

**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.)

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

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BILL: SB 1522

INTRODUCER: Senator Montford

SUBJECT: Accountability in Public Schools

DATE: February 13, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	<b>Pre-meeting</b>
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

In an effort to provide more clarity while maintaining effective school accountability, the proposed changes in the bill would align Florida’s Differentiated Accountably (DA) system with the state’s school grading system. The proposed changes to the system would more strategically target struggling schools in need of additional support and increase support to school districts in closing the achievement gaps for all subgroups of students.

The bill would change the requirements for determining high-performing status for a charter school system to include consideration for charter school systems that assume operation of a school categorized as lowest performing.

In order to hold schools more accountable for the postsecondary readiness of their students, the bill would change the postsecondary readiness calculation in the high school grades model to include those students who are on-time graduates.<sup>1</sup> In order for a high school to earn a school grade of “A,” the bill would require a school to demonstrate an increase in the graduation rate of its at-risk students.

Finally, the bill would eliminate duplicative testing for middle school students who participate in high school courses that require an end-of-course (EOC) assessment, therefore limiting the amount of time a student would be tested during the school year.

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<sup>1</sup> Currently, Florida calculates high school graduation rates for schools using the National Governors Association (NGA) graduation rate, which tracks individual students in and out of the system from their entrance into ninth grade through completion four years later.

This bill substantially amends sections 1002.332, 1008.22, 1008.33, 1008.34, 1012.07, and 1012.2315 of the Florida Statutes.

## II. Present Situation:

### *Differentiated Accountability*<sup>2</sup>

Section 1008.33, F.S., provides the framework for Florida's DA system and requires the State Board of Education (SBE) to comply with the federal Elementary and Secondary Education Act (ESEA).<sup>3</sup> The ESEA establishes SBE authority to enforce a state system of school improvement and intervention and directs the Department of Education (DOE) to categorize each public school in one of six categories. The six categories are based on statewide assessment components for school grading and the level and rate of change in student performance in reading and mathematics.<sup>4</sup> The categories established in SBE rule are, from highest to lowest:

- Schools Not Required to Participate in Differentiated Accountability Strategies;
- Prevent I;
- Correct I;
- Prevent II;
- Correct II; and
- Intervene.

Under current law, placement in all but the highest category identifies a school for interventions.<sup>5</sup> The lowest category, Intervene, includes schools that have received:

- A grade of "F" in the most recent school year and in four of the last six years; or
- A grade of "D" or "F" in the most recent school year and meet at least three of the following criteria:
  - 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 when compared to measurements taken five years previously;
  - At least 65 percent of the school's students are not proficient in reading; or
  - At least 65 percent of the school's students are not proficient in mathematics.<sup>6</sup>

<sup>2</sup> The U.S. Department of Education selected Florida to participate in the "Differentiated Accountability Pilot" initiative in 2008. Through Differentiated Accountability, the state is allowed greater flexibility in providing the needed technical assistance and interventions to the schools with greatest need. Florida's DA plan streamlines the federal and state accountability systems and directs increasing schoolwide interventions and school and district accountability based on Adequate Yearly Progress (AYP) and school grades. This program allows the DOE to operate a new tiered approach to working directly with schools to increase student achievement. The support and assistance provided to each school is individualized, depending on the needs of that school. Through DA, schools fall into a matrix of categories based on the level of the school's achievement. The lowest performing schools receive the most support, and under DA, these schools are required to implement the most robust interventions that will help lead to successful school improvement. In order to provide direct support to schools, Florida has created a regional system of support. See: <http://flbsi.org/DA/>.

<sup>3</sup> 20 U.S.C. s. 6311 et seq.

<sup>4</sup> s. 1008.33(3)(b), F.S.

<sup>5</sup> Rule 6A-1.099811(3)(f), F.A.C.

<sup>6</sup> s. 1008.33(4)(b), F.S.

The DOE administers interventions for schools in the lowest category (Intervene) and “F” schools in the second lowest category (Correct II). Interventions for all other schools are administered by the school or school district.<sup>7</sup>

For a school identified in the lowest category, the school district must select one of the following school turnaround options:

- Convert the school to a district-managed turnaround school by means that include implementation of a turnaround plan approved by the Commissioner of Education that becomes the school’s improvement plan;
- Reassign students to another school and monitor the progress of the reassigned students;
- Close the school and authorize a sponsor to reopen the school as a charter school or multiple charter schools; or
- Contract with an outside entity to operate the school.

