



MODEL LEGISLATIVE LANGUAGE FOR COMPREHENSIVE ASSESSMENT AND ACCOUNTABILITY

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Children's Voices

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As described in the accompanying policy brief authored by Andy Hargreaves and Henry Braun, the sound use of data and of accountability systems has great potential to aid in states' pursuit of ensuring a high-quality education for every child. But these powerful policy tools also have great potential for misuse and even abuse. Children learn when they have rich, engaging, challenging and well-supported opportunities to learn; accordingly, policies pertaining to the use of data and to accountability should be deliberately crafted to further those goals. The following model statutory language is designed to create positive and productive feedback loops of data, informing and driving a holistic evaluative accountability system.

Each state is unique, so the organizational focus of provisions in this model code will have to be adjusted for each state's laws and political culture. School-level accountability reports, for instance, are made the responsibility of the district office in the model code; but in some states such actions may be best located at the school. For example, the State Board's authority to waive certain statutes and regulations will be circumscribed by the State's own statutory scheme governing the powers and duties of the State Board of Education. Further, the latitudes granted to the State Board for any waiver(s) must be specified. Additionally, the State oversight responsibility must be vested in a responsible state agency that is independent, qualified, free of the appearance of a conflict of interest, and adequately supported to carry out the tasks, whether that be the State auditor's office, the office of a special master, the ombuds office, or a hearing officer. The appropriate office will vary by state. Finally, each State may have different legislative oversight mechanisms for the auditor's office, special master, ombuds office or hearing officer, and these references will need to be adjusted accordingly.

In the end, we as a nation are faced with three choices: we can continue to incorporate data and accountability in dysfunctional systems; we can abandon these policy tools as inherently counter-productive; or we can design and implement systems that use these tools in sensible, positive ways. This model code is intended to provide a foundation for the last of these choices.

1 **A BILL FOR AN ACT**

2 **An Act To Enhance Accountability**
3 **in the Public Schools of the State of ABC**
4 **Through the Effective, Appropriate,**
5 **and Comprehensive Use of Relevant Data**

6 **Section 101. Legislative Declarations, Findings and Intent Regarding**
7 **Data-Driven Improvement and Accountability.**

8 The Legislature hereby finds, determines, and declares that:

9 (a) The State's highest and most important priority is to provide a high-quality
10 public education to all students. In carrying out this priority, the State must
11 prepare students to become active, informed citizen participants in our
12 democracy and to be productive, contributing members of society.

13 (b) The State, however, continues to experience unacceptably high dropout
14 rates, inequalities in achievement levels, low rates of enrollment and
15 completion of postsecondary education, and unacceptably high levels of
16 unemployment or underemployment.

17 (c) The State must continue to research, adopt and implement strategies for
18 improving public education for all students.

19 (d) Students enter school with varying attributes and experiences. School
20 personnel must understand students' different skills, knowledge, and
21 behavior so they can better support students' learning and development. In
22 so doing, schools must consider the needs of the whole student and the
23 whole family.

24 (e) The State, school districts, schools, and educators have increasing access to
25 multiple sources of data regarding each student. These new data have
26 beneficial potential as well as the potential for misuse or abuse. Thus, the
27 State has the obligation to design systems that do each of the following:
28 measure important outcomes regarding the performance of the public
29 education system, improve the effectiveness of curriculum and instruction,
30 protect the confidentiality of the data, and avoid unintended uses and
31 unintended consequences.

32 (f) Successful implementation of a comprehensive educational and fiscal
33 accountability system depends on building a system that is universal and
34 multidirectional, holding all participants in the education system
35 accountable for high levels of performance within their respective areas of
36 control. Successful implementation is also dependent on adequate data

1 collection, appropriate use of the collected data, and a valid, accurate, and
2 meaningful reporting system.

3 (g) Assessments must be designed to avoid gender, cultural, ethnic, or racial
4 stereotypes, must recognize sensitivity to different learning styles and
5 impediments to learning, and must be valid as applied to all test-takers,
6 including those not yet fluent in English and those with special needs.

