#### 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.) Prepared By: The Professional Staff of the Committee on Education Pre-K - 12 SB 616 BILL: Senator Legg INTRODUCER: **Education Accountability** SUBJECT: March 3, 2015 DATE: **REVISED:** ANALYST STAFF DIRECTOR REFERENCE ACTION 1. Hand Klebacha ED **Pre-meeting** 2. AED 3. AP

# I. Summary:

SB 616 impacts statutory accountability provisions related to the state's public school student assessment program, the educator performance evaluation system, and the statewide public school accountability system.

Specifically, the bill maintains the statutorily provided 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grades and school improvement ratings, and makes the following adjustments to student assessment, performance evaluation requirements, and school accountability:

- Eliminates the state requirement that a school district administer a local assessment including, but not limited to, a local end-of-course assessment for each course that is not assessed by a statewide, standardized assessment. The bill retains the ability for teachers and school administrators to receive performance pay adjustments if they choose to have the student performance component of their performance evaluation based on a statewide or other standardized assessment, industry certification assessment, or a district-developed or selected assessment.
- Lowers the student performance component of teacher performance evaluations to at least 40%, requires the instructional practice component to constitute at least 30%, and the professional and job responsibilities component constitute no more than 30% of a teacher's total performance evaluation.
- Limits the amount of time to no more than 5% of total school hours for administering staterequired and locally-required tests. The bill requires school districts to secure written consent from a student's parent to administer district-required local assessments that exceed the 5% testing limit. However, notwithstanding the 5% testing limit, the bill authorizes students to take certain assessments, for use as end-of-course assessments or to demonstrate college readiness, which are in addition to the state-required and locally-required tests.
- For schools and school districts that experience assessment implementation issues during the 2014-2015 school year, establishes a one-time option for superintendents, with a

supermajority vote of the district school board, to seek approval from the State Board of Education to use the 2014-2015 school year test results for diagnostic and baseline purposes only. If approved, the school district forfeits designation as an academically-high performing school district, if applicable, and the school forfeits school recognition funding

The bill takes effect upon becoming law.

## II. Present Situation:

The education of children is a fundamental value of the people of the State of Florida.<sup>1</sup> It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders.<sup>2</sup> The Legislature, through the Florida K-20 Education Code, provides by law, a state system for all Florida's students to obtain a high quality education.<sup>3</sup>

The statutory mission of Florida's K-20 education system is to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.<sup>4</sup> The effectiveness of this education delivery system is assessed through the state's performance accountability system.<sup>5</sup>

The state's performance accountability system assesses the effectiveness of Florida's seamless K-20 education delivery system and is specifically intended to provide answers to the following questions in relation to its mission and goals:<sup>6</sup>

- What is the public receiving in return for funds it invests in education?
- How effectively is Florida's K-20 education system educating its students?
- How effectively are the major delivery sectors promoting student achievement?
- How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are performing and how much they are learning?

#### Public School Student Assessment Program

Florida's assessment program consists primarily of statewide, standardized assessments that are selected and administered by the state, and local assessments that are selected and administered by the school districts to measure students' attainment of education expectations.<sup>7</sup>

<sup>&</sup>lt;sup>1</sup> Article IX, s. 1, Fla. Const.

<sup>&</sup>lt;sup>2</sup> Id.

<sup>&</sup>lt;sup>3</sup> Section 1000.01, F.S.

<sup>&</sup>lt;sup>4</sup> Section 1008.31(2)(a), F.S.

<sup>&</sup>lt;sup>5</sup> Section 1008.31(1)(a), F.S.

<sup>&</sup>lt;sup>6</sup> Section 1008.31(1)(a), F.S. This performance accountability system is required to comply with the "No Child Left Behind Act of 2001," Pub. L. No. 107-110, and the Individuals with Disabilities Education Act (IDEA). Section 1008.31(1)(c), F.S. The Department of Education (DOE) is responsible for maintaining an accountability system that measures student progress toward the following goals. Section 1008.31(2)(c), F.S.

<sup>&</sup>lt;sup>7</sup> Section 1008.22, F.S.

### Statewide, Standardized Assessments

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.<sup>8</sup> Specifically, the program is designed to:<sup>9</sup>

- 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.
- 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.

