



Florida School Boards Association

The voice of education in Florida.

ESSA Task Force Report

A partnership of

The Florida School Boards Association

&

The Florida Association of School Administrators

July 2016

Introduction

Following up on an initiative launched in April, representatives of the Florida School Boards Association and the Florida Association of School Administrators met this week as a Task Force to go through all sections of the new Every Student Succeeds Act (ESSA) and to formulate and submit responses to a survey developed by the Florida Department of Education (DOE). This report presents the responses developed during that meeting. In reviewing this Report, you will note that, in several instances, the Task Force encouraged DOE to seek input from district leaders for more detailed responses. We hope that you will take advantage of the opportunity to express the unique needs and perspectives of your community with regard to topics that include, but are not limited to, assessment of ESE and ELL students, funding and grants, performance indicators to be used in addition to academic performance measures, and targeted and comprehensive school improvement strategies. To assist you in submitting your comments, each of the nine main sections of the ESSA Task Force Report is linked to the DOE Survey comment form. **PLEASE NOTE** that this initial comment period closes on Friday, July 22, 2016 so, if you wish to submit comments, you must do so promptly.

Florida Department of Education

SURVEY

ESSA Feedback

ESSA FLDOE Survey

Part 1: Challenging State Academic Standards

(A) IN GENERAL

Response: No recommended change at this time

(B) SAME STANDARDS

Response: No recommended change at this time

(C) SUBJECTS

Response: No recommended change at this time

(D) ALIGNMENT

Response: No recommended change at this time

(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

Response:

- **Clarity is needed on the definition of “most significant cognitive disability” and the process by which these students will be identified.**
- **How will the definition align with new legislative requirements?**
- **Does Florida currently have sufficiently clear standards for students with the most significant cognitive disabilities?**

(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS

Response: No recommended change at this time

(G) PROHIBITIONS

Response: We support these provisions

(H) EXISTING STANDARDS

Response: No recommended change at this time

Part 2: Academic Assessments

(A) IN GENERAL

Response: There must be timely, meaningful, and truly collaborative involvement of Local Education Agencies and all other education stakeholders – including students -- in the effort to draft Florida’s entire ESSA Plan. This is particularly important with provisions relating to assessments.

(B) REQUIREMENTS

Response:

- The schedule for assessments in science (“not less than one time . . . in grades 10-12) must be carefully interpreted and applied to accommodate variances in students’ progression (for example, the application of these provisions must accommodate a student who is enrolled in Biology in grade 8 and who takes Biology EOC in grade 8, rather than grade 10).
- Clarification is needed to protect students from duplicative assessments/”double testing” in all subject areas (as is already provided under Florida law -- and reflected in ESSA -- with regard to mathematics).
- We support offering assessments – to the extent possible and practicable -- in an ELL student’s native language. If assessments are offered in a student’s native language, consideration should be given to when and how the results of ELL student assessments that are taken in English are included and “counted” in disaggregated district-wide results.
- We support and emphasize the federal requirement for using assessments ONLY for valid and reliable purposes.
- Clarification is needed for the phrase “multiple methods of assessment” to allow for local flexibility but to also protect students from over testing.
- We support the use of a statewide summative assessment, but believe districts should have the authority to administer formative tests to assess knowledge and improve instruction that can be EXCLUDED from test time cap requirements (local decision-making).

(C) EXCEPTION FOR ADVANCED MATHEMATICS IN MIDDLE SCHOOL

This provision allows an exception only for grade 8 students who take an end-of-course (EOC) Mathematics assessment so that they do not have to be double tested on the grade-level Mathematics assessment. Florida law provides this exception for all students that take high school EOCs so that they do not have to take the corresponding grade-level subject area assessment. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: We support all current exemptions for all subjects as outlined in statute.

(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

The method for calculating 1% of students using the alternate assessment has changed. Now the calculation is 1% of the total number of all students in the state who are assessed in the subject. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: We have concerns about the shift from 1% in each grade to 1% in each subject, as this will raise the number of students represented and has implications with regard to the 1% cap. In addition, we have concerns about the impact on the overall state 1% cap if/when individual districts exceed their 1% cap – as is allowed under ESSA – and how the state and federal governments would address that.

NOTE: Sections (E) & (F) are NOT included on the DOE Survey

(E) STATE AUTHORITY

Response: No recommended change at this time

(F) LANGUAGE ASSESSMENTS

This section requires each State plan to identify the languages other than English that are present to a significant extent in the participating student population and indicate the languages for which annual student academic assessments are not available and are needed. In addition, this section requires each State to make every effort to develop such assessments.

