

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1360

INTRODUCER: Education Pre-K - 12 Committee and Senator Gaetz and others

SUBJECT: Student Assessments

DATE: February 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Fav/CS
2.	Sikes	Elwell	AED	Recommend: Favorable
3.	Sikes	Kynoch	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1360 establishes performance-based alternative means for students to demonstrate subject area and grade level competency and college and career readiness. However, the bill maintains the statewide, standardized assessments as the default common battery of assessments for all students attending public schools, and provides parents the option to select, for their child, statewide, standardized assessments in lieu of district-selected rigorous alternative assessments. Specifically, the bill:

- Establishes a process for a district school board to choose to voluntarily implement districtwide, ACT Aspire for grades 3 through 8; ACT Aspire and ACT for high school; Preliminary SAT (PSAT) or National Merit Scholarship Qualifying Test (NMSQT), and SAT for high school; or a combination of options, as specified.
- Identifies several rigorous alternative assessments and industry certifications as options for students to meet high school subject area, course, credit, and assessment requirements.
- Establishes performance-based alternative means to satisfy online course requirement for high school graduation.
- Creates a process for establishing proxy values for linking student performance on rigorous alternative assessments to assess teachers, schools, and school districts.
- Provides for the immediate renegotiation of existing student assessment contracts and negotiation of new contracts to implement the rigorous alternative assessment options.
- Establishes timelines for the implementation of district-selected rigorous alternative assessment options, and specifies notification and reporting requirements.

- Removes the annual cap on teacher bonuses for the teachers providing Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), or industry certification instruction which results in their students earning college credit or attaining industry certifications.
- Provides an exemption for the performance of students with excessive absences from counting against a classroom teacher's performance evaluation.
- Authorizes district school board members to visit schools to promote education and school improvements.

The bill provides that for 2016-2017 the "funding for the rigorous alternative assessments may not cause an increase in the assessment and evaluation appropriation in the General Appropriations Act." The bill requires the Department of Education to immediately renegotiate the Florida Standards Assessment contract with American Institutes for Research and that "the renegotiated contract should not result in an increase in price per assessment or any other price increases." The terms of that renegotiated contract, along with any other renegotiated assessment contracts or grants to school districts for test development, are to be used to provide funding for implementation of the district-selected rigorous alternative assessments authorized in the bill. SB 2500, the Senate's proposed 2016-2017 General Appropriations Bill, does not increase the assessment and evaluation appropriation to the State Board of Education, as compared to the appropriation for Fiscal Year 2015-2016.

The bill takes effect upon becoming law.

II. Present Situation:

Florida's assessment program consists primarily of statewide, standardized assessments that are selected and administered by the state, and local assessments that are selected and administered by the school districts to measure students' attainment of education expectations.¹

Statewide, Standardized Assessment Program

Purpose

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.²

The Commissioner of Education (commissioner) is required to design and implement a statewide, standardized assessment program that is aligned to the curricular content established in the Next Generation Sunshine State Standards and the Florida Standards.³

Statewide, Standardized Assessment Requirements

The statewide, standardized assessment program consists of:

¹ Section 1008.22, F.S.

² Section 1008.22(1), F.S.

³ Section 1008.22(3), F.S.

- Statewide, standardized comprehensive assessments:⁴
 - English Language Arts (ELA) (grades 3 through 10);
 - Mathematics (grades 3-8); and
 - Science (once at the elementary grade level and once at the middle grade level).⁵
- End-of-Course (EOC) assessments:⁶
 - Civics (at the middle grade level);
 - U.S. History EOC;
 - Algebra I EOC;
 - Algebra II EOC;⁷
 - Geometry EOC; and
 - Biology I EOC.

Students must pass the grade 3 ELA assessment to be promoted to grade 4.⁸ Florida law authorizes seven good cause exemptions from mandatory retention in grade 3.⁹ Additionally, to graduate high school with a standard high school diploma, students must pass the grade 10 ELA and Algebra I EOC assessment,¹⁰ or attain concordant or comparative scores on specified alternative assessments.¹¹ Student performance on the EOC assessments constitute 30 percent of the student's final course grade.¹²

Additionally, the statewide, standardized assessment program also includes the Florida Alternate Assessment (FAA) to assess students with disabilities in the content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.¹³

Contracts for Assessments

The commissioner must provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.¹⁴ The commissioner may enter into contracts for the continued administration of assessments that are authorized and funded by the

⁴ Section 1008.22(3)(a), F.S. Federal law requires students to be tested in reading or language arts and mathematics in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, students must be tested once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. 20 U.S.C. s. 6311(b)(3). The Florida Department of Education posts the Statewide Assessment Schedule on its website. Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

⁵ Rule 6A-1.09422(3)(b), F.A.C., requires all eligible students in grades five and eight to take the FCAT 2.0 Science.

⁶ Section 1008.22(3)(b), F.S.

⁷ Students are not required to take the Algebra II EOC assessment. However, a student who selects Algebra II must take the Algebra II EOC assessment. Section 1003.4282(3)(b), F.S.

⁸ To be promoted to grade 4, a student must score a level 2 or higher on the grade 3 ELA assessment. A student must be retained in grade 3 if the student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the grade 3 ELA assessment. Section 1008.25(5)(b), F.S.

⁹ Section 1008.25(6)(b), F.S.

¹⁰ Section 1003.4282(3), F.S.

¹¹ Section 1008.22(8)-(9), F.S.

¹² Sections 1003.4282 and 1008.22, F.S.

