

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.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Appropriations Committee

BILL: PCS/SB 1682

INTRODUCER: Education Pre-K - 12 Appropriations Committee

SUBJECT: Governmental Operations

DATE: April 13, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Armstrong	Hamon	EA	Pre-meeting
2.			GO	
3.			WPSC	
4.			RC	
5.				
6.				

I. Summary:

The bill is a comprehensive school improvement and accountability initiative that:

- Requires the State Board of Education (SBE) and the state school system to comply with the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6301, as amended, and its implementing regulations if the SBE determines that the act and its implementing regulations meet certain specified purposes;
- Requires the SBE to categorize public schools based on the school’s grade and the level and rate of change in student performance in reading and mathematics, disaggregated into student subgroups;
- Authorizes the SBE to impose intervention strategies on the lowest performing public schools requiring action to achieve a sufficient level of school improvement;
- Defines a low performing school for purposes of a more intense intervention strategy to improved school and student performance;
- Requires school districts and schools to administer intervention and support strategies for all but the lowest performing schools and certain schools with a grade of “F”;
- Requires school districts to implement one of four options for the lowest performing schools;
- Specifying the criteria for the lowest performing schools to meet in order to make significant progress; and
- Requires the Department of Education (DOE) to implement school improvement immediately and the SBE to adopt rules to implement the law no later than July 1, 2010.

This bill substantially amends ss. 1001.42, 1008.33, 1008.345, and 1012.2315 of the Florida Statutes.

II. Present Situation:

School Improvement and Accountability

The SBE presently has the authority to intervene in the operation of a district school system when one or more schools in the school district have failed to make adequate progress for two school years in a four year period.¹ In this instance, the SBE may recommend certain options to the school district to improve the “F” school, including recommendations to:

- Provide additional resources, change certain practices, and provide additional assistance;
- Implement a plan resolving educational equity problems in the school;
- Contract for the educational services of the school, or reorganize at the end of the school year under a new principal with authorization to hire new staff and implement a plan for change;
- Allow parents of students in the school to send their children to another district school of their choice; or
- Other action appropriate to improve the school’s performance, including requiring annual publication of the school’s graduation rate calculated without GED tests for the past three years, disaggregated by student ethnicity.²

Under the current approach to school improvement, the SBE specifies the length of time available for district school boards to implement recommended actions. If the school district fails to comply with the action ordered to improve the district’s low performing schools, the SBE may require that the transfer of state funds to the school district be withheld.³

School Performance

School Grades

School grades are currently calculated based on three criteria:

- Student achievement scores, including scores for students seeking a special diploma;
- Student learning gains as measured by the FCAT and by the 2009-2010 school year, learning gains for students seeking a special diploma as measured by an alternate assessment tool; and
- Improvement of the lowest 25th percentile of students in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance.⁴

Beginning with the 2009-2010 school year, high schools will be graded on the above three criteria, representing 50 percent of their school grade, and the remaining 50 percent of the school grade would be comprised of the graduation rate, participation and performance on accelerated courses or programs, postsecondary readiness, and the performance of at-risk students.⁵

¹ s. 1008.33(1), F.S., (failing to make adequate progress for two years in a four-year period means a school grade of “F” for two years in a four-year period).

² s. 1008.33(2), F.S.

³ s. 1008.33(4), F.S.

⁴ s. 1008.34(3)(b)1., F.S.

⁵ s. 1008.34(3)(b)2., F.S.

Adequate Yearly Progress

Schools are also evaluated under the federal No Child Left Behind Act based on the performance of certain disaggregated student subgroups, adequate yearly progress (AYP). Under current law, the district must implement at least one of the following corrective actions for a school that fails to make AYP for four years:⁶

- Appoint an outside expert to advise the school;
- Institute and implement a new curriculum, including appropriate professional development;
- Extend the school year or the school day for the school;
- Restructure the school's internal organizational structure;
- Significantly decrease management authority at the school level; or
- Replace the school staff who are relevant to the failure to make AYP.

