

**STORAGE NAME:** h1633s1.llc.doc  
**DATE:** April 23, 2001

**HOUSE OF REPRESENTATIVES**  
**COUNCIL FOR LIFELONG LEARNING**  
**ANALYSIS**

**BILL #:** CS/HB 1633  
**RELATING TO:** Student Assessment  
**SPONSOR(S):** Council for Lifelong Learning and Representative(s) Attkisson  
**TIED BILL(S):** None

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

- (1) EDUCATION INNOVATION YEAS 8 NAYS 6
  - (2) EDUCATION APPROPRIATIONS (W/D)
  - (3) COUNCIL FOR LIFELONG LEARNING YEAS 9 NAYS 2
  - (4)
  - (5)
- 

I. SUMMARY:

CS/HB 1633 amends school performance grade category designations to clarify that the school grades are to be based on the school's current year performance and the school's annual learning gains. The bill specifies that beginning with the 2001-2002 school year and thereafter, a school's performance grade must be based on a combination of student achievement scores, student learning gains as measured by the Florida Comprehensive Assessment Test (FCAT) in grades 3 through 10, and improvement of the lowest 25<sup>th</sup> percentile of students in the school in reading, math, or writing on the FCAT, including Florida Writes, unless these students are performing above satisfactory performance. The bill requires a school designated with a performance grade category of "C" to demonstrate that students in the school that are in the lowest 25<sup>th</sup> percentile in reading, math, or writing on the FCAT, including Florida Writes, are making adequate progress, unless the students are performing above satisfactory progress.

This bill provides that student assessment data used to determine school performance grade categories must include: (1) the aggregate, rather than the median, scores of all eligible students enrolled in the school who have been assessed on the FCAT; and (2) the aggregate, rather than the median, scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25<sup>th</sup> percentile of students in the school in reading, math, or writing, unless these students are performing above satisfactory performance.

This bill removes the overly prescriptive language related to statewide assessments that deal with the statistical procedures used to calculate annual learning gains. The bill specifies that the statistical system for the annual assessments must provide the "best estimate" of the teacher, school, and school district effects on pupil progress, rather than "the best linear unbiased prediction" of the teacher, school, and school district effects on pupil progress. This approach must be approved by the Commissioner of Education, rather than the State Board of Education, before the pupil progression assessment is implemented. This bill amends current law to require the Commissioner of Education to establish a schedule for the administration of the statewide assessments instead of providing deadlines in law.

The Department of Education anticipates annual cost savings as a result of the deletion of the prescriptive language in current law relative to the use of statistical procedures in the calculation of annual learning gains.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

B. PRESENT SITUATION:

**Statewide Assessment Program**

In response to state and national concerns, the 1991 Florida Legislature substantially revised Florida's system of school improvement and education accountability. Entitled "Blueprint 2000," this legislation called for the development of clear guidelines for achieving school improvement and education accountability, based on eight education goals, with the intent of increasing standards, flexibility, and local control and accountability (Ch. 91-283, L.O.F.).

Consistent with Blueprint 2000's goals of increased standards, flexibility, and accountability, the Commissioner of Education, in consultation with teachers, administrators, parents, and the business community, developed student performance standards in the areas of reading, writing, mathematics, science, history, government, geography, economics, and computer literacy.

In 1996, the State Board of Education approved the Sunshine State Standards in order to provide student achievement expectations. These standards provide parents, students, teachers, and school administrators a clear understanding of the skills and competencies students should have in seven subject areas (math, science, social studies, language arts, health and physical education, arts, and foreign language) at certain stages of their school career (PreK-2, 3-5, 6-8, 9-12). Additionally, the Sunshine State Standards for certain subject areas (math, science, social studies, language arts) must include grade level expectations. The standards are assessed both at the classroom level by the teacher and through an annual statewide assessment program. This assessment is primarily conducted through the Florida Comprehensive Assessment Test (FCAT).

According to s. 229.57(1), F.S., the primary purposes of the statewide assessment program are to provide information needed for the improvement of public schools by maximizing the learning gains of all students and by informing parents of the educational progress of their public school children. The assessment program is designed to do the following:

- Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student's grade level;
- Provide data for making decisions regarding school accountability and recognition;
- Identify the educational strengths and needs of the student;
- Assess how well the educational goals and performance standards are met at the school, district, and state levels;

- Provide information to aid in the evaluation and development of educational programs and policies; and
- Provide information on the performance of Florida students compared with others across the United States.

Current law, s. 231.2905(4), F.S., specifies that the School Recognition Program must utilize the school performance grade category designations in s. 229.57, F.S. All school districts must participate in the state assessment program. The program is designed to measure annual student learning and school performance and must report assessment results. Student performance data must be analyzed and reported to parents, the community, and the state. Student performance data must be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs. The analysis of student performance data must also identify the strengths and needs in the educational program and trends over time.

The Commissioner of Education is required by s. 229.57(6), F.S., to annually prepare reports of the results of the statewide assessment program that describe student achievement in the state, each district, and each school. Beginning with the 1998-1999 school year's student and school performance data, the annual statewide assessment program report must identify schools as being in one of the following grade categories:

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

Schools that receive a grade of "A" or schools that improve at least one letter grade from the previous year are eligible for recognition and financial awards. Schools that receive an "A" or schools that improve at least two grades are eligible for increased autonomy. Depending on the availability of funds appropriated and the number and size of the schools chosen, all selected schools receive financial awards.

Current law, s. 229.57(8)(a), F.S., specifies that the designation of school performance grade categories must be based on the following timeframes:

- School performance grade category designations must be based on one school year of performance.
- In school years 1998-1999 and 1999-2000, a school's performance grade category designation must be determined by 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 the 2000-2001 school year and thereafter, a school's performance grade designation must 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, dropout rate, and student readiness for college.
- Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation must 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, dropout rate, cohort graduation rate, and student readiness for college.

