

By the Committee on Education Innovation and
Representative Attkisson

1 A bill to be entitled
2 An act relating to student assessment; amending
3 s. 229.57, F.S.; revising provisions relating
4 to the designation of school performance grade
5 categories; revising the basis for such
6 designations; revising provisions relating to
7 statewide annual assessments; revising
8 provisions relating to the use of a statistical
9 system for assessment; requiring the
10 Commissioner of Education to establish a
11 schedule for administration of assessments;
12 reenacting ss. 230.23(16)(c), 231.085(4),
13 231.17(15), 231.29(3)(a), and 231.2905(4),
14 F.S., relating to supplements for teachers
15 based on assessment of student learning gains,
16 use of student assessment data, comparison of
17 routes to a professional certificate,
18 assessment procedures for school personnel, and
19 the School Recognition Program, to incorporate
20 the amendment to s. 229.57, F.S., in references
21 thereto; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (8) and (11) of section 229.57,
26 Florida Statutes, are amended to read:

27 229.57 Student assessment program.--

28 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE
29 CATEGORIES.--School performance grade category designations
30 itemized in subsection (7) shall be based on the following:

31 (a) Timeframes.--

1 1. School performance grade category designations
2 shall be based on the school's current ~~one school~~ year of
3 performance and the school's annual learning gains.

4 ~~2. In school years 1998-1999 and 1999-2000, a school's~~
5 ~~performance grade category designation shall be determined by~~
6 ~~the student achievement levels on the FCAT, and on other~~
7 ~~appropriate performance data, including, but not limited to,~~
8 ~~attendance, dropout rate, school discipline data, and student~~
9 ~~readiness for college, in accordance with state board rule.~~

10 2.3. In the 2000-2001 school year, a school's
11 performance grade category designation shall be based on a
12 combination of student achievement scores as measured by the
13 FCAT, on the degree of measured learning gains of the
14 students, and on other appropriate performance data,
15 including, but not limited to, dropout rate and student
16 readiness for college.

17 ~~3.4.~~ Beginning with the 2001-2002 school year and
18 thereafter, a school's performance grade category designation
19 shall be based on a combination of student achievement scores,
20 student learning gains as measured by annual FCAT assessments
21 in grades 3 through 10, and improvement of the lowest 25th
22 percentile of students in the school in reading, math, or
23 writing on the FCAT, including Florida Writes, unless these
24 students are performing above satisfactory performance ~~and on~~
25 ~~other appropriate performance data, including, but not limited~~
26 ~~to, dropout rate, cohort graduation rate, and student~~
27 ~~readiness for college.~~

28 (b) Student assessment data.--Student assessment data
29 used in determining school performance grade categories shall
30 include:

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1 1. The aggregate ~~median~~ scores of all eligible
2 students enrolled in the school who have been assessed on the
3 FCAT.

4 2. The aggregate ~~median~~ scores of all eligible
5 students enrolled in the school who have been assessed on the
6 FCAT, including Florida Writes, and who have scored at or in
7 the lowest 25th percentile of students in the school in
8 reading, math, or writing, unless these students are
9 performing above satisfactory performance ~~the state in the~~
10 ~~previous school year.~~

11
12 The Department of Education shall study the effects of
13 mobility on the performance of highly mobile students and
14 recommend programs to improve the performance of such
15 students. The state board shall adopt appropriate criteria for
16 each school performance grade category. The criteria must also
17 give added weight to student achievement in reading. Schools
18 designated as performance grade category "C," making
19 satisfactory progress, shall be required to demonstrate that
20 adequate progress has been made by students in the school who
21 are in the lowest 25th percentile in reading, math, or writing
22 on the FCAT, including Florida Writes, unless these students
23 are performing above satisfactory performance ~~have scored~~
24 ~~among the lowest 25 percent of students in the state as well~~
25 ~~as by the overall population of students in the school.~~

26 (11) STATEWIDE ASSESSMENTS.--The Department of
27 Education is authorized to implement, ~~subject to~~
28 ~~appropriation, to negotiate a multiyear contract for the~~
29 ~~development, field testing, and implementation of annual~~
30 ~~assessments of students in grades 3 through 10. Such~~
31 ~~assessments must comply with the following criteria:~~

1 ~~(a) Assessments for each grade level shall be capable~~
2 ~~of measuring each student's mastery of the Sunshine State~~
3 ~~Standards for that grade level and above.~~

4 ~~(b) Assessments shall be capable of measuring the~~
5 ~~annual progress each student makes in mastering the Sunshine~~
6 ~~State Standards.~~

7 ~~(c) Assessments shall include measures in reading and~~
8 ~~mathematics in each grade level and must include writing and~~
9 ~~science in grades 4, 8, and 10. Science assessment is to begin~~
10 ~~statewide in 2003.~~

