

## FSBA Summary of HB 7069 – Education Accountability

### **HB 7069 – Education Accountability**

By Education Appropriations Subcommittee, Education Committee, and O'Toole

**AMENDS:** Sections 1001.42, 1002.20, 1003.4156, 1003.4282, 1003.4285, 1003.621, 1008.22, 1008.24, 1008.25, 1008.30, 1008.34, 1012.34, and 1012.98, F.S.

**REPEALS:** Section 1012.3401, F.S.

**EFFECTIVE:** April 14, 2015

#### ***THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS***

The bill revises requirements for setting the opening date of school, revises state and local assessment requirements, revises student progression provisions, revises school grading criteria, revises criteria and procedures for evaluating instructional personnel and school administrators, and generally provides greater local authority and flexibility with regard to assessment and accountability provisions.

#### ***Opening Date of School***

The bill amends s. 1001.42, F.S., relating to the powers and duties of school boards, to set the opening date of school as no earlier than August 10. The bill also amends s. 1003.621, F.S., relating to high performing school districts, to require a high performing school district to comply with this limitation on the opening date of school.

#### ***Student Assessment***

The bill amends s. 1002.20, F.S., by removing the requirement for an elementary school to regularly assess the reading ability of K-3 students and removing the title of “progress monitoring” with regard to .

The bill makes several amendments to s. 1008.22, F.S., and amends other sections of law to conform with these changes. Specifically, the bill:

- Adds to the purpose of the student assessment program to provide that, when available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.
- Deletes the requirement that the statewide, standardized English Language Arts (ELA) assessment be administered to students in grade 11. To conform with this provision, the bill amends s. 1003.4285, F.S., by deleting the requirement to take and pass the Grade 11 ELA in order to earn the scholar designation on the high school diploma.
- Provides that statewide, standardized End-of-Course (EOC) assessments for Algebra I, Geometry, Algebra II, Biology I, U.S. History, and Civics must be administered to students enrolled in such courses as specified in the course code directory.
- Specifies that students enrolled in a course with an associated statewide EOC assessment must take the EOC assessment for the course and may not take the corresponding subject or grade-level statewide, standardized assessment.
- Provides that s. 1003.4156, F.S., relating to middle grades promotion, and s. 1003.4282, F.S., relating to requirements for a standard high school diploma, govern the use of statewide, standardized EOC assessment results for students. Among other things, these sections of law provide that the EOC assessment results constitute 30% of each student’s final course grade.

- Retains the requirement that statewide, standardized assessments be delivered through computer-based format and provides an implementation schedule such that computer-based testing for the grade 3 ELA assessment will begin in the 2017-2018 school year, the grades 3 and 4 mathematics assessments will begin in the 2016-2017 school year, and the grade 4 ELA assessment will begin in the 2015-2016 school year.
- Revises provisions relating to assessment scores and achievement levels to provide that all statewide, standardized EOC assessments and ELA, Math, and Science assessments must use scaled scores and achievement levels, with achievement levels ranging from 1 through 5. Reference to the Writing assessment scale scores is deleted since the writing assessment is included as part of the ELA assessment.
- Moves and revises provisions relating to the reporting of results to provide that any contract with a vendor for assessments requires that student's performance results on statewide, standardized assessments, EOC assessments, and Florida Alternative Assessments (FAA) 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). This provision does not apply to existing contracts for such assessments, but shall apply to new contracts and any renewal of existing contracts for such assessments.
- Requires that, if applicable, DOE must collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the Florida Standards Assessment contract with American Institutes for Research, and expend the funds to reimburse parties that incurred damages.
- Amends provisions relating to local assessment of student performance to:
  - Retain the requirement that measurement of student performance on state standards is the responsibility of school districts, except in those subjects and grade levels measured under the statewide, standardized assessment program;
  - Delete reference to local assessment of "all subjects and grade levels" not measured by statewide, standardized assessments;
  - Delete the specific list and related requirements of the assessments that could be used as local assessments; and
  - Retain the requirement that the commissioner assist districts in measuring student performance on state standards by maintaining a statewide item bank, but authorizes the commissioner to discontinue the item bank if district participation is insufficient for its sustainability.
- Requires that a statewide, standardized EOC assessment must be used as the final cumulative examination for its associated course and no additional final assessment may be administered in a course with a statewide, standardized EOC assessment. A district-required local assessment may be used as the final cumulative examination for courses that do not have a statewide, standardized EOC in accordance with the school district's policy.
- Requires a school district to provide a student's performance results on district-required local assessments to the student's teachers and parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.