Response:

- **Clarification is needed for the definition of the phrase “languages other than English that are present to a significant extent”**
- **We support the requirement that the state is responsible for developing such assessments.**
- **We recommend that input from district stakeholders be sought on this issue**

[NOTE: Response to section (F) inserted with response to section (G) in DOE Survey]

(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY

ESSA requires the state to ensure that its LEAs provide for an annual assessment of the English proficiency of all English Language Learners in their schools. These assessments must align with the state’s English proficiency standards. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Please provide feedback on the kinds of English language proficiency assessments to be used for English Language Learners. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: No recommended change at this time to (G) except to reference comments provided above for (F)

(H) LOCALLY-SELECTED ASSESSMENT

There is a new provision in ESSA allowing for LEAs to choose a nationally-recognized assessment instead of the statewide assessment if the State has evaluated the assessment and the assessment meets the criteria established by the State and federal law and is approved by the federal government. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: We believe that, if a district wishes to choose an assessment other than the statewide assessment, the alternative assessment should be used district-wide to provide better consistency in the reporting and use of data – i.e. for use in teacher evaluations, calculation of learning gains, etc.

NOTE: Sections (I), (J), (K) & (L) are NOT included on the DOE Survey

(I) DEFERRAL

Response: No recommended change at this time

(J) ADAPTIVE ASSESSMENTS

Response:

- **We believe that, in exercising the authority to use computer adaptive assessments, the state has the responsibility to ensure that sufficient and appropriate hardware, software, access, etc. are available in each district and school.**
- **We encourage the DOE to take note of the potential flexibility provided in this section with regard to assessment of ESE and ELL students.**
- **We recommend that input from district stakeholders be sought on these issues.**

(K) RULE OF CONSTRUCTION ON PARENT RIGHTS

Response: No recommended change at this time but we recommend that input from district stakeholders be sought on this issue.

(L) LIMITATION ON ASSESSMENT TIME

Response: We believe districts should have the authority to administer formative tests to assess knowledge and improve instruction that can be EXCLUDED from test time cap requirements. We recommend that input from district stakeholders be sought on this issue.

[NOTE: Responses to sections (J), (K), & (L) inserted with response to section (H) in DOE Survey]

(3) EXCEPTION FOR RECENTLY ARRIVED ENGLISH LEARNERS

The law provides for two scenarios for the inclusion of recently arrived English Language Learners in the English Language Arts assessment and in the achievement components of accountability.

Exempt English Language Learners from taking the English Language Arts Florida Standards Assessment in the first year and use their scores in achievement in year 2.

Or

Require English Language Learners to take the English Language Arts Florida Standards Assessment in the first year and include them in learning gains in year 2 and achievement in year 3.

Florida currently implements a hybrid of these two approaches. Any changes to Florida's practices would consider stakeholder input. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: In general, we recommend the second option, but would prefer for students not to take the assessment in year one, assessment results would not count in year two, and both learning gains and achievement would count and be reported in year three. However, we strongly recommend that input from district stakeholders be sought on this issue.

Please provide feedback on the English Language Learners subgroup definition in federal law. ESSA, this subgroup can include students exited from the English for Speakers of Other Languages program up to four years after exit. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: We support a four-year extension of ELL service, but have concerns regarding the viability of tracking students over a four-year period, particularly given the high mobility rates of many of these students. In addition, if such an extension is implemented, consideration must be given to how that should impact the options outlined above in terms of when and how assessment results for these students are “counted” and reported. Again, we strongly recommend that input from district stakeholders be sought on this issue.

Part 3: State Assessment Grants

GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES/ STATE OPTION TO CONDUCT ASSESSMENT SYSTEM AUDIT

Individual states or consortia of states may apply for grants to refine, enhance, and audit statewide assessments required under ESSA. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: Given the state of Florida has recently completed a validity study regarding the Florida Standards Assessment, we recommend that no less than 95% of these funds be distributed to districts to be used for the purposes that are spelled out in the ESSA, including but not limited to: professional development, instructional coaches, assessment delivery (including technology and related infrastructure, assessment proctors, etc. We also recommend that input from district stakeholders be sought on this issue.

INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY

Individual states or consortia of states may apply for grants to create innovative assessments and accountability systems. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: We do not recommend implementation of a statewide innovative assessment, but would support pilot programs in districts wishing to pursue this. A pilot program may be particularly useful in assessing ESE students who are not appropriate candidates for FAA or as general education students. We also recommend the reinstatement of the special diploma

Part 4: Statewide Accountability System

IN GENERAL, SUBGROUP OF STUDENTS, MINIMUM NUMBER OF STUDENTS

Response:

- **There must be timely, meaningful, and truly collaborative involvement of Local Education Agencies and all other education stakeholders – including students -- in the effort to draft Florida’s entire ESSA Plan. This is particularly important with provisions relating to the accountability system.**
- **Clear and concise definitions are needed for “economically disadvantaged students”, “students from major racial and ethnic groups”, “children with disabilities” and “English learners”, including, if needed, subgroups within these groups. These definitions should also take into consideration the increasing difficulty and issues with self-identification.**
- **Determination of the minimum number of students within each subgroup should be consider the size of the school/site, with a floor of ten students, and must consider issues of student privacy.**

(A) ESTABLISHMENT OF LONG-TERM GOALS

The State shall establish long-term goals and interim progress measurements for all students and separately for each subgroup for the following measures at a minimum.

Academic achievement in English Language Arts and Mathematics
High school graduation rates

Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response:

- **The state should set realistic, attainable goals and timelines for the achievement of those goals.**
- **There should not be any sanctions under the new system, such as automatically triggered reductions in letter grades.**
- **We recommend using BOTH the four-year cohort graduation rate and the extended year adjusted cohort graduation rate.**
 - **The four-year cohort graduation rate should include students graduating in the summer after the “normal” cohort graduation date.**
 - **The extended year adjusted cohort graduation rate should be used in limited cases to address specific situations, including, but not limited to, schools with high student mobility rates, schools that focus on drop-out retrieval programs, schools that serve certain populations of at-risk students (i.e. foster children, hospital/homebound students, homeless students, students with other extenuating family circumstances, etc.). We also recommend the review of withdrawal codes associated with circumstances outside the school’s control that result in a dropout.**
- **We recommend that input from district stakeholders be sought on these issues, particularly in defining circumstances in which the adjusted rate would be used.**

(B) INDICATORS

ESSA requires that accountability indicators include the following:

- achievement in English Language Arts and Mathematics
- may include student growth or another indicator
- progress toward English language proficiency
- an indicator of student or school success
- graduation rate for high schools

Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: We recommend that student growth be used as an indicator and strongly recommend that input from district stakeholders be sought on all of these indicators, particularly with regard to identifying the additional indicator(s) of student or school success and with regard to the relative weight that should be assigned to each indicator.

(C) ANNUAL MEANINGFUL DIFFERENTIATION

The State's accountability system must differentiate among all schools based on all indicators in the accountability system, for all students, and for each subgroup of students. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

ESSA requires that the meaningful differentiation shall include differentiation of any public school in which a subgroup is consistently underperforming. Do you have specific comments about this section, its implementation and effects on accountability provisions?

Response:

- **It is essential to have clear and distinct processes – including identification and exit criteria -- with regard to the Targeted Support discussed in this section and the Comprehensive Support discussed in (D) below.**
- **Consideration of how existing targeted support programs, such as current interventions in the 300 lowest performing elementary schools, will be integrated and/or adjusted under ESSA.**
- **The existing School Advisory Councils and the School Improvement Plan process must be integrated into the ESSA framework. This should include streamlining the cumbersome SIP development process.**
- **Again, an emphasis must be placed on seeking input from district stakeholders on the best process to accomplish this.**

(D) IDENTIFICATION OF SCHOOLS

ESSA requires that the system of meaningful differentiation will identify schools for comprehensive support and improvement and those schools shall include the lowest performing 5% of Title I schools, all high schools failing to graduate 1/3 or more of their students, and schools who qualified for comprehensive support and have not met the exit criteria. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response:

- **It is essential to have clear and distinct processes – including identification and exit criteria -- with regard to the Targeted Support discussed in (C) above and the Comprehensive Support discussed in this section.**
- **The existing School Advisory Councils and the School Improvement Plan process must be integrated into the ESSA framework. This should include streamlining the cumbersome SIP development process.**
- **Again, an emphasis must be placed on seeking input from district stakeholders on the best process to accomplish this.**

(E) ANNUAL MEASUREMENT OF ACHIEVEMENT

ESSA changes provisions related to the achievement denominator for schools that test less than 95% of students. For those schools, 95% of students will be used for the denominator of the achievement component rather than the number of students tested. Do you have specific comments about this section, its implementation, and effects on accountability provisions?

Response: Consideration must be given to the implications of the 95% tested requirement with regard to circumstances beyond the control of a district. We recommend that input from district stakeholders be sought on this issue.

