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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 Department of Education  
22 duties relating to identification of student  
23 learning gains; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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

29 229.57 Student assessment program.--  
30  
31

1           (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE  
2 CATEGORIES.--School performance grade category designations  
3 itemized in subsection (7) shall be based on the following:  
4           (a) Timeframes.--  
5           1. School performance grade category designations  
6 shall be based on the school's current ~~one school~~ year of  
7 performance and the school's annual learning gains.  
8           ~~2. In school years 1998-1999 and 1999-2000, a school's~~  
9 ~~performance grade category designation shall be determined by~~  
10 ~~the student achievement levels on the FCAT, and on other~~  
11 ~~appropriate performance data, including, but not limited to,~~  
12 ~~attendance, dropout rate, school discipline data, and student~~  
13 ~~readiness for college, in accordance with state board rule.~~  
14           ~~2.3.~~ In the 2000-2001 school year, a school's  
15 performance grade category designation shall be based on a  
16 combination of student achievement scores as measured by the  
17 FCAT, on the degree of measured learning gains of the  
18 students, and on other appropriate performance data,  
19 including, but not limited to, dropout rate and student  
20 readiness for college.  
21           ~~3.4.~~ Beginning with the 2001-2002 school year and  
22 thereafter, a school's performance grade category designation  
23 shall be based on a combination of student achievement scores,  
24 student learning gains as measured by annual FCAT assessments  
25 in grades 3 through 10, and improvement of the lowest 25th  
26 percentile of students in the school in reading, math, or  
27 writing on the FCAT, including Florida Writes, unless these  
28 students are performing above satisfactory performance ~~and on~~  
29 ~~other appropriate performance data, including, but not limited~~  
30 ~~to, dropout rate, cohort graduation rate, and student~~  
31 ~~readiness for college.~~

1 (b) Student assessment data.--Student assessment data  
2 used in determining school performance grade categories shall  
3 include:

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

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

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

29 (11) STATEWIDE ASSESSMENTS.--The Department of  
30 Education is authorized to implement, ~~subject to~~  
31 ~~appropriation, to negotiate a multiyear contract for the~~

1 ~~development, field testing, and implementation of annual~~  
2 ~~assessments of students in grades 3 through 10. Such~~  
3 ~~assessments must comply with the following criteria:~~

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

7 ~~(b) Assessments shall be capable of measuring the~~  
8 ~~annual progress each student makes in mastering the Sunshine~~  
9 ~~State Standards.~~

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

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

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

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

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

30 ~~(b)(f)~~ The statistical system shall provide for an  
31 approach which provides for the best estimates of linear

1 ~~unbiased prediction for the teacher, school, and school~~  
2 ~~district effects on pupil progress. These estimates should~~  
3 ~~adequately be able to determine effects of and compare~~  
4 ~~teachers who teach multiple subjects to the same groups of~~  
5 ~~students, and team teaching situations where teachers teach a~~  
6 ~~single subject to multiple groups of students, or other~~  
7 ~~teaching situations as appropriate.~~

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

12 ~~2. The approach used by the department shall be~~  
13 ~~approved by the commissioner State Board of Education before~~  
14 ~~implementation for pupil progression assessment.~~

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

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

1 ~~given earlier than March, provided that the remaining subtests~~  
2 ~~are sufficient to provide valid data on comparisons of student~~  
3 ~~learning from year to year. The time of administration shall~~  
4 ~~be aligned such that a comparable amount of instructional time~~  
5 ~~is measured in all school districts.~~ District school boards  
6 shall not establish school calendars that jeopardize or limit  
7 the valid testing and comparison of student learning gains.

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

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

14 230.23 Powers and duties of school board.--The school  
15 board, acting as a board, shall exercise all powers and  
16 perform all duties listed below:

17 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
18 ACCOUNTABILITY.--Maintain a system of school improvement and  
19 education accountability as provided by statute and State  
20 Board of Education rule. This system of school improvement and  
21 education accountability shall be consistent with, and  
22 implemented through, the district's continuing system of  
23 planning and budgeting required by this section and ss.  
24 229.555 and 237.041. This system of school improvement and  
25 education accountability shall include, but is not limited to,  
26 the following:

27 (c) Assistance and intervention.--

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

1 toward meeting the goals and standards of its approved school  
2 improvement plan.

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

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

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

30           c. Beginning with the full implementation of an annual  
31 assessment of learning gains, a classroom teacher whose

1 effectiveness has been proven based upon positive learning  
2 gains of his or her students as measured by annual FCAT  
3 assessments pursuant to s. 229.57, is eligible for an annual  
4 supplement of at least \$1,000, not to exceed \$3,500, as  
5 provided for annually in the General Appropriations Act, each  
6 year he or she teaches at a school designated as performance  
7 grade category "D" or "F" or at an alternative school that  
8 serves disruptive or violent youths.

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

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

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

22         231.085 Duties of principals.--

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

27         231.17 Teacher certification requirements.--

28         (15) COMPARISON OF ROUTES TO A PROFESSIONAL  
29 CERTIFICATE.--Beginning with the 2003-2004 school year, the  
30 Department of Education shall conduct a longitudinal study to  
31 compare performance of certificateholders who are employed in



1 Florida school districts. The study shall compare a sampling  
2 of educators who have qualified for a professional certificate  
3 since July 1, 2002, based on the following:

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

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

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

10

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

15 231.29 Assessment procedures and criteria.--

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

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

1 state assessment program. The assessment criteria must  
2 include, but are not limited to, indicators that relate to the  
3 following:

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

18 231.2905 Florida School Recognition Program.--

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

21 Section 3. The Department of Education, in  
22 consultation with the Office of Program Policy Analysis and  
23 Government Accountability, and other sources as appropriate,  
24 shall participate in the monitoring and reporting of the  
25 implementation of the methodology that will be used to  
26 identify student learning gains.

27 Section 4. This act shall take effect upon becoming a  
28 law.

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