

HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

BILL #:	CS/HB 7069	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Education Appropriations Subcommittee; Education Committee; and O'Toole	105 Y's	6 N's
COMPANION BILLS:	CS/CS/SB 616	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

CS/HB 7069 passed the house on March 18, 2015. The bill was amended by the Senate on April 2, 2015, and subsequently passed the House on April 9, 2015. The bill reduces state and local assessment requirements, including those commonly associated with progress monitoring. In addition, the bill grants districts greater flexibility in measuring student performance in courses not associated with statewide, standardized assessments and in evaluating instructional personnel and school administrators. Specifically, the bill:

- Allows school districts to start school as early as August 10 each year.
- Eliminates prescriptive remediation and progress monitoring requirements for low-performing students and provides for targeted instructional support in reading for K-3 students.
- Eliminates the 11th grade English Language Arts (ELA) assessment and eliminates required administration of the Postsecondary Education Readiness Test (PERT).
- Allows districts to choose how to measure student performance in courses not associated with state assessments and prohibits final exams in addition to state end-of-course assessments.
- Limits administration of state and local assessments to no more than 5% of a student's total school hours and requires written parental consent for local assessments that exceed the cap.
- Allows teacher assistants and other district employees to administer state assessments.
- Requires the Department of Education, school districts, and public schools to publish a uniform assessment calendar and specifies information to be included in the calendar.
- Reduces student performance to one third of a teacher's or administrator's evaluation.
- Specifies professional development activities for teachers rated less than "effective."
- Requires districts to provide local assessment results to teachers and parents within 30 days.
- Requires future state testing contracts to provide assessment results by the end of the school year.
- Requires the state board to publish a comparison of district evaluation and state performance results.
- Requires the department to distribute any liquidated damages resulting from spring 2015 assessments.
- Requires 3rd grade students who score in the bottom quintile on the 2014-2015 ELA assessment to be identified as "at risk of retention" and to be provided intensive instruction and support until the assessment's validity is confirmed.
- Suspends issuance of school grades and teacher evaluations for the 2014-2015 school year until an independent entity, selected by a panel, confirms the validity of first-time state assessments.

The bill has a cost savings of \$750,000 to the Student Loan Operating Trust Fund due to the PERT being made optional. There are potential savings to districts due to the possible elimination of local assessments.

The bill was approved by the Governor on April 14, 2015, ch. 2015-6, L.O.F., and became effective on that date.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h7069z.EDC

DATE: May 4, 2015

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Statewide Assessment Program and Local Assessments

Present Situation

Since 1999, Florida's statewide education accountability system has been predicated upon student mastery of academic standards measured using state and local assessments.¹ These assessments provide teachers and schools important information, particularly in critical subject areas like mathematics and English language arts (ELA), on how well students are learning, where there are needs for improvement, and what instructional techniques are working. Information from assessments helps school leaders, teachers, and students to receive services and support necessary for success and helps prevent students from being left behind or promoted grade-to-grade without necessary knowledge and skills.

The statewide assessment program for public schools includes statewide, standardized assessments for ELA (grades 3-11) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; and FCAT 2.0 science (grades 5 and 8).² EOC assessments count 30 percent of a student's final course grade.³ Results from these assessments are used to calculate school grades and school improvement ratings⁴ and determine student readiness for promotion to 4th grade and high school graduation.⁵

Current law requires that local assessments be used to measure student performance in grades and subjects not associated with the statewide assessment program.⁶ School districts may use the following assessments to satisfy this requirement:⁷

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

Each school district must measure student performance on local assessments using a district-determined methodology⁸ and adopt policies for the selection, development, administration, and scoring of local assessments and for the collection of assessment results.⁹

The commissioner must identify methods to support school districts in the development or acquisition of assessments. Such methods include developing test item banks,¹⁰ facilitating the sharing of

¹ Section 57, ch. 1999-398, L.O.F.

² Sections 1008.22(3), 1003.4156, and 1003.4282, F.S. FCAT 2.0 Reading Retakes and the Florida Alternate Assessment are also part of the statewide assessment program. Retake administrations are offered for EOC assessments. Email, Florida Department of Education, Office of Accountability and Policy Research (Mar. 11, 2015).

³ Sections 1003.4156 and 1003.4282, F.S.

⁴ See ss. 1008.34 and 1008.341, F.S.

⁵ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

⁶ See section 1008.22(6), F.S.

⁷ Sections 1008.22(6)(b) and 1012.34(7)(b), F.S. However, for all ELA, mathematics, science, and social studies courses offered by the district that are used to meet graduation requirements that are not otherwise assessed by statewide, standardized assessments, the district school board may not use teacher-selected or principal-selected assessments. See s. 1008.22(6)(c), F.S.

⁸ Section 1012.34(7)(b), F.S.

⁹ Section 1012.34(7)(c), F.S.

¹⁰ Florida Department of Education, *Item Bank & Test Platform Item Specifications*, <http://www.fldoe.org/finance/contracts-grants-procurement/american-recovery-reinvestment-act/k-12-strategies/itemspecs.stml> (Last visited March 4, 2015).

assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance.¹¹ Accordingly, DOE has provided technical assistance developed test item banks, a test platform, and grants to schools districts to develop assessments for hard-to-measure courses that can be provided across the state.¹²

In addition to statewide, standardized and district-required assessments, high schools must administer the Postsecondary Education Readiness Test (PERT) to all students in 11th grade who scored at Level 2 or 3 on the statewide, standardized 10th grade ELA assessment or Levels 2 through 4 on the Algebra I EOC assessment.¹³ Students who demonstrate college readiness by achieving scores established by the state board on alternate assessments are not required to take the PERT.¹⁴ When a student does not achieve the minimum scores necessary to demonstrate college readiness on either the PERT or an alternative assessment, the school must use the test results to advise the student of identified deficiencies and provide appropriate postsecondary preparatory instruction during his or her 12th grade year. The student is required to complete the postsecondary preparatory instruction prior to high school graduation.¹⁵

