

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 Appropriations Subcommittee on Education

BILL: SB 1642

INTRODUCER: Education Committee

SUBJECT: Education Accountability

DATE: March 6, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	ED SPB 7060 as Introduced
2.	Sikes	Elwell	AED	Pre-meeting
3.			AP	

I. Summary:

Senate Bill 1642 makes substantial changes to Florida's public school statewide assessment and accountability system, including revisions to school grading and school improvement rating systems. The bill provides for a one-year transition period to new statewide, standardized assessments.

The bill does not have a fiscal impact on overall public school funding, but may impact individual school eligibility for existing Florida School Recognition Program awards.

The bill takes effect July 1, 2014.

II. Present Situation:

Florida Statewide Assessment and 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.¹ The law designated school grade categories and specified the metrics used to measure school performance.² Since that time, the school grading system has undergone a number of significant changes.³

¹ Section 7 of chapter 99-398, L.O.F., codified in s. 229.57, F.S., subsequently repealed by s. 378, ch. 2002-387, L.O.F, and codified in s. 1008.34, F.S.

² *Id.*

³ *Florida School Grades' History of Change*, Florida Department of Education, April 2013, [Approval of Amendment to Rule 6A-1.09981, Implementation of Florida's System of School Improvement and Accountability](#). (last visited March 1, 2014)

School Grades

The measure of school accountability is the school grade.⁴ The following letter grades are used to designate school performance:⁵

- “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.

The criteria for designating school performance grades are based on a combination of the following:⁶

- Student achievement scores on statewide, standardized assessments under s. 1008.22, F.S., and the achievement scores for students seeking a special diploma.⁷
- Student learning gains in Reading or English Language Arts and Mathematics as measured by statewide, standardized assessments administered pursuant to s. 1008.22, F.S., including gains for students seeking a special diploma, as measured by an alternate assessment.⁸
- Improvement of the lowest 25th percentile of students in the school in Reading or English Language Arts and Mathematics, as measured by standardized statewide assessments pursuant to s. 1008.22, F.S., unless these students are exhibiting satisfactory performance.⁹
- Performance and participation of middle school students enrolled in high school level courses with end-of-course (EOC) assessments and attainment of industry certification, when data are available.¹⁰

In addition to the above, a high school grade is based on the following:

- 4-year and 5-year high school graduation rate and a 4-year and 5-year high school graduation rate for at-risk students, defined as students who scored Level 1 or 2 on the grade 8 assessment in English Language Arts and Mathematics.¹¹

⁴ Rule 6A-1.09981(3), F.A.C.

⁵ Section 1008.34(2), F.S. Rule 6A-1.09981(6)(a), F.A.C.

⁶ Section 1008.34(3)(b), F.S. Rule 6A-6.0909, F.A.C., provides that English Language Learners (ELL) who have been enrolled in school in the U.S. for less than 12 months may be exempted from the statewide assessment in Reading and must take the annual Comprehensive English Language Learning Assessment (CELLA) assessment, which measures the progress of a student’s proficiency in English. An exemption from participation in any component of the statewide assessment program for an individual student may only be made by specific action of an ELL committee and only for a student whose date of classification as an English Language Learner falls within one year prior to the assessment date. Rule 6A-1.09432, F.A.C. See <http://www.fldoe.org/aala/cella.asp> (last visited March 1, 2014).

⁷ Section 1008.34(3)(b)1.a., F.S. and Rule 6A-1.09981(1)(a)1.a., F.A.C. Based on FCAT 2.0 Reading in grades 3 through 10, and FCAT 2.0 Mathematics in grades 3 through 8; FCAT 2.0 Science in grades 5 and 8; FCAT Writing in grades 4, 8, and 10; Florida Alternate Assessment; statewide high school end-of-course (EOC) assessments in Algebra 1, Biology, and Geometry; and middle school statewide EOC assessment in Civics (beginning 2014-15). Statewide EOC assessment scores for students who pass statewide high school EOC assessments in middle school will be banked for inclusion in the high school performance measures addressed in this paragraph when these students enroll in grade 9.

⁸ Section 1008.34(3)(b)1.b., F.S. Rule 6A-1.09981(1)(b)1.b., F.A.C., provides for annual student learning gains as measured by Reading and Mathematics (including Algebra I and Geometry end-of-course (EOC) assessments) in applicable grades.

⁹ Section 1008.34(3)(b)1.c., F.S. Rule 6A-1.09981(1)(a)1.c., F.A.C.

