

Education Assessment and Accountability CS/HB 7069 Enrolled

Section 1. Amends s. 1001.42 re to Powers and duties of district school board.
School start date – No earlier than August 10.

Section 2. Amends s. 1002.20 re to K-12 student and parent rights.
Removes language relating to assessment of reading ability for each K-3 student; removes reference to progress monitoring (see later sections)

Section 3. Amends s. 1003.4156 re to General requirements for middle grades promotion.
Removes language requiring remediation in ELA or Mathematics for Level 1 and 2 students (see later sections).

Section 4. Amends s. 1003.4282 re to Requirements for a standard high school diploma.
Removes language requiring intensive remedial course for students scoring Level 1 and 2 on 9th or 10th grade ELA or Algebra I EOC (see later sections).

Section 5. Amends s. 1003.4285 re to Standard high school diploma designations.
Remove reference to 11th Grade ELA as requirement for Scholar designation.

Section 6. Amends s. 1003.621 re to Academically high-performing school districts.
Requires high performing school districts to conform to uniform opening date (now no earlier than August 10).

Section 7. Amends s. 1008.22 re to Student assessment program for public schools.
Student assessment program must provide teachers with information on student achievement of standards and benchmarks to provide instruction, when available.

Removes 11th grade ELA requirement. Identifies EOC assessment as Algebra I, Geometry, Algebra II, Biology I, US History and Civics and requires administration to student enrolled in such courses as specified in the course code directory.

Students enrolled in a course, specified in the course code directory, with an associated statewide standardized EOC must take that EOC for such course and may not take the corresponding subject or grade level FSA. The results constitute 30% of the students' final course grade.

Implementation schedule – The FSA and Algebra I and Geometry EOC assessment must be computer-based assessments. Codifies the current schedule for these computer-based assessments – 3rd grade ELA in 2017-2018, 3rd grade math in 2016-2017, 4th grade ELA in 2015-2016, and 4th grade math in 2016-2017.

Reiterates that all statewide, standardized EOC assessments and ELA, Math, and Science assessments must use scaled scores and achievement levels. Achievement levels range from 1 through 5. Deletes Writing scale of 1 through 6 because the Writing assessment is now part of the FSA ELA.

Deletes language relating to assessment schedules and reporting of results (moved to another section).

Requires performance results on standardized assessments, EOCs and FAAs to be provided to teachers and parents by the end of the school year, unless the commissioner determines extenuating circumstances exist. However, this does not apply to existing contracts, but applies to new contracts and any renewals of existing assessments.

Requires DOE to collect liquidated damages, if applicable, due in response to spring 2015 administration of the FSA. Funds are to be reimbursed to damaged parties.

Requirements of local assessments substantially revised. Prescriptive language replaced with general requirement that measurement of student performance is the responsibility of school districts except in those subjects and grade levels measured under the statewide, standardized assessment program. When available, teachers must be provided with information on student achievement of standards and benchmarks to improve instruction.

Language specifying the assessments that could be used as local assessments is repealed, providing districts flexibility to determine how and what instruments to use to measure the standards not measured by statewide assessments.

Commissioner required to assist districts in measuring student performance on state standards by maintaining a statewide item bank. However, the commissioner may discontinue the item bank if district participation is insufficient for its sustainability.

Assessments Scheduled and Reporting of Results – The commissioner must establish schedules for administration of statewide assessments and reporting of results. Religious and school holidays must be considered in developing the schedules. The schedules must provide the earliest possible reporting of assessment results and results for the FSA and standardize EOC assessment must be made available no later than the week of June 8, except for this school year. Districts must administer statewide assessments in accordance with the schedule established by the commissioner.

By August of each year, beginning in 2016, the commissioner must publish on DOE's website a uniform calendar that include assessment and reporting schedule for the next 2 school years. The uniform calendar must be provided to districts in an electronic format in order to populate the calendar with the following information:

- Whether the assessment is a district or state-required assessment.
- Specific administration dates.
- Whether assessment is a computer-based assessment or paper-based.
- Grade level or subject area associated with the assessment.
- Date the assessment results expected to be available to teachers and parents.
- Type, purpose and use of assessment.
- Glossary of assessment terminology.
- Estimates of average time for administering assessments, by grade level.

Each district must establish assessment schedules and approve such schedules at a school board meeting. Each district must publish the testing schedules on its website using the uniform schedule, include all of the above information, and submit the schedules to DOE by October of each year. Each school must also publish the schedules on its website. The uniform calendar must also be included in the required parent guide.

A district may not schedule more than 5 percent of a student's total school hours in a year to administer statewide and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that after statewide assessments are scheduled, exceed the 5 percent limit for that student. The 5 percent limit may be exceeded to provide test accommodations required by an IEP or for ELL students. A student may choose to take as assessments such as AP, IB, AICE, etc.

A statewide EOC must be used as the final cumulative exam for its associated course. 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 exam for its associated course in accordance with the district's policy.

A district must provide a student's performance results on local assessments to the teachers and parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and report such circumstances to the school board.

The SBE must adopt rules for the uniform calendar, including defining terms such as "summative assessment," "formative assessment," and "interim assessment."

Section 8. Amends s. 1008.24 re to Test administration and security; public records.

Authorizes the use of paraprofessionals to administer and proctor statewide assessments. The SBE must adopt rules that establish training requirements that must be completed.

Section 9. Amends s. 1008.25 re to Public school student progression; student support; reporting requirements.

Under this section, requirements for intervention and remediation for students is consolidated into one section.