On August 25, 2014, amidst concerns expressed by parents and school districts about the number of assessments administered to students, Florida Governor Rick Scott announced the “Let’s Keep Florida Learning Plan.”¹⁶ The plan, among other things, called for the Commissioner of Education, Pam Stewart, to “conduct a thorough and comprehensive investigation of every standardized test” in Florida.¹⁷

Subsequently, the commissioner and DOE staff gathered information from each school district, including:

- What district-level, standardized assessments are given;
- What student decisions are based on test results (e.g., promotion, course grade, progress monitoring; includes additional district uses of statewide, standardized test results);
- Why students are required to take the test;
- What grade levels or groups of students take the test;
- Whether test information is provided to teachers, parents, and/or students;
- How much time is given for the test on how many days;
- How often and when the test is given; and
- In what format the test is given (computer, paper, or other).¹⁸

Based on the information provided by the school districts, the commissioner released a report on February 18, 2015, summarizing DOE’s findings and providing recommendations to reduce the assessment burden on students and schools.¹⁹ The recommendations were to:

- Issue an Executive Order to suspend the Grade 11 Florida Standards Assessment for English language arts.

¹¹ Section 1008.22(6)(d), F.S.

¹² See Florida Department of Education, *American Recovery and Reinvestment Act, Teacher and Principal Evaluation Systems*, <http://www.fldoe.org/arra/TeacherEvaluationSystems.asp> (last visited March 4, 2015).

¹³ Section 1008.30(3), F.S.

¹⁴ Rule 6A-10.0315(2), F.A.C.

¹⁵ *Id.*; rule 6A-10.0315(2), F.S.

¹⁶ Gov. Rick Scott, *Let’s Keep Florida Learning* (Aug. 2014), available at <http://www.rickscottforflorida.com/wp-content/uploads/2014/11/Let%E2%80%99s-Keep-Florida-Learning.pdf>.

¹⁷ *Id.*

¹⁸ Assessment Investigation at 3. See also Florida Department of Education, *Assessment Investigation, Appendix F: District-Level, Standardized Assessment Summaries* (Feb. 18, 2015), available at <http://www.fldoe.org/core/fileparse.php/10982/urlt/Appendices.pdf> (providing district responses to the assessment inquiries).

¹⁹ See *id.*

- Enact legislation to eliminate the Postsecondary Education Readiness Test (PERT) as a state mandate for grade 11 and make it optional.
- Enact legislation to eliminate the current progress monitoring requirements.
- Enact legislation to eliminate local final exams in courses/subjects where there is also a statewide, standardized end-of-course exam.²⁰

The commissioner included additional recommendations specifically for school districts as follows:

- Give no more than one school-wide or district-wide interim assessment per course/subject per grading period.
- Don't test students for the sole purpose of evaluating teachers.
- Provide teachers, parents, and students with information about how students are doing on each assessment used to monitor student progress.

On February 24, 2015, Governor Scott issued Executive Order 15-31, authorizing the commissioner to suspend administration of the statewide, standardized 11th grade ELA assessment.²¹ Consistent with the executive order, the commissioner released an updated 2014-2015 Statewide Assessment Schedule without reference to the statewide, standardized 11th grade ELA assessment.²²

Effect of Proposed Changes

Pursuant to the commissioner's recommendations, the bill reduces duplicative and excessive assessments for high school students by eliminating the requirement to administer a statewide, standardized 11th grade ELA assessment. In addition, the bill repeals the requirement to administer the PERT, while still requiring high schools to use available assessment data to identify students with deficiencies and provide postsecondary preparatory counseling and instruction for those students.

The bill streamlines duplicative provisions related to statewide, standardized EOC assessments and deletes language referencing the old FCAT writing assessment.²³ The bill also specifies that a statewide, standardized EOC assessment must be used as its associated course's final cumulative exam and prohibits administration of additional final cumulative examinations for the course. The bill allows districts to use a district-required local assessment as a course's final cumulative assessment if the course is not associated with a statewide, standardized assessment.

The bill codifies the department's timeline for transitioning to online, statewide, standardized assessments for 3rd and 4th grade students as follows:

[T]he grade 3 ELA assessment, beginning in the 2017-2018 school year; the grade 3 mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 mathematics assessment, beginning in the 2016-2017 school year.²⁴

To promote district flexibility and relieve unnecessary testing burdens on students and schools, the bill eliminates prescriptive assessment requirements while maintaining the districts' responsibility for measuring student performance in grades and subjects not associated with statewide, standardized assessments. The bill requires the commissioner to assist districts in measuring student performance by maintaining a statewide item bank that facilitates test and test item sharing. The bill requires districts

²⁰ See *id* at 4.

²¹ Exec., Order No. 15-31 (2015), available at http://www.flgov.com/wp-content/uploads/orders/2015/EO_15-31.pdf.

²² Florida Department of Education, *Florida Statewide Assessment Program 2014-2015 Schedule* (2015), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7047/dps-2014-81a.pdf>.

²³ Both reading and writing are assessed under the new statewide, standardized ELA assessments.

²⁴ Florida Department of Education, *Florida's Transition to Computer-Based Testing for Statewide Assessments* (Nov. 2014), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7048/dps-2014-81b.pdf>.

to consider how to share resources and allows the commissioner to stop the item bank if it is determined that district participation is insufficient for sustainability.

To prevent excessive time spent on testing, the bill limits administration of state and local assessments to no more than 5 percent of a student's total school hours each year. Local assessments in excess of the cap may be administered only if the district obtains written consent from the student's parent. The cap does not apply to an AICE, AP, IB, or PERT test a student chooses to take, nor does it apply to accommodations required by a student's IEP, 504 plan, or English language learner (ELL) plan.