¹⁰ Section 1008.34(3)(b)2., F.S. Performance and participation must be weighted equally.

¹¹ Section 1008.34(3)(b)3.a. and 3.d., F.S. Rule 6A-1.09981(1)(a)1.d. and (4)(c)1.a. and b., F.A.C.

- Performance and participation of high school students in College Board Advanced Placement (AP) courses, International Baccalaureate (IB) courses, dual enrollment courses, and Advanced International Certificate of Education (AICE) courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to State Board of Education rules.¹²
- Postsecondary readiness of all on-time graduates, as measured by SAT, ACT, PERT, common placement test (CPT).¹³
- Performance on statewide, standardized EOC assessments;¹⁴ and
- Growth or decline in high school components.¹⁵

Currently, the procedure for calculating the school grade and the scale used to determine a school grade are specified in State Board of Education rule.¹⁶ Additionally, the award of bonus points to schools is specified in rule.¹⁷

School Improvement Ratings

Alternative schools, may choose to receive either a school grade or a school improvement rating.¹⁸ An alternative school that earns a school improvement rating receives one of the following:¹⁹

- “Improving” – students are making more academic progress at the alternative school than when the students were served in their home schools;
- “Maintaining” – students are making progress at the alternative school equivalent to academic progress made when the students were served in their home schools; or
- “Declining” – students are making less academic progress at the alternative school than when the students were served in their home schools.

School improvement ratings are indicators of whether an alternative school's performance has improved, remained the same, or declined compared to the prior year based on student statewide, standardized assessment scores.²⁰

An alternative school is any school that provides dropout prevention and academic intervention services. However, for accountability purposes, the definition of an alternative school excludes “second chance schools”, educational programs operated or contracted by Department of

¹² Section 1008.34(3)(b)3.b., F.S. Rule 6A-1.09981(1)(a)1.d., F.A.C.

¹³ Section 1008.34(3)(b)3.c., F.S. Rule 6A-1.09981(1)(a)1.d., F.A.C.

¹⁴ Section 1008.34(3)(b)3.e., F.S.

¹⁵ Section 1008.34(3)(b)3.f., F.S.

¹⁶ Rule 6A-1.09981(5) and (6), F.A.C.

¹⁷ For example, Rule 6A-1.09981(5)(c)8., F.A.C., provides that bonus points are awarded if at least 50 percent of the 11th and 12th grade students in the school retaking the grade 10 Reading assessment and at least half of students in the school retaking other statewide assessments required for graduation meet the graduation requirement.

¹⁸ Sections 1008.34(3)(a)2. and 1008.341(2), F.S. For charter schools that meet the definition of an alternative school, i.e., charter alternative schools, the decision to receive a school grade is the decision of the charter school governing board. Section 1008.34(3)(a)2., F.S.

¹⁹ Section 1008.341(2), F.S.

²⁰ Section 1008.341(2), F.S.; *see also* Rule 6A-1.099822, F.A.C.

Juvenile Justice facilities, and district school board programs that serve students officially enrolled in dropout retrieval programs.^{21,22}

If an alternative school chooses to receive a school improvement rating instead of a school grade, student performance is also included in the school grade of the student's home school.^{23,24}

The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services are credited back to the home school for inclusion in the home school's grade calculation.²⁵

District Grades

Under the statewide accountability system, school districts are also graded.²⁶ A school district's grade is calculated using student performance and learning gains data on statewide assessments used for determining school grades for each eligible student enrolled for a full school year in the district.²⁷ This calculation methodology captures each eligible student in the district who may have transferred among schools within the district or is enrolled in a school that does not receive a grade.²⁸

Florida School Recognition Program

The program provides financial awards to public schools that sustain high performance by receiving a school grade of "A," or demonstrate exemplary improvement due to innovation and effort by improving at least one letter grade or by improving more than one letter grade and sustaining the improvement the following school year.²⁹ All public schools, including charter schools that receive a school grade are eligible to participate in the program.³⁰ Schools that improve at least one level or maintain an "improving" rating are also eligible for school recognition awards.³¹

²¹ A "second chance school" means district school board programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. Section 1003.53(1)(d)1., F.S.

²² Section 1008.341(2), F.S.; Rule 6A-1.099822(2)(a), F.A.C.; *cf.* s. 1008.341(3), F.S. (stating that the assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school's school improvement rating.)

