

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 926

INTRODUCER: Senators Flores and others

SUBJECT: K-12 Student Assessments

DATE: March 24, 2017

REVISED: 3/31/17

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	<u></u>	<u></u>	<u>RC</u>	<u></u>

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**I. Summary:**

SB 926 establishes and revises certain provisions relating to student assessments. Specifically, the bill:

- Requires the Commissioner of Education to review the SAT and ACT to determine if such assessments are aligned with Florida’s academic standards for English Language Arts (ELA) and mathematics.
- Shortens and moves the state testing window to the last 3 weeks of the school year.
- Requires results on district-required local assessments be returned to a student’s teacher within 1 week after administering such assessments.
- Revises achievement level 3 to mean proficient for any new contract for the ELA and mathematics assessments.
- Requires results of statewide standardized assessments to be reported in an understandable format to each student’s current teacher of record and the teacher of record for the subsequent school year before the start of the school year.
  - Specifies information that must be included in the student assessment results report.

The bill takes effect July 1, 2017.

**II. Present Situation:**

Florida’s assessment program consists primarily of statewide, standardized assessments that are selected and administered by the state, and local assessments that are selected and administered by the school districts to measure students’ attainment of education expectations.<sup>1</sup>

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<sup>1</sup> Section 1008.22, F.S.

## Statewide, Standardized Assessment Program

### *Purpose*

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.<sup>2</sup>

The Commissioner of Education (Commissioner) is required to design and implement a statewide, standardized assessment program that is aligned to the curricular content established in the Next Generation Sunshine State Standards and the Florida Standards.<sup>3</sup>

### *Statewide, Standardized Assessment Requirements*

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:<sup>4</sup>
  - English Language Arts (ELA) (grades 3 through 10);
  - Mathematics (grades 3 through 8); and
  - Science (once at the elementary grade level and once at the middle grade level).<sup>5</sup>
- End-of-Course (EOC) assessments:<sup>6</sup>
  - Civics (at the middle grade level);
  - U.S. History EOC;
  - Algebra I EOC;
  - Algebra II EOC;<sup>7</sup>
  - Geometry EOC; and
  - Biology I EOC.

Additionally, the statewide, standardized assessment program also includes the Florida Alternate Assessment (FAA) to assess students with disabilities in the content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.<sup>8</sup>

All statewide, standardized assessments and EOC assessments must use scaled scores and achievement levels.<sup>9</sup> Achievement levels must range from 1 through 5, with level 1 being the

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<sup>2</sup> Section 1008.22(1), F.S.

<sup>3</sup> *Id.* at (3).

<sup>4</sup> *Id.* at (3)(a). Federal law requires students to be tested in reading or language arts and mathematics in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, students must be tested once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. 20 U.S.C. s. 6311(b)(3). The Florida Department of Education posts the Statewide Assessment Schedule on its website. Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

<sup>5</sup> Rule 6A-1.09422(3)(b), F.A.C., requires all eligible students in grades 5 and 8 to take the FCAT 2.0 Science.

<sup>6</sup> Section 1008.22(3)(b), F.S.

<sup>7</sup> Students are not required to take the Algebra II EOC assessment. However, a student who selects Algebra II must take the Algebra II EOC assessment. Section 1003.4282(3)(b), F.S.

<sup>8</sup> Section 1008.22(3)(c)1, F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. *Id.* at (10).

<sup>9</sup> *Id.* at (3)(e) and Rule 6A-1.09422, F.A.C.

lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.<sup>10</sup>

### ***Use of Assessments***

The Florida Legislature has established accountability mechanisms to assess the effectiveness of the state's K-20 education delivery system.<sup>11</sup> The law specifies annual educator performance evaluations<sup>12</sup> and the evaluation criteria for instructional personnel, which must include student performance, instructional practice, and professional and job responsibilities.<sup>13</sup> In addition, the Legislature has also established mechanisms to measure school performance by assigning school grades,<sup>14</sup> school improvement ratings,<sup>15</sup> and district grades<sup>16</sup> based on student performance on statewide, standardized assessments. Student performance data are analyzed and reported to parents, the community, and the state.<sup>17</sup>

### ***Contracts for Assessments***

The Commissioner must provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.<sup>18</sup> The Commissioner may enter into contracts for the continued administration of assessments that are authorized and funded by the Legislature.<sup>19</sup> Contracts may be initiated in one fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years.<sup>20</sup> The law authorizes the Commissioner to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed in accordance with law.<sup>21</sup>

### ***Administration and Reporting of Statewide Standardized Assessments***

The Commissioner must establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.<sup>22</sup> The Commissioner must publish on the DOE's website a uniform calendar that includes the assessment and reporting schedule for a minimum of the next school years and be provided to the school districts in an electronic format that allows each school district and public school to populate the calendar with information as specified in law.