¹³ Section 1008.22(3)(c)1., F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. Section 1008.22(10), F.S.

¹⁴ Section 1008.22(3)(g)1., F.S.

Legislature.¹⁵ Contracts may be initiated in one fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years.¹⁶ The law authorizes the commissioner to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed in accordance with law.¹⁷

For new contracts and renewal of existing contracts for statewide, standardized assessments, a student's performance on such assessments must be provided to the student's teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education (SBE or state board).¹⁸

Use of Assessments

The Florida Legislature has established accountability mechanisms to assess the effectiveness of the of the state's K-20 education delivery system.¹⁹ The law specifies annual educator performance evaluations²⁰ and the evaluation criteria for instructional personnel, which must include student performance, instructional practice, and professional and job responsibilities.²¹ In addition, the Legislature has also established mechanisms to measure school performance by assigning school grades,²² school improvement ratings,²³ and district grades²⁴ based on student performance on statewide, standardized assessments.

Student performance data are analyzed and reported to parents, the community, and the state.²⁵

Authorized Alternatives to Statewide, Standardized Assessments

The Legislature has also authorized several alternative means for students to demonstrate competency and satisfy statewide, standardized assessment and credit requirements.

Concordant and Comparative Scores

To fulfill statewide, standardized assessment requirements, the state board has adopted:²⁶

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 1008.22(3)(g)2., F.S.

¹⁹ Section 1008.31, F.S.

²⁰ Section 1012.34, F.S.

²¹ Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S.

²² Section 1008.34, F.S.

²³ Section 1008.341, F.S.

²⁴ Section 1008.34(5), F.S.

²⁵ Section 1008.22(4), F.S.

²⁶ Section 1008.22(9)-(10), F.S.; *see also* Rule 6A-1.094223, F.A.C.

- Concordant scores on SAT²⁷ and ACT,²⁸ which if attained by a student satisfies the grade 10 statewide, standardized Reading²⁹ assessment, and
- Comparative scores on the Postsecondary Education Readiness Test (PERT), which if attained by a student satisfies the Algebra I EOC assessment requirement.

The SAT and ACT, and PERT substitutions are authorized for the two assessments in high school³⁰ that students must pass to graduate with a standard high school diploma.³¹ The law authorizes the commissioner to also identify concordant scores on assessments other than the SAT and ACT, and one or more comparative scores for the Algebra I EOC assessment.³²

Nationally Developed Comprehensive Assessments for Use as EOC Assessments

Additionally, the commissioner also has the authority to select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement (AP) course, International Baccalaureate (IB) course, or Advanced International Certificate of Education (AICE) course, or industry-approved examinations to earn national industry certifications identified in the Career and Professional Education (CAPE) Industry Certification Funding List,³³ for use as EOC assessments if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the curricular content established for the course in the Next Generation Sunshine State Standards.³⁴ The state board must adopt in rule the use of such examinations as EOC assessments.³⁵

²⁷ The concordant passing scale score for the SAT must be equal to or greater than 430 on the 200 to 800 scale. Rule 6A-1.094223(1), F.A.C.

²⁸ The concordant passing scale score for the ACT must be equal to or greater than 19 on the 1 to 36 scale. Rule 6A-1.094223(1), F.A.C.

²⁹ The English Language Arts (ELA) Florida Standards assessment, which replaced the FCAT Reading assessment, was administered for the first time during the 2014-2015 school year. 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>. Pursuant to law, the concordant scores on SAT and ACT will need to be adjusted to correspond to ELA assessment. Section 1008.22(8), F.S. Until such time that the new concordant scores on SAT and ACT are adopted in rule by the state board, students are allowed to use the existing concordant scores to satisfy the requirements for a standard high school diploma. Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 1.

³⁰ To fulfill the requirements for a standard high school diploma, students must pass the grade 10 ELA and Algebra I EOC assessments. Section 1003.4282(3)(a)-(b), F.S.

³¹ Section 1003.4282(3), F.S.

³² Section 1008.22(9)-(10), F.S.

³³ The State Board of Education (SBE or state board) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP). The list is updated annually. Sections 1008.44, F.S. Industry certifications on the “Gold Standard Career Pathways” list are incorporated by reference in the SBE rule, and articulated to Associate in Applied Science and Associate in Science degree programs. Rule 6A-10.0401, F.A.C.; *see also* Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

³⁴ Section 1008.22(3)(b)3., F.S.

³⁵ *Id.*

The commissioner has identified passing scores on AP, IB, and AICE assessments for students to apply to meet the EOC assessment requirements.³⁶ Such assessments and corresponding passing scores are considered exceeding the grade level expectations for the curricular content.³⁷ Students who take rigorous courses such as AP or IB courses, take the corresponding AP or IB examination in lieu of the statewide, standardized assessment for that subject. For instance, a student who takes the AP Biology course, takes the corresponding AP Biology examination instead of the Biology I EOC assessment.³⁸ Additionally, the commissioner has recommended that “a passing score on the examination for the Agricultural Biotechnology Certification can substitute for the Biology I EOC assessment.”³⁹

The Course Code Directory (CCD),⁴⁰ which is adopted in rule by the state board, identifies courses including, but not limited to, the courses that meet subject-area graduation requirements, and specifies the course levels for such courses.⁴¹ The CCD includes AP, IB, AICE, and other courses, which students may take and complete to earn credit toward standard high school diploma requirements.⁴² However, the CCD does not identify the assessments (e.g., AP, IB, AICE, and industry certification examinations) that students may take to meet the statewide, standardized assessment requirements.