Currently, the Department of Education is authorized in s. 229.57(11), F.S., subject to appropriation, to negotiate a multiyear contract to develop, field test, and implement annual assessments of students in grades 3 through 10. These assessments must comply with various criteria. Some of the criteria include the following:

1. A statistical system must use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which distributions:
  - Must 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; and
  - Must, to the extent possible, be able to be expressed in linear scales so that the effects of ceiling and floor dispersions are minimized (s. 229.57(11)(e), F.S.).
2. The statistical system must provide an approach that provides for best linear unbiased prediction for the teacher, the school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of and compare teachers who teach in the following situations:
  - 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 (s. 229.57(11)(f), F.S.).
3. The annual testing program must 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 must 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 must be aligned so 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 (s. 229.57(11)(h), F.S.).

**C. EFFECT OF PROPOSED CHANGES:**

CS/HB 1633 amends school performance grade category designations to clarify that the school grades are to be based on the school’s current year performance and the school’s annual learning gains.

CS/HB 1633 amends current law to remove the obsolete language relating to the methods by which school performance grade category designations were determined during the 1998-1999 and 1999-2000 school years.

CS/HB 1633 amends current law to clarify that beginning with the 2001-2002 school year and thereafter, a school’s performance grade must be based on a combination of student achievement scores, student learning gains as measured by the Florida Comprehensive Assessment Test

(FCAT) in grades 3 through 10, and improvement of the lowest 25<sup>th</sup> percentile of students in the school in reading, math, or writing on the FCAT, including Florida Writes, unless these students are performing above satisfactory performance. A school's performance grade is no longer based on other performance data, such as dropout rate, cohort graduation rate, and student readiness for college.

The bill requires a school designated with a performance grade category of "C" to demonstrate that students in the school that are in the lowest 25<sup>th</sup> percentile in reading, math, or writing on the FCAT, including Florida Writes, are making adequate progress, unless the students are performing above satisfactory progress.

This bill provides that student assessment data used in determining school performance grade categories must include:

- The aggregate, rather than the median, scores of all eligible students enrolled in the school who have been assessed on the FCAT; and
- The aggregate, rather than the median, scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25<sup>th</sup> percentile of students in the school in reading, math, or writing, unless these students are performing above satisfactory performance.

This bill removes the overly prescriptive language related to statewide assessments that deal with the statistical procedures used to calculate annual learning gains. The bill specifies that the statistical system for the annual assessments must provide the "best estimate" of the teacher, school, and school district effects on pupil progress, rather than "the best linear unbiased prediction" of the teacher, school, and school district effects on pupil progress. This approach must be approved by the Commissioner of Education, rather than the State Board of Education, before the pupil progression assessment is implemented.

This bill amends current law to require the Commissioner of Education to establish a schedule for administration of the statewide assessments instead of providing deadlines in law. In establishing the schedule, the commissioner is charged with the duty to accomplish the latest possible administration of the statewide assessments and the earliest possible provision of the results to the school districts feasible within available technology and specific appropriation.

HB 1633 reenacts ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., because they cross-reference s. 229.57, F.S., which is amended by this bill.

According to the Department of Education, some of the proposed changes in the bill will assist in providing a smoother transition to a school grading system based on annual performance and learning gains from the existing system in which school grades are based only on annual performance.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1:** Amends s. 229.57, F.S., in order to eliminate the obsolete language relating to 1998-1999 and 1999-2000 school year time frames; revise the basis relating to the designation of school performance grade categories; revise provisions relating to statewide assessments; revise provisions relating to the use of a statistical system for assessment; and require the Commissioner of Education to establish a schedule for the administration of the assessment.

**Section 2:** Reenacts ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S.

**Section 3:** Provides this bill will take effect on becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see Fiscal Comments.

2. Expenditures:

Please see Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

According to the Department of Education, annual cost savings associated with this bill are anticipated as a result of the deletion of the prescriptive language relative to the use of statistical procedures in the calculation of annual learning gains currently contained in s. 229.57, F.S.

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 or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional issues.

B. RULE-MAKING AUTHORITY:

This bill does not necessitate additional rulemaking authority.

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 10, 2001, the Committee on Education Innovation adopted the following three amendments:

1. The first amendment restores current language on the school grades for this year that was inadvertently stricken.
2. The second amendment differs from the original bill by:
  - striking the use of dropout rate, cohort graduation rate, and student readiness for college from criteria for calculating the school grade;
  - specifying a school's performance grade must be based on a combination of student achievement scores, student learning gains as measured by the Florida Comprehensive Assessment Test (FCAT) in grades 3 through 10, and improvement of the lowest 25<sup>th</sup> percentile of students in the school in reading, math, or writing on the FCAT, including Florida Writes, unless these students are performing above satisfactory performance; and
  - requiring that schools designated as performance grade category "C," must demonstrate that adequate progress is being made by students in the school who are in the lowest 25<sup>th</sup> percentile in reading, math, or writing on FCAT, including Florida Writes, unless these students are performing above satisfactory performance.
3. The third amendment requires the Commissioner of Education to establish a schedule for the administration of the statewide assessments. In establishing the schedule, the commissioner is charged with the duty to accomplish the latest possible administration of the statewide assessments and the earliest possible provision of the results to the school districts feasible within available technology and specific appropriation.

The Committee on Education Innovation reported the bill favorably as a committee substitute.

The Council for L

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Elsie J. Rogers

Staff Director:

Daniel Furman

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AS FURTHER REVISED BY THE COUNCIL FOR LIFELONG LEARNING:

Prepared by:

Staff Director:

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Elsie J. Rogers

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Patricia Levesque