

STORAGE NAME: h0063p1.ei

DATE: September 21, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
ANALYSIS**

BILL #: PCS/HB 63 & 77

RELATING TO: Instructional Personnel

SPONSOR(S): Committee on Education Innovation and Representatives Lynn and Diaz de la Portilla

COMPANION BILL(S): SB 50 (similar)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

Each school district in which there is a school designated as performance grade category "F" is required to develop a plan to encourage classroom teachers with demonstrated mastery in improving student performance to remain at or transfer to that school. If a classroom teacher whose mastery has been formally recognized by the designation of Teacher of the Year at the district or state level, or who is certified by the National Board of Professional Teaching Standards, requests assignment to a school with grade category "F," the school board and the principal are required to make every practical effort to grant the request.

Effective July 1, 2001, a classroom teacher who has attained NBPTS certification or who has been designated district or state Teacher of the Year and whose effectiveness has been proven based upon positive learning gains of his or her students as measured by annual FCAT assessments, is eligible for an annual supplement of up to \$1,000, as provided for annually in the General Appropriations Act, each year he or she teaches at a school designated as performance grade category "F." In the absence of an FCAT assessment, measurement of learning gains of students is the responsibility of school districts for subjects and grade levels when the FCAT is not required. The supplements are in addition to any supplements received because of NBPTS certification or other local or state pay incentives based on performance.

The number of eligible classroom teachers will fluctuate from year to year depending on the number of teachers with NBPTS certification and the number of "F" rated schools. According to DOE, this year there are 78 "F" schools with approximately 50 classroom teachers at each for a total of 3,900 teaching slots available to receive a supplement.

If *all* slots are filled with teachers eligible for the supplement, the *maximum* cost would be \$3.9 million.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

School Performance Categories

The 1999 Legislature established school performance categories in s. 229.57, F.S. Beginning with the 1998-1999 school year's student and school performance data, the annual report identifies schools as being in one of the following grade categories which are defined according to rules of the state board:

- "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.

Beginning in the 1999-2000 school year, each school designated in performance grade category "A," making excellent progress, or as having improved at least two performance grade categories, has greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority will remain in effect until the school's performance grade declines.

School performance grade category designations are based on the following:

Time Frames

- School performance grade category designations are based on one school year of performance.
- In school years 1998-1999 and 1999-2000, a school's performance grade category designation is determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.
- Beginning with the 2000-2001 school year, a school's performance grade category designation will be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college.
- Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation will be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, cohort graduation rate, and student readiness for college.

Student assessment data

Student assessment data used in determining school performance grade categories includes:

- The median scores of all eligible students enrolled in the school who have been assessed on the FCAT.
- The median scores of all eligible students enrolled in the school who have been assessed on the FCAT and who have scored at or in the lowest 25th percentile of the state in the previous school year.

The Department of Education will study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The state board is required to adopt appropriate criteria for each school performance grade category. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making satisfactory progress, are required to demonstrate that adequate progress has been made by students who have scored among the lowest 25 percent of students in the state as well as by the overall population of students in the school.

School Improvement Ratings

Beginning with the 1999-2000 school year's student and school performance data, the annual report will identify each school's performance as having improved, remained the same, or declined. This school improvement rating will be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one performance grade category are eligible for school recognition awards.

Reports

School performance grade category designations and improvement ratings will apply to each school's performance for the year in which performance is measured. Each school's designation and rating are published annually by the Department of Education and the school district. Parents and guardians will be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.

Statewide Assessments

The Department of Education is authorized, subject to appropriation, to negotiate a multi year contract for the development, field testing, and implementation of annual assessments of students in grades 3 through 10. Such assessments must comply with the following criteria:

- Assessments for each grade level must be capable of measuring each student's mastery of the Sunshine State Standards for that grade level and above.
- Assessments must be capable of measuring the annual progress each student makes in mastering the Sunshine State Standards.
- Assessments must include measures in reading and mathematics in each grade level and must include writing and science in grades 4, 8, and 10. Science assessment is to begin statewide in 2003.
- Assessments must be designed to protect the integrity of the data and prevent score inflation.
- The statistical system is required to use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which distributions:
 1. Shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement against the current year achievement or lack thereof, such that the "effects" of instruction to a student by a teacher, school, and school district may be estimated on a per-student and constant basis.
 2. Must, to the extent possible, be able to be expressed in linear scales such that the effects of ceiling and floor dispersions are minimized.
- The statistical system is required to provide for an approach which provides for best linear unbiased prediction for the teacher, school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of and compare teachers who teach multiple subjects to the same groups of students, and team teaching situations where teachers teach a single subject to multiple groups of students, or other teaching situations as appropriate.
 1. The department, in consultation with the Office of Program Policy Analysis and Government Accountability, and other sources as appropriate, must use recognized approaches to statistical variance and estimating random effects.
 2. The approach used by the department is required to be approved by the State Board of Education before implementation for pupil progression assessment.

