



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DON GAETZ

1st District

December 1, 2014

The Honorable Pam Stewart
Commissioner of Education
Turlington Building, Suite 1514
325 West Gaines Street
Tallahassee, Florida 32399

Dear Commissioner Stewart:

As the Florida Constitution and Florida law mandate, the State Board of Education (Board) is the chief implementing and coordinating body for public education in Florida charged with supervision of the system of K-12 free public education, as provided by law. Thus, the Board's responsibilities to adopt rules implementing legislation, jointly with your responsibilities as Commissioner, are critical to student success (i.e., standards, progression, assessment, promotion, graduation, preparation for college and career) in public schools.

As we approach the beginning of the second semester of the 2014-2015 school year, I wanted to reach out and express my appreciation for all your and your team's hard work to maintain focus on the Governor's and Legislature's shared goal of academically rigorous education lashed to the realities and opportunities of the economy.

As well, I wish to emphasize in writing what we have previously discussed face-to-face: that there is growing concern and some considerable confusion on the part of many parents, teachers, school board members and superintendents about the impending state-wide and district assessments, the preparation and infrastructure required for those assessments and the consequences that will flow from them.

While resistance to measurement and opposition to performance-based recognition and funding will always exist in some quarters, some of the angst which I and other senators are seeing is coming, at least in part, from longtime advocates and supporters of accountability. And, while there are other questions related to how assessment will impact evaluation of educators, my purpose with this letter is to deal first with issues that affect students and solutions that might help them.

REPLY TO:

- 4300 Legendary Drive, Suite 230, Destin, FL 32541 (850) 897-5747 FAX: (888) 263-2259
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, FL 32399-1100 (850) 487-5001
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ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Legislature is responsible for establishing state education policy, enacting education laws, and appropriating and allocating education resources for Florida's K-12 public education system. Over the past few years, the Legislature has refined policy positions for specific course, assessment, and credit requirements associated with student success. The State Board and your Department are now, appropriately, deeply involved in implementing the spirit and letter of these laws.

To this end, I am pleased that Governor Scott has requested that you “conduct a thorough and comprehensive investigation of every standardized test that school districts are requiring their students to take”, including “why students take the test, who is taking the tests, and what the results are used for.” I implore you to expand the scope of your investigation to:

- Evaluate tests required by the Department or the Board, including the array of state-required and authorized optional scores, assessments, courses, and programs that are currently available to students as substitutions to meet state requirements.
- Fully explore and use options available through Florida's ESEA waiver flexibilities, DOE's contracting authority, the Commissioner's planning and scheduling authority, and other statutorily-authorized means to relieve pressures placed upon Florida's students and families.

In that regard, the Legislature delegated to the Board broad authority and responsibility to implement the Florida K-12 Education Code. This authority and responsibility not only requires actions to codify specific requirements (e.g., high school standard diploma requirements); but also affords the Board authority to execute discretionary administration of certain assessments to only students who opt to pursue particular programs (e.g., IB or AICE) or take certain courses for specified purposes (e.g., those required for a scholar designation).

As we enter the start of a new Legislative season, I encourage you to embrace the flexibilities delegated to you by the Florida Legislature to maximize regulatory solutions to facilitate implementation of Florida's K-20 Education Code. I further encourage your thoroughness, creativity, and vision in exploring all mechanisms that are available to you and the Board to fully expand all options and further promote student success. More specifically, I encourage you and the Board to maximize the following specific flexibilities authorized by law for optional use by students and families:

- Substitute scores for required assessments [e.g., ss. 1003.4282 and 1008.22, F.S.].
Florida law specifically:
 - *Requires* the Commissioner to identify SAT and ACT **concordant scores**, and authorizes the Commissioner to identify scores for assessments other than the SAT and ACT, for students to satisfy the grade 10 English Language Arts (ELA) requirement for high school graduation. The law also *requires* the Board to adopt concordant scores in rule.

- *Requires* the Commissioner to identify one or more **comparative scores** for the Algebra I “End-of-Course” (EOC) assessment required for high school graduation. The law also *requires* the Board to adopt comparative scores in rule.
- *Authorizes* the Commissioner to select one or more **nationally developed comprehensive examinations** as equivalent assessment options for students to satisfy state-required EOC assessments including, but not limited to, Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate or Education (AICE), or industry-approved, industry certification assessments. For example, when fully implemented, AP and industry certification assessments may substitute for some required EOCs; and student performance on ACT, SAT, industry certification, or other assessments (not limited to just the PERT) may sufficiently substitute as a demonstration of students’ “readiness” for college-level work. The law also *requires* the Board to approve equivalent assessments in rule.
- Local assessments [e.g., s. 1008.22(6), F.S.]. Recent, 2014 legislation [Chapter 2014-23, L.O.F., CS/SB 1642] provided school districts and educators with greater flexibility to identify **local assessments** to measure student mastery of course content for every course. This legislation emphasizes districts’ authority to choose among a variety of assessment options and methods of measuring student performance.