School Start Date

Present Situation

Florida law requires each school district to adopt policies that fix uniform opening and closing dates for the district's schools; however, no opening date may be earlier than 14 days before Labor Day each year.²⁵ Academically high-performing school districts²⁶ are allowed set an opening date earlier than 14 days before Labor Day.²⁷

Because the opening date is tied to Labor Day each year, there may not be enough time for districts to end grading periods prior to the winter break. In certain instances, statewide, standardized EOC assessments for semester-long courses offered during the fall semester are administered in January.

Effect of Proposed Changes

The bill provides district flexibility to implement school calendars and assessment schedules based on each district's needs by removing the link between the school start date and Labor Day and allowing districts to start school as early as August 10. The bill also specifies that high performing districts must comply with school start date requirements.

Assessment Schedules

Present Situation

The commissioner must establish schedules for the administration of assessments and the reporting of student assessment results.²⁸ By August of each year, the commissioner must notify each school district in writing and publish on DOE's website the assessment and reporting schedules for the school year following the upcoming school year. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts. Assessment results for the statewide, standardized ELA assessments and Mathematics assessments, including the EOC assessments in Algebra I and Geometry, must be made available no later than the week of June 8. The Florida Alternate Assessment²⁹ may be administered no earlier than the week of March 1.³⁰

²⁵ Section 1001.42(4)(f), F.S.

²⁶ A school district is designated as academically high performing if it earns a district grade of "A" for two consecutive years, has no district-operated school that earns a grade of "F," complies with all class size requirements, and has no material weaknesses or instances of material compliance pursuant to the auditor general's annual financial audit. Section 1003.621, F.S.

²⁷ See s. 1003.621(2), F.S.

²⁸ Section 1008.22(3)(f), F.S.

²⁹ Under the direction and supervision of the Commissioner of Education, the Department of Education has developed the Florida Alternate Assessment (FAA), which measures student academic performance on the Next Generation Sunshine State Standards (NGSSS) using access points for students with significant cognitive disabilities. See s. 1008.22(3)(c)4., F.S.; rule 6A-1.09430(1), F.A.C. Access points are academic expectations written for students with significant cognitive disabilities to access the general education curriculum. Access points are embedded in the NGSSS and reflect the core intent of the standards with reduced levels of complexity. Florida Department of Education, *The Florida Alternate Assessment*, <http://www.fldoe.org/asp/altassessment.asp> (last visited March 5, 2015); rule 6A-1.09401(1), F.A.C.

³⁰ Section 1008.22(3)(f), F.S.

Statewide, standardized assessments are administered during assessment windows. These windows are periods of time, typically one to two weeks, during which assessments may be administered. While a testing window may span up to multiple weeks, it does not mean that a student is tested each of those days.³¹ School districts must “administer assessments in accordance with the schedule established by the commissioner.”³²

In addition, each school district must establish schedules for the administration of any “district-mandated” assessment and approve the schedules as an agenda item at a district school board meeting.³³ The school district must publish the testing schedules on its website, “clearly specifying the district-mandated assessments,” and report the schedules to the Department of Education by October 1 of each year.³⁴

The separate schedule adoption and posting requirements and uncertainty about what must be included in district assessment schedules (e.g., statewide assessments and progress monitoring assessments) has resulted in a wide range of district-developed schedule formats and inconsistencies in testing information provided to parents.³⁵

The use of assessments to measure student learning and inform accountability systems has highlighted the importance of assessment literacy and communicating to school leaders, teachers, and parents what assessments are administered, where they are administered, why they are administered, and who uses the assessment data and how it is used.³⁶

Effect of Proposed Changes

To promote transparency and consistency in information related to assessments, the bill requires the state board to adopt rules to develop a uniform calendar. By August of each year, beginning in 2016, the commissioner must post the uniform calendar, including assessment and reporting schedules, to the DOE website. The commissioner must provide the uniform calendar to school districts in an electronic format that allows each district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules:

- Whether the assessment is district- or state-required.
- The specific date or dates each assessment will be administered.
- The time allotted to administer each district- or state-required assessment.
- Whether the assessment is computer- or paper-based.
- The grade level or subject associated with the assessment.
- The date the results are expected to be available to teachers and parents.
- The type of assessment, purpose of the assessment, and the use of the assessment results.
- A glossary of assessment terminology.
- Estimates of average time for administering district- and state-required assessments, by grade level.

³¹ Florida Department of Education, *Assessment Investigation* (Feb. 18, 2015), at 7, available at <http://www.fldoe.org/core/fileparse.php/12003/urlt/CommAssessmentInvestigationReport.pdf>. [hereinafter referred to as Assessment Investigation].

³² *Id.*

³³ Section 1008.22(6)(e), F.S.

³⁴ *Id.*

³⁵ Compare Florida Department of Education, *Florida Statewide Assessment Program 2014-2015 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7047/dps-2014-81a.pdf>; Orange County Public Schools, *Testing Calendar 2014-15 School Year*, available at http://www.orange.k12.nc.us/Calendars/testing_calendar.pdf; and Monroe County School District, *Monroe County School District State Testing Calendar*, available at http://www.mcsd.us/teacher_corner/testing_calendar.

³⁶ See Michigan Assessment Consortium, *Assessment Literacy Standards: The Essential Foundation* (2015), available at <http://www.michiganassessmentconsortium.org/sites/default/files/MAC%20AssessmentLiteracyStandardsWinter2015.pdf>.

Each school district and public school must publish the testing schedules on its website using the uniform calendar. Districts must submit their schedules to the Department of Education by October 1 of each year. Each public school's assessment calendar must be included in the parent guide.³⁷

To improve teacher quality and enhance transparency for parents, the bill requires that results from local assessments be provided to a student's teacher and parent within 30 days after the assessment is given. Additionally, future contracts for statewide, standardized assessments must require that results be provided to teachers and parents by the end of the school year. When available, teachers must be provided information on student achievement of standards and benchmarks, based on state and local assessments and evaluations used in progress monitoring, to improve instruction.