The commissioner is required to design and implement a statewide, standardized assessment program that is aligned to the core curricular content established in the Next Generation Sunshine State Standards and the Florida Standards.<sup>10</sup> Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma and students in Department of Juvenile Justice education programs, except as otherwise provided by law.<sup>11</sup>

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:<sup>12</sup>
  - English Language Arts (grades 3 through 11);<sup>13</sup>
  - Mathematics (grades 3-8); and
- Science (once at the elementary grade level and once at the middle grade level).<sup>14</sup>
- End-of-Course (EOC) assessments:<sup>15</sup>

<sup>14</sup> Rule 6A-1.09422(3)(b), F.A.C., requires all eligible students in grades five and eight to take the FCAT 2.0 Science.

<sup>15</sup> Section 1008.22(3)(b), F.S. Pursuant to standard high school diploma requirements, a student must pass the Algebra I EOC. *Id.* For scholar designation on a standard high school diploma, a student must pass Algebra II EOC, Geometry EOC, Biology I EOC, and U.S. History EOC assessments. Section 1003.4285(1)(a)2.-4., F.S.

<sup>&</sup>lt;sup>8</sup> Section 1008.22(1), F.S.

<sup>&</sup>lt;sup>9</sup> Section 1008.22(1)(a)-(e), F.S.

<sup>&</sup>lt;sup>10</sup> Section 1008.22(3), F.S.

<sup>&</sup>lt;sup>11</sup> Id.

<sup>&</sup>lt;sup>12</sup> Section 1008.22(3)(a), F.S. The Elementary and Secondary Education Act of 1965 (ESEA) requires states to implement "a set of high-quality, yearly academic assessments that includes, at a minimum, assessments in mathematics, reading or language arts, and science. With respect to reading/language arts and mathematics, the assessments must be administered in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, the assessments must be administered not less than once during grades 3 through 5, grades 6 through 9, and grades 10 through 12." U.S. Department of Education, *Letter to Colorado Commissioner of Education, Robert K. Hammond* (Oct. 3, 2014) on file with the Committee on Education Pre-K-12 staff; *see also* 20 U.S.C. s. 6311(b)(3).

<sup>&</sup>lt;sup>13</sup> Pursuant to standard high school diploma requirements, a student must pass the grade 10 English Language Arts (ELA) assessment or earn a concordant score. Sections 1003.4282(3)(a) and 1008.22(7), F.S. For scholar designation on a standard high school diploma, a student must pass the grade 11 ELA assessment. Section 1003.4285(1)(a)1., F.S.

- Civics (once at middle grade level);
- U.S. History EOC;
- Algebra I EOC;
- Algebra II EOC;
- o Geometry EOC; and
- Biology I EOC.
- Florida Alternate Assessment (assessment for students with disabilities in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation).<sup>16</sup>

# Local Assessments

School districts are responsible for measuring student performance in all subjects and grade levels, except those subjects and grade levels measured under the statewide, standardized assessment program.<sup>17</sup> Except for those subjects and grade levels measured under the statewide, standardized assessment program, beginning with the 2014-2015 school year, each school district must administer for each course offered in the district a local assessment that measures student mastery of course content at the necessary level of rigor for the course.<sup>18</sup> Each district school board must adopt policies for selecting, developing, administering, and scoring local assessments and for collecting assessment results.<sup>19</sup> For subjects and grade levels not measured by statewide, standardized assessment to be administered from the following options:<sup>20</sup>

- Statewide assessments.
- Other standardized assessments, including nationally recognized standardized assessments.
- Industry certification assessments.
- District-developed or district-selected end-of-course assessments.
- Teacher-selected or principal-selected assessments.

To administer the state assessment program for statewide, standardized assessments and local assessments, the commissioner must:

- Develop or obtain statewide, standardized assessments, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.<sup>21</sup>
- Recommend, for approval by the State Board of Education (SBE), passing scores on statewide, standardized assessments in the form of achievement levels ranging from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.<sup>22</sup>

<sup>&</sup>lt;sup>16</sup> Section 1008.22(3)(c)1., F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. Section 1008.22(9), F.S.

<sup>&</sup>lt;sup>17</sup> Section 1008.22(6)(a), F.S.

<sup>&</sup>lt;sup>18</sup> Section 1008.22(6)(b), F.S.

<sup>&</sup>lt;sup>19</sup> Id.