- Requires the commissioner to establish schedules for administration of statewide assessments and reporting of results. The schedules must consider religious and school holidays and must provide the earliest possible reporting of assessment results and, except for the 2014-2015 school year, results for the FSA and standardized EOC assessments must be made available no later than the week of June 8. School districts must administer statewide assessments in accordance with the schedule established by the commissioner.
- Provides that, beginning in 2016, by August of each year, the commissioner must publish on the DOE website a uniform calendar that includes the assessment and reporting schedules for the next 2 school years. The uniform calendar must be provided to districts in an electronic format that allows each school district and public school to populate the calendar with the following information:
  - Whether the assessment is a district or state-required assessment.
  - Specific assessment administration dates.
  - The time allotted to administer each assessment.
  - Whether assessment is a computer-based or paper-based assessment.
  - The grade level or subject area associated with the assessment.
  - The date the assessment results expected to be available to teachers and parents.
  - The type and purpose of the assessment, and the use of assessment results.
  - A glossary of assessment terminology.
  - Estimates of average time for administering state-required and district-required assessments, by grade level.
- Requires each district to establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. The testing schedules must be published on the district website, using the uniform calendar and required information listed above. The schedule must also be submitted to DOE by October 1 of each year. The uniform calendar also must be included in the parent guide required by s. 1002.23(5), F.S.
- Prohibits a school district from scheduling more than 5% of a student's total school hours in a school year to administer statewide, standardized assessments and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized are scheduled, exceed the 5% test administration limit.
- Provides that the 5% test administration limit may be exceeded, as needed, to provide test accommodations required by an IEP or for ELL students. In addition, a student may choose to take an examination or assessment adopted by SBE rule and s. 1007.27, F.S., relating to acceleration mechanisms, s. 1008.30, F.S., relating to common placement testing, and s. 1008.44, F.S., relating to CAPE industry certification.
- Requires the SBE to adopt rules for the development of the uniform calendar that, at minimum, define terms that must be used in the calendar to describe various assessments, including the terms "summative assessment," "formative assessment," and "interim assessment."

The bill amends s. 1008.24, F.S., relating to test administration to authorize the use of paraprofessionals to administer and proctor state assessments or assessments associated with the Florida Approved Courses and Tests initiative. The SBE must adopt rules that establish training requirements that must be completed by prior to performing these duties.

The bill also amends s. 1008.30, F.S., relating to common placement testing for public postsecondary education. The bill deletes the requirement that districts administer postsecondary readiness assessments and the requirement that certain 12th graders complete postsecondary preparatory instruction before high school graduation.

#### Student Remediation & Progression

The bill amends s. 1003.4156, F.S., relating to the general requirements for middle grades promotion, by deleting the requirements for remediation of a student who scores Level 1 or Level 2 on statewide assessments. Similarly, the bill amends s. 1003.4282, F.S., relating requirements for a standard high school diploma, by deleting requirements for remediation for a student scoring Level 1 or 2 on the state ELA assessment, state mathematics assessment, and/or state Algebra I EOC assessment.

The bill amends s. 1008.25, F.S., relating to public school student progression, to revise several requirements for intervention and remediation for students. This section of the bill:

- Amends requirements for the district student progression plan (Plan) to provide that the Plan must provide for progression from one grade to another based on the mastery of state standards, specifically for ELA, math, science, and social studies.
- Deletes the requirement that the Plan include specific levels of student performance below which a student must receive remediation, be retained, or given an alternative placement.
- Requires that the Plan include criteria that emphasizes student reading proficiency in K-3 and provide targeted instructional support for students with identified deficiencies in ELA, math, science, and social studies. High schools must use all available assessment results to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The evaluation results used to monitor progress must be provided to teachers and parents in a timely manner. When available, teachers must be provided with information on student achievement of standards and benchmarks to improve instruction.
- Provides that each student that does not achieve a Level 3 or above on the ELA or math assessment or the Algebra I EOC must be evaluated to determine the areas of academic need and strategies for academic supports to improve performance. A student who is not meeting the district or state requirements for satisfactory performance in ELA or math must be covered by a federally required student plan such as an IEP, an individualized progress monitoring plan, or a school-wide system of progress monitoring for all students, except students scoring Level 4 or above on the ELA and mathematics assessment may be exempted from participation by the principal.
- Requires that any student who exhibits a substantial deficiency in reading in K-3 must be given intensive reading instruction. The student's reading proficiency must be monitored and intensive instruction must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the ELA assessment. To be promoted to grade 4, a student must score a Level 2 or higher on the grade 3 ELA assessment.
- Revises the good cause exemption from mandatory retention for limited English proficient students who have less than 2 years of instruction in an ESOL program to clarify that the 2 years of instruction is based on the initial date of entry into a school in the United States.

