

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 Committee

BILL: CS/SB 2482

INTRODUCER: Education Pre-K - 12 Committee and Senator Wise

SUBJECT: School Improvement and Accountability

DATE: March 31, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	Matthews	ED	Fav/CS
2.			EA	
3.			WPSC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

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

Authority to Enforce School Improvement and Accountability

- 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 principles;
- 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 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 a school district to improve a lowest performing school within three years;
- Requires the SBE to withhold a school district's state funds under the FEFP for FTE generated by students in schools that fail to improve within the three-year timeframe;

- Requires the school district to levy an additional tax to generate revenue sufficient to offset funds lost for failure to improve a low performing school;
- 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;

School Grading

- Amends the guidelines for calculating school grades to include the performance of disaggregated student subgroups by the 2010-11 school year;

Secondary Schools

- Clarifies the definition of a secondary school;
- Repeals the Secondary School Improvement Award;
- Adds an additional rigorous math course requirement for students entering ninth grade in 2009-10 who choose the accelerated graduation option of a 3-year college preparatory program;
- Exempts eighth grade out-of-state and out-of country transfer students from having to spend additional time in middle school under certain circumstances;

Florida Comprehensive Assessment Test (FCAT)

- Provides exemptions to the required intensive reading course for certain middle and high school students scoring Level 1 and 2 on FCAT;
- Provides an exemption to the required reading and math remediation for high school students who pass the 10th grade FCAT Reading or Mathematics, as applicable, or attain a concordant score on an approved standardized test;
- Deletes a provision requiring students to take the grade 10 FCAT three times prior to being able to use concordant scores;

Other Provisions

- Revises the requirements relating to an academically high-performing school district to make the designation an annual award;
- Authorizes district school boards to post their annual student progression report on a district website by October 1, rather than requiring a school district to publish the report in a newspaper by September 1 and authorizes the boards to provide a corresponding link to the SBE; and
- Amends the deadline by which school staff and school advisory councils must determine distribution of Florida School Recognition Program funds.

This bill substantially amends sections 200.065, 1001.42, 1002.33, 1003.413, 1003.4156, 1003.428, 1003.429, 1003.433, 1003.621, 1008.22, 1008.25, 1008.33, 1008.34, 1008.345, 1008.36, 1012.2315, Florida Statutes. The bill also repeals section 1003.413(5), and creates section 1011.626 of the Florida Statutes.

II. Present Situation:

Secondary Schools

Currently, secondary schools are defined as those schools primarily serving students in grades 6 through 12, without clarifying that an elementary school that includes students K- 6 is not considered a secondary school.¹

The Florida Secondary School Redesign Act authorized the Commissioner of Education to create and implement the Secondary School Improvement Award Program² to reward public secondary schools that demonstrate continuous academic improvement. According to the DOE, the Secondary School Improvement Award Program has not been implemented.³

Students who entered grade nine in 2006-07, 2007-08, and 2008-09 and chose the accelerated option to complete a 3-year standard college preparatory program are required to complete three credits in mathematics at the Algebra I level or higher and three elective credits.

A student transferring into Florida in the eleventh or twelfth from out-of-state or out-of-country is not required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which they are transferring. Transfer students who are not English proficient receive immediate and intensive instruction in English language acquisition. The guidelines for accepting transfer credit for incoming high school students is detailed in SBE Rule 6A-1.09941. Similar guidelines for accepting transfer coursework for middle school students became effective in October 2008 with the adoption of SBE Rule 6A-1.09942.

FCAT

Under current law, a middle or high school student who scores a Level 1 on FCAT Reading is required to be enrolled in and complete an intensive reading course the following year and a middle or high school student who scores a Level 2 must be placed the following year in either an intensive reading course or a content course that integrates reading strategies. Section 1008.22(3), F.S., is silent on whether students can use concordant scores before taking the grade 10 FCAT and does not reference whether a student, who has not passed the FCAT, must retake each administration of the FCAT until he passes or earns a concordant score equivalent to passing the FCAT. However, a student who does not earn a passing score on the grade 10 FCAT is required to take it and fail it three times before concordant scores may be used.