<sup>&</sup>lt;sup>20</sup> Section 1008.22(6)(b), F.S.; Local assessments may include a variety of assessment formats, including, but not limited to, project-based assessments, adjudicated performances, and practical application assignments. Section 1008.22(6)(c), F.S.

<sup>&</sup>lt;sup>21</sup> Section 1008.22(3)(h), F.S.

<sup>&</sup>lt;sup>22</sup> Section 1008.22(3)(e), F.S.

- Establish implementation schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.<sup>23</sup>
- Provide, at a minimum, statewide, standardized assessment data analysis showing student achievement levels and learning gains by teacher, school, and school district.<sup>24</sup>
- Identify methods to assist and support districts in the development and acquisition of assessments which may include developing item banks, facilitating the sharing of developed tests among school districts, acquiring assessments from state and national curriculum-area organizations, and providing technical assistance in best professional practices of test development based upon state-adopted curriculum standards, administration, and security.<sup>25</sup>
- Identify, for approval by the SBE, one or more comparative scores for the Algebra I EOC assessment.<sup>26</sup>
- Identify, for approval by the SBE, scores on the SAT and ACT that, if achieved, satisfy the graduation requirement that a student pass the grade 10 statewide, standardized English Language Arts assessment. The commissioner may identify concordant scores on assessments other than the SAT and ACT.<sup>27</sup>

#### **Educator Performance Evaluations**

All instructional personnel<sup>28</sup> and school administrators employed by Florida's public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices.<sup>29</sup> The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities.<sup>30</sup> Likewise, the evaluation criteria for school administrators include student performance and professional and job responsibilities.<sup>31</sup> Instructional leadership practices are also included in school administrator evaluations.<sup>32</sup>

Each district superintendent must establish procedures for evaluating the performance of all instructional, administrative, and supervisory personnel employed by the school district.<sup>33</sup> The superintendents must also annually report evaluation results for instructional personnel and school administrators to the DOE.<sup>34</sup> The DOE approves all district evaluation systems and monitors implementation for compliance with law.<sup>35</sup>

- <sup>24</sup> Section 1008.22(5), F.S.
- <sup>25</sup> Section 1008.22(6)(d), F.S.
- <sup>26</sup> Section 1008.22(8), F.S.
- <sup>27</sup> Section 1008.22(7), F.S.

- <sup>33</sup> Section 1012.34,(1)(a), F.S.
- <sup>34</sup> Section 1012.34(1)(a), F.S.

<sup>35</sup> Section 1012.34(1)(b), F.S. By December 1 of each year, the commissioner must report to the Governor, President of the Senate, and Speaker of the House of Representatives the approval and implementation status of each school district's

<sup>&</sup>lt;sup>23</sup> Section 1008.22(3)(d), F.S.

<sup>&</sup>lt;sup>28</sup> Instructional personnel include classroom teachers and other instructional personnel, such as certified school counselors, librarians, and learning resource specialists. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S. <sup>29</sup> Section 1012.34(3)(a), F.S. Newly hired classroom teachers are evaluated twice in their first year of teaching in a school

district. Id.

<sup>&</sup>lt;sup>30</sup> Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S.

<sup>&</sup>lt;sup>31</sup> Section 1012.34(3)(a)1. and 4., F.S.

<sup>&</sup>lt;sup>32</sup> Section 1012.34(3)(a)3., F.S.

Public school personnel evaluations must be used to designate instructional personnel and school administrators as "highly effective," "effective," "needs improvement" (or, for instructional personnel in the first three years of employment who need improvement, "developing"), or "unsatisfactory."<sup>36</sup> Evaluations occur annually, except classroom teachers newly hired by a district are evaluated at least twice during their first year of teaching in the school district.<sup>37</sup>

Performance evaluations are comprised of components of student performance, instructional practice, institutional leadership, and professional and job responsibilities.