- Provides that students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of 4th grade. SBE rules must include standards that provide a reasonable expectation that the students' progress is sufficient to master appropriate 4th grade reading skills.

#### Verification & Transition

The bill amends s. 1008.34, F.S. relating to the transition to new state standards and statewide, standardized assessments. With regard to turnaround options, the bill adds the provision that, if a school using a turnaround option improves at least one letter grade during the 2014-2015 school year, the school is released from implementation of the turnaround option.

With regard to student progression and graduation, the bill provides that, until such time as an independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 is provided, for purposes of grade 3 ELA student performance and high school graduation requirements, student performance on the 2014-2015 statewide, standardized assessments will be linked to 2013-2014 student performance expectations. Students who score in the bottom quintile on the 2014-2015 grade 3 ELA assessment shall be identified as students at risk of retention. School districts must notify parents of such students, provide evidence as outlined in s. 1008.25(6)(b), F.S., relating to retention and good cause exemptions, and provide the appropriate intervention and support services for student success in grade 4.

The bill requires independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 must be completed before the 2014-2015 school grades results may be published and before the student performance data resulting from such assessments may be used for purposes of instructional personnel and school administrator evaluations.

The independent entity must be selected by a 3-member panel consisting of appointees by the Governor, the President of the Senate, and the Speaker of the House. The panel must select the independent entity no later than June 1, 2015. Upon selection of the independent entity, DOE must immediately contract with the independent entity to perform the independent verification, which must be completed by September 1, 2015. The provisions relating to the independent verification are repealed December 31, 2015.

#### Personnel Evaluations

The bill amends s. 1012.34, F.S., relating to personnel evaluation procedures and criteria. With regard to DOE approval and reporting on district evaluations systems, the bill requires that annually, by February 1 (rather than December 1), the commissioner must publish on the DOE website the status of each district's instructional personnel and school administrator evaluation system. The bill adds to the information that must be provided to include an analysis that compares performance evaluation results calculated by each school district to indicators of performance calculated by DOE using the standards for performance levels adopted by the SBE.

The bill amends evaluation system requirements to provide that, in addition to other requirements, evaluation systems must provide timely feedback to teachers and school administrators. The bill deletes the requirement that the commissioner consult with stakeholders in developing criteria for performance levels, deletes the requirement that the evaluation system include a process for monitoring and evaluating the effective and consistent use of the evaluation criteria by employees with evaluation responsibilities, and deletes the requirement for a process for monitoring and evaluating the effectiveness of the system itself in improving instruction and student learning.

The bill substantially revises performance evaluation criteria. As amended, the criteria must include:

- Performance of Students - At least one-third (rather than 50%) must be based on data and indicators of student performance in accordance with s. 1012.34(7), F.S. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.
- Instructional practice – For instructional personnel, at least one-third of the performance evaluation must be based on instructional practice. Evaluation criteria used when annually observing classroom teachers must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the SBE. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.
- Instructional leadership – For school administrators, at least one-third of the performance evaluation must be based on instructional leadership. Criteria must include indicators based upon each of the leadership standards adopted by the SBE. The system may include a means to give parents and instructional personnel an opportunity to provide input into the evaluation.
- Other indicators of performance – For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the SBE or identified by the school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

The bill requires that all personnel must be fully informed of the criteria, data sources, and methodologies and procedures associated with the evaluation process before the evaluation takes place.

With regard to measurement of student performance, the bill retains the current state formula (VAM) to measure individual student learning growth on the statewide, standardized ELA and mathematics assessments and the commissioner is authorized (rather than required) to select additional formulas to measure student performance on the remainder of statewide, standardized assessments.

Each district must measure student learning growth using the formulas approved by the commissioner and the standards for performance levels adopted by the SBE for courses associated with statewide, standardized assessments no later than the school year immediately following the year the formula is approved by the commissioner. For grades and subjects not assessed by statewide, standardized assessments, each district must measure student performance using a methodology determined by the district.

The bill provides that no later than August 1, 2015, the SBE must adopt rules to establish uniform procedures and format for the submission, review, and approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators. The rules also must provide specific discrete standards for each performance level

based on student learning growth models approved by the commissioner, the measurement of student learning growth and associated implementation procedures, and a process for monitoring school district implementation of evaluation systems. The bill deletes the requirement for rules establishing student performance levels that if not met will result in an unsatisfactory performance evaluation or levels that must be met to receive an effective or highly effective rating.

Finally, the bill repeals s. 1012.3401, F.S. This section addressed requirements for measuring student performance for performance evaluations and to performance evaluation of personnel for purposes of performance salary schedule. The provisions of the section are duplicative or are contradictory to the amendments made to the bill.