Award of Credit

Definition of Credit

For the purposes of satisfying high school graduation requirements, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as authorized under the Credit Acceleration Program.⁴³

³⁶ As an example, the Commissioner of Education (commissioner) has proposed that a student may satisfy the Algebra I EOC assessment requirement by attaining a score of 3, 4, or 5 on the AP Calculus AB examination, AP Calculus BC examination, or AP Statistics examination. Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 2.

³⁷ *Id.*

³⁸ Letter, Florida Department of Education (Feb. 2, 2015), on file with the Committee Education Pre-K -12, at 4.

³⁹ Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 2.

⁴⁰ The Course Code Directory (CCD) is the listing of all public preK-12 courses available for use by school districts.

Programs and courses which are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides for course information to schools, districts, and the state. Rule 6A-1.09441, F.A.C.

⁴¹ Florida Department of Education, *2015-2016 Course Directory: Section 1-Narrative Section*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.stml> (last visited Jan. 21, 2016). Level 1 courses are basic courses for which students may not earn credit towards a standard diploma unless specified otherwise; level 2 courses are regular, mainstreamed courses; and level 3 courses include honors, AP, IB, AICE, advanced college-preparatory courses, and other courses containing rigorous academic curriculum and performance standards. Numerous career and technical education courses are designated as level 3. *Id.*

⁴² *Id.* Dual enrollment courses and credit specifications for such courses are listed in the dual enrollment course equivalency list. Florida Department of Education, *2015-2016 Dual Enrollment Course-High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

⁴³ Section 1003.436(1)(a), F.S. A "full-time equivalent student" is a student who receives instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. The definition of a "full-time equivalent student" also includes students who receive instruction in a double-session school or

With regards to a school district that is authorized to implement block scheduling by the district school board, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for fulfilling high school graduation requirements.⁴⁴ The state board must determine the number of postsecondary credit hours earned through dual enrollment and that equal one full credit of the equivalent high school course.⁴⁵

To award credit for high school graduation, each district school board must maintain a one-half credit earned system that includes courses provided on a full-year basis.⁴⁶ A student enrolled in a full-year course must receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to complete the other half of the course.⁴⁷

Credit Requirements to Earn a Standard High School Diploma

In addition to fulfilling the assessment requirements, students in high school must also satisfy certain credit requirements. To graduate from high school with a standard high school diploma, a student must successfully complete 24 credits in the following subject areas:⁴⁸

- Four credits in ELA I, II, III, and IV.
- Four credits in mathematics including one credit each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science including one credit in Biology I and two credits in equally rigorous courses.⁴⁹ Industry certifications earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.
- One credit in physical education.
- Eight credits in electives.

Online Course Requirement

At least one of the 24 credits required for earning a standard high school diploma must be completed through online learning.⁵⁰ An online course taken in grades 6, 7, or 8 fulfills the online course requirement and the online course may be a course that is offered by the Florida Virtual School, a virtual education provider approved by the state board, high school, or online

a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3. Section 1011.61(1)(a)1.-2., F.S.

⁴⁴ Section 1003.436(1)(a), F.S.

⁴⁵ *Id.*

⁴⁶ Section 1003.436(2), F.S.

⁴⁷ *Id.*

⁴⁸ Section 1003.4282(1)(a) and (3), F.S.

⁴⁹ Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

⁵⁰ Section 1003.4282(4), F.S.

dual enrollment.⁵¹ A student enrolled in a full-time or part-time approved virtual instruction program⁵² also meets the online course requirement.⁵³

A school district must not require a student to take the online course outside of the school day or in addition to the courses taken by the student in a given semester.⁵⁴

Authorized Alternatives to Earn High School Credit

The Florida Legislature has enacted alternatives to the specified high school graduation credit requirements, allowing students to earn fewer than 24 credits and generate high school credits through a credit-by-examination mechanism.

Academically Challenging Curriculum to Enhance Learning (ACCEL)

Students may also earn a standard high school diploma after completing 18 credits under the Academically Challenging Curriculum to Enhance Learning (ACCEL) program.⁵⁵ Under the ACCEL program, students need to earn fewer elective credits (i.e., 3 instead of required 8 elective credits under the 24-credit standard high school diploma pathway).⁵⁶ Additionally, students in the ACCEL program are not required to earn one credit in physical education.⁵⁷

The current mechanism for earning high school credit is contingent on students enrolling in and completing specified courses,⁵⁸ unless otherwise authorized in law.⁵⁹

Credit Acceleration Program (CAP)

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or Biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.⁶⁰

Acceleration Mechanisms to Earn College Credit

Current law identifies certain acceleration mechanism examinations that students may take before graduating from high school to generate college credits.⁶¹ Pursuant to the law, the Department of Education (department) must annually identify and publish the minimum scores, maximum credit, and course or courses for which college credit must be awarded for each:⁶²

- College Level Examination Program (CLEP) subject examination,

⁵¹ *Id.*

⁵² Section 1002.45, F.S.

⁵³ Section 1003.4282(4), F.S.

⁵⁴ *Id.*

⁵⁵ Section 1002.3105(5), F.S.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Section 1003.436, F.S.

⁵⁹ Section 1003.4295(3), F.S.

⁶⁰ Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

⁶¹ Section 1007.27(2), F.S.

⁶² *Id.*

- College Board AP Program examination,
- AICE examination, and the
- IB examination.