#### **Student Performance**

Student performance includes data and indicators of student learning growth<sup>38</sup> based on student performance on annual statewide assessments or, for subjects and grade levels not tested by statewide assessments, school district assessments.<sup>39</sup> Student performance must constitute at least 50 percent of a classroom teacher's or school administrator's evaluation.<sup>40</sup>

For classroom teachers, excluding substitute teachers, student performance must include student learning growth data for students assigned to the teacher over the course of at least 3 years.<sup>41</sup> If less than 3 years of data are available, then student learning growth may comprise not less than 40 percent of the evaluation.<sup>42</sup>

For other instructional personnel who are not classroom teachers, student performance must include student learning growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years<sup>43</sup> and must comprise at least 30 percent of the evaluation or, if less than 3 years of data are available, then not less than 20 percent.<sup>44</sup>

For school administrators, student performance must include student learning growth data for students assigned to the school over the course of at least 3 years.<sup>45</sup> If less than 3 years of data are available, then student learning growth may comprise not less than 40 percent of the evaluation.<sup>46</sup>

instructional personnel and school administrator evaluation systems. The report must include evaluation results for instructional personnel and school administrators. Section 1012.34(1)(c), F.S.

<sup>&</sup>lt;sup>36</sup> Section 1012.34(2)(e), F.S.

<sup>&</sup>lt;sup>37</sup> Section 1012.34(3)(a), F.S.

<sup>&</sup>lt;sup>38</sup> Section 1012.34(8), F.S. The formula is known as the "value added model" (VAM). Section 1012.34(7)(a), F.S.

<sup>&</sup>lt;sup>39</sup> Sections 1012.34(3)(a)1. and 1008.22(6), F.S. Each school district must publish on its website testing schedules for the administration of district-mandated assessments and report the schedules annually to the DOE by October 1. Section 1008.22(6)(e), F.S.

<sup>&</sup>lt;sup>40</sup> Sections 1012.34(3)(a)1., F.S.

<sup>&</sup>lt;sup>41</sup> Section 10102.34(3)(a)1.a., F.S.

<sup>&</sup>lt;sup>42</sup> Section 1012.34(3)(a)1.a., F.S.

<sup>&</sup>lt;sup>43</sup> The student performance component for instructional personnel who are not classroom teachers may include student learning growth data and other measurable student outcomes specific to the position. Section 1012.34(1)(a)1.b., F.S.

<sup>&</sup>lt;sup>44</sup> Section 1012.34(3)(a)1.b., F.S.

<sup>&</sup>lt;sup>45</sup> Section 1012.34(3)(a)1.c., F.S.

<sup>&</sup>lt;sup>46</sup> Section 1012.34(3)(a)1.c.

#### Instructional Practice

Instructional practice is a component of instructional personnel evaluations which consists of evaluation criteria used in annually observing classroom teachers.<sup>47</sup> The evaluation criteria must include indicators based on each of Florida Educator Accomplished Practices (FEAP) adopted in rule by the SBE.<sup>48</sup> For instructional personnel who are not classroom teachers, the evaluation criteria must be based on FEAP indicators and may include specific job expectations related to student support.<sup>49</sup>

### Instructional Leadership

Instructional leadership is a component of school administrator evaluations and consists of indicators based on each of the leadership standards adopted in rule by the SBE.<sup>50</sup>

# Professional and Job Responsibilities

The professional and job responsibilities component of an evaluation must include additional professional and job responsibilities as adopted in SBE rule.<sup>51</sup> District school boards may identify professional and job responsibilities in addition to those identified by the SBE.<sup>52</sup>

#### Statewide Public School Accountability System

Florida's school grading system was created in 1999 as a part of substantial changes to the state's school improvement and accountability system.<sup>53</sup> The law designated school grade categories and specified the metrics used to measure school performance.<sup>54</sup> School improvement ratings were also established in 1999<sup>55</sup> as another measure of school accountability for schools that meet specified criteria.<sup>56</sup>

#### School Grades

The measure of school accountability is the school grade.<sup>57</sup> The following letter grades are used to designate school performance:<sup>58</sup>

- "A," schools making excellent progress.
- "B," schools making above average progress.
- "C," schools making satisfactory progress.
- "D," schools making less than satisfactory progress.
- "F," schools failing to make adequate progress.

<sup>54</sup> Id.

<sup>&</sup>lt;sup>47</sup> Section 1012.34(3)(a)2., F.S.

<sup>&</sup>lt;sup>48</sup> Id.

<sup>&</sup>lt;sup>49</sup> Id.

<sup>&</sup>lt;sup>50</sup> Section 1012.34(3)(a)3., F.S.

<sup>&</sup>lt;sup>51</sup> Section 1012.34(3)(a)4., F.S.

<sup>&</sup>lt;sup>52</sup> Section 1012.34(3)(a)4., F.S.