Test Administration and Security

Present Situation

Florida law prohibits individuals from knowingly and willfully violating test security rules adopted by the state board for statewide, standardized assessments and from:

- Giving examinees access to test questions prior to testing;
- Copying, reproducing, or using in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- Coaching examinees during testing or altering or interfering with examinees' responses in any way;
- Making answer keys available to examinees;
- Failing to follow security rules for distribution and return of secure test as directed, or failing to account for all secure test materials before, during, and after testing;
- Failing to follow test administration directions specified in the test administration manuals; or
- Participating in, directing, aiding, counseling, assisting in, or encouraging any of these prohibited acts.³⁸

Individuals who violate these provisions commit a first-degree misdemeanor, punishable by up to one year of imprisonment or a fine of up to \$1,000.³⁹ Certified teachers who are caught violating test security laws are subject to losing their certification.⁴⁰

Effect of Proposed Changes

To reduce classroom disruption during the administration of statewide, standardized assessments, the bill expressly allows districts to use education paraprofessionals and district employees, who successfully complete training, to administer and proctor the assessments.

Assessment Validation

Present Situation

All statewide, standardized assessments administered in Florida undergo a number of analyses each year to verify the quality of individual test items and the validity of each assessment as a whole. These analyses are completed both prior to test administration and prior to reporting student scores.⁴¹ The analyses, carried out by the contracted assessment developer, department staff, the Florida Technical

³⁷ The requirements for and specifications of the parent guide are provided in s. 1002.23(5), F.S.

³⁸ Section 1008.24(1), F.S. The state board's test security rules have been adopted in rule 6A-10.042, F.A.C.

³⁹ Section 1008.24(2), F.S.

⁴⁰ See s. 1012.795(1), F.S.

⁴¹ Florida Department of Education, *Validity and the Florida Standards Assessments* (Mar. 2015), on file with staff of the Florida House of Representatives Education Committee.

Advisory Committee,⁴² and other contracted third parties, are designed to make certain the validity of the assessments.⁴³ The specific areas of focus include:

- Content validity;
- Difficulty level;
- Item discrimination;
- Guessing;
- Item and test scoring;
- Freedom from bias;
- Universal design principles;
- Test reliability; and
- Calibration of test scores.⁴⁴

Assessments administered for the first time in the 2014-2015 school year have undergone and are slated to undergo the same analysis protocol as previously administered statewide, standardized assessments.⁴⁵

Effect of Proposed Changes

The bill suspends issuance of school grades and teacher evaluations until the validity of state assessments administered for the first time in the 2014-2015 school year⁴⁶ is confirmed by an independent entity. The entity must be selected by a panel consisting of three members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, respectively. The bill establishes criteria the panel must consider in selecting the entity, including:

- The national reputation and length of establishment of the entity;
- The experience and expertise of the independent entity in validating such data; and
- The use of professional standards, codes, and guidelines that address applicable practices in the profession, such as the Standards for Educational and Psychological Testing.

The independent entity must be selected no later than June 1, 2015. The bill requires the department to contract with the entity immediately upon selection and sets a September 1, 2015, deadline by which the entity must complete the verification.

The bill specifies that the department must collect and disburse liquidated damages, if applicable, to reimburse parties that incurred damages based on the spring 2015 administration of statewide, standardized assessments. The bill also specifies that schools improving a letter grade in the 2014-2015 school year may be released from their turnaround option, if applicable.

Student Progression

Present Situation

⁴² The Florida Technical Advisory Committee is composed of 10 – 15 national experts on educational measurement and school district representatives who assist the department by reviewing technical decisions and documents and providing advice on how the department should analyze and report assessment data. *See id.* *See also* Florida Department of Education, *Participation in State Assessment Committees* (Sept. 2011), on file with staff of the Florida House of Representatives Education Committee.

⁴³ *See* Florida Department of Education, *Validity and the Florida Standards Assessments* (Mar. 2015), on file with staff of the Florida House of Representatives Education Committee.

⁴⁴ *See id.*

⁴⁵ *See id.*

⁴⁶ The assessments include the ELA assessment for grades 3-10, the ELA mathematics assessment for grades 3-8, and EOC assessments in Algebra I, Algebra II, and Geometry. Email, Florida Department of Education, Office of Governmental Relations (Apr. 16, 2015).

Student progression refers to the performance standards that each student must meet to progress from one grade to another. The law requires that:

- Student progression be determined, in part, based upon proficiency in reading, writing, science, and mathematics;
- District school board policies facilitate such proficiency;
- Each student and his or her parent be informed of the student's academic progress; and
- Students have access to academically challenging coursework or accelerated instruction, i.e., Academically Challenging Curriculum to Enhance Learning (ACCEL) options.⁴⁷

Florida law requires each district school board to establish a comprehensive student progression plan that:

- Specifies the standards for evaluating each student's performance, including how well he or she masters the performance standards approved by the State Board of Education.
- States the specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments⁴⁸ below which a student must receive remediation or be retained.
- Specifies appropriate alternative placement for a student who has been retained two or more years.
- Specifies the district's student eligibility and procedural requirements and enrollment process for student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration and advises parents and students that additional ACCEL options may be available at the student's school.
- Advises parents and students of the early and accelerated graduation options.
- Lists all dual enrollment courses contained in the dual enrollment articulation agreement.
- Provides instructional sequences by which K-12 students may attain progressively higher levels of digital literacy skills.⁴⁹

The district student progression plan must be reviewed and revised periodically to comply with changes to state law or school board policy and to ensure that programs of study, placement, promotion, reporting, retention, and assessment procedures are equitable and comprehensive.⁵⁰

Effect of Proposed Changes

The bill eliminates prescriptive requirements for district-adopted student progression plans. Instead, the bill requires progression plans to include criteria that emphasize K-3 reading proficiency and provide targeted instructional support for all K-12 students with identified deficiencies in core subject areas. The bill also adds student performance in social studies as a factor districts must consider in determining student progression.

