



Proficient Students

Guidance on Implementation of SB 103 (2017 Regular Session)

SB 103—An act clarifying that a school district’s obligation to provide the minimum aggregate hours does not apply to pupils demonstrating proficiency in content ordinarily covered by instruction. (L. Jones, R. Cook, D. Jones—65th Montana Legislature)

Senate Bill 103 (L. Jones) passed by the 2017 Legislature is, at its root, a fiscal bill, as it amends 20-1-301, MCA to state that **“the minimum aggregate hours required are not required for any pupil demonstrating proficiency pursuant to 20-9-311(4)(d).”** 20-9-311 is also a fiscal section of law as it is in Title 20, Chapter 9 (Finance), Part 3 (Funding of Basic System of Quality Public Schools). The specific reference says:

“(d) A school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under subsection (4)(a) or (4)(b) if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments.”

At issue here is that schools wishing to implement proficiency-based instructional programs previously could have been at risk of receiving a finding by their financial auditors for failing to provide for a minimum of 1080 hours of instruction (for grades 4-12) as required by 20-1-301(c). This would then trigger OPI to be directed to reduce state aid by two times the hourly rate for those hours found to be lacking. Passage of SB 103 provides a safety net for schools to not have to fear reduction of state aid if they are implementing proficiency-based programs of instruction which could result in less instruction than the 1080 hours.

HOWEVER, the key to this is what is underlined in the above legal reference. Schools must have a school board approved method developed to measure proficiency for each course that may potentially trigger a scenario where students are not receiving at least 1080 hours of instruction annually. Districts that have already put into place district-level assessments for their coursework already have this covered. For example, Great Falls Schools has district level assessments in place which means that at the end of 1st semester Algebra I, a student must demonstrate proficiency on the exact same assessment whether they are taking the course at CMR, Great Falls High, or Paris Gibson.

HIGH SCHOOL:

A natural question that arises is “how many credits must a student pass each semester/year to be determined to be ‘proficient’?” For example, assume that two students are both determined to have spent 1000 hours of seat time. Student A is in a high school with an eight period day who takes eight classes and they demonstrate proficiency in seven of their classes. Student B is in a high school with a seven period day who takes five classes and demonstrates proficiency in all five. Is the school that Student B attends doing fine while the school that Student A attends subject to a loss of state aid for that student not demonstrating proficiency? Absolutely not. The guidance that the OPI is providing is that proficiency for grades 9-12 will be calculated based upon the calculation that students are meeting the minimum required number of credits required for graduation from high school in Montana. ARM 10.55.905 provides that a total of 20 units of study must be earned at the minimum to graduate. So for the implementation of SB 103, we will interpret that to mean that satisfying proficiency in five classes per semester (five credits per year) will meet the definition of ‘proficiency’. NOTE: This is the minimum number of credits as determined by the Board of Public Education; local school districts may have higher graduation requirements. But for the purpose of funding, the OPI will use the minimum of five classes. (Note that this also parallels MHSA Eligibility Rule 2.3 which requires passage of five classes per semester.)

MIDDLE GRADES:

How about junior high/middle school? ARM 10.55.902 states that the basic education program for the middle grades **“includes, at a minimum, the following program areas, required for all students yearly: English language arts; mathematics; physical and life sciences; social studies; health enhancement.”** This means in order to satisfy the requirements of SB 103, any students in the middle grades who have not satisfied at least 1080 hours of instruction should be able to prove proficiency in the five curricular areas indicated above.

ELEMENTARY:

For elementary school, the law provides that full-time ANB funding is provided for grades K-3 for 720 hours of instruction which isn’t usually a problem for anyone when the auditor performs their calculations. The problem is that for grades 4-6, the minimum hour requirement jumps to 1080 and is the same as junior high and high school. Many schools in grades four and five have run into this issue when they have the same bell and recess schedule as the primary grades. ARM 10.55.901 states: **“An elementary school shall have an education program aligned to the program area standards that enables students to meet the content standards and content-specific grade-level learning progressions.”** Program area standards are defined in ARM 10.55.602(32) and are as follows: **“English language arts, arts, health enhancement, mathematics, science, social studies, career and technical education, technology, workplace competencies, library media, world languages, and school counseling.”** So for a district wanting to implement SB 103 provisions in grades 4-6, you would need to develop district level assessments for all twelve of the above.

QUESTIONS:

- What assessment can we use?
 - If your district already has a process where you have developed district-level assessments for each course, then you just need to be sure that these are approved by your Board. If you don't already have assessments, then see the next question.

- How do we develop an approved assessment?
 - ARM 10.55.602 and 10.55.603 provide a great deal of guidance on what the Board of Public Education requires in an assessment. The key factors are implementing the guidance found in these two sections of Rule along with 20-9-311(4)(d) which states in part **“as determined by the school board using district assessments.”** 10.56.101 defines the state-level assessment, which may provide guidance as well.

- What if all we use is classroom-based assessments?
 - While teacher-developed or other types of classroom-based assessments are one tool in the overall process of assessment, implementation of SB 103 is going to require a higher degree of rigor. Development of these assessments should be done while reviewing the program areas in the various subchapters of Chapter 10.55 of ARM.

- What if the personalized learning model we have is based upon a full year and not semesters?
 - While we want to encourage innovative programs and delivery methods to meet the unique needs of all students, the reality is that nearly everything we deal with regarding students is based upon semesters. If you have a program that utilizes an entire year, you are encouraged to find a way to break it down into two semesters.

- What data do we have to collect?
 - As stated initially, SB 103 is a fiscal provision which means it is something that would only come up with your auditor. This is also occasionally problematic as it always applies to the previous year, which means districts will need to have good records. We will work with the approved auditing firms so that they are aware of SB 103. Districts who have students who have received less than 1080 hours of instruction need to be able to prove that these students demonstrated proficiency on district assessments. This can be as simple as a spreadsheet with student IDs and checkmarks to indicate proficient or not. As with many other provisions of the audit, integrity in local reporting is key. Note that this proficiency must be demonstrated for EACH STUDENT not receiving at least 1080 hours of instruction. It is not an aggregate calculation.

- What if we already schedule 1080 hours of instruction for all students in grades 4-12?
 - Then you don't have to worry about any of the provisions contained here-in. This is designed for schools that are using a variety of proficiency-based approaches designed to get students through courses at their own pace. The spirit of SB 103 is to keep these schools from an audit finding and potential loss of ANB funding.

If you have any questions about the provisions of Senate Bill 103 and its implementation, please feel free to contact the Office of Public Instruction.