7 (h) The Legislature declares that the following structure establishes the
8 guidelines for appropriate uses of data with the goal of improving
9 educational quality in every school. These guidelines are applicable to every
10 pre-school, primary, and secondary school in the state that receives any
11 funding from the federal, state, or local government.

12 (i) The state recognizes that standardized testing pursuant to state or national
13 law or rule should not be the primary measure for evaluating personnel, for
14 educational accountability, or for informing instruction. Genuine multiple
15 measures must be used in any analysis of outcomes at the State, school
16 district, school, classroom, or individual student levels.

17 (j) The legislature declares that one of its highest priorities is to support the
18 professionalism of teachers and administrators in developing and
19 implementing a system of high-quality curriculum, instruction, and
20 classroom assessments that are tied to a challenging and comprehensive set
21 of state standards.

22 (k) The legislature declares that it is a fundamental right of every child, every
23 year to attend an adequately funded pre-k, primary, and secondary
24 education system wherein the funding is based on evidence of actual needs.
25 Further the legislature declares that statewide costing-out studies or other
26 analysis will be performed every three years to ensure successful
27 implementation.

28 (l) Finally, the legislature declares that this statute furthers the State's
29 constitutional obligation to provide an adequate public education to all of
30 the State's students.

31 **Section 102. Definitions**

32 (a) Accountable and accountability: As used in this statute, the terms
33 "accountable" and "accountability" are meant to include multi-level
34 responsibilities that include state-level funding, capacity building, and
35 support; accountability of school staff and educators; policymakers at state
36 and local levels; and all intermediate levels. All are essential to the effective
37 and equitable functioning of the system.

1 (b) Appellate team: As used in this statute, “appellate team” is the group of
2 individuals retained by the State Department of Education to carry out the
3 duties and responsibilities described herein. The appellate team shall be
4 made up of people who have served on prior inspection teams and shall, to
5 the extent possible, consist of one representative appointed by the school
6 district and two representatives appointed by the state department of
7 education. The appellate team members shall have no perceived or actual
8 conflict of interest regarding the school, the district, the inspection team, or
9 the State. The State Board of Education shall establish the qualifications,
10 training, and terms of service for the appellate team by rule-making process.

11 (c) Assessment: As used in this statute, the term “assessment” includes
12 instruments designed to assess the levels of student performance as well as
13 the extent to which students, classrooms, schools, and districts succeed in
14 improving or failing to improve performance, as defined by student
15 acquisition of the skills, competencies, and knowledge called for by the
16 academic and non-academic standards and embodied in the curriculum
17 frameworks in the areas of mathematics, science, technology, history, social
18 science, language arts, foreign languages, and the arts, as well as other
19 gauges of student learning judged by the State Board of Education to be
20 relevant and meaningful to students, parents, teachers, administrators,
21 taxpayers, and elected officials.

22 (d) Capstone: As used in this statute, “capstone (s) ” and capstone projects are
23 performance-based assessments that demonstrate mastery of essential skills
24 and learning. Capstones and capstone projects should demonstrate a
25 student’s ability to think critically and creatively, to solve problems, and to
26 communicate effectively.

27 (e) Formative assessments: As used in this statute, “formative assessments” are
28 on-going assessments, reviews, and observations in a classroom. They are
29 used to inform instruction and provide feedback, to the teacher and to the
30 student, regarding progress in achieving individual and classroom goals.

31 (f) Inspection team: As used in this statute, “inspection team(s) ” are the group
32 of individuals retained by the State Department of Education to carry out the
33 duties and responsibilities described herein. Each team shall, to the extent
34 possible, consist of no fewer than five individuals, a majority of whom shall
35 be practicing or retired educators who have no perceived or actual conflict of
36 interest regarding the school or the inspection task. The number of team
37 members shall vary with the size of the school. The inspection teams shall be
38 appointed by the State Department of Education. The State Board of
39 Education shall establish the qualifications, training, and terms of service of
40 the teams by rule-making process. The composition of follow-up teams will
41 be designed to have approximately equal new and returning members.