11 ~~(d) Assessments shall be designed to protect the~~
12 ~~integrity of the data and prevent score inflation.~~

13 ~~(a)(e)~~ The statistical system for the annual
14 assessments shall use measures of student learning, such as
15 the FCAT, to determine teacher, school, and school district
16 statistical distributions, which ~~distributions:~~

17 ~~1.~~ shall be determined using available data from the
18 FCAT, and other data collection as deemed appropriate by the
19 Department of Education, to measure the differences in student
20 prior year achievement against the current year achievement ~~or~~
21 ~~lack thereof, such that the "effects" of instruction to a~~
22 ~~student by a teacher, school, and school district may be~~
23 ~~estimated on a per-student and constant basis.~~

24 ~~2. Shall, to the extent possible, be able to be~~
25 ~~expressed in linear scales such that the effects of ceiling~~
26 ~~and floor dispersions are minimized.~~

27 ~~(b)(f)~~ The statistical system shall provide for an
28 approach which provides for the best estimates of linear
29 ~~unbiased prediction for the~~ teacher, school, and school
30 district effects on pupil progress. ~~These estimates should~~
31 ~~adequately be able to determine effects of and compare~~

1 ~~teachers who teach multiple subjects to the same groups of~~
2 ~~students, and team teaching situations where teachers teach a~~
3 ~~single subject to multiple groups of students, or other~~
4 ~~teaching situations as appropriate.~~

5 ~~1. The department, in consultation with the Office of~~
6 ~~Program Policy Analysis and Government Accountability, and~~
7 ~~other sources as appropriate, shall use recognized approaches~~
8 ~~to statistical variance and estimating random effects.~~

9 ~~2. The approach used by the department shall be~~
10 ~~approved by the commissioner State Board of Education before~~
11 ~~implementation for pupil progression assessment.~~

12 ~~(g) Assessments shall include a norm-referenced~~
13 ~~subtest that allows for comparisons of Florida students with~~
14 ~~the performance of students nationally.~~

15 ~~(c)(h)~~ The annual testing program shall be
16 administered to provide for valid statewide comparisons of
17 learning gains to be made for purposes of accountability and
18 recognition. The commissioner shall establish a schedule for
19 the administration of the statewide assessments. In
20 establishing such schedule, the commissioner is charged with
21 the duty to accomplish the latest possible administration of
22 the statewide assessments and the earliest possible provision
23 of the results to the school districts feasible within
24 available technology and specific appropriation. ~~Annual~~
25 ~~assessments that do not contain performance items shall be~~
26 ~~administered no earlier than March of each school year, with~~
27 ~~results being returned to schools prior to the end of the~~
28 ~~academic year. Subtests that contain performance items may be~~
29 ~~given earlier than March, provided that the remaining subtests~~
30 ~~are sufficient to provide valid data on comparisons of student~~
31 ~~learning from year to year. The time of administration shall~~

1 ~~be aligned such that a comparable amount of instructional time~~
2 ~~is measured in all school districts.~~ District school boards
3 shall not establish school calendars that jeopardize or limit
4 the valid testing and comparison of student learning gains.

5 ~~(i) Assessments shall be implemented statewide no~~
6 ~~later than the spring of the 2000-2001 school year.~~

7 Section 2. For the purpose of incorporating the
8 amendment to section 229.57, Florida Statutes, in references
9 thereto, the sections or subdivisions of Florida Statutes set
10 forth below are reenacted to read:

11 230.23 Powers and duties of school board.--The school
12 board, acting as a board, shall exercise all powers and
13 perform all duties listed below:

14 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
15 ACCOUNTABILITY.--Maintain a system of school improvement and
16 education accountability as provided by statute and State
17 Board of Education rule. This system of school improvement and
18 education accountability shall be consistent with, and
19 implemented through, the district's continuing system of
20 planning and budgeting required by this section and ss.
21 229.555 and 237.041. This system of school improvement and
22 education accountability shall include, but is not limited to,
23 the following:

24 (c) Assistance and intervention.--

25 1. Develop a 2-year plan of increasing individualized
26 assistance and intervention for each school in danger of not
27 meeting state standards or making adequate progress, as
28 defined pursuant to statute and State Board of Education rule,
29 toward meeting the goals and standards of its approved school
30 improvement plan.

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1 2. A school that is identified as being in performance
2 grade category "D" pursuant to s. 229.57 is in danger of
3 failing and must be provided assistance and intervention.

4 3.a. Each district school board shall develop a plan
5 to encourage teachers with demonstrated mastery in improving
6 student performance to remain at or transfer to a school
7 designated as performance grade category "D" or "F" or to an
8 alternative school that serves disruptive or violent youths.
9 If a classroom teacher, as defined by s. 228.041(9)(a), who
10 meets the definition of teaching mastery developed according
11 to the provisions of this paragraph, requests assignment to a
12 school designated as performance grade category "D" or "F" or
13 to an alternative school that serves disruptive or violent
14 youths, the district school board shall make every practical
15 effort to grant the request.