The department must use student performance data in subsequent postsecondary courses to determine the appropriate examination scores and courses for which credit must be granted.⁶³ Minimum scores may vary by subject area based on available performance data.⁶⁴ The department must identify such courses in the general education core curriculum of each state university and Florida College System (FCS) institution.⁶⁵

Credit-by-Examination Equivalency List

The Articulation Coordinating Committee (ACC)⁶⁶ has established passing scores and course and credit equivalents for the tests that are currently specified in law as well as for tests that are not specified in law (i.e., Defense Activity Non-Traditional Education Support (DANTES), Excelsior College, and UEXCEL examination).⁶⁷ The credit-by-exam equivalencies have been adopted in rule by the state board.⁶⁸ If a student attains a passing score on the AP, AICE, IB, or CLEP exam, state universities and FCS institutions must award the minimum credit for the course or courses specified on the credit-by-exam equivalencies list, even if such institutions do not offer the course or courses.⁶⁹

Although a student generates college credits, often at least three credit hours, by attaining a passing score on the assessments specified in the credit-by-examination equivalency list, the student does not concurrently earn high school credit for passing such examinations unless the student completes the specified courses corresponding to such assessments. For instance, if a student attains the maximum score of 5 on AP Biology examination, the student earns a minimum of 8 college credit hours toward the college biology course, BSC X010C or BSC X010/X010L and BSC X011C or BSC X011/X011L, as specified in the credit-by-examination list,⁷⁰ but none toward high school Biology I or other science course, unless the student completes the corresponding AP Biology course.

Similarly, if a student passes CLEP College Algebra examination with a scale score of 50, the student earns a minimum of 3 college credit hours toward the college mathematics course, MAC X105, as specified in the credit-by-examination list,⁷¹ but none toward high school Algebra I or other mathematics course.

⁶³ Section 1007.27(2), F.S.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ The Articulation Coordinating Committee (ACC) is established by the commissioner in consultation with the Chancellor of the State University System, to make recommendations related to statewide articulation policies regarding access, quality, and data reporting. The ACC serves as an advisory body to the Higher Education Coordinating Council, the State Board of Education, and the Board of Governors. Section 1007.01(3), F.S.

⁶⁷ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

⁶⁸ Rule 6A-10.024, F.A.C.

⁶⁹ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>, at 1.

⁷⁰ *Id.*, at 3.

⁷¹ *Id.* at 11.

Dual Enrollment to Earn High School and College Credit

Dual enrollment is an acceleration mechanism that allows a student, who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private school or who is a home education student, to enroll in a postsecondary course that is creditable toward high school completion as well as a career certificate, an associate degree, or a baccalaureate degree.⁷²

Dual enrollment is different from other acceleration mechanisms such as AP, IB, and AICE in that, students who take a dual enrollment course, which is considered a college-level course, must meet specified eligibility requirements⁷³ to enroll in dual enrollment courses. Additionally, instead of taking a standardized examination corresponding to such courses, dually enrolled students must only complete the dual enrollment course.⁷⁴

Dual Enrollment Equivalency List

The dual enrollment course-to-high school subject area equivalency list (list) specifies postsecondary courses that students may take and complete to earn both high school and college credit.⁷⁵ The list also indicates high school credit (i.e., 0.5 or 1.0) that must be awarded to a student who completes a specified dual enrollment course.⁷⁶ In addition, the list identifies dual enrollment courses in biology that students may take to prepare for the Biology I EOC assessment.⁷⁷ Similarly, dual enrollment courses in United States History that students may take to prepare for the United States History EOC assessment are also identified.⁷⁸

Teacher Bonuses for Students Who Earn College Credit

Florida law provides bonus funding to classroom teachers responsible for providing AP, IB, AICE, or industry certification instruction which results in their students scoring at specified levels on examinations (in the case of AP, IB, and AICE) or attaining industry certifications corresponding to such instruction.⁷⁹ For instance, a classroom teacher who provided AP instruction is eligible to receive:⁸⁰

- A bonus in the amount of \$50 for each student taught by him or her who received a score of 3 or higher on the AP examination.
- An additional \$500 if he or she teaches in a school that received a grade of “D” or “F” and at least one of his or her student scored 3 or higher on the AP examination.

⁷² Section 1007.271(1)-(2), F.S.

⁷³ Section 1007.271(3), F.S.; *see also* Rule 6A-14.064, F.A.C.

⁷⁴ Rule 6A-14.064, F.A.C.

⁷⁵ Florida Department of Education, *2015-2016 Dual Enrollment Course-High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

⁷⁶ *Id.*

⁷⁷ *Id.* at 32.

⁷⁸ *Id.* at 42.

⁷⁹ Section 1011.62(1)(1)-(o), F.S.

⁸⁰ Section 1011.62(1)(n), F.S.

The bonuses are capped at \$2,000 in any given school year.⁸¹ However, if at least 50 percent of students enrolled in a teacher's course earn a score of 3 or higher in a school with a grade of "A," "B," or "C" or if at least 25 percent students enrolled in a teacher's course earn a score of 3 or higher in a school with a grade of "D" or "F," the maximum bonus is capped at \$3,000 annually.⁸² These bonuses must be in addition to any regular wage or other bonus that the teacher received or is scheduled to receive.⁸³

The teacher bonuses for AICE and industry certifications are capped at \$2,000.⁸⁴

District School Board Powers and Duties

The law specifies the powers and duties of the district school boards including, but not limited to the establishment, organization, and operation of schools, and enforcement of laws and rules.⁸⁵

III. Effect of Proposed Changes:

The bill establishes performance-based alternative means for students to demonstrate subject area and grade level competency and college and career readiness. However, the bill maintains the statewide, standardized assessments as the default common battery of assessments for all students attending public schools, and provides parents the option to select, for their child, statewide, standardized assessments in lieu of the district-selected rigorous alternative assessments.