Assessments must include a norm-referenced subtest that allows for comparisons of Florida students with the performance of students nationally. The annual testing program is to be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. Annual assessments that do not contain performance items will be administered no earlier than March of each school year, with results being returned to schools prior to the end of the academic year. Subtests that contain performance items may be given earlier than March, provided that the remaining subtests are sufficient to provide valid data on comparisons of student learning from year to year. The time of administration will be aligned such that a comparable amount of instructional time is measured in all school districts. District school boards must not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

School Board Responsibility

Section 230.23(16)(c), F.S., states that school boards are required to develop a two-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress toward meeting the goals and standards of its approved school improvement plan.

A school that is identified as being in performance grade category "D" pursuant to s. 229.57, F.S., is in danger of failing and must be provided assistance and intervention. After two years, school boards must notify the Commissioner of Education and the State Board of Education (SBE) in the event any school does not make adequate progress toward meeting the goals and standards of the school improvement plan by the end of those two years. School districts are required to provide intervention

and assistance to schools in danger of being designated as performance grade category "F", failing to make adequate progress.

The Excellent Teaching Program

In 1998, the Florida Legislature created the Excellent Teaching Program (s. 236.08106, F.S.) as a supplement to state certification. The program provides incentives for classroom teachers to seek national certification through the National Board for Professional Teaching Standards (NBPTS). The Excellent Teaching Program provides a fee subsidy of 90 percent or up to \$1800 of the NBPTS fee for Florida teachers who seek NBPTS certification. Additionally, a one-time portfolio preparation fee of \$150 is also paid. Florida teachers who receive NBPTS certification are eligible to receive 10 percent of the prior fiscal year's statewide average salary for classroom teachers, approximately \$3,400. An additional bonus can be earned for NBPTS certified teachers who mentor and provide other services to non-NBPTS teachers. The total appropriation for the 1998-1999 school year was \$12 million. The 1999-2000 appropriation was \$14 million.

During 1998-1999 1,749 Florida teachers applied to participate in the Excellent Teacher Program, 1,388 completed the program and 361 did not complete the program. According to the NBPTS, the national certification process has an average pass rate of 50-percent. However, since that percentage was calculated, the NBPTS has allowed teachers who do not pass a portion of the exam to retake just that portion. In the past teachers were required to re-enroll in the entire program if they did not pass even one portion of the exam. It is hypothesized that this policy change will increase the number who pass the exam. The teachers who participated in the 1998-99 program will have their test results sometime this fall.

Classroom Teacher

A classroom teacher is defined in s. 228.041(9)(a), F.S., as a staff member assigned to the professional activity of instructing students in course and classroom situations, including basic instruction, exceptional student education, and vocational-technical and adult education, including substitute teachers.

Public Schools Performance-Based Program Budgeting

In 1994, the Legislature passed the Government Performance Accountability Act. The law required state agency and organizations to adopt "Performance-Based Program Budgeting" (PB²) principles. This required organizations receiving state funds to:

- Identify performance measures that clearly show what resources are used (inputs); the program and services (outputs) that are produced with the resources and the results (outcomes) experienced during and after the services are provided to customers/consumers.
- Trace budget requests and final appropriation authorizations to the quantity and quality of services that will be provided for the money and the expected levels of customer outcomes that will result.

Accountability for performance achievements is required with granting of flexibility in operating decisions for PB² users provided as an incentive.

The Governor's Office implements the PB² law. The Legislature reviews proposed performance measures and makes final decisions relating to funding and related performance expectations during each year's legislation.

Pursuant to s. 216.0172(4)(c), F.S., the Department of Education, specifically the division of Public Schools was due to implement PB² during the 1998-99 fiscal year, the year the planning process took place.