1 (g) Summative assessments: As used in this statute, “summative assessments”
2 are designed to evaluate the effectiveness of instructional programs or the
3 degree of student growth at the end of a set period of time, such as a quarter
4 or semester. Summative assessments can be used to assess if a student has
5 mastered certain specific competencies and to help identify programs or
6 practices that should be developed or eliminated.

7 (h) Teacher/student ratio: As used in this statute, “teacher/student ratio” is the
8 ratio of certified teachers to students in each school and average classroom
9 size.

10 (i) 360-degree, multi-rater audits and evaluations: As used in this statute, “360-
11 degree, multi-rater audits and evaluations” focus on the process and systems
12 set forth herein and are intended to provide for the establishment of
13 reciprocal and comprehensive vertical accountability. These audits and
14 evaluations should encourage individuals at all levels of the education
15 system to carry through needed actions, ensure that proper conditions and
16 supports exist within the education system, and ensure that productive
17 professional relationships exist and all members behave with integrity and
18 respect. These audits and evaluations should also examine relational trust
19 levels among all members of the education system and ensure peer-based
20 involvement in decisions about competence and performance.

21 **Section 103. Classroom Assessments**

22 (a) Formative, summative, and capstone assessments developed and
23 implemented by classroom educators are the most important element of any
24 sound system of data-driven accountability and school improvement.
25 Classroom assessments should be developed or voluntarily adopted by each
26 classroom teacher as part of an ongoing process, systematically gathering,
27 analyzing, and interpreting evidence to determine how well performance
28 matches expectations and standards, and using the resulting information to
29 document, explain, and improve performance.

30 **Section 104. District- or School-Level Assessments and Annual** 31 **Reports**

32 (a) It is the intent of this Section to set forth reporting requirements based on
33 data that are, for the most part, already collected by schools or districts,
34 consolidating the public presentation of those data in one report. Districts or
35 schools will have two years after initial implementation of this legislation to
36 prepare the first report. After that, districts or schools shall update the
37 report annually and shall make the report readily accessible to the public.

1 (b) Each district or school shall report on the following in an accessible and
2 clear format, presenting the data for each school in the district. The State
3 Board of Education shall issue rules providing guidance as to the specific
4 information required to be reported regarding the following categories. This
5 guidance shall endeavor, as much as feasible but without compromising the
6 usefulness of the information, to require meaningful reporting of data
7 collected pursuant to existing state law. The information should provide a
8 clear and detailed picture of each school. The following information shall be
9 included in each report:

- 10 (i) Outline of the school’s curriculum;
- 11 (ii) Graduation requirements for high schools;
- 12 (iii) Student/certified teacher ratios at each grade and school level;
- 13 (iv) Percent of students qualifying for free and reduced-price lunch
14 enrolled in the school;
- 15 (v) Racial composition of the school’s students;
- 16 (vi) Class size policy and practice at the school;
- 17 (vii) Teacher evaluation procedures at the school;
- 18 (viii) Induction programs at the school, focused on teachers with less
19 than five years of teaching experience;
- 20 (ix) Administrator evaluation procedures at the school;
- 21 (x) Truancy statistics for the school;
- 22 (xi) Policies and procedures relative to truancy at the school;
- 23 (xii) Expulsion and in-school suspension statistics for the school;
- 24 (xiii) Policies and procedures for expulsions and in-school suspensions
25 for the school;
- 26 (xiv) Percent of school-age children living in the district who attend
27 public schools, charter schools, home schools, and private schools;
- 28 (xv) Racial composition of teaching staff at the school;
- 29 (xvi) Racial composition of administrative staff at the school;
- 30 (xvii) Attendance rates at the school;
- 31 (xviii) Art, physical education, and music programs available at the
32 school;
- 33 (xix) Technology education, access, and equipment available at the
34 school;
- 35 (xx) Adult education programs at the school;
- 36 (xxi) Library and media facilities at the school;