A school that fails to make AYP for five years must have an alternate governance plan, developed by the district, that includes one of the following alternative governance arrangements, consistent with state law:⁷

- Reopen the school as a public charter school;
- Replace all or most of the staff, which may include the school principal, responsible for the lack of progress;
- Enter into a contract with a private company with a demonstrated record of effectiveness to operate the school;
- Turn over operation and management of the school to the state, if allowed under state law and agreed to by the state;
- Implement other fundamental reforms approved by the state; or
- Any other major restructuring of the school's governance arrangement that makes fundamental reforms to improve student academic achievement and that has substantial promise for a school to make AYP.

If a school does not make AYP for six years, the alternative governance plan that was developed the previous year must be implemented.⁸

According to the Center on Education Policy's recent review, more schools have entered restructuring, and many remain in that status for multiple years.⁹ More than 3,500 schools, or about seven percent of all Title I schools, were in the planning or implementation phase of restructuring in school year 2007-2008.¹⁰ This represents an increase of more than 50 percent from 2006-2007, when the U.S. Department of Education reported that 2,302 schools, or about four percent of all Title I schools, were in restructuring.¹¹

⁶ 20 U.S.C. § 6316 (b)(7)

⁷ 20 U.S.C. § 6316 (b)(8)

⁸ *Id.* See also *LEA and School Improvement Non-Regulatory Guidance*, U.S. Department of Education, July 21, 2006.

⁹ *A Call to Restructure Restructuring: Lessons from the No Child Left Behind Act in Five States*, Center on Education Policy, September 23, 2008.

¹⁰ *Id.*

¹¹ *Id.*

Differentiate Accountability Pilot Program

Since the federal plan and the state grading system are not the same, there may be some confusion with respect to the performance of the state's public schools. On August 1, 2008, the U.S. Department of Education selected Florida, along with five other states, to participate in a Differentiated Accountability Pilot Program. In exchange for modifying current accountability requirements under federal law, the program requires targeted intervention in schools based on school grades and the percentage of AYP criteria met of certain student subgroups identified in federal law.¹² The modified AYP criteria include participation rates; reading, writing, and math proficiency, graduation rates, as applicable; and school grades of "A", "B", or "C".¹³ Title I schools that do not meet the AYP criteria for two or more years and non-Title I schools that are repeating "F" schools (grade "F" in current year and one additional "F" in a 4-year period), "F" schools, and "D" schools are categorized into one of the following groups:

- *Prevent I* – the school districts intervention, the district provides assistance, and the state monitors;
- *Prevent II* – the district directs intervention and provides assistance;
- *Correct I* – the district directs intervention and the state reviews progress;
- *Correct II* – the school and the district implement state-directed interventions; and
- *Intervene* – the school and the district implement state-directed interventions and face possible closure, and the state monitors.¹⁴

Schools categorized as *Intervene* schools have failed to achieve AYP for five or more years in addition to demonstrating severe, long-standing reading and mathematics-based deficiencies.¹⁵

III. Effect of Proposed Changes:

School Improvement and Accountability

Compliance with the federal Elementary and Secondary Education Act

This bill requires the State Board of Education (SBE) to comply with the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6301, et seq. (ESEA), and its implementing regulations, if the SBE determines that the act and its regulations are consistent with the purposes in the ESEA.

Differentiated Accountability Program

The bill substantially revises the SBE's authority to enforce student improvement, including an emphasis on all public schools with low performing students, as opposed to current law, which provides for this detailed assistance and intervention only for schools with a grade of "F."¹⁶

These changes would provide authority to the SBE to deploy a system of school improvement accountability to assess student performance by school, identify schools in which students are

¹² Pursuant to 20 U.S.C. § 6311 (b)(2)(C)(v)(II), the subgroups are major ethnic/racial groups, economically disadvantaged students, limited English proficient (LEP) students, and students with disabilities. *See*

<http://www.ed.gov/admins/lead/account/differentiatedaccountability/flplan.doc>

¹³ *Regional Support System Training Manual*, Florida Department of Education, Bureau of School Improvement, 2008, p. 14.