²³ "Home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. Section 1008.34(3)(c)3., F.S.

²⁴ Section 1008.34(3)(c)3., F.S.; *see also* s. 1008.341, F.S.

²⁵ Section 1008.34(3)(c)3., F.S.; *cf.* rule 6A-1.099822(6), F.A.C. (stating that the student performance of eligible students shall be included in the students' home school's grade as well as the school's school improvement rating, if the school is not a charter alternative school). This presumes that students are not assigned to charter alternative schools.

²⁶ Section 1008.34(7), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 1008.36, F.S.

³⁰ *Id.*

³¹ Section 1008.341(2), F.S.

The charts below describe the current models used for calculating school grades for elementary, middle, and high school grades.

Current Elementary School Grade Model³² (800 possible points)

Reading	Math	Writing	Science
Achievement			
(100 points)	100 points)	(100 points)	(100 points)
Learning Gains – with additional weights for certain types of gains			
(100 points)	(100 points)		
Low 25% Learning Gains – with additional weights for certain types of gains			
(100 points)	(100 points)		
(300 points)	(300 points)	(100 points)	(100 points)
A school grade is lowered one letter grade below what the point total indicate if: <ul style="list-style-type: none">Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)Fewer than 25% of students are reading at or above grade levelFewer than 95% of eligible students are tested, and the school earned enough points for an “A”			

Current Middle School Model 2013-14 (900 possible points)

Reading	Math	Writing	Science	Acceleration
Achievement				Middle School Students’ Participation in and Performance on High School Level EOC assessments and Industry Certifications (100 points)
(100 points)	(100 points)	(100 points)	(100 points)	
Learning Gains - with additional weights for certain types of gains				
(100 points)	(100 points)			
Low 25% Learning Gains - with additional weights for certain types of gains				
(100 points)	(100 points)			
(300 points)	(300 points)	(100 points)	(100 points)	(100 points)
A school grade is lowered one letter grade below what the point total indicate if: <ul style="list-style-type: none">Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)Fewer than 25% of students are reading at or above grade levelFewer than 95% of eligible students are tested, and the school earned enough points for an “A”				

³² Florida Department of Education, *Proposed Florida School Accountability Plan*, Commissioner of Education, February 18, 2014, See http://www.fldoe.org/board/meetings/2014_02_18/agenda.asp, (last visited March 2, 2014)

Current High School Model 2013-14 (1600 possible points)

Assessment Components – 50%				“Other” Components – 50%			
Reading	Mathematics (Algebra, Geometry)	Writing	Science (Biology)	Acceleration	Graduation Rate	College Readiness	Social Studies (US History)
Achievement				Participation & Performance in AP, IB, AICE, dual enrollment, and/or industry certification – with additional weights for multiple participation & performance (100 points for Participation) (100 points for Performance)	A total of four graduation rates (200 points) Overall, 4-year (100 points) Overall, 5-year (100 points) At-Risk, 4-year (50 points) At-risk, 5-year (50 points)	Percent of graduates that are “college ready” based on SAT, ACT, and/or PERT Reading (100 points) Math (100 points)	EOC (100 points)
(100 points)	(100 points)	(100 points)	(100 points)				
Learning Gains - with additional weights for certain types of gain							
(100 points)	(100 points)						
Low 25% Learning Gains – with additional weights for certain types of gains							
(100 points)	(100 points)						
(300 points)	(300 points)	(100 points)	(100 points)	(200 points)	(300 points)	(200 points)	(100 points)
A school grade is lowered one letter grade below what the point total indicate if: <ul style="list-style-type: none">Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)Fewer than 25% of students are reading at or above grade levelFewer than 65% of at-risk students graduate from high school, and the school earned enough points for an “A”Fewer than 95% of eligible students are tested, and the school earned enough points for an “A”							

Students with Disabilities

Current law provides a process for granting an extraordinary exemption from administration of a statewide, standardized assessment for a student with a disability who has not had allowable accommodations offered due to technology limitations in the testing administration program or whose assessment results would reflect the student’s condition rather than student achievement.³³ The law also provides for an exemption, based on an individual education plan (IEP) team determination, as well as a process for requesting an exemption from testing during a particular testing window.³⁴ The latter request must be made to the district superintendent before each testing window with a recommendation by him or her to the Commissioner of Education. A parent is permitted to appeal the Commissioner’s decision.

³³ Section 1008.212, F.S.