Assessment Requirements

The bill expands current alternatives by creating new rigorous alternative assessment options for school districts and students to choose in lieu of the statewide, standardized assessments to meet student progression, graduation, and education accountability requirements. The intent of the Legislature, as specified in the bill, is to preserve the statewide, standardized assessments as the default common battery of assessments for all students attending public schools. The rigorous alternative assessments are intended to supplement the statewide assessment program with valid, reliable, and respected assessment options for students to demonstrate subject area and grade level competency and college and career readiness. The rigorous alternative assessment options are organized under:

- District options for students and
- Options for students in high school.

District Options for Students

The bill establishes a process for a district school board to choose to voluntarily implement districtwide, one or more of the specified rigorous alternative assessment options in lieu of the statewide, standardized assessments to assess the subject area and grade level competency of students, beginning in the 2016-2017 school year. However, the bill also affords parents the

⁸¹ *Id.*

⁸² *Id.*

⁸³ Section 1011.62(1)(n), F.S.

⁸⁴ Section 1011.62(1)(m) and (o), F.S.

⁸⁵ Section 1001.42, F.S.

option to select, for their child, statewide, standardized assessments in lieu of the district-selected specified rigorous alternative assessments. In effect, notwithstanding a district school board's decision to implement rigorous alternative assessments, parents will be able to choose, annually, for their child to take the set of required and applicable statewide, standardized assessments instead of the set of rigorous alternative assessments selected by the district school board.

The bill identifies three rigorous alternative assessment options for the districts but specifies that a district school board may choose to implement the alternative assessment option for grades 3-8 only or one of two alternative assessment options for high school only, or a combination of the alternative assessments for grades 3-8 and one of the two alternative assessment options for high school.

The rigorous alternative assessment options include the following:

- ACT Aspire⁸⁶ for grades 3 through 8. The bill authorizes ACT Aspire English and Reading assessments, ACT Aspire Mathematics assessment, and ACT Aspire Science assessment as alternatives to the statewide, standardized assessment requirements for English Language Arts (ELA), mathematics, and science, respectively.
- ACT Aspire and ACT for high school.⁸⁷ Contingent on students scoring at specified levels, the bill provides for the following substitutions:
 - ACT Aspire English and Reading assessments or the ACT English and Reading assessments as substitutes for either the grade 9 ELA assessment or the grade 10 ELA assessment, or both.
 - ACT Aspire Mathematics assessment or the ACT Mathematics assessment as a substitute for the Algebra I EOC assessment.

In addition, the bill creates a mechanism for students to be exempted from individual state-required high school tests or all statewide, standardized testing requirements for high school based on students scoring at specified levels on the English and Reading, Mathematics, and

⁸⁶ ACT Aspire was launched on April 1, 2014. Since then, more than 3 million tests have been administered. ACT Aspire includes summative 3-8 and 9th/10th grade assessments in English, Reading, Math, Science, and Writing. States that are currently using ACT Aspire assessments statewide include Alabama, South Carolina, and Arkansas. In Spring 2015, ACT Aspire was administered in 1,244 districts in 47 states and 4 territories. The time commitment for ACT Aspire is 60 minutes for the Reading assessment component, ranges between 30-40 minutes for the English and writing assessment components, and ranges between 55-65 minutes for the mathematics and science assessment components. Student performance on the ACT Aspire reports provide information on student performance toward ACT College Readiness Standards. An ACT Readiness Benchmark is provided for each assessment. Students who score at or above these benchmarks are considered on target to meet ACT's College and Career Readiness Benchmarks when they leave high school. ACT Readiness Range shows where a student who has met the ACT Readiness Benchmark on an assessment would typically perform. The predicted path for each assessment is a projection of where scores will fall based on expected growth rates. ACT, Inc., *ACT & College and Career Readiness*, on file with the Committee on Education Pre-K – 12, at 9-11.

⁸⁷ The ACT Test is available in paper and pencil as well as in computer-based format. In 2014-2015, 130,798 (79%) of Florida high school graduates took the ACT. Fifty-four percent of Florida students met the English College Readiness Benchmark. Nationwide, more than 1.9 million students took the ACT in 2015, amounting to nearly 59 percent of all high school graduates. In 2015, the following states administered the ACT statewide: Arkansas (district choice), Alabama, Alaska (district choice), Colorado, Hawaii, Illinois (district choice), Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nevada, North Carolina, North Dakota (student choice), Oklahoma (district choice), South Carolina, Tennessee (district choice), Utah, Wisconsin, and Wyoming. ACT, Inc., *ACT & College and Career Readiness*, on file with the Committee on Education Pre-K – 12, at 7-8.

Science components of ACT Aspire or the ACT. For instance, for a student who scores 432 on the ACT Aspire Mathematics assessment or 20 on the ACT Mathematics assessment, the bill requires the student to be exempted from the geometry end-of-course (EOC) assessment requirement.

