

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 852

INTRODUCER: Education Committee

SUBJECT: Education

DATE: February 11, 2014

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
<u>deMarsh-Mathues</u>	<u>Klebacha</u>		<b>ED SPB 7026 as Introduced</b>
1. <u>deMarsh-Mathues</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

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**I. Summary:**

SB 852 provides that a student who must take a statewide, standardized assessment may not take a district assessment within two weeks before or two weeks after the administration of the statewide, standardized assessment taken by that student. The bill provides students with a buffer of non-testing time before and after required statewide assessments. However, the bill permits a student to re-take a statewide, standardized assessment or take a college entrance, AP, IB, AICE, or an industry certification exam within the buffer period of time.

The bill takes effect July 1, 2014.

**II. Present Situation:**

**State Student Assessment Program**

The primary purpose of Florida's student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff to improve instruction, guide learning objectives, assess national and international education comparisons, and assess the cost benefit of the expenditure of taxpayer dollars.<sup>1</sup> State law requires that the program be designed to:

- Assess the achievement level and annual learning gains of each student in English Language Arts and mathematics and the achievement level in all other subjects assessed.
- Provide data for making decisions regarding school accountability, recognition, and improvement of operations and management, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs.
- Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school.

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<sup>1</sup> Section 1008.22(1), F.S.

- Assess how well educational goals and curricular standards are met at the school, district, state, national, and international levels.
- Provide information to aid in the evaluation and development of educational programs and policies.<sup>2</sup>

### ***Statewide, Standardized Assessment Program***

Current law requires the Commissioner of Education to design and implement a statewide, standardized assessment program aligned to the core curricular content established in Florida's Next Generation Sunshine State Standards.<sup>3</sup> The statewide, standardized assessment program must be designed and implemented for the following:

- Florida Comprehensive Assessment Test (FCAT);
  - FCAT Reading (administered annually in grades 3 through 10);
  - FCAT Mathematics (administered annually in grades 3 through 8);
  - FCAT Writing (administered annually at least once at the elementary, middle, and high school levels); and
  - FCAT Science (administered annually at least once at the elementary and middle school grades levels).
- End-of-course (EOC) assessments, which must be statewide, standardized, and developed or approved by the Department of Education (DOE) for mathematics (Algebra I and Geometry), for science (Biology I), and civics; and
- For students with significant cognitive disabilities, the Florida Alternate Assessment (FAA).<sup>4</sup>

The Commissioner may select one or more nationally developed comprehensive examinations for use as EOC assessments if the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards.<sup>5</sup>

The Commissioner is also authorized to establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the State Board of Education (SBE).<sup>6</sup> This provision is contingent upon funding in the General Appropriations Act.<sup>7</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> Section 1008.22(3), F.S.

<sup>4</sup> Section 1008.22(3)(c)4., F.S. For students with significant cognitive disabilities, the DOE must provide for the implementation of the Florida Alternate Assessment (FAA) to accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Except for the FAA, all statewide, standardized EOC assessments must be administered online, pursuant to s. 1008.22(3)(b)6., F.S.

<sup>5</sup> Section 1008.22(3)(b)4., F.S. These may include examinations for a College Board Advanced Placement (AP) course, International Baccalaureate (IB) course, or Advanced International Certificate of Education (AICE) course, industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List. The SBE must approve the use of an examination as an EOC assessment.

<sup>6</sup> Section 1008.22(3)(b)5., F.S.

<sup>7</sup> *Id.*

### ***Statewide Assessment Schedule***

Under current law, the Commissioner must establish schedules for the administration of assessments and the reporting of student assessment results, considering the observance of religious and school holidays.<sup>8</sup> By August 1<sup>st</sup> of each year, the Commissioner must notify each school district in writing and publish on the department's website the assessment and reporting schedules for, at a minimum, the school year following the upcoming school year. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts. School districts must administer assessments in accordance with the Commissioner's schedule.<sup>9</sup>

For the current 2013-2014 school year, the assessment schedule includes statewide, standardized assessments (FCAT 2.0 Reading, Mathematics, Writing and Science), EOC assessments for Algebra I, Biology I, Geometry, U.S. History, and civics), and the Florida Alternate Assessment. The assessment schedule also includes other statewide assessments (e.g., Florida Kindergarten Readiness Screening (FLKRS), the Comprehensive English Language Learning Assessment (CELLA), and the National Assessment of Educational Progress (NAEP)).<sup>10</sup> Districts have some flexibility within the time allotted to administer statewide, standardized assessments. For example, the spring 2014 assessment window for FCAT 2.0 assessments permits districts to choose a start date for each grade level/subject test within this window.

### ***Local Assessments and Schedules***

Except for those subjects and grade levels measured under the statewide, standardized assessment program, measurement of student learning gains in all subjects and grade levels is the responsibility of school districts.<sup>11</sup> Schools are required to participate in statewide, standardized assessments in accordance with the Commissioner's published schedule.<sup>12</sup> District school boards are prohibited from establishing school calendars that conflict with or jeopardize implementation of the assessment program.<sup>13</sup>

Beginning with the 2014-2015 school year, each school district must administer for each course offered in the district a student assessment that measures mastery of the content, as described in the state-adopted course description, at the necessary level of rigor for the course.<sup>14</sup> The assessments may include:

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<sup>8</sup> Section 1008.22(3)(f), F.S.

