

February 14, 2013

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank

RE: Legislative Update – Interim Committee Meetings – Week of February 11, 2013

General Information

Mental Health - The mental health needs of public school students and how to address them is being discussed in the House Healthy Families Subcommittee. Rep. Gayle Harrell, Chair of the House Healthy Families Subcommittee, has requested information and recommendations from superintendents. At this point, the committee is focusing on training/professional development for guidance counselors and teachers. Legislation in this area is expected.

Please provide me with any information regarding this issue – best practices/programs; specific needs; etc. I know this is in large part a resource issue, but I need to have some recommendations beyond resource needs.

Instructional Materials – Many of you have responded to the survey on instructional materials. I have attached the memo that I sent out earlier to give you additional time for input. **So, if you have not responded, just provide me with any information as soon as you can. I am in the process of consolidating the responses.**

House Education Choice & Innovation Subcommittee

The committee discussed proposed legislation relating to education accountability. **This bill will be taken up next week and is now referred to as PCB CIS 13-02.** An analysis of major provisions is below.

Amends s. 1008.34, F.S., relating to school grading system; school report cards; district grades. Defines “collocated schools” as a school with its own unique master school identification number that provides for the education of each of its enrolled students, and operates at the same facility as another school that has its own unique master school identification number and that provides for the education of each of its enrolled students. If more than one school operates at the same facility and one of the schools does not earn a school grade or a school improvement rating, then the student performance data of all schools must be aggregated to develop a school grade that will be assigned to all schools at that facility.

Beginning with the 2013-2014 school year, requires each school that has students who are tested and included in the school grading system to receive a school grade if the number tested meets or exceeds the minimum sample size of ten.

If a collocated school does not earn a school grade or school improvement rating for its students’ performance then the student performance data of all schools operating at the same facility must be aggregated to develop a school grade that will be assigned to all schools at that location.

Student assessment data used in determining school grades include the achievement scores and learning gains of eligible students attending alternative schools. However, “eligible students” do not include students attending an alternative school that is defined as an exceptional student education center, who were not enrolled in or in attendance the public school within the school district during the previous three years, other than an exceptional student education center.

The achievement scores and learning gains of hospital or homebound students are assigned to their home school for the purposes of school grades, if the student was enrolled in the home school during the October and February FTE count.

Amends s. 1008.341, F.S, relating to school improvement rating for alternative schools. Report cards shall include alternative schools and their school improvement ratings. If the alternative school serves at least 10 students who are tested on statewide assessments in the current year and prior year, the school must report to the parents of each student the learning gains, industry certification rate, college readiness rate, dropout rate, graduation rate, and the student’s progress toward meeting high school graduation requirements. This requirement does not abrogate the statutes relating to school records or FERPA requirements.

An alternative school shall receive a school improvement rating unless the school earns a school grade. For accountability purposes an exceptional student education center is an alternative school with its own unique master school identification number that serves students with disabilities for whom the IEP team determines that the school is the least restrictive environment based upon the student’s need for specialized instruction and related services. The department must monitor district school boards regarding placement of students with disabilities. Beginning with the 2013-14 school year, each alternative school that chooses to receive a school improvement rating shall receive such rating if the number of its students for whom student performance data on statewide assessments is available for the current year and previous year and meets or exceeds the minimum sample size of ten.

Student data used to determine an alternative school’s school improvement rating shall include achievement scores on statewide assessments, including retakes. An alternative school that tests at least 80% of its students may receive a school improvement rating. However, the alternative school may not earn a rating higher than “Maintaining” if the school tests less than 90% of its students.

Amends s. 1008.385, F.S., relating to educational planning and information systems. The commissioner must provide operational definitions for the proposed system for the management information system. The bill specifies that such definitions must include criteria for issuing and revoking master school identification numbers to support the maintenance of education records, to enforce and support education accountability, and support the distribution of funds to school districts and districts’ financial reports, and assist the commissioner in carrying out statutory duties.

Amends s. 1004.015, F.S., relating to the Higher Education Coordinating Council. Requires the council to facilitate solutions to data issues identified by the Articulation Coordination Committee to improve the K-20 education performance accountability system and to promote adoption of common set of data elements identified by the National Center for Education Statistics to support exchange of data within and across states.

Amends s. 1005.22, F.S., relating to the powers and duties of the Commission for Independent Education (independent postsecondary institutions). Requires commission to report specific data annually to the Department of Education.

Amends s. 1007.01, F.S., relating to Articulation, etc. Requires Articulation Coordinating Committee to make recommendations relating to access, quality, and reporting of data maintained by the data warehouse.