The district must submit a plan to the SBE for implementing the option by the beginning of the second year after such identification, unless the school advances to a higher category or exits the category before such time. Implementation of the selected option requires SBE approval. If a school does not move from the lowest category during the initial year of implementing an option, the school district must submit a plan to the SBE to implement an alternate option. The school district must then implement the option at the beginning of the next school year, unless the SBE determines that the school is likely to move from the lowest category if additional time is provided to implement intervention and support strategies under the previous option.<sup>8</sup>

In order to advance to a higher category, a school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading. Student performance is evaluated and reported for each subgroup.<sup>9</sup>

#### *High Performing Charter School Systems*

A high-performing charter school system is currently defined as a charter school system that:

- Operates at least three high-performing charter schools;
- At least fifty percent of the schools within the charter school system have received at least two school grades of “A” and no school grade below “B” during the previous three school years; and
- None of the charter schools has received a grade of “D” or “F.”<sup>10</sup>

When a charter-school system that assumes operation of a low performing public school that has received a “D” or “F,” the school’s grade is not considered in determining high-performing

<sup>7</sup> s. 1008.33(2)(b) and (4), F.S.

<sup>8</sup> s. 1008.33(5)(b), F.S.

<sup>9</sup> Subgroups include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. See the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

<sup>10</sup> s. 1002.332, F.S.

charter school system status for a period of three-years. Additionally, when a charter school established by a high-performing charter school system that serves a student population, the majority of which resides in a school zone served by a public school that is identified as lowest performing, the school grade will not be considered in determining high-performing charter school system status. However, this is contingent upon the school attaining and maintaining a school grade that is higher than that of the public school serving that school zone. This provision must be met within three years after establishment of the charter school.<sup>11</sup>

#### *Student Assessment*

Students enrolled in a high school course that requires an EOC assessment must take all the statewide comprehensive assessments required for that grade level. Middle school students who participate in a high school mathematics course with an associated EOC are required to take both the required EOC assessment and the corresponding comprehensive statewide assessment.

### **III. Effect of Proposed Changes:**

The proposed changes in the bill would align Florida's differentiated accountability system with the state's school grading system. According to the DOE, these changes would eliminate the duplication and confusion caused by having two separate accountability systems, one federal and one state. The changes would more strategically target struggling schools in need of additional support and increase support to school districts in closing the achievement gaps for all subgroups of students. Additionally, a uniform system of accountability could provide more clarity on the options available to the parents of students who attend schools designated as having a school grade of "F."<sup>12</sup>

The bill requires the SBE to adopt reading and mathematics performance targets for each school identified as having a grade of "F." A school that meets at least one of the exit criteria<sup>13</sup> while the school district is implementing the turnaround option will be placed in a hold status for up to two years to continue implementation.

Under the bill, the exit criteria would also change for schools designated as having a school grade of "F" and schools that have received a school grade of "D" for three consecutive years. School districts would be required to implement an approved turnaround plan in the school within two years after being identified as an "F" school. Furthermore, if a school does not earn a school grade of "C" and does not meet the performance targets in reading and mathematics during the implementation of the turnaround plan, the school district must submit another plan.<sup>14</sup> The SBE will adopt the performance targets in reading and mathematics.<sup>15</sup>

The bill would increase the school turnaround options available to schools initially identified as having a grade of "F," to include an option of a hybrid model of the four options currently listed

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<sup>11</sup> *Id.*

<sup>12</sup> s. 1002.38(3)(a)2., F.S.

<sup>13</sup> In order for a school to exit the lowest performing category, certain benchmarks established in SBE rule must be met.

<sup>14</sup> DOE Bill Analysis, January 26, 2012. On file with the Senate Committee on Education Pre-K – 12. See Rule 6A-1.099811, F.A.C.