<sup>9</sup> *Id.* The administration of FCAT Writing and the Florida Alternate Assessment (FAA) may be no earlier than the week of March 1<sup>st</sup>. The FAA is the only statewide, standardized assessment given in March, according to the DOE schedule. DOE memorandum, August 16, 2013. See <http://info.fldoe.org/docushare/dsweb/Get/Document-6799/1314ScheduleRevisions1415ScheduleReleaseDelay.pdf> and the updated schedule <http://info.fldoe.org/docushare/dsweb/Get/Document-6453/clarif1213release1314a.pdf> (last visited January 30, 2014).

<sup>10</sup> *Id.*

<sup>11</sup> Section 1008.22, F.S.

<sup>12</sup> Section 1008.22(4), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

- Statewide assessments;
- Other standardized assessments, including nationally recognized standardized assessments;
- Industry certification examinations; or
- District-developed or district-selected end-of-course assessments.<sup>15</sup>

Legislation enacted in 2013 requires each school district to establish schedules for the administration of any district-mandated assessment.<sup>16</sup> The schedules must be approved as an agenda item at a district school board meeting.<sup>17</sup> The school district must publish the testing schedules on its website, clearly specifying the district-mandated assessments, and report the schedules to the DOE by October 1<sup>st</sup> of each year.<sup>18</sup>

Based on the schedules posted on district websites, some students take local assessments in subjects that are also assessed by statewide, standardized assessments. For example, fourth grade students in some districts take an additional writing assessment.<sup>19</sup> Some districts do not specifically distinguish between state and district assessments.<sup>20</sup>

The district website schedules also include other assessments that students choose to take, such as college-entrance exams, Advanced Placement exams, International Baccalaureate (IB) exams, Advanced International Certificate of Education (AICE) exams, or industry-approved examinations to earn national industry certifications.<sup>21</sup> Additionally, the schedules also include local assessments associated with progress monitoring plans.<sup>22</sup>

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<sup>15</sup> *Id.*

<sup>16</sup> Chapter 2013-185, L.O.F., codified in s. 1008.22(6)(d), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> The DOE requested a copy of each district's 2013-2014 local assessment schedule. DOE Memorandum to school districts, December 2, 2013. See <http://www.fldoe.org/asp/k12memo/pdf/1314District-LevelAssessmentSchedules.pdf> (last visited January 29, 2014).

<sup>19</sup> See [http://oneclay.net/wp-content/uploads/2013/12/assessment\\_cal\\_elem.pdf](http://oneclay.net/wp-content/uploads/2013/12/assessment_cal_elem.pdf) and [http://flaglerschools.com/sites/default/files/flagler\\_county\\_assessment\\_calendar\\_2013-4\\_es\\_only\\_3.pdf](http://flaglerschools.com/sites/default/files/flagler_county_assessment_calendar_2013-4_es_only_3.pdf) (last visited February 1, 2014).

<sup>20</sup> See [https://pcsb.org/index.php?option=com\\_content&view=article&id=3439&Itemid=202](https://pcsb.org/index.php?option=com_content&view=article&id=3439&Itemid=202), (last visited on February 2, 2014), [2013-2014 Test Calendar - Sarasota County Public Schools](http://www.sarasota.k12.fl.us/Calendar/tabid/22949/Default.aspx) and high school and middle school calendar, and <http://wakulla.schooldesk.net/Calendar/tabid/22949/Default.aspx> (last visited February 2, 2014).

<sup>21</sup> For example, see <http://www.broward.k12.fl.us/sar/docs/references/TestingCalendar.pdf>, [http://www.citrus.k12.fl.us/departments/research\\_%26\\_accountability/testingcalendars/2013-14\\_Testing\\_Calendar.pdf](http://www.citrus.k12.fl.us/departments/research_%26_accountability/testingcalendars/2013-14_Testing_Calendar.pdf), <https://www.ocps.net/cs/services/accountability/StudentAssessment/Documents/TESTING%20CALENDAR%2013-14.pdf>, and <http://www.scps.k12.fl.us/Portals/0/assets/pdf/frontpage/Districtwide%20assessment%20schedule%20081413.pdf> (last visited on February 2, 2014).

<sup>22</sup> Section 1008.25(4), F.S. Under current law, each student who does not meet specific levels of performance on the required assessments as determined by the district school board or who scores below Level 3 on FCAT Reading or FCAT Mathematics or on the next English Language Arts or mathematics assessments, as applicable, must be provided with additional diagnostic assessments. The purpose of this student-centered approach is to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction. The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. The state does not dictate which assessments must be used for progress monitoring. E-mail, DOE, February 3, 2014. On file with the Senate Education Committee.

### III. Effect of Proposed Changes:

Currently, the DOE publishes a schedule providing a window of time for administering each statewide, standardized assessment.<sup>23</sup> For some test administrations, districts may choose a start date within the time allotted to administer the assessments.

A student who must take a statewide, standardized assessment may not take a district assessment within two weeks before or two weeks after the administration of the statewide, standardized assessment taken by that student. The bill provides students with a buffer of non-testing time before and after required statewide assessments. However, the bill permits a student to re-take a statewide, standardized assessment or take a college entrance, AP, IB, AICE, or an industry certification exam within the buffer period of time.

While this bill will require school districts to carefully plan their district assessment schedules around the administration of statewide, standardized assessment dates, the buffer of non-testing time before and after statewide, standardized assessments will afford students time for instructional or other activities.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

#### C. Government Sector Impact:

None.

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<sup>23</sup> DOE memorandum, August 16, 2013. See <http://info.fldoe.org/docushare/dsweb/Get/Document-6799/1314ScheduleRevisions1415ScheduleReleaseDelay.pdf> and the updated schedule <http://info.fldoe.org/docushare/dsweb/Get/Document-6453/clarif1213release1314a.pdf> (last visited January 30, 2014).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an unnumbered section of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.