- 1 (xxii) Condition of instructional materials, including textbooks,
2 workbooks, audio-visual materials, science and lab materials,
3 computers, and software at the school;
- 4 (xxiii) Remediation programs available and percent of students
5 participating at the school;
- 6 (xxiv) Alternative education programs at the school;
- 7 (xxv) Drug, tobacco, and alcohol abuse programs at the school;
- 8 (xxvi) Nutrition and wellness programs at the school;
- 9 (xxvii) Nurse and health services available at the school;
- 10 (xxviii) Counselors, social workers, and other social services available at
11 the school;
- 12 (xxix) Availability of other wrap-around services; and
- 13 (xxx) Other relevant data as determined by the district.

14 **Section 105: State Administered Assessments**

- 15 (a) The State shall administer assessments as part of the overall inspection and
16 evaluation process for all public schools. The assessments must meet
17 professional standards for validity and reliability as set forth in the current
18 Standards for Educational and Psychological Testing published jointly by the
19 American Education Research Association, American Psychological
20 Association, and National Council on Measurement in Education. The
21 purpose of these assessments is to be able to compare students' scores at one
22 school with scores of students across the state in a particular year. The
23 purpose is not to compare a given school's performance from year to year or
24 to determine growth of students at a given school from grade to grade.
- 25 (b) The State shall annually administer assessments in grades 3, 6, and 9 (Test1)
26 or 4, 7, and 10 (Test 2) in language arts and math. The State will pick, at
27 random, which districts will receive test 1 or test 2, with assignments
28 announced no earlier than one week prior to test administration. These
29 assessments shall be administered to a random sample of students from each
30 school for the grade tested, with the sample size set at the larger of 40
31 students or 25 percent of the eligible students in the tested grade, after
32 taking into account exclusions and special administrations pursuant to rules
33 adopted by the State Board of Education. The resulting sampling should be
34 large enough to provide valid school-level results and allow between-school
35 judgments about school-level performance.
- 36 (c) Assessments for both Test 1 and Test 2 will be administered between April 15
37 and May 15.

1 (d) Results from both Test 1 and Test 2 shall be given to the schools and made
2 available to the public by July 1.

3 **Section 106. State-level Inspections**

4 (a) The purpose of state-level inspections by inspection teams is to determine
5 the school-improvement needs of each school in the state at a sufficiently
6 detailed level to allow for constructive responses by the district and state
7 and to provide comprehensive information to the public about each school's
8 strengths and weaknesses. The system is designed to move the State away
9 from producing assessment results that can or will be used for high-stakes
10 evaluative decision-making or that are likely to prompt instruction geared
11 toward test-preparation. The Inspection Team should rely on the annual
12 report from the school or district as a foundation for its inspection and
13 should focus on collecting evidence that is not contained in the annual
14 report, although the Team should also cross-check and otherwise validate
15 this reported information, as it deems appropriate.

16 (b) Multiple measures: Because rigid use of data carries strong risks of creating
17 perverse incentives and of invalid conclusions, the incorporation of multiple
18 measures must be genuine. This means that the actual effect of any given
19 measure must not exceed twenty-five percent of an overall evaluative
20 judgment.

21 (c) The State inspection teams will conduct inspections of each public school. All
22 schools will receive their initial inspections within four years of enacting this
23 statute. Following initial inspections, the inspection team will determine the
24 schedule for re-inspections based on level of needs, with no school going
25 more than four years between inspections.

26 (d) The State shall establish a committee that will design the protocol for the
27 inspections. This committee shall consist of 15 representatives, with a
28 majority of the committee made up of public educators that reflect the
29 geographic and demographic diversity of the state. The committee shall have
30 at least four teachers, four administrators, and four members of faculty from
31 departments or schools of education. The teams will use the protocol for
32 conducting the State Inspections as outlined below.