Teacher Effectiveness Research

Recent research around the United States focuses on what parents have known all along that children will learn a lot from some teachers and only a little from others. (Haycock, 1998). "The difference between a good and bad teacher can be a full level of achievement in a single school year," says Eric Hanushek, the University of Rochester Economist.

Tennessee is one of the few states with data systems that make it possible to tie teachers to achievement in their classrooms. Moreover, the state's value-added approach for assessing student achievement allows observers to look at the gains students make during a particular school year. There is also evidence that, in at least Tennessee, the effects of teachers are long-lived, whether that advance student achievement or inhibit it. Even two years after the fact, the performance of fifth-grade students is still affected by the quality of their third-grade teacher.

In Dallas the average reading scores of a group of fourth graders who were assigned to three highly effective teachers in a row rose from the 59th percentile in fourth grade to the 76th percentile by the conclusion of sixth grade. A similar group of students was assigned three consecutive ineffective teachers and fell from the 60th percentile in fourth grade to the 42nd percentile by the end of sixth grade. A gap of this magnitude--more than 35 percentile points--for students who started off roughly the same is hugely significant. (Haycock, 1998).

B. EFFECT OF PROPOSED CHANGES:

Each school district in which there is a school designated as performance grade category "F" is required to develop a plan to encourage classroom teachers (as defined in s. 228.041 (9)(a), F.S.) with demonstrated mastery in improving student performance to remain at or transfer to that school. If a classroom teacher whose mastery has been formally recognized by the designation of Teacher of the Year at the district or state level, or who is certified by the National Board of Professional Teaching Standards, requests assignment to a school with grade category "F," the school board and the principal are required to make every practical effort to grant the request.

Effective July 1, 2001, a classroom teacher who has attained NBPTS certification or who has been designated district or state Teacher of the Year and whose effectiveness has been proven based upon positive learning gains of his or her students as measured by annual FCAT assessments, is eligible for an annual supplement of up to \$1,000, as provided for annually in the General Appropriations Act, each year he or she teaches at a school designated as performance grade category "F." In the absence of an FCAT assessment, measurement of learning gains of students is the responsibility of school districts in subjects and grade levels when the FCAT is not required. The supplements are in addition to any supplements received because of NBPTS certification or other local or state pay incentives, supplements or bonuses based on performance.

The Commissioner of Education is required to adopt rules to determine the measures that define "teaching mastery."

This system of determining effective teaching in this bill could also serve as a measure used in performance-based budgeting.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. The Commissioner of Education is required to adopt rules to determine the measures that define "teaching mastery."

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

School boards and principals are required to make every effort to grant transfer requests of eligible teachers.

(3) any entitlement to a government service or benefit?

Teachers who meet eligibility requirements and transfer to an "F" school will be eligible for up to \$1,000 supplement.

- b. If an agency or program is eliminated or reduced:
- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?
N/A
 - (2) what is the cost of such responsibility at the new level/agency?
N/A
 - (3) how is the new agency accountable to the people governed?
N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?
No.
- b. Does the bill require or authorize an increase in any fees?
No.
- c. Does the bill reduce total taxes, both rates and revenues?
No.
- d. Does the bill reduce total fees, both rates and revenues?
No.
- e. Does the bill authorize any fee or tax increase by any local government?
No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
No.
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?
No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends s. 230.23, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 Amends s. 230.23, F.S., requiring each school district with a school designated as performance grade "F" to permit transfer of classroom teachers with certain qualifications; providing supplements for certain classroom teachers; requiring the Commissioner of Education to adopt rules.

Section 2 Provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The number of eligible classroom teachers will fluctuate from year to year depending on the number of classroom teachers with NBPTS certification and the number of "F" rated schools. According to DOE, this year there are 78 "F" schools with approximately 50 classroom teachers at each for a total of 3,900 teaching slots. If *all* 3,900 teaching slots were filled with teachers eligible for the program, the *maximum* cost would be \$3.9 million.

3. Long Run Effects Other Than Normal Growth:

Indeterminate at this time. It is difficult to project the number of "F" rated schools for future years.

4. Total Revenues and Expenditures:

For this school year the *maximum* cost would be \$3.9 million if *all* 3,900 teaching slots in the 78 "F" schools were filled with eligible classroom teachers.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

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D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

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