High Performing School Districts

Section 1003.621, F.S., recognizes certain school districts that earn a district grade of "A" for two consecutive years, have no district-operated "F" schools, comply with all class size requirements, and have no material weaknesses or instances of material noncompliance in an annual financial audit. The reward for high-performance is an exemption from certain laws and rules as specified in s. 1003.621(2), F.S. The designation is for a 3-year period as long as the school district continues to meet certain criteria. The 3-year designation was intended to allow

¹ See s. 1003.413(1), F.S.

² s. 1003.413(5), F.S., the program has never been funded.

³ Department of Education, bill analysis, March 2, 2009

school districts to effectively plan their operations with the knowledge they would continue to be able to use the exemptions. In reality, the criteria for continuing as a high-performing district mean that districts are annually evaluating whether they continue to meet the high-performing status.

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.⁴ 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.⁵

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.⁶

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.⁷

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

⁴ 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).

⁵ s. 1008.33(2), F.S.

⁶ s. 1008.33(4), F.S.

⁷ s. 1008.34(3)(b)1., F.S.

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.⁸

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). 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.⁹ The modified AYP criteria include participation rates; reading, writing, and math proficiency, graduation rates, as applicable; and school grades of "A", "B", or "C".¹⁰ 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.¹¹

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.¹²

Other

Under the current guidelines for the Florida School Recognition Program, if school staff and the school advisory council cannot reach an agreement on the use of the school recognition funds by November 1, the awards must be equally distributed to all classroom teachers currently teaching in the school.

Currently, district school boards are required to publish their annual student progression report in their local newspaper and submit the report in writing to the SBE by September 1 of each year.

III. Effect of Proposed Changes:

Secondary Schools

The bill clarifies that a secondary school is one serving students in grades 6 through 12 and does not include an elementary school serving students only through grade 6. The change mirrors the

⁸ s. 1008.34(3)(b)2., F.S.

⁹ <http://www.ed.gov/admins/lead/account/differentiatedaccountability/flplan.doc>

¹⁰ *Regional Support System Training Manual*, Florida Department of Education, Bureau of School Improvement, 2008, p. 14.

¹¹ *Id.* p. 27.

¹² *Id.* p. 28.

intent of the Florida Secondary Redesign Act, which is to provide for secondary school redesign so that students promoted from the 8th grade have the necessary skills for success in high school and beyond.¹³ The act is directed at secondary schools, not elementary schools containing the 6th grade.

This bill repeals the Secondary School Improvement Award Program, as the program was never funded.

The bill amends the course requirements for students entering grade nine in 2009-10 who choose the 18-credit accelerated college prep graduation option. Students who select to participate in the 3-year standard college preparatory program would be required to complete four credits in mathematics at the Algebra 1 level or higher and two elective credits.¹⁴ This change more accurately reflects university expectations in the area of mathematics for the admission of college students.

Under the bill, eighth grade students who transfer to Florida from out-of-state or out-of-country would not be required to spend additional time in a Florida public school in order to meet the middle grades promotion requirements if the student has met all requirements of the school district, state, or country from which they are transferring. This provision mirrors a similar exemption provided to high school students who transfer from out-of-state or out-of-country.¹⁵ As in the high school setting, this provision would potentially prevent the delay in the promotion of a student at the potential risk of promoting a student who is not prepared. The bill also provides such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition.¹⁶ Eighth grade transfer students who are not yet English proficient may also require additional academic content support once they enter high school.

FCAT

Under this bill, students in middle and high school grades who score a Level 1 or Level 2 on FCAT Reading, but who have not scored below a Level 3 in the previous three years, would be exempt from the requirement that they be placed in an intensive reading course or a course emphasizing reading strategies. The exemption would be based on an acceptable level of performance on an alternative standardized reading assessment approved by the SBE. This provision appears to be designed to prevent a student from being assigned to an intensive remediation course based on a sick-day performance on the FCAT. This requirement would not apply to a high school student who has already earned a passing grade on the grade 10 FCAT Reading or achieved a score on a standardized test concordant with passing scores on the FCAT Reading.

¹³ See s. 1003.413(1), F.S.

¹⁴ Students graduating in 2011 and thereafter seeking a Florida Bright Futures Scholarship will be required to have 4 math credits. In addition, the State University System will require 4 math credits for admission to Florida public universities and post-secondary institutions.