33 (e) To ensure the uniformity of inspections, the State shall conduct regional
34 training sessions for the inspection team prior to the team conducting any
35 school inspection. Every team member must undergo training prior to
36 conducting any school inspection and at least once every three years.

37 (f) The expenses and per diem of the inspection team will be paid by the state,
38 using savings generated in areas such as reduced test administration and

1 test preparation. The expectation is that long-term cost savings will arise out
2 of increased productivity through school improvement.

3 (g) To accomplish the purposes of the state-level inspections set forth in sub-
4 Section (a) above, and to determine and present a full understanding of the
5 school's affordances, constraints, and needs, the inspection must include but
6 is not limited to the following elements:

7 (i) Student attendance;

8 (ii) Teacher qualifications and experience;

9 (iii) Staff retention;

10 (iv) Leadership stability;

11 (v) Strength of instructional leadership;

12 (vi) Opportunities and available time for teachers to collaborate;

13 (vii) Availability of appropriate and high-quality, needs-based
14 professional development;

15 (viii) Overall working conditions;

16 (ix) Facilities in compliance with all state and federal laws and
17 regulations;

18 (x) Socio-economic and ethnic diversity of the student body;

19 (xi) Student attrition and mobility;

20 (xii) Students' country of birth and language background;

21 (xiii) Number and categories of special needs students;

22 (xiv) School-developed needs-assessment reports coupled with
23 interviews with faculty, staff, and administration;

24 (xv) Interviews with stakeholders including students, parents, school
25 board, and community members;

26 (xvi) Availability and use of appropriate and up-to-date computers and
27 technology, including acceptable access;

28 (xvii) Assessment scores from State-administered tests from multiple
29 years;

30 (xviii) Shared decision-making;

31 (xix) Professional learning communities;

32 (xx) Other relevant data as determined by the school, the districts, or the
33 Inspection Team.

1 **Section 107. Inspection Team Report**

- 2 (a) The Inspection Team shall file a report within 60 days of completing the
3 inspection. The school district or school shall then have 14 days to provide
4 responses to identified areas for improvement and to review for errors. The
5 Inspection Team may decide to make changes to the report based on the
6 district or school’s response. The report shall be made available to the public
7 online, as well as in paper copy if requested, seven days after the 14 days
8 have expired (81 days after completing the inspection).
- 9 (b) Notwithstanding the Inspection Team’s authority to ultimately decide on the
10 contents of the report, it is intended to be the result of a collaborative,
11 iterative process between the school and the Inspection Team.
- 12 (c) The report shall detail all of the findings, including areas of strength and
13 weakness.
- 14 (d) Based on these findings, the Inspection Team shall set forth the inspection
15 schedule, pursuant to Section 109.

16 **Section 108. Improvement Plan**

- 17 (a) Once areas that need to be improved are identified, the school shall engage
18 in an iterative and collaborative process between the school and the
19 inspection team in preparing an improvement plan that shall include, but
20 not be limited to:
- 21 (i) Activities designed to alleviate deficiencies, including who is
22 responsible for each activity;
- 23 (ii) Implementation strategies for meeting goals and objectives;
- 24 (iii) Methods, both quantitative and qualitative, for measuring progress
25 toward meeting goals and objectives;
- 26 (iv) Time lines for implementation of strategies for meeting goals and
27 objectives;
- 28 (v) Description of the alignment of the school district’s budget with the
29 plan’s goals, objectives, and strategies for improving student
30 achievement;
- 31 (vi) Strategies regarding public school facilities and capital
32 improvements that may be necessary to implement the improvement
33 plan;
- 34 (vii) Expected impact of proposed goals, objectives and implementation;
35 and

1 (viii) Other information deemed relevant by either the school or the
2 Inspection Team.

3 (b) The Inspection Team that conducted the inspection shall provide its
4 approval or rejection of the improvement plan. The State Department of
5 Education will review each plan and can either approve, send back for
6 specific, identified revisions, or reject the plan for specific and identified
7 reasons. The State Department of Education will provide to the State Board
8 of Education for its approval, a list of those plans that have been approved
9 by the State Department of Education. The State Board of Education can
10 accept for approval the plans or reject the plan. The rejection can only be
11 based on a violation of a specific state or federal statute or rule.