(F) PARTIAL ATTENDANCE

Response: No recommended change at this time but we recommend that input from district stakeholders be sought on this issue.

[Part 5: School Improvement \(Section 1003\)](#)

(a) STATE RESERVATIONS

Response: We recommend maximizing funding distributed to districts and recommend that input from district stakeholders be sought on this issue.

(b) USES

If given the option, would your district prefer to compete for a substantially larger amount of funds, be guaranteed a smaller amount of funds, or be offered a combination of competitive and entitlement grants under Section 1003?

Response: In general, we recognize both the benefits and drawbacks of entitlements, competitive grants, and/or a combination of both. Our overriding concern is to ensure fairness and equity in the distribution of funds to meet the needs of students in Florida's diverse school districts. As a result, for this and paragraphs (c) – (i) below, we recommend that input from district stakeholders be sought to identify their preferences and concerns.

(c) DURATION

What potential benefits or challenges might a multi-year award present for your district and schools?

(d) RULE OF CONSTRUCTION

Would your district have interest in allowing a consortium to apply for school improvement grants on behalf of your district?

(e) APPLICATION

What existing structures could be utilized to support the application process and requirements for Section 1003? What additional technical support will your district need in order to complete the application process and meet the requirements of Section 1003?

(f) PRIORITY

In determining "greatest need" and "strongest commitment" for prioritizing funding to districts, what factors would you want the Florida Department of Education to consider?

(i) REPORTING

Part 6: School Support and Improvement Activities

(1) COMPREHENSIVE SUPPORT AND IMPROVEMENT

(A) IN GENERAL

Response: The school improvement plan process takes too long and does not have a clear end/solution. In addition, we recommend targeted professional development for district leadership and district and school administrators. Professional development should be provided by appropriate approved state associations such as FADDS, FASA, and FSBA.

(B) LOCAL EDUCATIONAL AGENCY ACTION

The federal law requires districts to partner with school-based stakeholders at each school identified for comprehensive support and improvement to develop, approve, and implement a support and improvement plan that includes evidence-based interventions and addresses any resource inequities. What specific comments do you have about this requirement and its implementation?

What existing structures could be utilized to support the development, review, approval, and implementation of comprehensive support and improvement plans? What modifications may be needed to these structures?

What types of support and guidance from the Florida Department of Education would be helpful to districts in developing, implementing, monitoring, and evaluating the impact of comprehensive support and improvement plans?

How can the Florida Department of Education assist districts in making connections between district-level plans, school-level plans, and federal grant applications?

Response:

- **It is essential to have clear and distinct processes – including identification and exit criteria -- with regard to the Targeted Support (discussed below) and the Comprehensive Support discussed in this section.**

- **The existing School Advisory Councils and the School Improvement Plan process must be integrated into the ESSA framework. This should include streamlining the cumbersome SIP development process.**
- **Again, an emphasis must be placed on seeking input from district stakeholders on the best process to accomplish this.**

(C) STATE EDUCATIONAL AGENCY DISCRETION

ESSA allows the State to exercise the following flexibility for certain high schools identified for comprehensive support and improvement.

- Permit differentiated improvement activities for schools that predominantly serve students who are returning after having exited secondary school without a regular high school diploma, or who, based on their grade or age, are significantly off-track to accumulate sufficient academic credits to meet high school graduation requirements.
- Permit the districts to forego implementation of improvement activities for schools with a total enrollment of less than 100.

What specific comments do you have about this potential flexibility? Do you have suggestions for differentiated improvement activities?

Response:

- **In an earlier comment, we recommend using BOTH the four-year cohort graduation rate and the extended year adjusted cohort graduation rate with the extended year adjusted cohort graduation rate being used in limited cases to address specific situations, including, but not limited to, schools with high student mobility rates, schools that focus on drop-out retrieval programs, schools that serve certain populations of at-risk students (i.e. foster children, hospital/homebound students, homeless students, students with other extenuating family circumstances, etc.). We also recommend the review of withdrawal codes associated with circumstances outside the school's control that result in a dropout. This is one strategy that might be used as a differentiated improvement activity. We recommend that input from district stakeholders be sought on other possible activities.**
- **We have concerns about forgoing implementation of improvement activities in schools with enrollment of less than 100.**

(D) PUBLIC SCHOOL CHOICE

Response: No recommended change at this time

(2) TARGETED SUPPORT AND IMPROVEMENT

(A) IN GENERAL

(B) TARGETED SUPPORT AND IMPROVEMENT PLAN

ESSA requires schools identified for targeted support and improvement to partner with their stakeholders to develop, approve, and implement a support and improvement plan that includes evidence-based interventions. What specific comments do you have about this requirement and its implementation?