16 b. For initial implementation in 2000-2001 and until
17 full implementation of an annual assessment of learning gains,
18 a classroom teacher who is selected by the school principal
19 based on his or her performance appraisal and student
20 achievement data to teach at a school designated as
21 performance grade category "D" or "F" or at an alternative
22 that serves disruptive or violent youths shall receive a
23 supplement of at least \$1,000, not to exceed \$3,500, as
24 provided for annually in the General Appropriations Act, each
25 year he or she teaches at a school designated as performance
26 grade category "D" or "F" or at an alternative school that
27 serves disruptive or violent youths.

28 c. Beginning with the full implementation of an annual
29 assessment of learning gains, a classroom teacher whose
30 effectiveness has been proven based upon positive learning
31 gains of his or her students as measured by annual FCAT

1 assessments pursuant to s. 229.57, is eligible for an annual
2 supplement of at least \$1,000, not to exceed \$3,500, as
3 provided for annually in the General Appropriations Act, each
4 year he or she teaches at a school designated as performance
5 grade category "D" or "F" or at an alternative school that
6 serves disruptive or violent youths.

7 d. In the absence of an FCAT assessment, measurement
8 of learning gains of students shall be as provided in s.
9 229.57(12). The supplement received under this paragraph shall
10 be in addition to any supplement or bonus received as a result
11 of other local or state pay incentives based on performance.

12 e. The Commissioner of Education shall adopt rules to
13 determine the measures that define "teaching mastery" for
14 purposes of this subparagraph.

15 4. District school boards are encouraged to prioritize
16 the expenditures of funds received from the supplemental
17 academic instruction categorical fund under s. 236.08104 to
18 improve student performance in schools that receive a
19 performance grade category designation of "D" or "F."

20 231.085 Duties of principals.--

21 (4) Each principal shall assist the teachers within
22 the school to use student assessment data, as measured by
23 student learning gains pursuant to s. 229.57, for
24 self-evaluation.

25 231.17 Teacher certification requirements.--

26 (15) COMPARISON OF ROUTES TO A PROFESSIONAL
27 CERTIFICATE.--Beginning with the 2003-2004 school year, the
28 Department of Education shall conduct a longitudinal study to
29 compare performance of certificateholders who are employed in
30 Florida school districts. The study shall compare a sampling
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1 of educators who have qualified for a professional certificate
2 since July 1, 2002, based on the following:

3 (a) Graduation from a state-approved teacher
4 preparation program.

5 (b) Completion of a state-approved professional
6 preparation and education competency program.

7 (c) A valid standard teaching certificate issued by a
8 state other than Florida.

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10 The department comparisons shall be made to determine if there
11 is any significant difference in the performance of these
12 groups of teachers, as measured by their students' achievement
13 levels and learning gains as measured by s. 229.57.

14 231.29 Assessment procedures and criteria.--

15 (3) The assessment procedure for instructional
16 personnel and school administrators must be primarily based on
17 the performance of students assigned to their classrooms or
18 schools, as appropriate. The procedures must comply with, but
19 are not limited to, the following requirements:

20 (a) An assessment must be conducted for each employee
21 at least once a year. The assessment must be based upon sound
22 educational principles and contemporary research in effective
23 educational practices. Beginning with the full implementation
24 of an annual assessment of learning gains, the assessment must
25 primarily use data and indicators of improvement in student
26 performance assessed annually as specified in s. 229.57 and
27 may consider results of peer reviews in evaluating the
28 employee's performance. Student performance must be measured
29 by state assessments required under s. 229.57 and by local
30 assessments for subjects and grade levels not measured by the
31 state assessment program. The assessment criteria must

1 include, but are not limited to, indicators that relate to the
2 following:

- 3 1. Performance of students.
- 4 2. Ability to maintain appropriate discipline.
- 5 3. Knowledge of subject matter. The district school
6 board shall make special provisions for evaluating teachers
7 who are assigned to teach out-of-field.
- 8 4. Ability to plan and deliver instruction, including
9 the use of technology in the classroom.
- 10 5. Ability to evaluate instructional needs.
- 11 6. Ability to establish and maintain a positive
12 collaborative relationship with students' families to increase
13 student achievement.
- 14 7. Other professional competencies, responsibilities,
15 and requirements as established by rules of the State Board of
16 Education and policies of the district school board.

17 231.2905 Florida School Recognition Program.--

18 (4) The School Recognition Program shall utilize the
19 school performance grade category designations in s. 229.57.

20 Section 3. This act shall take effect upon becoming a
21 law.

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