Progress Monitoring and Remediation

⁴⁷ Section 1008.25(1), F.S. ACCEL options are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12. Each public school must offer whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program. School districts may provide additional ACCEL options, e.g., enriched science, technology, engineering, and mathematics (STEM) coursework; enrichment programs; advanced academic courses; and rigorous industry certifications that articulate to college credit. Section 1002.3105(1), F.S.

⁴⁸ The statewide assessment program for public schools includes the statewide, standardized Florida Standard Assessments (FSA) and statewide standardized EOC assessments. FSA assesses English language arts (grades 3-11), mathematics (grades 3-8), and science (grades 5 and 8). EOC assessments for high school students include Algebra I, Geometry, Algebra II, Biology I, Civics, and U.S. History. Section 1008.22(3), F.S.

⁴⁹ Section 1008.25(2), F.S.

⁵⁰ Florida Department of Education, *Student Progression*, <http://www.fldoe.org/academics/standards/student-progression/index.shtml> (last visited Mar. 4, 2015).

Present Situation

Florida law prescribes several methods by which districts must monitor student performance in critical subject areas such as ELA and math and provide instructional support and remediation for students with identified deficiencies. Each elementary school must “regularly assess” the reading ability of each K-3 student and immediately notify the student’s parent if a deficiency is identified.⁵¹ A progress monitoring plan must be developed in consultation with the parent and intensive reading instruction must be provided until the deficiency is corrected.⁵² The student’s reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction.⁵³

If a student exhibits a substantial reading deficiency in kindergarten through grade 3, the parent must be notified in writing of the following:

- That the student is identified as having a substantial reading deficiency;
- A description of the current services provided for the student and the proposed supplemental instructional services and supports that will be provided to remediate the student’s reading deficiency;
- That if the student’s reading deficiency is not remediated by the end of grade 3, the student must be retained unless exempted for good cause from mandatory retention;
- Strategies for parents to use in helping the student succeed in reading proficiency;
- That the statewide, standardized ELA assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to determine whether the student is reading at or above grade level and ready for grade promotion;
- The district’s policy for midyear promotion after the student demonstrates the ability to read at grade level; and
- The district’s specific criteria and policies for the student portfolio.⁵⁴

A school district has discretion to retain a student at any grade level if, after implementing a progress monitoring plan for a student identified as having an academic deficiency, subsequent evaluations of the student indicate that the deficiency has not been remediated.⁵⁵ Retention is mandatory for 3rd graders who score at Level 1 on the statewide, standardized ELA assessment, unless the student meets a good cause exemption.⁵⁶ Good cause exemptions exist for a student who:

- Is limited English proficient and has had less than two years of instruction in an English for Speakers of Other Languages program.
- Has a disability for which the IEP indicates that participation in the statewide assessment program is not appropriate.
- Demonstrates an acceptable level of performance on an alternative standardized reading or English Language Arts (ELA) assessment approved by the state board.
- Demonstrates, through a student portfolio, that he or she is performing at least at Level 2 on FCAT reading.

⁵¹ Section 1002.20(11), F.S. The Florida Assessments for Instruction in Reading (FAIR), established by the department and the Progress Monitoring and Reporting Network (PMRN), may be used to satisfy this requirement and to continue reading progress monitoring past 3rd grade. Florida Department of Education, *FAIR (Florida Assessments for instruction in Reading)*, <http://www.fldoe.org/academics/standards/just-read-fl/fair> (last visited Mar. 4, 2015).

⁵² See ss. 1002.20(11) and 1008.25(5)(a), F.S.

⁵³ *Id.*

⁵⁴ Section 1008.25(5)(c), F.S. A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school immediately begin collecting evidence for a portfolio. Section 1008.25(5)(c)7., F.S.

⁵⁵ Section 1008.25(4)(c), F.S.

⁵⁶ Section 1008.25(5)(a)-(b), F.S.

- Has a disability, takes the FCAT, and has an IEP or a Section 504 plan indicating that he or she has received intensive remediation in reading and ELA for more than two years but still demonstrates a deficiency and was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade.
- Has received intensive remediation in reading and ELA for two or more years but still demonstrates a deficiency and who was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade for a total of two years. Intensive reading instruction provided to a student so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for the student.⁵⁷

A request for a good cause exemption must be based upon documentation submitted by the student's teacher to the school principal indicating that promotion of the student is appropriate and based upon the student's academic record.⁵⁸ The school principal must review and discuss such recommendation with the teacher and make a determination regarding promotion or retention. If the school principal determines that the student should be promoted, he or she must make such recommendation in writing to the district school superintendent. The district school superintendent must accept or reject the school principal's recommendation in writing.⁵⁹

A student who is retained in 3rd grade must be provided a highly effective teacher⁶⁰ and intensive interventions in reading to remedy the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade.⁶¹ Further, the school district must provide the student a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

- Integration of science and social studies content within the 90-minute block.
- Small group instruction.
- Reduced teacher-student ratios.
- More frequent progress monitoring.
- Tutoring or mentoring.
- Transition classes containing 3rd and 4th grade students.
- Extended school day, week, or year.

Districts must also implement a policy for the midyear promotion of a retained 3rd grade student who can demonstrate that he or she is a successful and independent reader and is performing at or above grade level in English Language Arts. Districts may use tools including subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education, to reevaluate the student.⁶²

In addition, districts must establish at each school, when applicable, an intensive acceleration class for retained 3rd grade students who subsequently score Level 1 on the statewide, standardized ELA assessment. The class must focus on increasing a child's reading and English Language Arts skill level at least two grade levels in one school year.⁶³ The class must:

⁵⁷ Section 1008.25(6)(b), F.S.