For exemption from all statewide, standardized testing requirements for high school, the bill requires students to attain the score of:

- 428 on the ACT Aspire English and Reading assessments or 18 on the ACT English and Reading assessments,
 - 435 on the ACT Aspire Mathematics assessment or 22 on the ACT Mathematics assessment, and
 - 430 on the ACT Aspire Science assessment or 20 on the ACT Science assessment.
- Preliminary SAT (PSAT) or National Merit Scholarship Qualifying Test (NMSQT),⁸⁸ and SAT⁸⁹ for high school. Contingent on students scoring at specified levels, the bill provides for the following substitutions:
 - PSAT Critical Reading and Writing assessments, NMSQT Critical Reading and Writing assessments, or the SAT Critical Reading and Writing assessments as substitutes for either the grade 9 ELA assessment or the grade 10 ELA assessment, or both.
 - PSAT Mathematics assessment, NMSQT Mathematics assessment, or the SAT Mathematics assessment as a substitute for the Algebra I EOC assessment.

In addition, the bill creates a mechanism for students to be exempted from individual or all high school statewide, standardized testing requirements based on students scoring at specified levels on the Critical Reading and Writing and Mathematics components of the PSAT, NMSQT, or the SAT. For instance, for a student who attains the score of 45 on the PSAT or NMSQT, or 450 on the SAT, the bill requires the student to be exempted from the geometry end-of-course (EOC) assessment requirement.

For exemption from all statewide, standardized testing requirements for high school, the bill requires students to attain the score of 120 on the PSAT or NMSQT, or 1200 on the SAT (including the Critical Reading, Writing, and Mathematics components).

The bill requires a student who does not attain the specified score for exemption from the geometry EOC, Algebra II EOC, Biology I EOC, or United States History EOC assessment to take the applicable EOC assessment after completing the relevant course during that school year

⁸⁸ The Preliminary SAT (PSAT) 8/9 tests the same skills and knowledge as the SAT, PSAT/NMSQT, and PSAT 10 and helps students and teachers assess the “what the [students] need to work on most” to be ready for college when the students graduate from high school. College Board, *PSAT 8/9*, <https://professionals.collegeboard.com/testing/sat> (last visited Jan. 23, 2016). Similar to the PSAT 8/9, the PSAT/National Merit Scholarship Qualifying Test (NMSQT) and PSAT 10 also measure what students learn in school and what the students need to succeed in college. College Board, *PSAT/NMSQT and PSAT 10: Inside the Test*, <https://professionals.collegeboard.com/testing/sat> (last visited Jan. 23, 2016). College Board International, *PSAT/NMSQT*, <http://international.collegeboard.org/programs/psat-nmsqt-psss> (last visited Jan. 23, 2016).

⁸⁹ “Each year, more than 80 million students take the SAT. Nearly every college in America uses the test as a common and objective scale for evaluating student’s college readiness.” College Board, *The SAT*, <https://professionals.collegeboard.com/testing/sat> (last visited Jan. 23, 2016). Seventy percent of Florida’s public school graduates took the SAT in 2015. College Board, *Florida Public Schools 2014-2015*, on file with the Committee Education Pre-K -12.

to fulfill the statewide, standardized assessment requirements and the conditions for graduating with a standard high school diploma. Consistent with current law, the student's performance on the EOC assessment must constitute 30 percent of the student's final course grade,⁹⁰ and the student must pass the required EOCs to earn the scholar designation on the standard high school diploma.⁹¹

The bill allows for modifications to the specified rigorous alternative assessment scores (for demonstrating subject area and grade level competency) by requiring the State Board of Education (SBE or state board) to adopt in rule necessary adjustments to the specified scores based on recommendations from the Commissioner of Education (commissioner); ACT, Inc.; and the College Board.

Options for Students in High School

The bill identifies several rigorous alternative assessments (e.g. SAT Subject Tests, College-Level Examination Program, and Advanced Placement) as options for students to take, in lieu of the statewide, standardized assessments, to satisfy high school subject area, course, credit, and assessment requirements, beginning in the 2016-2017 school year. In effect, the bill expands the authority in current law,⁹² with regards to using ACT and SAT scores to fulfill grade 10 ELA assessment requirement, to also apply to additional assessments to meet other subject area, course, and assessment requirements.

The bill allows students to take the rigorous alternative assessments without enrolling in the corresponding courses. However, the bill specifies that students must attain a passing score on the rigorous alternative assessment to meet the subject area, course, credit, and assessment requirements specified in law.⁹³ This competency-based mechanism provides students with acceleration opportunities in high school, which may help students graduate early from high school or instead, take advanced coursework through dual enrollment⁹⁴ or the Collegiate High School program.⁹⁵

The bill creates several student performance-based worksheets for rigorous alternative assessments that form the basis for granting students exemption from course enrollment and completion obligations, and corresponding EOC assessment requirements. The bill provides a worksheet each for specific SAT Subject Tests, College-Level Examination Program (CLEP), DANTES Subject Standardized Test (DSST),⁹⁶ and Advanced Placement (AP). With regards to dual enrollment courses in biology and United States History, the performance-based worksheet

⁹⁰ Section 1003.4282, F.S.

⁹¹ Section 1003.4285(1)(a), F.S.

⁹² Section 1008.22(8)-(9), F.S.; *see also* Rule 6A-1.094223, F.A.C.

⁹³ Sections 1002.3105, 1003.4282, 1003.4285, 1003.4295(3), and 1008.22, F.S.

⁹⁴ Section 1007.271, F.S.

⁹⁵ Section 1007.273, F.S.