<sup>15</sup> The bill establishes these same provisions for schools graded "F" prior to July 1, 2012 that are currently implementing a turnaround option.

in SBE rule.<sup>16</sup> The DOE estimates that the priority/intervene schools category would include 112 schools, reflecting six percent of all Title I schools in the state's current accountability system.<sup>17</sup>

Last fall, the U.S. Department of Education offered states the opportunity to request flexibility from certain requirements of the 1965 ESEA, as amended by the No Child Left Behind Act of 2001, and the associated regulatory, administrative, and reporting requirements in exchange for rigorous and comprehensive state-developed plans. The stated purpose of the waiver is to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.<sup>18</sup> In response to this initiative, Florida requested a waiver of 11 specific federal school accountability provisions.<sup>19</sup> The waiver request proposed an enhanced school grades accountability system to focus all accountability resources and attention on one system and attain college- and career-ready standards for all students.<sup>20</sup> Florida was granted a waiver on February 9, 2012.<sup>21</sup> The DOE notes that additional changes to the bill are needed to make it more consistent with the waiver's differentiated accountability provisions.<sup>22</sup>

#### *High Performing Charter School Systems*

The bill would change the requirements for determining high-performing status for a charter school system. Under the bill, a charter school system would not be considered high performing if one of the schools has a school grade of "D" or "F," unless:

- A high-performing charter school system, as a result of an implemented turnaround model, has assumed operation of a public school, which has been identified as having a school grade of "D" or "F." The public school's grade would not be considered in the determination of a high-performing charter school system status for a period of three years.
- The charter school system establishes a new charter school that serves a student population the majority of which resides in a school zone served by a public school that is identified as having a school grade of "F" or is consistently performing below acceptable standards.

#### *Assessment and School Grades*

The bill would eliminate duplicative testing for middle school students who participate in high school courses that require an EOC assessment. For example, a middle school student who takes the Algebra I EOC would no longer be required to also take the grade 8 FCAT Mathematics, therefore limiting the amount of time a student would be tested during the school year.

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<sup>16</sup> Rule 6A-1.099811, F.A.C.

<sup>17</sup> *Florida's Approved Flexibility Request*, January 31, 2012, See <http://www2.ed.gov/policy/eseaflex/approved-requests/fl.pdf>.

<sup>18</sup> U.S. Department of Education, *ESEA Flexibility Review Guidance*, February 10, 2012. See <http://www.ed.gov/category/keyword/esea-flexibility>.

<sup>19</sup> *Florida's Approved Flexibility Request*, January 31, 2012, See <http://www2.ed.gov/policy/eseaflex/approved-requests/fl.pdf>.

<sup>20</sup> *Id.*

<sup>21</sup> Correspondence to Florida Commissioner of Education Gerard Robinson from Secretary Arne Duncan, U.S. DOE, February 9, 2012. See <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>.

<sup>22</sup> E-mail, DOE, February 12, 2012. On file with the Senate Committee on Education Pre-K – 12.

In order to hold schools more accountable for the postsecondary readiness of their students, the bill would change the postsecondary readiness calculation in the high school grades model to include those students who graduate on time.<sup>23</sup>

For a high school to earn a school grade of “A,” the school must demonstrate an increase in the graduation rate of its at-risk students. The bill would require the SBE to adopt the standard of increased progress for the graduation rate of at-risk students. According to the DOE, this change may potentially penalize schools that maintain a high graduation rate for their at-risk students. Such schools may find it difficult to improve upon an existing high graduation rate.<sup>24</sup>

Additionally, the bill would allow for Achievement Level standards for the EOC assessments to be established in rule, prior to the assessments being used in the calculation of school grades.

#### **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:

The bill removes the requirement for students who are enrolled in high school courses requiring EOC assessments to also take the corresponding statewide comprehensive assessments. School districts may incur cost savings in testing materials resources necessary to administer examinations. The cost savings is indeterminate.

C. Government Sector Impact:

None.

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<sup>23</sup> Florida calculates on-time high school graduates as students who matriculate in and out of the system from their entrance into ninth grade through completion four years later. See “Compact Rate” established by the National Governors Association, available at: <http://www.nga.org/cms/home.html>.

<sup>24</sup> DOE Bill Analysis, January 26, 2012. On file with the Senate Committee on Education Pre-K – 12.

**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.

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

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