³⁴ *Id.*

III. Effect of Proposed Changes:

Senate Bill 1642 makes substantial changes to Florida's public school statewide assessment and accountability system, including revisions to school grading and school improvement rating systems. The bill provides for a one-year transition period to new statewide, standardized assessments. By clarifying definitions and removing extraneous calculation components, the bill ultimately simplifies how school grades are calculated and reported.

School Grades

Definitions

For purposes of the statewide, standardized assessment program and the school grading system, the bill defines "achievement level" as the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment. There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. Under the bill, a student passes an assessment if the student achieves a level 3, level 4, or level 5. The State Board of Education must provide, in rule, the number of achievement levels and identify the achievement levels that are considered passing on the Florida Alternate Assessment.³⁵

The bill also defines "learning gains" as the degree of student learning growth occurring from one school year to the next as required by State Board rule for purposes of calculating school grades. Additionally, the bill defines "student performance" to include student learning growth, achievement levels, and learning gains on statewide, standardized assessments administered pursuant to s. 1008.22, F.S.

School Grade Calculations

The bill substantially revises the school grading system, beginning with the 2014-2015 school year. The bill re-focuses the school grading formula on student success measures of achievement, learning gains, graduation, and earning college credit and/or industry certifications.

Specifically, the bill bases the grades on the percentage of total points earned, rather than the raw score of total points. Provisions in the current grade calculation that may raise or lower a school's grade beyond what the percentage of points would indicate are not included in the revised grade model (i.e., no additional requirements, no additional weights or bonus points, no automatic adjustments). Writing is included with the English/Language Arts components.

³⁵ The FAA is also a statewide standardized assessment for a student with a significant cognitive disability, if specific criteria are met, such as requiring direct instruction in academics based on access points, pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings. Rule 6A-1.0943(1)(a) and (5), F.A.C.

The charts below describe the components of the new grading models established in the bill.

Revised Elementary School Grade Model (700 possible points, compared to current 800)

English Language Arts (ELA)	Math	Science
Achievement		
(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to (100%) (100 points)
Learning Gains All Students		
(0% to 100%) (100 points)	(0% to 100%) (100 points)	
Lowest 25% Learning Gains		
(0% to 100%) (100 points)	(0% to 100%) (100 points)	
(300 points)	(300 points)	(100 points)

Revised Middle School Grade Model (900 possible points, compared to current 900)

ELA	Math	Social Studies (Civics)	Science	Acceleration
Achievement				Percent of Students with an Acceleration Success (0% to 100%) (100 points)
(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to 100%) (100 points)	
Learning Gains All Students				
(0% to 100%) (100 points)	(0% to 100%) (100 points)			
Low 25% Learning Gains				
(0% to 100%) (100 points)	(0% to 100%) (100 points)			
(300 points)	(300 points)	(100 points)	(100 points)	(100 points)

Revised High School Grade Model (1000 possible points, compared to current 1600)

Assessment Components				Graduation Rate	Acceleration
ELA	Math (Algebra, Geometry)	Social Studies (U.S. History)	Science (Biology)		
Achievement				4 Year Graduation Rate (0% to 100%) (100 points)	Percent of Students with an Acceleration Success (0% to 100%) (100 points)
(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to 100%) (100 points)		
Learning Gains All Students					
(0% to 100%) (100 points)	(0% to 100%) (100 points)				
Low 25% Learning Gains					
(0% to 100%) (100 points)	(0% to 100%) (100 points)				
(300 points)	(300 points)	(100 points)	(100 points)	(100 points)	(100 points)

The bill establishes specific parameters for calculating school grades.

- The calculation must be based on the percentage of points earned from the components applicable to the grade level (e.g., elementary, middle, or high school).
- There must be at least five percentage points to separate the percentage thresholds needed to earn each school grade.
- There must not be any provision that would raise or lower the school's grade beyond the percentage of points earned.
- Extra weight may not be added to the calculation of any components.
- For a school that does not have at least ten students with complete data for one or more of the components that comprise the school grade, those components may not be used in the calculation.

The State Board of Education is charged with periodically reviewing the school grading scale to determine if the scale needs to be adjusted upward to meet raised expectations and encourage increased student performance. Additionally, the State Board must adopt by rule a school grading scale that sets the percentage of points needed to earn each school grade.

The bill also provides that the performance of students attending alternative schools are used to calculate the home school's grade. The performance of students designated as hospital or homebound is attributed to the home school.