For new contracts and renewal of existing contracts for statewide, standardized assessments, a student's performance on such assessments must be provided to the student's teachers and

<sup>10</sup> Section 1008.22(3)(e), F.S. and Rule 6A-1.09422, F.A.C.

<sup>11</sup> Section 1008.31, F.S.

<sup>12</sup> Section 1012.34, F.S.

<sup>13</sup> *Id.* at (3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section *Id.* at (3)(a)3., F.S.

<sup>14</sup> Section 1008.34, F.S.

<sup>15</sup> Section 1008.341, F.S.

<sup>16</sup> Section 1008.34(5), F.S.

<sup>17</sup> Section 1008.22(4), F.S.

<sup>18</sup> *Id.* at (3)(g)1.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at (7)(a).

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 or state board).<sup>23</sup>

### ***Local Assessment of Student Performance***

Measurement of student performance is the responsibility of the school districts except in those subjects and grade levels measured under the statewide standardized assessment program.<sup>24</sup> A school district must 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.<sup>25</sup>

### **Authorized Alternatives to Statewide, Standardized Assessments**

The Legislature has also authorized several alternative means for students to demonstrate competency and satisfy statewide, standardized assessment and credit requirements.

### ***Concordant and Comparative Scores***

To fulfill statewide, standardized assessment requirements, the state board has adopted:<sup>26</sup>

- Concordant scores on SAT<sup>27</sup> and ACT,<sup>28</sup> which if attained by a student satisfies the grade 10 statewide, standardized Reading<sup>29</sup> assessment, and
- Comparative scores on the Postsecondary Education Readiness Test (PERT), which if attained by a student satisfies the Algebra I EOC assessment requirement.

The SAT and ACT, and PERT substitutions are authorized for the two assessments in high school<sup>30</sup> that students must pass to graduate with a standard high school diploma.<sup>31</sup> The law also authorizes the Commissioner to identify concordant scores on assessments other than the SAT and ACT, and one or more comparative scores for the Algebra I EOC assessment.<sup>32</sup>

<sup>23</sup> Section 1008.22(3)(g)2, F.S. .

<sup>24</sup> *Id.* at (6).

<sup>25</sup> Section 1008.22(7)(f), F.S.

<sup>26</sup> *Id.* at (9)-(10), F.S.; *see also* Rule 6A-1.094223, F.A.C.

<sup>27</sup> The concordant passing scale score for the SAT must be equal to or greater than 430 on the 200 to 800 scale. Rule 6A-1.094223(1), F.A.C.

<sup>28</sup> The concordant passing scale score for the ACT must be equal to or greater than 19 on the 1 to 36 scale. Rule 6A-1.094223(1), F.A.C.

<sup>29</sup> The English Language Arts (ELA) Florida Standards assessment, which replaced the FCAT Reading assessment, was administered for the first time during the 2014-2015 school year. Florida Department of Education, *Florida Statewide Assessment Program 2014-2015 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7047/dps-2014-81a.pdf>. Pursuant to law, the concordant scores on SAT and ACT will need to be adjusted to correspond to ELA assessment. Section 1008.22(8), F.S. Until such time that the new concordant scores on SAT and ACT are adopted in rule by the state board, students are allowed to use the existing concordant scores to satisfy the requirements for a standard high school diploma. Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 1.

<sup>30</sup> To fulfill the requirements for a standard high school diploma, students must pass the grade 10 ELA and Algebra I EOC assessments. Section 1003.4282(3)(a)-(b), F.S.

<sup>31</sup> Section 1003.4282(3), F.S.

<sup>32</sup> Section 1008.22(9)-(10), F.S.