Amends s. 1008.31, F.S., relating to Florida's K-20 education performance accountability system, etc. Requires the Commissioner of Education to interpret the Family Educational Rights and Privacy Act (FERPA) in the least restrictive manner possible to allow data linkage across all educational delivery systems and to provide to organizations and authorized representatives access to data maintained by the data warehouse. Specifies reporting requirements for colleges and universities to the department.

The commissioner must collaborate with the Department of Economic Opportunity to develop procedures to tie student-level data to student and workforce outcome data. By June 30, 2014, the commissioner must improve the data warehouse and create/implement a web-based interface for parents, students, teachers, LEAs, community members, researchers, policymakers, etc. that is engaging and customer-friendly. Personally identifiable information must be redacted, aggregated or otherwise protected.

Establishes a restricted access component of the data warehouse called "Research Engine" that may be utilized by organizations and authorized representatives. The bill provides guidelines, requirements, etc. for the "Research Engine."

The proposal was discussed during committee and will be discussed in detail at the next House Education Choice & Innovation Subcommittee scheduled for Wednesday, February 20, at 9:00 a.m.

Virtual Education

Next week, the House Choice & Innovation Education Subcommittee will also take up a proposed bill relating to virtual education or digital and blended learning. The bill includes several provisions that increase access to digital and blended learning options by:

- Creating a district innovation school pilot program that encourages schools to engage in a whole school transformation using blended learning models in exchange for flexibility and exemption from certain statutes; providing a definition of district innovation school; providing guiding principles; and outlining exemptions from statute.
- Allowing districts and providers to offer part-time virtual instruction for K-12 students in all courses, rather than only those courses that are measured through statewide assessments or end-of-course-exams.
- Providing an opportunity for virtual providers without sufficient prior, successful experience in offering online courses to receive conditional approval from the Department of Education to offer only courses measured through statewide assessments or end-of-course exams. The conditional approval is for one school year only, and the achievement results from that year will be used to determine eligibility to offer a full virtual instructional program.
- Removing blended learning courses taught in a charter school or a traditional public school from the definition of core-curricula courses.

- Allowing students enrolled in one school district to enroll in an online course offered by any other district in the state, without limitations.
- Prohibiting a school district from requiring a public school student to take a virtual course outside the school day or on the school grounds.
- Clarifying, for home school students, that eligibility be verified upon enrollment, for purposes of funding through the FEFP.

The bill increases accountability for digital learning options in the following way:

- Requiring providers to maintain a minimum level of services to parents and students, instead of requiring them to locate an administrative office in the state.
- Requiring the Department of Education to develop an online catalog of available digital learning courses provided pursuant to 1002.37, 1002.45, and 1003.498, F.S., that provides specific information for each course, including completion and passage rates and a method for student and teacher users to provide evaluative feedback.
- Requiring FLVS to provide information in their required report about operations occurring outside the state as Florida Virtual School Global, as well as operations within the state.
- Requires the Department of Education to provide identifiers in the existing course codes for courses being used for blended learning to ensure efficient reporting of such courses.

The bill is attached. Please provide me with any comments no later than Monday, February 18th.

Finally, the committee will take up a proposed committee substitute related to class size – PCS 189. Basically the bill establishes the class size penalty at the school level, rather than the classroom level.

House Education PreK-12 Subcommittee

The committee took up **HB 53 by Rep. Diaz relating to Students Assessment Program for Public Schools**. The bill requires that each school district establish schedules for the administration of any district-mandated assessment and the reporting of student test results and approve the schedules as an agenda item at a district school board meeting. The school district must publish the testing and reporting schedules on its website, clearly specifying the district-mandated assessments. The bill was amended to require the schedules to be reported to the Department of Education.

The bill passed the committee favorably as amended.

Stability in Education Legislation

Senator Montford is filing a bill that addresses many of the concerns raised by superintendents in the implementation of SB 736 and recent changes in the accountability/grading system. The proposal is in Senate Bill Drafting and continues to evolve. A summary of the proposed legislation follows. If you have any questions, please give me a call.

1008.22 Student assessment program for public schools

Adds language to require that the FCAT shall not be replaced by the Partnership for Assessment for Readiness for College and Careers or PARCC as a summative assessment no sooner than the 2016-2017 school year.

Notwithstanding any language to the contrary, each student's performance on an end-of-course assessment shall constitute 30 percent of the student's final course grade. Conforms existing language.

Requires development of alternative assessments of learning and achievement for special populations such as Exceptional Student Education and English Language Learners (ELL) students.

Deletes language requiring Commissioner of Education to establish additional EOCs.