<sup>&</sup>lt;sup>53</sup> Section 7 of chapter 99-398, L.O.F., *codified in* s. 229.57, F.S., *subsequently repealed by* s. 378, ch. 2002-387, L.O.F, and *codified in* s. 1008.34, F.S.

<sup>&</sup>lt;sup>55</sup> Section 7, ch. 99-398, L.O.F.

<sup>&</sup>lt;sup>56</sup> Section 1008.341, F.S.

<sup>&</sup>lt;sup>57</sup> Rule 6A-1.09981(3), F.A.C.

<sup>&</sup>lt;sup>58</sup> Section 1008.34(2), F.S.; Rule 6A-1.09981(6)(a), F.A.C.

The basic school grade model used for elementary, middle, and high schools is based upon the percentage of total possible points earned by a school for student achievement scores on specified statewide, standardized assessments; student learning gains on statewide, standardized English Language Arts and mathematics assessments; and the improvement of the lowest 25 percent of students in the school in reading and mathematics.<sup>59</sup> School grades for middle schools and high schools are additionally customized as follows:

- School grades for middle schools include an additional component measuring the percentage of students passing high school level EOC assessments or attaining national industry certifications.<sup>60</sup>
- High school grades are calculated by also including a school's four-year graduation rate and the percentage of the school's students who are eligible to earn college and career credit through accelerated courses or who attain national industry certifications.<sup>61</sup>

The procedure for calculating the school grade and the scale used to determine a school grade are specified in SBE rule.<sup>62</sup>

# School Improvement Ratings

School improvement ratings are indicators of whether the performance of an alternative school that provides dropouts prevention and academic intervention services has improved, remained the same, or declined compared to the prior year, based on student learning gains on statewide standardized assessments.<sup>63</sup> Alternative schools and ESE centers may choose to receive a school improvement rating instead of a school grade.<sup>64</sup> An alternative school that earns a school improvement rating receives one of the following ratings:<sup>65</sup>

- "Commendable" a significant percentage of the students attending the school are making learning gains;
- "Maintaining" a sufficient percentage of the students attending the school are making learning gains; or
- "Unsatisfactory" students attending are making less academic progress at the alternative school than when the students were served in their home schools.

School improvement ratings are based on the following two components:<sup>66</sup>

- The percentage of eligible students who make learning gains in English Language Arts, as measured by statewide, standardized assessments; and
- The percentage of eligible students who make learning gains in mathematics, as measured by statewide, standardized assessments.

<sup>65</sup> Id.

<sup>&</sup>lt;sup>59</sup> Section 1008.34(3)(b)1., F.S.

<sup>&</sup>lt;sup>60</sup> Section 1008.34(3)(b)i., F.S. The industry certifications must be identified in the Industry Certification Funding List adopted by the State Board of Education. *Id*.

<sup>&</sup>lt;sup>61</sup> Section 1008.34(3)(b)2., F.S.

<sup>&</sup>lt;sup>62</sup> Section 1008.34(3)(c)1., F.S.

<sup>&</sup>lt;sup>63</sup> See s. 1008.341(2), F.S.; Rule 6A-1.099822(5)(b), F.A.C.

<sup>&</sup>lt;sup>64</sup> Sections 1008.341(2) and 1008.3415(1), F.S.

<sup>&</sup>lt;sup>66</sup> Section 1008.341(3)(a) and (b), F.S.

#### 2014-2015 Transition Year

The 2013-2014 school year was the final year student performance results on statewide, standardized reading, writing, and mathematics assessments (aligned to an earlier set of academic standards)<sup>67</sup> were used to calculate school grades, school improvement ratings, and districts grades and evaluate public education personnel.<sup>68</sup>

On February 18, 2014, the SBE adopted new state standards, called the Florida Standards, for English Language Arts (ELA) and mathematics.<sup>69</sup> Through a competitive bid process, on March 17, 2014, the commissioner announced the selection of the American Institutes for Research to develop the statewide, standardized English Language Arts and mathematics assessments aligned to the Florida Standards.<sup>70</sup> The new ELA and mathematics assessments are being administered for the first time during the 2014-2015 school year.<sup>71</sup>