¹⁵ s. 1003.433(1), F.S.

¹⁶ According to the DOE, this language would support guidance already in effect through State Board Rule 6A-1.09942, State Uniform Transfer of Students in the Middle Grades, effective October 2008.

The bill clarifies that concordant scores earned prior to taking the grade 10 FCAT are not eligible. Furthermore, the bill removes the requirement that a student take the grade 10 FCAT a total of three times without earning a passing score before concordant scores can be used. This change would expedite opportunities for students to show proficiency and may eliminate additional test administration by the local school district.

High Performing School Districts

The bill provides that the designation of an academically high-performing district is an annual event rather than for a 3-year duration. The change is made to reflect the reality that the criteria needed to meet high-performing status are annually met. The SBE would designate a qualifying district after February 1 to allow for the revised high school grades to be received. The bill also requires academically high-performing districts to include in their annual report a list of the statutes or rules from which the district would be exempt.

School Districts

District school boards would be given the option to publish their annual student progression report in their local newspaper or on the district school board website and authorizes the district to provide a corresponding link to the report in lieu of submitting additional paperwork to the SBE. The annual report must be submitted in writing to the SBE by October 1 of each year. This change was made to accommodate districts during the busy opening period of schools. These changes would simplify the publishing of information locally and eliminate duplication of reporting in writing to the SBE. It is not clear if this provision has any effect on raising parent or student awareness of the published information concerning student progression, retention, and promotion.

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., and its implementing regulations, if the SBE determines that the act and its regulations are consistent with the following principles:

- The accountability system is applied equitably to all public schools in Florida;
- Florida residents are provided clear, simple, and complementary measures gauging the performance of the state's public school system;
- The Department of Education provides assurances required by the federal Elementary and Secondary Education Act in order to maintain federal funding and achieve federal program authorization;
- Roles and responsibilities are designated for improving performance at the school, school district, and state levels;
- All children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at minimum, proficiency on challenging academic achievement standards and academic assessments;
- Schools are accountable for improving the academic performance of all students and for identifying and turning around low-performing schools;
- Resources are distributed and targeted to make a difference to school districts and schools where needs are the greatest;

- State assessments are improved and strengthened to ensure students are meeting academic achievement and content standards and increasing achievement overall; and
- Student academic achievement is increased through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools.

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".¹⁷

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 not making adequate progress, institute appropriate measures for enforcing improvement, and provide rewards and sanctions based on performance. 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 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.

¹⁷ s. 1008.33, F.S.

- 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.

For schools identified in the category of lowest performing schools, this bill would require the district to improve the school's performance sufficient enough to remove the school from the category of lowest performing within three years. The SBE would be required to withhold the school district's state funds under the FEFP for FTE generated by students at the lowest performing schools. The school district would be required to levy an additional tax in order to offset the loss in funding because of its failure to improve a lowest performing school.

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

School Grades

This bill amends the criteria on which a school's grade would be based to include the performance of disaggregated subgroups by the 2010-11 school year.

Florida School Recognition Program

This bill modifies the Florida School Recognition Program by stipulating if school staff and school advisory council cannot reach an agreement on how to distribute financial awards by February 1, the awards must be equally distributed to all classroom teachers currently teaching at the school. This provision reflects the change in the high school grading system in which school grades would not be available to much later in the year.

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.)

CS by Education Pre-K – 12 Committee on March 31, 2009:

The committee substitute:

- Requires a school district to improve the academic performance of the lowest performing schools within three years so as to move the school outside of the category of lowest-performing schools;
- If a school district does not improve the academic performance of the lowest-performing schools, the school district must levy an additional millage to generate revenue in an amount equal to the school district's state funds under the FEFP for FTE generated by students at the lowest-performing schools;
- Requires the Commissioner of Education to withhold an amount equivalent to the revenue generated by the levy of the additional millage from the school district's state funds under the FEFP;
- Requires public notice by the school district of the reason it is required to levy an additional millage; and
- Provides an exemption for middle and high school students from intensive remediation course enrollment if the student scores at Level 1 or Level 2 on FCAT Reading or Mathematics, but who did not score below Level 3 on FCAT Reading or Mathematics in the prior three school years, as applicable.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