¹⁴ *Id.* p. 27.

¹⁵ *Id.* p. 28.

¹⁶ s. 1008.33, F.S.

not making adequate progress and institute appropriate measures for enforcing improvement. In addition, the bill would provide uniform accountability for all schools, greater school-wide assistance, targeted support for schools to improve and sustain performance, a focus on the performance of student subgroups, and a focus on enhanced school performance.

This bill gives the SBE the authority to exercise its responsibility to equitably enforce the accountability requirements of the state school system, allowing them to impose state requirements on districts to improve academic performance of all districts, schools, and students. The DOE, for purposes of determining whether a school is in need of action to achieve a sufficient level of school improvement, must categorize public schools annually based on the school's grade, student performance, and the rate of change in performance in the areas of reading and mathematics, disaggregated into student subgroups. Schools are subject to intervention strategies addressing student performance, including, but not limited to:

- Improvement planning;
- Leadership quality;
- Educator quality;
- Professional development;
- Curriculum alignment and pacing;
- Continuous improvement; and
- Monitoring plans and processes.

Furthermore, this bill requires the Department to provide the most intensive intervention strategies to the lowest performing schools, which are defined as schools that:

- Have received a grade of "F" in the most recent school year and in four of the last six years; or
- Are currently graded "D" or "F" and meet at least three of the following four criteria:
 - When compared to measurements taken five years previously, the percentage of students who are not proficient in reading has increased.
 - When compared to measurements taken five years previously, the percentage of students who are not proficient in mathematics has increased.
 - At least 65 percent of the school's students are not proficient in reading.
 - At least 65 percent of the school's students are not proficient in mathematics.

There are currently 12 schools in the state that meet the criteria of a lowest performing school.¹⁷ The bill provides that school districts and schools must administer intervention and support strategies for all schools except the lowest category and those designated as "F" schools in the second lowest category. For the lowest category and "F" schools, the Commissioner of Education must assign a community assessment team to each school district or governing board.

¹⁷ Belle Vue Middle School (Leon), Mollie Ray Elementary School (Orange) Franklin Middle School (Hillsborough), Middleton High School (Hillsborough), Sulphur Springs Elementary School (Hillsborough), Warrington Middle School (Escambia), Holmes Elementary School (Miami Dade), Liberty City Elementary School (Miami Dade), Miami Edison Senior High School (Miami Dade), Miami Central Senior High School (Miami Dade), John F. Kennedy Middle School (Miami Dade), and Larksdale Elementary School (Broward). DOE, March 30, 2009.

Restructuring the Lowest Performing Schools

A school district must submit a plan, subject to SBE approval, to implement one of the following options by the beginning of the next school year for the lowest performing schools:

- Convert the school to a district-managed turnaround school;
- Reassign students to another school and monitor the progress of the reassigned students;
- Close the school and reopen it as a charter school or multiple charter schools whose governing board has a demonstrated record of effectiveness; or
- Contract with an outside entity that has a demonstrated record of effectiveness to operate the school.

A school that fails to improve during the first year must implement another option based on a plan approved by the SBE. However, the SBE may permit the school to continue implementing the first option if the board determines that the school would likely improve given additional time to use the existing intervention and support strategies.

A school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading, in order to be designated as a higher performing school. Student performance must be evaluated for each subgroup. Subgroups include: economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency.

Assignment of Teachers

School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools designated as one of the lowest three performing categories under s. 1008.33(3)(b), F.S.

The bill requires the Department to implement school improvement immediately and the State Board of Education to adopt rules to implement the provisions of this bill by July 1, 2010.

Other Potential Implications:

If chronically low-performing schools are converted into good schools, students learning in those schools would be better prepared for postsecondary education and the workforce.

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, the bill can be implemented by the department within existing resources. Depending on the number of schools requiring intensive intervention strategies and the option chosen by the district to improve the lowest performing schools, there may be some indeterminate fiscal exposure at the school district level.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.