To facilitate Florida's transition to the Florida Standards and associated assessments, the 2014 Legislature established the 2014-2015 school year as an informational baseline year for schools to work toward improved performance in future years.<sup>72</sup> The results of statewide, standardized assessments, including the Florida Standards assessments, administered in the spring of 2015 will be used to calculate school grades and school improvement ratings; however, schools will be held harmless and insulated from any penalty or reclassification that would otherwise result from the school's 2014-2015 grade.<sup>73</sup> Consequently, a school will not be required to select an implement a turnaround option in the 2015-2016 school year based on the school's 2014-2015 grade or school improvement rating.<sup>74</sup> Schools, based on grades calculated during the transition year, will be eligible to receive school recognition funds based on their performance.<sup>75</sup>

## III. Effect of Proposed Changes:

SB 616 impacts statutory accountability provisions related to the state's public school student assessment program, the educator performance evaluation system, and the statewide public school accountability system.

The bill maintains the statutorily provided 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grades and school improvement ratings. Specifically, the bill makes the following

<sup>75</sup> Id.

 <sup>&</sup>lt;sup>67</sup> Statewide assessments include FCAT writing, FCAT 2.0, and end of course (EOC) assessments. See Section 1008.22, F.S.
<sup>68</sup> Florida Department of Education, Just for Parents (June/July 2014), available at

http://www.fldoe.org/core/fileparse.php/7743/urlt/0078176-junejuly.pdf. 69 Florida State Board of Education, *Minutes of February 18, 2014, available at* http://www.fldoe.org/core/fileparse.php/5444/urlt/0074998-minutes.pdf.

<sup>&</sup>lt;sup>70</sup> Florida Department of Education, *With Students as Top Priority, Florida Chooses Replacement for FCAT*, Press Release (Mar. 17, 2014).

<sup>&</sup>lt;sup>71</sup> Department of Education, *Florida Standards Assessments Information for Families, available at* <u>http://www.fsassessments.org/wp-content/uploads/2014/09/Florida-Family-Brochure-v6-2.pdf</u>.

<sup>&</sup>lt;sup>72</sup> Section 1008.34(7), F.S.

<sup>&</sup>lt;sup>73</sup> Section 1, ch. 2014-23, L.O.F.

<sup>&</sup>lt;sup>74</sup> Id.

adjustments to student assessment, performance evaluation requirements, and school accountability:

- Eliminates the state requirement that a school district administer a local assessment including, but not limited to, a local end-of-course assessment for each course that is not assessed by a statewide, standardized assessment. The bill retains the ability for teachers and school administrators to receive performance pay adjustments if they choose to have the student performance component of their performance evaluation based on a statewide or other standardized assessment, industry certification assessment, or a district-developed or selected assessment.
- Lowers the student performance component of teacher performance evaluations to at least 40%, requires the instructional practice component to constitute at least 30%, and the professional and job responsibilities component constitute no more than 30% of a teacher's total performance evaluation.
- Limits the amount of time to no more than 5% of total school hours for administering staterequired and locally-required tests. <sup>76</sup> The bill requires school districts to secure written consent from a student's parent to administer district-required local assessments that exceed the 5% testing limit. However, notwithstanding the 5% testing limit, the bill authorizes students to take certain assessments, for use as end-of-course assessments<sup>77</sup> or to demonstrate college readiness,<sup>78</sup> which are in addition to the state-required and locally-required tests.
- For schools and school districts that experience assessment implementation issues during the 2014-2015 school year, establishes a one-time option for superintendents, with a supermajority vote of the district school board, to seek approval from the State Board of Education to use the 2014-2015 school year test results for diagnostic and baseline purposes only. If approved, the school district forfeits designation as an academically-high performing school district, if applicable, and the school forfeits school recognition funding.

The bill takes effect upon becoming law.

#### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

<sup>&</sup>lt;sup>76</sup> Instruction in a standard school for a full time student consists of at least 900 net hours for a student in grades 4-12, and 720 net hours for a student in kindergarten through grade 3. Section 1011.61(1)(a)1., F.S. The 5% testing limit thus equals to no more than 45 hours for grades 4-12 and no more than 36 hours for kindergarten through grade 3.

<sup>&</sup>lt;sup>77</sup> "The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, for use as EOC assessments." Section 1008.22(3)(b)4., F.S.

<sup>&</sup>lt;sup>78</sup> Students may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate readiness to perform college-level work. Rule 6A-10.0315, F.A.C.

### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

#### VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1008.22, 1012.34, 1012.22, and 1008.34.

This bill creates an undesignated section of Florida law.

# 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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.