What existing structures could be utilized to support the development, review, approval, and implementation of targeted support and improvement plans? What modifications may be needed to these structures?

What types of support and guidance from the Florida Department of Education would be helpful to districts in developing, implementing, monitoring, and evaluating the impact of targeted support and improvement plans?

ESSA requires the district to take additional action following unsuccessful implementation of a targeted support and improvement plan after a number of years determined by the district.

What specific comments do you have about this requirement and its implementation?

Response:

- **It is essential to have clear and distinct processes – including identification and exit criteria -- with regard to the Targeted Support discussed in this section and the Comprehensive Support discussed in (B) above.**
- **Consideration of how existing targeted support programs, such as current interventions in the 300 lowest performing elementary schools, will be integrated and/or adjusted under ESSA.**
- **The existing School Advisory Councils and the School Improvement Plan process must be integrated into the ESSA framework. This should include streamlining the cumbersome SIP development process.**
- **Again, an emphasis must be placed on seeking input from district stakeholders on the best process to accomplish this.**

(C) ADDITIONAL TARGETED SUPPORT

ESSA requires certain schools identified for targeted support and improvement, as determined by the State, to also address any resource inequities in their support and improvement plans. What specific comments do you have about this requirement, its implementation, and supports that may be needed?

Response: We recommend that input from district stakeholders be sought on this issue.

(D) SPECIAL RULE

Response: No recommended change at this time

(3) CONTINUED SUPPORT FOR SCHOOL AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT REQUIREMENTS

ESTABLISH EXIT CRITERIA

ESSA requires the State to establish exit criteria for schools identified for comprehensive or targeted support or improvement, and require more rigorous action in schools that do not exit after a set number of years determined by the state. What specific comments do you have about this requirement, its implementation, and supports that may be needed?

Response: We recommend that input from district stakeholders be sought on this issue.

PERIODICALLY REVIEW RESOURCE ALLOCATION

ESSA requires the State to periodically review resource allocation to support school improvement in each district serving a significant number of schools identified for comprehensive support and improvement and implementing targeted support and improvement plans. What specific comments do you have about this requirement, its implementation, and supports that may be needed?

Response: Clarification is needed for the definition of “significant”. We suggest 25% of the schools in the district, but recommend that input from district stakeholders be sought on this issue.

PROVIDE TECHNICAL ASSISTANCE

ESSA requires the State to provide technical assistance to districts serving a significant number of schools implementing comprehensive or targeted support and improvement plans. What specific comments do you have about this requirement, its implementation, and supports that may be needed?

Response: Technical assistance should be timely.

ALLOWANCES

INITIATE ACTION FOR ADDITIONAL IMPROVEMENT

ESSA allows the State to take action to initiate additional improvement in any district with a significant number of schools that are consistently identified for comprehensive support and improvement and not meeting the exit criteria, or implementing targeted support and improvement plans. What specific comments do you have about this requirement and its implementation?

Response: We recommend that input from district stakeholders be sought on this issue.

ESTABLISH ALTERNATIVE STRATEGIES

ESSA allows the State to establish alternative evidence-based strategies that can be used by districts to assist a school identified for comprehensive support and improvement under Section 1111(c)(4)(D)(i). What specific comments do you have about this requirement and its implementation?

Response: We recommend that input from district stakeholders be sought on this issue.

Part 7: Direct Student Services

DIRECT STUDENT SERVICES

Response: We wish to underscore the references in this section to “meaningful consultation with various district stakeholders and believe it is particularly important in this section. We strongly recommend that the state continue entitlement grants and, in any instance where the state can set aside additional dollars, they should set aside the smallest amount possible and distribute as much funding as possible to local school districts.

Part 8: General Comments by Title of the Act

TITLE I - IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

TITLE II - PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

TITLE III - LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

TITLE IV - 21ST CENTURY SCHOOLS

TITLE V - FLEXIBILITY AND ACCOUNTABILITY

TITLE VI - INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

TITLE VII - IMPACT AID

TITLE VIII - GENERAL PROVISIONS

Response: We recommend that input from district stakeholders be sought on each of these Titles.

Part 9: United States (U.S.) Department of Education Draft Regulations on Accountability, State Plans, and Data Reporting

United States Department of Education Draft Regulations on Accountability, State Plans and Data Reporting

Response: We recommend that input from district stakeholders be sought on this issue.