12 (c) As part of the collaborative and iterative process, the district can apply for
13 certain waivers on behalf of the school from state law or rules that would
14 allow the school to improve student achievement. As part of the approval
15 process, the State Board of Education is authorized to waive statutes and
16 regulations that impede the school's progress towards improving student
17 achievement. However, it may not waive statutes relating to health and
18 safety, or civil rights or constitutional rights.

19 (d) The Legislature, State Department of Education and State Board of
20 Education shall support the implementation of the improvement plan by:

21 (i) ensuring that sufficient financial resources are available to implement
22 the plan;

23 (ii) providing technical assistance and best practices for academic
24 intervention programs;

25 (iii) ensuring support through other governmental agencies to meet the
26 non-academic needs of the school and students; and

27 (iv) providing such other support and services as are relevant and
28 necessary.

29 **Section 109. Follow-up Inspections**

30 Once the improvement plans are approved pursuant to Section 108, the
31 inspection team shall set forth the frequency of follow-up inspections to ensure
32 compliance with the plans. The schedule for the follow up inspections can be set
33 at the discretion of the team, but should be no fewer than once every four years
34 and no more frequent than once every year. However, in exceptional
35 circumstances when the Inspection Team finds circumstances that could
36 endanger the health, safety, or welfare of the students or staff, the Inspection
37 Team can schedule additional inspections as necessary.

1 **Section 110. Appeal**

- 2 (a) The school district may file an appeal regarding any element of the
3 Inspection Team’s report or its recommendations.
- 4 (b) The standard of review shall be whether the Inspection Team abused its
5 discretion, made a clear factual error, or exhibited a bias in its deliberations
6 or judgment.
- 7 (c) Any appeal by the school district shall be reviewed by an Appellate Team, as
8 defined in this statute. The Appellate Team shall, to the extent possible,
9 resolve any issues raised on appeal and shall modify the report to reflect its
10 findings. If, after good faith efforts by both the Inspection Team and the
11 school district, certain elements or recommendations are not resolved, both
12 the Inspection Team and the school district shall attend a settlement
13 conference to negotiate a satisfactory resolution. However, if, after the
14 process set forth herein, there remain unresolved issues, the Appellate Team
15 shall include in its findings those issues in which resolution was not possible
16 and the reasons that prevented the resolution.

17 **Section 111. 360-Degree, Multi-Rater Audits and Evaluations**

- 18 (a) To ensure collective and mutual responsibility in carrying through required
19 actions, to establish proper conditions and supports, and to maintain
20 productive, professional relationships, every five years a 360-degree audit
21 and evaluation shall be conducted by the State Auditor’s Office. This audit
22 and evaluation shall be of the State-level administration of the inspection
23 and assessment program as outlined in this statute. The audit and evaluation
24 shall include examination of a statistically representative sample of district
25 inspection reports and improvement plans.
- 26 (b) The auditors that are assigned to conduct the audit and evaluation must be
27 familiar with the statutory requirements for the inspection and assessment
28 program and with other related education statutes.
- 29 (c) The results of the audit shall be framed as constructive feedback with the
30 goal of improving the inspection and assessment system and expressed as
31 specific, achievable recommendations.
- 32 (d) The State Department of Education shall have 60 days in which to respond,
33 in writing, to the results and recommendations of the audit.
- 34 (e) If the State Department of Education disagrees with any of the results or
35 recommendations of the audit, it shall, within 60 days, provide, a detailed
36 written list with supporting documentation that specifically identifies each
37 area of disagreement.

1 (f) If the State Department of Education and State Auditor are unable to agree
2 on recommendations, the matter will be referred for resolution to a joint
3 conference of the legislature’s education committees and the legislative audit
4 committees.