The bill provides that a school district has discretion in granting greater authority over the allocation of the total budget generated from the Florida Education Finance Program (FEFP), state categoricals, lottery funds, grants, and local funds to a school that earns a grade of "A" or improves at least two letter grades.

School Improvement Rating

The bill revises the current school improvement ratings and definitions to the following:

- “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; and
- “Unsatisfactory” – an insufficient percentage of the students attending the school are making learning gains.

The ratings under current law compare a student’s progress at the alternative school with his or her progress at the student’s home school. Under the bill, the ratings are based upon the student’s learning gains at the alternative school. The bill provides for the calculation of a school improvement rating if an alternative school does not have at least 10 students with complete data for a school grade component. The calculation of the school improvement rating must be based on the percentage of points earned from the existing data components.

Beginning with the 2016-2017 school year, an alternative school that does not meet the requirements for receiving a school improvement rating in the current year, and has failed to receive a school improvement rating for the prior two consecutive years, receives a rating for the current year. The rating is based upon a compilation of all student learning gains, for all grade levels, for those three years. Similarly, if the school fails to meet the requirements for a rating the following year or any year thereafter, the school’s rating is based on a compilation of student learning gains achieved during the current and prior two years. Current law requires the ratings to be based upon a comparison of data for the current year and previous year.

Student learning gains must be used in determining an alternative school’s school improvement rating, which is based on the following components:

- 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.

Transition

The bill provides for a one-year transition period, during which the calculation of school grades and school improvement ratings for the 2013-2014 school year are based on the law and rules in effect on June 30, 2014. School grades are calculated based on new statewide, standardized assessments. The 2014-2015 school grades serve as an informational baseline for schools to work toward improved performance in future years.

The bill provides hold-harmless provisions during the transition for schools subject to a turnaround option, virtual schools or approved virtual instruction providers, and high performing charter school systems or school districts. The bill permits the Florida School Recognition Program to be implemented as provided in the General Appropriations Act. Student performance on the 2014-2015 statewide, standardized assessments must be linked to the 2013-2014 student performance expectations in determining third grade retention and high school graduation.

School District Grades

School district grades must include a district-level calculation of the school grade components, beginning with the 2014-2015 school year. The DOE is required to develop a district report card that, in addition to the district grade, includes the following:

- Measures of district progress in closing the achievement gap between higher-performing student subgroups and lower-performing student subgroups;
- Measures of district progress in demonstrating learning gains of its highest-performing students;
- Measures of district success in improving student attendance;
- District grade-level promotion of students scoring achievement levels 1 and 2 on statewide, standardized English Language Arts and mathematics assessments; and
- Measures of district performance in preparing students for the transition from elementary to middle school, middle to high school, and high school to postsecondary institutions and careers.

School Report Card

The bill provides that school report cards must include student performance in English Language Arts, Mathematics, Science, and Social Studies.

Students with Disabilities

The bill requires the Commissioner of Education to grant two additional types of exemptions from the statewide, standardized assessments for specific students with disabilities. The exemptions must be based on documentation from a physician who is licensed under chapter 458, F.S., and a review of the district school board superintendent's recommendation.

A permanent exemption must be granted to a student who, as determined by a licensed physician, is a "child with medical complexity." A child with medical complexity is a child who has medical fragility and intensive care needs due to a congenital or acquired multisystem disease, a severe neurologic condition with marked functional impairment, or technology dependent for activities of daily living. Under the bill, a one-year exemption must be granted to a student who suffers from such a significant cognitive or physical disability that the student temporarily lacks the capacity to take statewide, standardized assessments. A parent may request that the student participate in statewide, standardized assessments during the term of the exemption.

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:

SB 1642 revises the school grading system which may impact individual school grades. The Florida School Recognition Program provides financial awards to public schools that:

- Sustain high performance by receiving a school grade of “A,” making excellent progress; or
- Demonstrate exemplary improvement due to innovation and effort by improving at least one letter grade or by improving more than one letter grade and sustaining the improvement the following school year.

Therefore, since this bill may influence individual school grades, it may also impact a school’s eligibility for financial awards under the Florida School Recognition Program. However, the bill does not affect the funding of the Florida School Recognition Program, which has been held constant at \$134,582,877 for the 2012-2013 and 2013-2014 fiscal years.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1002.33, 1003.621, 1008.31, 1008.33, 1008.34, 1008.341, and 1008.3415.

This bill also 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.

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