

By the Committee on Education and Senator Sullivan

304-1854-01

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), 231.2905(4), F.S.,
14 relating to supplements for teachers based on
15 assessment of student learning gains, use of
16 student assessment data, comparison of routes
17 to a professional certificate, assessment
18 procedures for school personnel, and the School
19 Recognition Program, to incorporate the
20 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. Subsections (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 the Florida Writes Assessment
24 Test, unless these students are performing above satisfactory
25 performance, and on other appropriate performance data,
26 ~~including, but not limited to, dropout rate, cohort graduation~~
27 ~~rate, and student readiness for college.~~

28 (b) Student assessment data.--Student assessment data
29 used in determining school performance grade categories shall
30 include:
31

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 the Florida Writes Assessment Test, and who
7 have scored at or in the lowest 25th percentile of the
8 students in the school in reading, math, or writing, unless
9 these students are performing above satisfactory performance
10 ~~state in the 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
22 writing, on the FCAT, including the Florida Writes Assessment
23 Test, unless these students are performing above satisfactory
24 performance ~~have scored among the lowest 25 percent of~~
25 ~~students in the state as well as by the overall population of~~
26 ~~students in the school.~~

27 (11) STATEWIDE ASSESSMENTS.--The Department of
28 Education is authorized to implement, ~~subject to~~
29 ~~appropriation, to negotiate a multiyear contract for the~~
30 ~~development, field testing, and implementation of annual~~

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1 assessments of students in grades 3 through 10. Such
2 ~~assessments must comply with the following criteria:~~

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

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

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

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

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

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

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

29 ~~(b)(f)~~ The statistical system shall provide for an
30 approach which provides for the best estimates of linear
31 unbiased prediction for the teacher, school, and school

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

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

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

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

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

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

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

9 Section 2. For the purpose of incorporating the
10 amendments to section 229.57, Florida Statutes, in references
11 thereto, paragraph (c) of subsection (16) of section 230.23,
12 Florida Statutes, is reenacted to read:

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

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

26 (c) Assistance and intervention.--

27 1. Develop a 2-year plan of increasing individualized
28 assistance and intervention for each school in danger of not
29 meeting state standards or making adequate progress, as
30 defined pursuant to statute and State Board of Education rule,
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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 Section 3. For the purpose of incorporating the
23 amendments to section 229.57, Florida Statutes, in references
24 thereto, subsection (4) of section 231.085, Florida Statutes,
25 is reenacted to read:

26 231.085 Duties of principals.--

27 (4) Each principal shall assist the teachers within
28 the school to use student assessment data, as measured by
29 student learning gains pursuant to s. 229.57, for
30 self-evaluation.

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1 Section 4. For the purpose of incorporating the
2 amendments to section 229.57, Florida Statutes, in references
3 thereto, subsection (15) of section 231.17, Florida Statutes,
4 is reenacted to read:

5 231.17 Teacher certification requirements.--

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

13 (a) Graduation from a state-approved teacher
14 preparation program.

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

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

19
20 The department comparisons shall be made to determine if there
21 is any significant difference in the performance of these
22 groups of teachers, as measured by their students' achievement
23 levels and learning gains as measured by s. 229.57.

24 Section 5. For the purpose of incorporating the
25 amendments to section 229.57, Florida Statutes, in references
26 thereto, paragraph (a) of subsection (3) of section 231.29,
27 Florida Statutes, is reenacted to read:

28 231.29 Assessment procedures and criteria.--

29 (3) The assessment procedure for instructional
30 personnel and school administrators must be primarily based on
31 the performance of students assigned to their classrooms or

1 schools, as appropriate. The procedures must comply with, but
2 are not limited to, the following requirements:

3 (a) An assessment must be conducted for each employee
4 at least once a year. The assessment must be based upon sound
5 educational principles and contemporary research in effective
6 educational practices. Beginning with the full implementation
7 of an annual assessment of learning gains, the assessment must
8 primarily use data and indicators of improvement in student
9 performance assessed annually as specified in s. 229.57 and
10 may consider results of peer reviews in evaluating the
11 employee's performance. Student performance must be measured
12 by state assessments required under s. 229.57 and by local
13 assessments for subjects and grade levels not measured by the
14 state assessment program. The assessment criteria must
15 include, but are not limited to, indicators that relate to the
16 following:

- 17 1. Performance of students.
- 18 2. Ability to maintain appropriate discipline.
- 19 3. Knowledge of subject matter. The district school
20 board shall make special provisions for evaluating teachers
21 who are assigned to teach out-of-field.
- 22 4. Ability to plan and deliver instruction, including
23 the use of technology in the classroom.
- 24 5. Ability to evaluate instructional needs.
- 25 6. Ability to establish and maintain a positive
26 collaborative relationship with students' families to increase
27 student achievement.
- 28 7. Other professional competencies, responsibilities,
29 and requirements as established by rules of the State Board of
30 Education and policies of the district school board.

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1 Section 6. For the purpose of incorporating the
2 amendments to section 229.57, Florida Statutes, in references
3 thereto, subsection (4) of section 231.2905, Florida Statutes,
4 is reenacted to read:

5 231.2905 Florida School Recognition Program.--

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

8 Section 7. This act shall take effect upon becoming a
9 law.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 SB 988

14 The Committee Substitute differs from SB 988 in the following
15 ways:

- 16 1. Beginning with the 2001-2002 school year, school grades
17 will be based on student learning gains as measured by FCAT
18 assessments; improvement of the lowest 25 percent of students
19 in the school in reading, writing, and math; and students
20 meeting minimum performance standards.
- 21 2. In order for a school to receive a grade of "C", the school
22 must demonstrate that adequate progress has been made by
23 students in the school who are in the lowest 25th percentile
24 in reading, math, or writing.
- 25 3. School grades will be determined using the aggregate scores
26 of all eligible students rather than the median scores.
- 27 4. The Department of Education will be able to choose among
28 several statistical models for calculating learning gains,
29 rather than being required to use a particular model.
- 30 5. The Commissioner of Education must establish a schedule for
31 administration of the statewide assessment that will provide
the latest possible administration and the earliest possible
results.