⁹⁶ Defense Activity for Non-Traditional Education Support (DANTES) is a division of the Department of Defense that provides educational support to military members. In 2004, the exams were acquired and are now owned and administered by Prometric. Prometric owns and administers DSST exams. DSST, *What is DSST?* http://getcollegecredit.com/what_is_dsst/ (last visited Jan. 20, 2016); *see also* DANTES, DANTES, <http://www.dantes.doded.mil/#sthash.nYKTxyfV.dpbs> (last visited Jan. 20, 2016). DSST offers a suite of more than 30 exams in college subject areas such as social sciences, math, applied technology, business, physical sciences, and humanities. DSST, *About DSST*, <http://getcollegecredit.com/about> (last visited Jan. 20, 2016).

specifies the EOC or the CLEP assessments that students must take to meet the statewide, standardized assessment requirements for Biology I and United States History.

Additionally, the worksheet for industry certifications lists the exemptions from various EOC assessment requirements for students who earn one or more of the specified national industry certifications. In this case, the bill provides for an alternative mechanism for a student to demonstrate subject area competency by earning an industry certification, which involves completing the required coursework and passing one or more industry-approved examinations.

Criteria for the Award and Application of Credit

The bill expands the competency-based mechanism for earning high school credit, as authorized under the Credit Acceleration Program (CAP),⁹⁷ by identifying in the student performance-based worksheets for CLEP, DSST, and AP, passing scores that, if attained by students, must result in such students receiving high school credit toward specified subject areas. The passing scores on CLEP, DSST, and AP are identified in the credit-by-examination equivalency list, which has been adopted as a rule by the state board.⁹⁸ In effect, this provision will allow a student earn both, high school and college credits concurrently, if the student passes one or more of the specified assessments.

With regards to dual enrollment courses in biology and United States History, the bill allows a student to earn high school credit in such subject areas by taking either the corresponding EOC assessment or the specified CLEP examination. However, if a student takes the Biology I EOC or the United States History EOC assessment corresponding to a dual enrollment course, which is considered a college-level course, the bill specifies that student performance on such EOC assessments must not constitute 30 percent of the student's final course grade.

Additionally, the bill:

- Exempts credits earned by students passing one or more of the specified rigorous alternative assessments from minimum instructional hour requirements in law⁹⁹ and
- Requires a passing score on such assessments to be applied first to meet the assessment and credit requirements for ELA, mathematics, science or social studies before applying the score to meet the required electives credit requirements.

Online Course Requirement

The bill establishes performance-based alternative means for student in public schools, including charter schools, to satisfy the online course requirement for high school graduation by:

- Either completing a course in which a student earns a nationally recognized industry certification, identified on the Career and Professional Education (CAPE) Industry Certification Funding List, in information technology, or passing the information technology certification examination without enrolling in, or completing, the course or courses corresponding to such certification.

⁹⁷ Section 1003.4295(3), F.S.; *see also* Rule 6A-10.024, F.A.C.

⁹⁸ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

⁹⁹ Section 1003.436, F.S.

- Passing an online content assessment, without enrolling in or completing the course or courses corresponding to that assessment, demonstrating his or her skills and competency in locating information and applying technology for instructional purposes.

Contracts for Assessments

The bill provides for the immediate renegotiation of existing student assessment contracts and negotiation of new contracts to implement the rigorous alternative assessment options.

Specifically, the bill states that the Department of Education (department):

- Must immediately renegotiate the Florida Standards Assessment contract (Contract Number 14-652) with American Institutes for Research (AIR) to implement the rigorous alternative assessment options, and specifies the following requirements:
 - The department must ensure that the renegotiated contract fully implements the student assessment program for public schools, in accordance with the law,¹⁰⁰ and the rigorous alternative assessment options. The department must minimize student disruption.
 - The renegotiated contract must be executed by May 27, 2016.
 - The renegotiated contract should not result in an increase in price per assessment or any other price increase.
 - The department may not use any funds to restore the loss of funds pursuant to the rigorous alternative assessment options to Contract Number 14-652.
- May renegotiate other existing assessment contracts (e.g., the Florida Comprehensive Assessment Test retake contract and the statewide end-of-course assessment contracts) to allow for the availability of funds to implement the rigorous alternative assessments.
- Must negotiate and contract with entities such as ACT, Inc., and the College Board to implement the rigorous alternative assessment options. Additionally, the department must ensure that it obtains the lowest possible total contract price and price per assessment, and that the contracts are executed in sufficient time to fully implement the rigorous alternative assessment options in the 2016-2017 school year.

Additionally, the bill prohibits the funding for rigorous alternative assessments from increasing the budget for assessment and evaluation in the General Appropriations Act. Funds made available as a result of renegotiated statewide, standardized assessment and other assessment contracts must be used to provide funding for the specified rigorous alternative assessment contracts.

Implementation Schedule

The bill establishes the following timelines for the implementation of district-selected rigorous alternative assessment options (e.g., ACT Aspire for grades 3 through 8; ACT Aspire and ACT for high school; PSAT or NMSQT, and SAT for high school; or a combination of options as specified):

- A district school board must, by April 1, 2016:
 - File a nonbinding notice of interest to administer a rigorous alternative assessment option with the department and

¹⁰⁰ Section 1008.22, F.S.

- Identify the assessment option that the district intends to administer.
- The department must:
 - Execute the contracts, as specified in the bill, by May 27, 2016.
 - Notify the school districts of the rigorous alternative assessment option by June 1, 2016.
- The district school board that chooses to administer a rigorous alternative assessment option must:
 - Decide by July 1, 2016, and
 - Notify the commissioner and the students' parents of the board's decision by July 8, 2016.
- The parent of a student in a school district that chooses to administer a rigorous alternative assessment option must notify the district, in writing, by August 10, 2016, of the parent's decision for his or her child to take the statewide, standardized assessments for the relevant subject area and grade level which are administered during that school year.