5 (g) The state auditor shall also determine if the school has sufficient resources
6 to achieve the goals of the improvement plan. If not, the State Auditor is to
7 advise the State Department of Education and the State Board of Education,
8 and such decision is to be made public. This decision must include the
9 amount of the deficiency and the specific recommendations to address the
10 deficiency.

11 (h) In addition to the 360-degree audit and evaluation, an audit of all the
12 indicators used in this statute shall be conducted every five years.

13 **Section 112. Private Rights of Action**

14 (a) Grievances against the District:

15 (i) Parents or guardians, students, teachers, interested community
16 members or advocates, organizations or groups may file a grievance
17 to address any failure to comply with this legislation.

18 (ii) The State shall prepare a uniform grievance form and shall ensure
19 that it is available at all schools and districts, as well as on the State
20 Department of Education website.

21 (iii) The grievance form shall set forth the procedure for filing the
22 grievance.

23 (iv) The interested party or parties shall identify the basis for the
24 grievance in specific detail and shall also set forth the proposed
25 solution. The proposed solution shall not include monetary damages
26 but shall detail the specific remedy necessary to resolve the issue or
27 issues. If the grievance alleges statutory violations at the school
28 district level, the following procedure will be followed:

29 (A) The grievance shall be filed with the principal of the school, the
30 administrator of the district, and the local Board of Education.

31 (B) The district shall have 45 days in which to file a written response,
32 detailing the corrective plan to address the issues raised in the
33 grievance or to offer a detailed explanation as to why no action
34 will be taken, including assurances that if no action is taken,
35 there will not be an adverse impact on student achievement.

36 (C) The grieving party has the right to appeal the decision to the local
37 Board of Education within 45 days of the written response from
38 the district.

1 (D) After receiving the written response from the local Board of
2 Education, and if the solution proposed does not adequately
3 address the issues set forth in the grievance, the grieving party
4 can file a Complaint in the local state district court in which the
5 school district is located.

6 (E) Adequate resolution of the Complaint must take place no later
7 than six months after the date of filing. If adequate resolution is
8 not accomplished within six months of the date of filing, the
9 complaining party may amend the Complaint to include
10 monetary damages against the district. Monetary damages will
11 only be awarded upon a finding of bad faith.

12 (b) Grievances filed against the State

13 (i) Parents or guardians, students, teachers, interested community
14 members or advocates, organizations or groups may file a grievance
15 to address any failure to comply with this legislation.

16 (ii) The State shall prepare a uniform grievance form and shall ensure
17 that it is available at all schools and districts, as well as on the State
18 Department of Education website.

19 (iii) The grievance form shall set forth the procedure for filing the
20 grievance.

21 (iv) The interested party or parties shall identify the basis for the
22 grievance in specific detail and shall also set forth the proposed
23 solution. The proposed solution may include monetary relief only to
24 the extent it addresses inadequate funding as identified in any of the
25 sub-Sections above. The proposed solution shall detail the specific
26 solution necessary, including increasing funding, if necessary, to
27 resolve the issue or issues. If the grievance alleges statutory or
28 Constitutional violations at the state level, the following procedure
29 will be followed:

30 (A) The grievance shall be filed with the State Department of
31 Education and the State Board of Education.

32 (B) The State shall have 45 days in which to file a written response,
33 detailing the corrective plan to address the issues raised in the
34 grievance or to offer a detailed explanation as to why no action
35 will be taken, including assurances that if no action is taken,
36 there will not be an adverse impact on student achievement.

37 (C) After receiving the written response from the State, and if the
38 solution proposed does not adequately address the issues set
39 forth in the grievance, the grieving party can file a Complaint in
40 the local state district court where the grieving party resides.

1 Adequate resolution of the Complaint must take place no later
2 than six months after the date of filing. If adequate resolution is
3 not accomplished within six months of the date of filing, the
4 complaining party may amend the Complaint to include
5 monetary damages against the State. If the complaining party
6 prevails in state district court, that Complaining Party shall be
7 entitled to receive reasonable attorney's fees and costs
8 associated with the case.