⁵⁸ Section 1008.25(6)(c), F.S. Such documentation is limited to the student's progress monitoring plan; IEP, if applicable; report card; or student portfolio. *Id.*

⁵⁹ *Id.*

⁶⁰ This means a teacher rated "highly effective" pursuant to the district's personnel evaluation system under 1012.34, F.S.

⁶¹ Section 1008.25(7)(a)-(e), F.S.

⁶² Section 1008.25(7)(b)3., F.S.

⁶³ Section 1008.25(7)(b)5., F.S.

- Be provided to a student in grade 3 who scores Level 1 on the statewide, standardized English Language Arts assessment and who was retained in grade 3 the prior year because of scoring Level 1;
- Have a reduced teacher-student ratio;
- Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 academic standards in other core subject areas;
- Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year; and
- Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.⁶⁴

Each district school board must annually report to the parent of each student, in a format determined by the board, the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. The student's results on each statewide assessment test must be provided to the parent.⁶⁵

Each district school board also must annually publish on the district website and in the local newspaper the following information on the prior school year:

- The provisions relating to public school student progression and the district school board's policies and procedures on student retention and promotion.
- By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.⁶⁶
- By grade, the number and percentage of all students retained in grades 3 through 10.
- Information on the total number of students who were promoted for good cause, by each category of good cause.
- Any revisions to the district school board's policy on student retention and promotion from the prior year.⁶⁷

Middle grades students who score a Level 1 or Level 2 on the statewide, standardized ELA or math assessment must enroll in and complete a remedial course or, for ELA, a remedial course or a content area course with incorporated remediation strategies, in the following school year.⁶⁸ High school students who score a Level 1 or Level 2 on the statewide, standardized 9th, 10th, or 11th grade ELA assessment must enroll in and complete an intensive remedial course or a content area course that includes remediation. Similarly, high school students who score a Level 1 or Level 2 on the Algebra I EOC assessment must enroll in and complete an intensive remedial course or a content area course that includes remediation.⁶⁹

District school boards must prioritize allocation of remedial and supplemental instruction resources first to students who are deficient in reading by the end of grade 3 and then to students who fail to meet performance levels required for promotion consistent with the district's student progression plan.⁷⁰ For

⁶⁴ *Id.*

⁶⁵ Section 1008.25(8)(a), F.S.

⁶⁶ As of the 2014-2015 school year, the reading portion of the FCAT has been replaced by the statewide, standardized ELA assessment (Florida Standards Assessment).

⁶⁷ Section 1008.25(9)(b), F.S.

⁶⁸ Section 1003.4156(2) and (3), F.S.

⁶⁹ Section 1003.4282(5)(a) and (b), F.S.

⁷⁰ Section 1008.25(3), F.S.

the 2014-2015 school year, students in the 300 lowest-performing elementary schools in reading must be provided an additional hour of intensive reading instruction each school day.⁷¹

Florida law provides an allocation in the Florida Education Finance Program (FEFP) for research-based reading instruction provided to students in kindergarten through 12th grade.⁷² Funds from the allocation must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

- Kindergarten through grade 5 reading intervention teachers to provide intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency.
- The provision of highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.
- Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.
- The provision of summer reading camps for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on the statewide, standardized reading assessment or, upon implementation, the English Language Arts assessment.
- The provision of supplemental instructional materials that are grounded in scientifically based reading research.
- The provision of intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized assessment.⁷³

Each year, before May 1 on a date determined by DOE, each district must submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office.⁷⁴ School districts are allowed reasonable flexibility in designing their plans and must be encouraged to offer reading intervention through innovative methods, including career academies. The plan format is developed with input from school district personnel, including teachers and principals, and must allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula, provided that the teacher is deemed highly qualified to teach reading or working toward that status.⁷⁵

No later than July 1 annually, the department must release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan must be deemed to have been in compliance with the plan. DOE may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. DOE must monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, DOE must report its findings to the Legislature.⁷⁶

English Language Learners

⁷¹ Section 1011.62(1)(f)2., F.S. Schools must use supplemental academic instruction categorical funds, together with funds from the district's research-based reading instruction allocation and other available funds, to provide the instruction. *See* s. 1011.62(1)(f)(2) and (9)(a), F.S.

⁷² Section 1011.62(9), F.S.

⁷³ Section 1011.62(9)(c), F.S.

⁷⁴ Section 1011.62(9)(d), F.S.

⁷⁵ *Id.*

⁷⁶ *Id.*

The 4th grade promotion good cause exemption for ELL students is limited to students who have had less than two years of ESOL instruction, but it is unclear from which point the two years of instruction is calculated.

With respect to calculating school grades, legislation enacted in 2014 reinstated a policy originally established in state board rule.⁷⁷ The law included ELL students' performance on statewide assessments in the school grades calculation only if the student had been enrolled in a school in the United States for more than two years. Prior to the legislation, the State of Florida's Elementary and Secondary Education Act waiver, as amended on June 27, 2012, included ELL students who had been enrolled in a school in the United States for more than one year.⁷⁸ The amended waiver, including the changes made by the legislation, was subsequently approved by the U.S. DOE Secretary.⁷⁹

Effect of Proposed Changes

In accordance with the commissioner's recommendations,⁸⁰ the bill provides districts flexibility in providing effective instructional support to students by eliminating prescriptive requirements related to progress monitoring assessments. The bill emphasizes intensive instruction and support services for K-3 students with identified reading deficiencies. Such students must be monitored and the intensive instruction must continue until the student demonstrates grade level proficiency in a manner determined by the districts, which may include achieving a Level 3 on the statewide, standardized ELA assessment.

A student who is not meeting the school district or state requirements for satisfactory performance in ELA and math must be covered by a federally required student plan, individualized progress monitoring plan, or a schoolwide system of progress monitoring. However, the principal may exempt the student from the schoolwide system of progress monitoring if the student scores Level 4 or above on ELA and mathematics.