Use of Assessments and Reporting Requirements

The bill requires student performance on rigorous alternative assessments to be made available to the district school superintendents by August 1 of each year and requires the commissioner to:

- Collaborate with ACT, Inc., and the College Board to establish proxy values for linking student performance on the specified rigorous alternative assessments to educator performance evaluation, school grade, school improvement rating, and school district grade calculations, before the beginning of the 2016-2017 school year. For applicability statewide, such proxy values must be approved by the state board, and subsequently approved by the Legislature during the 2017 regular session.
- Submit to the Legislature, by December 31, 2016, statutory recommendations for improving the implementation of rigorous alternative assessment options and related provisions.

The commissioner must also indicate the assessment schedule for the specified rigorous alternative assessments within the statewide assessment schedule established in accordance with the law.¹⁰¹ The department posts the Statewide Assessment Schedule on its website,¹⁰² which provides information about the required assessments, the testing window for such assessments, and whether the test are computer-based or paper-based.¹⁰³ Inclusion of similar information for the rigorous alternative assessments may be helpful to the students and parents.

ESEA waiver

The bill requires the commissioner to amend Florida's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965 (ESEA), as necessary to implement the rigorous alternative assessment options, and submit additional documents to the United States Department of Education (U.S. DOE), as necessary, to maintain compliance with the ESEA waiver flexibility¹⁰⁴ approved by the U.S. DOE.

¹⁰¹ Section 1008.22, F.S.

¹⁰² Florida Department of Education, *Assessment Schedules*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/assessment-schedules.stml> (last visited February 5 2016).

¹⁰³ *Id.*

¹⁰⁴ Currently, the United States Department of Education (U.S. DOE) is allowing each SEA an opportunity to seek a 1-year extension of its ESEA flexibility request through the end of the 2015-2016 school year. Florida's *ESEA Flexibility Request*,

In addition, the bill requires the commissioner to faithfully and timely implement the rigorous alternative assessment options in accordance with the provisions specified in the bill, and submit by August 1, 2016, a report on the status of such implementation and compliance with the ESEA, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Teacher Bonuses for Students Who Earn College Credit

The bill removes the annual cap on teacher bonuses for the teachers providing AP, International Baccalaureate (IB), Advanced International Certificate of Education (AICE), or industry certification instruction which results in their students scoring at specified levels on examinations (in the case of AP, IB, and AICE) or attaining industry certifications corresponding to such instruction. As a result, the bill rewards teachers who prepare students with college and career readiness skills.

Teacher Evaluation

The bill provides that a classroom teacher's performance evaluation must be based on the performance of students who are assigned to their classroom and who have fewer than 25 absences within a school year.

Similarly, for schools with block scheduling, a classroom teacher's performance evaluation must be based on the performance of students who are assigned to their classroom and who have fewer than 10 absences within a school year.

District School Board Powers and Duties

The law adds to the existing powers and duties of the district school boards by allowing district school board members to visit schools to promote education and school improvements.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

recently revised July 22, 2015, available at <https://www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/flrenewalreq2015.pdf>. The USDOE has renewed approval of Florida's request through the end of the 2015-2016 school year, subject to certain conditions as identified in USDOE's letter to FLDOE Commissioner Pam Stewart, dated August 21, 2015, available at <https://www2.ed.gov/policy/eseaflex/secretary-letters/flrenewaltr2015.pdf>.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

CS/SB 1360 contains provisions that allow a student to earn college credit and high school credit simultaneously, which may reduce the student's cost of a postsecondary education. In addition, the use of the ACT or SAT exams as alternate assessments to measure student performance may reduce the parents' out-of-pocket cost for these college entrance exams. Also, the use of the ACT Aspire or Preliminary SAT, which are age appropriate versions of these exams for earlier grades, may help students prepare for the college entrance exams and result in higher scores and additional merit scholarship awards.

The removal of the cap on bonus funding for teachers of Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), and industry certification courses may provide additional income to teachers of students in these courses.

C. Government Sector Impact:

The bill provides that for 2016-2017 the "funding for the rigorous alternative assessments may not cause an increase in the assessment and evaluation appropriation in the General Appropriations Act." The bill requires the Department of Education to immediately renegotiate the Florida Standards Assessment contract with American Institutes for Research and that "the renegotiated contract should not result in an increase in price per assessment or any other price increases." The terms of that renegotiated contract, along with any other renegotiated assessment contracts or grants to school districts for test development, are to be used to provide funding for implementation of the district-selected rigorous alternative assessments authorized in the bill. SB 2500, the Senate's proposed 2016-2017 General Appropriations Bill, does not increase the assessment and evaluation appropriation to the State Board of Education, as compared to the appropriation for Fiscal Year 2015-2016.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1002.3105, 1002.33, 1003.4282, 1003.4285, 1003.4295, 1003.436, 1006.28, 1007.27, 1007.271, 1011.61, 1011.62, and 1012.34.

This bill creates the section 1008.223 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K - 12 on January 27, 2016:

The committee substitute includes additional provisions that:

- Establish alternative means to satisfy online course requirement for high school graduation.
- Authorize district school board members to visit schools to promote education and school improvements.

- B. **Amendments:**

None.