### *Nationally Developed Comprehensive Assessments for Use as EOC Assessments*

The Commissioner has the authority to select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement (AP) course, International Baccalaureate (IB) course, or Advanced International Certificate of Education (AICE) course, or industry-approved examinations to earn national industry certifications identified in the Career and Professional Education (CAPE) Industry Certification Funding List,<sup>33</sup> for use as EOC assessments if the Commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the curricular content established for the course in the Next Generation Sunshine State Standards.<sup>34</sup> The state board must adopt in rule the use of such examinations as EOC assessments.<sup>35</sup>

### **III. Effect of Proposed Changes:**

SB 926 establishes and revises certain provisions relating to student assessments. Specifically, the bill:

- Requires the Commissioner of Education to review the SAT and ACT to determine if such assessments are aligned with Florida’s academic standards for English Language Arts (ELA) and mathematics.
- Shortens and moves the state testing window to the last 3 weeks of the school year.
- Requires results on district-required local assessments be returned to a student’s teacher within 1 week after administering such assessments.
- Revises achievement level 3 to mean proficient for any new contract for the ELA and mathematics assessments.
- Requires results of statewide standardized assessments to be reported in an understandable format to each student’s current teacher of record and the teacher of record for the subsequent school year before the start of the school year.
  - Specifies information that must be included in the student assessment results report.

### **Test Alignment**

The bill requires the commissioner to review the SAT and ACT to determine their alignment with the core curricular content for high school-level ELA and mathematics established in the Next Generation Sunshine State Standards. The Commissioner must submit a report with the results of the review to the Governor, the Legislature and the State Board of Education by December 1, 2017.

The bill requires any new contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, to administer the assessments quarterly for students

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<sup>33</sup> The State Board of Education (SBE or state board) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP). The list is updated annually. Sections 1008.44, F.S. Industry certifications on the “Gold Standard Career Pathways” list are incorporated by reference in the SBE rule, and articulated to Associate in Applied Science and Associate in Science degree programs. Rule 6A-10.0401, F.A.C.; *see also* Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

<sup>34</sup> Section 1008.22(3)(b)3., F.S.

<sup>35</sup> *Id.*

who have been identified through competency-based education as having mastered the content and who are prepared to take the applicable assessment.

### **Test Administration and Report**

The bill requires the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8 to be administered no earlier than the last 3 weeks of the school year. The bill specifies that the testing window for these assessments may be no longer than 3 weeks and exempts the grade three “Reading” assessment from the requirements of the bill. The bill does not expressly include state end-of-course (EOC) assessments under these requirements. Compressing the testing window may result in freeing-up more time for instruction, which may facilitate student success.

Additionally, the bill requires that the results of the statewide, standardized ELA and mathematics assessments be reported in an “easy-to read and understandable” format to each student’s current teacher of record and to each student’s teacher of record for the subsequent school year before the start of the school year. The report must include, at a minimum:

- A clear explanation of the student’s performance on the applicable assessments;
- Information identifying the student’s areas of strength and areas in need of improvement;
- Specific actions that may be taken, and the available resources that may be used, by the student’s parent to assist the student based on his or her areas of strength and areas in need of improvement;
- Longitudinal information, if available, on the student’s progress in each subject area based on previous statewide, standardized assessment data;
- Comparative information showing the student’s score compared to other students in the school district, in the state or, if available, in other states; and
- Predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

Accordingly, teachers may be able to adjust instructional strategies to improve student performance outcomes.

The bill also requires that a student’s performance on a district-required local assessment be provided to the student’s teacher within 1 week after such assessments are administered. This may provide teachers will the opportunity to use assessment results to inform instructional strategies including, but not limited to, targeted individualized instructional strategies to address the specific academic needs of students.

### **Test Impact**

The bill requires that, beginning with any contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, achievement level 3 must be defined as proficient. “Proficient” means “demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real-world situations, and

analytical skills appropriate to the subject matter.”<sup>36</sup> The bill does not address achievement level for the EOC assessments.

The bill takes effect July 1, 2017.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Education (DOE), school districts, under SB 926, may be required to increase their computer-based testing capacity through hardware updates in order to test all students within the last 3 weeks of the school year.<sup>37</sup> This cost is indeterminate.<sup>38</sup>

Additionally, the DOE estimates the bill will have a fiscal impact of \$339,611 to conduct the alignment study required in the bill and \$2,193,000 to implement the revised score report as specified in the bill.<sup>39</sup>

#### **VI. Technical Deficiencies:**

None.

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<sup>36</sup> The National Center for Education Statistics, *NAEP Achievement Levels*, <https://nces.ed.gov/nationsreportcard/achievement.aspx> (last visited Mar. 12, 2017).

<sup>37</sup> Florida Department of Education, *2017 Agency Legislative Bill Analysis for HB 773* (March 22, 2017), at 6. SB 926 is similar to HB 773.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 8.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends section 1008.22 of the Florida Statutes.

The bill creates an unnumbered section of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.