The bill expressly provides that a student must score a Level 2 or higher on the statewide, standardized ELA assessment to be promoted to grade 4. Students who take the assessment in 2014-2015 and thereafter but do not score a Level 2 may still be promoted if they can demonstrate they are performing at least at Level 2 using a student portfolio, demonstrate an acceptable level of performance on an alternative standardized reading or ELA assessment approved by the state board, or are otherwise eligible for another good cause exemption.

With respect to midyear promotion of retained 3rd grade students, the bill specifies that students who are promoted after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The bill requires state board rules relating to midyear promotion to include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

⁷⁷ Section 1, ch. 2014-23, L.O.F.

⁷⁸ See Florida Department of Education, *Florida ESEA Flexibility Request* (June 28, 2012), at 53, available at <http://www2.ed.gov/policy/eseaflex/approved-requests/fl-amendment.pdf>; rule 6A-1.09981(2)(a), F.A.C.

⁷⁹ Florida Executive Office of the Governor, *Gov Scott: Federal Officials Reverse Course on Denial of Waiver for English Language Learners* (Dec. 22, 2014), <http://www.flgov.com/2014/12/22/gov-scott-federal-officials-reverse-course-on-denial-of-waiver-for-english-language-learners/> (last visited Mar. 5, 2015).

⁸⁰ See Assessment Investigation, *supra* at note 18.

The bill clarifies that a good cause exemption for promotion to 4th grade may include limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Language program based on the initial date of entry into a school in the United States.⁸¹

Performance Evaluations and Student Performance

Present Situation

Florida law requires each district school superintendent to establish procedures to evaluate the job performance of district instructional, administrative, and supervisory personnel.⁸² The DOE must approve each school district's performance evaluation system,⁸³ which must be based upon sound educational principles and contemporary research in effective educational practices; be designed to support effective instruction; provide appropriate instruments, procedures, and criteria for improving the quality of instruction; and include opportunities for parental input.⁸⁴

Instructional personnel and school administrators must be evaluated annually, except that newly hired classroom teachers must be evaluated at least twice in their first year of teaching in the school district.⁸⁵ "Newly hired classroom teachers" include first-time teachers new to the profession as well as veteran teachers new to the school district.⁸⁶

Each employee's evaluation must be conducted by his or her supervisor, who may consider input from other trained personnel.⁸⁷ Each performance evaluation system must provide training to evaluators on the proper use of the evaluation criteria and procedures and include processes for monitoring evaluator reliability and system effectiveness.⁸⁸

Evaluation Criteria

The criteria used to evaluate instructional personnel are student performance, instructional practice, and professional and job responsibilities.⁸⁹ The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities.⁹⁰ Currently, at least 50 percent of an instructional personnel or school administrator evaluation must be based upon student performance, with certain exceptions.⁹¹ Student performance must be measured by statewide assessments⁹² or, for subjects and grade levels not tested by statewide assessments, local assessments.⁹³

⁸¹ In DOE's Automated Student Information System, the date a student enters a United States school is based on the month, day, and year the student enters a school in any of the 50 states and the District of Columbia, excluding U.S. territories and possessions (e.g., Puerto Rico). See Florida Department of Education, *Data Element 197237*, available at <http://www.fldoe.org/core/fileparse.php/7729/urlt/0100094-197237.pdf>.

⁸² Section 1012.34(1)(a), F.S. Definitions for school district personnel are provided in s. 1012.01, F.S.

⁸³ Section 1012.34(1)(b), F.S. A district school board must annually review its evaluation system for compliance with state law. Any changes to the system must be approved by the board. DOE must monitor each school district's implementation of its evaluation system for compliance with state law. Section 1012.34(1)(b) and (6), F.S.

⁸⁴ Section 1012.34(2), F.S.

⁸⁵ Section 1012.34(3)(a), F.S.

⁸⁶ See *id.*

⁸⁷ Section 1012.34(3)(c), F.S.

⁸⁸ Section 1012.34(2)(f)-(h), F.S.

⁸⁹ Section 1012.34(3)(a)1., 2., and 4., F.S.

⁹⁰ Section 1012.34(3)(a)1., 3., and 4., F.S.

⁹¹ Section 1012.34(3)(a)1., F.S. If less than three years of data are available for a classroom teacher, the student performance component of the evaluation may comprise no less than 40 percent of the evaluation. Section 1012.34(3)(a)1.a., F.S. A similar reduction applies for school administrators for whom less than three years of data are available. Section 1012.34(3)(a)1.b., F.S.

⁹² The statewide assessment program for public schools includes statewide, standardized assessments for ELA (grades 3-11) and mathematics (grades 3-8); EOC assessments for Algebra I, Algebra II, geometry, Biology I, civics, and U.S. History; and FCAT 2.0 science (grades 5 and 8). EOC assessments count 30 percent of a student's final course grade. Section 1008.22(3)(c), F.S.

⁹³ Sections 1012.34(3)(a)1. and 1008.22(6), F.S.

School district performance evaluation systems must differentiate among four levels of performance:

- Highly effective;
- Effective;
- Needs improvement, or for instructional personnel in their first three years of employment who need improvement, developing; and
- Unsatisfactory.⁹⁴

Beginning with the 2015-2016 school year, the State Board of Education must establish in rule specific, discrete standards for each performance evaluation level; including student performance levels that, if not met, will result in an unsatisfactory evaluation.⁹⁵ The Commissioner of Education must consult with experts, instructional personnel, school administrators, and education stakeholders in developing the criteria for the performance evaluation levels.⁹⁶

Measuring Student Performance

Student learning growth, with certain exceptions, is the primary measure of student performance used to evaluate instructional personnel and school administrators for courses associated with statewide, standardized assessments in ELA and mathematics.⁹⁷ School districts must measure student learning growth using the formulas approved by the Commissioner of Education for courses associated with statewide, standardized assessments for ELA and mathematics.⁹⁸ Student learning growth formulas tied to these assessments must be used to determine the learning growth a student makes in the year he or she is assigned to the instructional personnel or school administrator.⁹⁹