Requires Commissioner of Education, in conjunction with school districts, to pilot the more frequent administration of statewide assessments for those students who do not meet passing scores on the first administration. Such pilot projects shall establish eligibility criteria for students to retake the statewide assessment, establish a reasonable schedule for assessment administration, develop a model for students to be assessed only in those areas of deficiency, and develop targeted remediation. The pilot projects shall be conducted in the 2016-2017 school or sooner. The results of the pilot projects shall be reviewed and recommendations shall be made to the Governor's Office and Legislature no later than January 1, 2018.

Requires school districts to administer local assessments or EOCs no sooner than 2016-2017 rather than beginning with the 2016-2017 school year.

Requires the Commissioner of Education, in collaboration with a consortium of school district representatives, to assist and support districts in the development of assessments. Requires DOE to fully implement state item bank and assessment platform no sooner than June 30, 2014. Each school district shall complete item and assessment development no sooner than the 2014-2015 school year; field test items and assessment for validity and reliability no sooner than the 2015-2016 school year; use to evaluate teacher performance no sooner than the 2016-2017 school year. If the state item bank and assessment platform does not support an assessment need of a school district, the Department of Education shall provide the school district such assessment. Requires the Commissioner of Education to collaborate with a consortium of school district representatives in developing the required assessments. The purpose of the consortia is to avoid unnecessary duplication of assessments, more efficiently utilize limited resources, and to ensure a continued vibrant, robust curriculum and course offerings for students.

Concordant or equivalent scores – Retains requirement but requires “equivalent” rather than concordant scores. Maintains existing equivalent scores when test content or scoring procedures change until new equivalent scores are established.

Equivalent Scores for EOCs – Maintains existing equivalent scores for EOCs when test content or scoring procedures change until new equivalent scores are determined.

1008.30 Common placement testing for public postsecondary education

Requires the Common Placement Test or P.E.R.T. to be administered no less than six times during a student’s high school career.

Focuses evaluation/remediation of students who indicate an interest in postsecondary education and score at certain levels on state assessments rather than on all students. Clarifies assessments that may be used include, but are not limited to, ACT, PSAT, SAT, PARCC and P.E.R.T. Requires SBE to establish by rule minimum test scores that must be achieved on each of the applicable assessments. Expands access to appropriate postsecondary preparatory instruction to grades other than 12th grade. Also, preparatory instruction limited to “the maximum extent possible” in recognition of the economic impact of this provision.

1008.34 School grading system; school report cards; district grade

Deletes center schools from the school grading system.

1012.22 Public school personnel; powers and duties of the district school board

Revises definition of “Grandfathered salary schedule” to mean the schedule adopted by a district school board no sooner than July 1, 2016.

Extends the deadline for adoption of performance pay salary schedule from July 1, 2014 to no sooner than July 1, 2016.

Authorizes a classroom teacher whose performance evaluation utilizes student learning growth measures established under s. 1012.34(7)(e) to transfer to the new performance pay salary schedule rather than wait and remain under the grandfathered salary schedule until his or her teaching assignment changes to a subject for which there is an assessment or the district establishes appropriate measures of student learning growth.

Revises “base salary” and requires instructional personnel or school administrators new to district or returning after a break in service to be placed on performance salary schedule no sooner than July 1, 2016.

1012.335 Contracts with instructional personnel hired on or after July 1, 2011

Authorizes suspension/dismissal hearing to be conducted by the school board, or subcommittee of school board, or DOAH. Going to DOAH was an option prior to the passage of SB 736.

1012.34 Personnel evaluation procedures and criteria.—

Evaluation Procedures and Criteria (Subsection 3) – reduces percentage of performance evaluation being based on student learning growth to 25% rather than 50%. Also, requires that DOE provide assessments, in collaboration with a consortium of school district representatives, if the state item bank and assessment platform does not support an assessment need of a school district.

For teachers and school administrators, if less than 3 years of data are available; the percentage is reduced to 20% rather than 40%.

In subsection (4) relating to notification of unsatisfactory performance, authorizes hearing to be conducted by subcommittee of school board in addition to being conducted by school board or going to DOAH.

Measurement of student learning growth (subsection 7) is amended to provide that no later than 2013-2014, instead of 2011-2012, school year school districts must measure student learning growth using the formula (VAM) formula approved by the Commissioner for courses associated with the FCAT. Also extends the implementation date by two years to the 2016-1017 school year for school districts to measure student growth on grades and subjects not assessed by statewide assessments. Removes the "sunset" provision in paragraph (e) so that districts may continue to implement measureable learning targets in those courses for which appropriate assessments have not been adopted.

I hope this information is helpful. If you have any questions, please give me a call at 850.577.5784.