To facilitate district efforts, state law also *requires* the Commissioner to “identify methods to assist and support districts in the development and acquisition of assessments” which may include:

“... developing item banks, facilitating the sharing of developed tests among school districts, acquiring assessments from state and national curriculum-area organizations, and providing technical assistance in best professional practices of test development based upon state-adopted curriculum standards, administration, and security.”

- Substitute courses and industry certifications [e.g., ss. 1002.3105, 1003.01, 1003.4282, 1008.22, and 1008.25, F.S.]. Florida law requires the Commissioner to provide the Board with recommendations regarding courses (and associated assessments) which students may use as **substitute** means for satisfying -- and potentially accelerating through -- grade promotion, high school graduation, and other credit requirements. For example, students may satisfy high school graduation requirements through:
 - **Equivalent, applied, or integrated courses** (or **series of courses**), including **work-related internships** or **apprenticeships** approved by the Board and identified in the course code directory that are available to students to satisfy requirements for a standard diploma.

- **Industry certifications** for which there is a statewide college credit articulation agreement which may substitute for up to two mathematics credits (except for Algebra I and Geometry) and one science credit (except for Biology I). The department is additionally *required* to negotiate state licenses for material and testing for industry certifications to facilitate student access to industry certification options.
- Assessment exemptions for children with medical complexities [s. 1008.22, F.S.]. New, 2014 legislation [Chapter 2014-23, L.O.F., CS/SB 1642] provides parents of students with medical complexities options for exempting their children from statewide, standardized assessment requirements, including a one- to three-year exemption approved by the Commissioner. To fully implement all authorized exemptions, including options subject to approval by the Commissioner, the Board *must* adopt rules “which demonstrate the utmost compassion and consideration for meeting the parent’s and child’s needs.”
- Assessment schedules [s. 1008.22, F.S.]. The Commissioner is *required* to establish schedules for the administration of assessments, the reporting of student assessment results, and an implementation schedule for transition to Florida’s new statewide, standardized assessments. DOE *must* also annually receive schedules adopted by school boards for any “district-mandated” assessments administered in addition to the statewide, standardized assessments required by the state or locally-selected assessments required as a part of the school accountability system. It is my understanding that, after two years of implementation, DOE’s guidance to districts continues to lack sufficient information and definitions to facilitate consistency and continuity in reporting student assessment data in a manner that is transparent and understandable to parents and helpful to policy makers.
- Department guidance [ss. 1000.03 and 1008.22, F.S.]. The Board is responsible for the timely provision of direction, resources, and assistance, intervention, and strong incentives and disincentives to force accountability results. Additionally, recent legislation [Chapter 2014-23, L.O.F., CS/SB 1642] authorized, and in some cases specifically required, the Commissioner and Board to identify, facilitate, and adopt options for use by districts, educators, and students to meet state and local requirements.

To assist in preparing for the 2015 Legislative Session and in order that I and other senators can fully understand and engage with our constituents regarding the Department’s approach to these issues, please respond to this letter, by **December 30, 2014**, with your written responses to the following questions:

1. What is the status of the statutorily-*required* actions, as outlined in this letter?
2. What is the status of statutorily-*authorized* actions, as outlined in this letter? To what extent have statutorily-authorized actions been exhausted, and what are your plans for making options available to student and families in time for application in the current school year and subsequent school years? Put simply, has the State Board and Department utilized and implemented full assessment flexibility under existing law and

what has been done to ensure that districts, teachers and parents know about and can exercise those options?

3. What legacy, additional assessments, or assessment systems are currently required or being implemented that are above and beyond the statutorily-required (including statutorily-authorized) assessments or systems? If such assessments or systems exist, please provide the statutory authority and your recommendations and rationale for their continuation or discontinuation.
4. If you lack statutory or regulatory authority to explore or implement other valid options leading to fewer, more reliable, more useful assessments, what additional flexibility, if any, do you need from the Legislature and Governor?

Thank you, Commissioner, for all that you do every day. I am mindful of your many responsibilities and the enormity of the tasks which you have undertaken. I thank you sincerely for your attention to my inquiries, which are on the minds of other legislators, as well, and arise out of our shared commitment to effective teaching and better student performance.

Respectfully,



Senator Don Gaetz

cc: President Gardiner
Gary Chartrand, Chair, State Board of Education