(1) Intent – Specifies that student's progression from one grade to another be determined, in part, upon satisfactory performance in English Language arts, social studies, science and math.

(2) Student Progression Plan - The student progression plan must provide for progression from one grade to another based on the mastery of standards, specifically ELA, math, science, and social studies. The plan must 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 school 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. Prescriptive language that was required to be in the progression plan is removed.

(3) Allocation of Resources – No change.

(4) Assessment and Support – Reiterates that each student must participate in the statewide, standardized assessment program. 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 providing 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 one of the following plans:

- A federally required student plan such as an IEP;
- A schoolwide system of progress monitoring for all students, except students scoring Level 4 or above may be exempted from participation by the principal; or
- An individualized progress monitoring plan.

(5) Reading Deficiency and Parental Notification - A 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 ELA assessment for grade 3.

(6) Elimination of Social Promotion – A good cause exemption from mandatory retention includes ELA students who have less than 2 years of instruction in an ELL program based on the initial date of entry into a school in the United States. Other changes are conforming or technical.

(7) Successful Progression for Retained Third Grade Students – No changes except 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 that the students' progress is sufficient to master appropriate 4th grade reading skills.

(8) Annual Report – Conforming and technical changes.

(9) Rulemaking – No changes.

Section 10. Amends s. 1008.30 re to Common placement testing for public postsecondary education. Deletes requirement that districts administer postsecondary readiness assessments and requirement that certain 12th graders complete postsecondary preparatory instruction before high school graduation.

Section 11. Amends s. 1008.34 re to School grading system; school report cards; district grade. If a school using a turnaround option improves at least one letter grade in the 2014-2015 school year, implementation of a turnaround option is no longer required and only implementation strategies identified in the school improvement plan must be continued.

Language is added 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 must be linked to 2013-2014 student performance expectations.

Students who score in the bottom quintile on the 2014-2015 grade 3 ELA must be identified as students at risk of retention. Districts must notify parents of such students, provide evidence relating to mandatory retention/good cause, and provide appropriate intervention and support services for student success in 4th grade.

An 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 panel consisting of one member appointed by the Governor, one member appointed by the President of the Senate, and one member appointed by the Speaker of the House of Representatives. In selecting the independent entity, the panel must consider, at a minimum:

- The national reputation and length of establishment of the entity;
- The experience b. The experience and expertise of the independent entity in validating such data; and
- The use of professional standards, codes, and guidelines that address applicable practices in the profession, such as the Standards for Educational and Psychological Testing.

The panel must select the independent entity no later than June 1, 2015. Upon selection of the independent entity, the Department of Education shall immediately contract with the independent entity to perform the independent verification, which must be completed by September 1, 2015. This paragraph is repealed December 31, 2015.

Section 12. Amends s. 1012.34 re to Personnel evaluation procedures and criteria.

(1) Evaluation System Approval and Reporting - Annually, by February 1, the commissioner must publish on the DOE website the status of each districts teacher and school administrator evaluation system. This information must include, among what is already required, an analysis that compares performance evaluation results calculated by each district to indicators of performance calculated by DOE using the standards of performance adopted by the SBE.

(2) Evaluation System Requirements - In addition to other requirements, evaluation systems must provide timely feedback to teachers and school administrators.

Deletes language requiring the commissioner to consult with stakeholders in developing criteria for performance levels.

Deletes language requiring 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. Deletes language requiring a process for monitoring and evaluating the effectiveness of the system itself in improving instruction and student learning.

(3) Evaluation Procedures and Criteria - The performance evaluation criteria are modified and must include:

- Student performance - At least one-third must be based on data and indicators of student performance in accordance with subsection (7). 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, years for which data 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.
- Instructional leadership – For school administrators, at least one-third of the performance evaluation must be based on instructional leadership.
- 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.
- 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.

(4) Notification of Unsatisfactory Performance – No changes.

(5) Additional Notifications – No changes.

(6) Annual Review of and Revisions to the School District Evaluation systems – Technical changes.

(7) Measurement of Student Performance – Statewide formula (VAM) to measure learning growth on FSA is maintained but the commissioner is no longer required to select additional formulas to measure student performance on the remainder of statewide, standardized assessments.

Each district must measure student learning growth using formulas approved by the commissioner and for standards for performance levels adopted by the SBE under subsection (8) 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 assessments, each district must measure student performance using a methodology determined by the district. Therefore, for local assessments, each school district must measure student performance using a methodology determined by the district. Consequently, districts have the flexibility to determine how to measure student performance for local assessments.

(8) Rulemaking - No later than August 1, 2015, the SBE must adopt rules to establish uniform procedures and format for the approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators; specific discrete standards for each performance level, based on student learning growth models approved by the commissioner. The language requiring 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 is repealed.

(9) Transition to New Statewide, Standardized Assessments – No changes.

(10) District Bonus Rewards for Performance Pay Based on Evaluation Progress - Language authorizing district bonus rewards for performance pay is repealed.

Section 13. Repeals s. 1012.3401 re to Requirements for measuring student performance, etc.

Some of the requirements of this subsection were incorporated into 1012.34. It should be noted that subsection (3) which required that the student assessment data in the performance evaluation must be from statewide assessments or district-determined assessments as required in s. 1008.22(6) in the subject areas taught is repealed. In fact, the list of assessment that could be used in repealed earlier in the bill. Basically, districts now have the flexibility to measure student performance in those subjects and grade levels not assessed by a statewide assessment.

Section 14. Amends s. 1012.98 re to School Community Professional Development Act.
Technical/conforming language.

Section 15. Upon becoming law except as otherwise provided.