For classroom teachers of courses not measured by a statewide assessment, school districts may request through the evaluation approval process to use a student's achievement level on a local assessment if achievement is demonstrated to be a more appropriate measure of classroom teacher performance than learning growth. A school district may also request to use a combination of student learning growth and achievement, if appropriate.¹⁰⁰

School districts may also request DOE approval for a classroom teacher performance evaluation to include student learning growth of the teacher's students assigned to the course on one or more statewide, standardized assessments. The request must clearly explain the rationale supporting the request.¹⁰¹

Additionally, school districts may use a student achievement measure to evaluate classroom teachers of courses measured by a statewide, standardized end-of-course assessment if a statewide learning growth formula has not been approved for that assessment or, for courses associated with local assessments, if achievement is demonstrated to be a more appropriate measure of teacher performance.¹⁰²

Measurement of student learning growth must be based upon at least three school years of student data. If less than three years of data is available for a classroom teacher or school administrator, the school district must include available data and may reduce the weight attributed to student learning

⁹⁴ Section 1012.34(2)(e), F.S.

⁹⁵ Section 1012.34(8)-(9), F.S.

⁹⁶ Section 1012.34(2)(e), F.S. (flush-left provisions at end of paragraph).

⁹⁷ Section 1012.34(7)(a) and (b), F.S.

⁹⁸ See s. 1012.34(7)(a) and (b), F.S.

⁹⁹ Section 1012.34(7)(a)-(b), F.S.

¹⁰⁰ Section 1012.34(7)(c), F.S. Student achievement must be demonstrated to be a more appropriate measure of teacher performance.

Id.

¹⁰¹ Section 1012.34(7)(d), F.S.

¹⁰² Section 1012.3401(1), F.S.

growth from not less than 50 percent to not less than 40 percent.¹⁰³ If less than three years of data is available for a nonclassroom instructional personnel, the school district must include available data and may reduce the weight attributed to student learning growth from not less than 30 percent to not less than 20 percent.¹⁰⁴

The student performance portion of a nonclassroom instructional personnel's¹⁰⁵ performance evaluation must be measured by student outcome data that reflects the employee's actual contribution to the performance of students in his or her area of responsibility. Such outcome data may include student learning growth on statewide assessments, measurable student outcomes unique to the personnel assignment, or a combination thereof.¹⁰⁶

Reporting

School districts must annually report to DOE instructional personnel and school administrator performance evaluation ratings (i.e., highly effective; effective; needs improvement or developing; and unsatisfactory). DOE must post on its website the percentage of classroom teachers, other instructional personnel, and school administrators receiving each performance rating by school district and school.¹⁰⁷ DOE must also annually report by December 1 each district's performance evaluation results, as well as the status of any evaluation system revisions requested by a school district, to the Governor and the Legislature.¹⁰⁸

School districts must report to DOE instructional personnel and school administrators who receive two consecutive unsatisfactory evaluations and those who are given written notice of intent to terminate or not renew their employment.¹⁰⁹ Additionally, districts must annually report to parents the fact that their child is assigned to a classroom teacher or school administrator who has two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory.¹¹⁰

Effect of Proposed Changes

The bill grants school districts flexibility in evaluating instructional personnel and school administrators by reducing the student performance and instructional practice components of the performance evaluation to at least one third each. This allows districts to use district-selected criteria, such as peer reviews, student and parent survey information, and other job and professional responsibilities for the remainder of the evaluation. Further, districts may determine the proportion of student performance data used in a teacher's evaluation based on the teacher's instructional assignment (i.e., what courses or subjects are taught by the teacher).

The bill clarifies that performance level standards set by the state board in rule must be based on commissioner-approved student learning growth models. The bill requires districts to use the state board-adopted performance level standards to calculate the student performance part of the evaluation when student learning growth data must be used.

¹⁰³ Section 1012.34(3)(a)1.a. and c., F.S.

¹⁰⁴ Section 1012.34(3)(a)1.b., F.S.

¹⁰⁵ Nonclassroom instructional personnel include guidance counselors, social workers, career specialists, school psychologists, librarians and media specialists, primary specialists, learning resource specialists, instructional trainers, and adjunct educators. Section 1012.01(b)-(d), F.S.

¹⁰⁶ Sections 1012.3401(2) and 1012.34(3)(a)1.a.-c., F.S.

¹⁰⁷ Sections 1012.2315(5)(a) and 1012.34(1)(c), F.S.

¹⁰⁸ *Id.*

¹⁰⁹ Section 1012.34(5), F.S.

¹¹⁰ Section 1012.2315(5)(b), F.S.

The bill allows, rather than requires, the commissioner to select additional student performance formulas for statewide, standardized assessments and grants districts significant flexibility to measure student performance in subjects and grade levels not associated with statewide, standardized assessments. The bill also enhances transparency of district evaluation systems by requiring the commissioner's annual evaluation report to include a comparison of district and state evaluation results.

The bill requires the state board to provide a format for evaluation system plans. The bill also eliminates the board's authority to set levels of student performance for evaluations that, if not met, automatically result in an unsatisfactory rating or prevent the teacher or administrator from earning an effective or highly effective rating.

With respect to teacher quality, the bill requires each district evaluation system to provide for timely feedback to instructional personnel and administrators and streamlines system monitoring provisions. For teachers and administrators rated lower than "effective," the bill requires specified professional development activities. The bill requires that, when available, teachers receive information on student achievement of benchmarks and standards on state and local assessments and in progress monitoring.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill has a potential cost savings of \$750,000 to the Student Loan Operating Trust Fund because school districts are no longer required to administer the Postsecondary Education Readiness Test (PERT). There are also potential savings to the school districts due to the possible elimination of local testing items.