

By Senator Montford

3-00690A-16

20161124__

1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1008.34, F.S.; redefining the terms "learning
4 gains," "annual learning gains," and "student learning
5 gains"; revising components upon which designation of
6 school grades are based beginning with the 2015-2016
7 school year; requiring each school district to receive
8 a district grade of "I" or "Incomplete" for the 2014-
9 2015 school year; requiring specified components of
10 the school grading calculation to be reported for the
11 2014-2015 school year; providing that a school that
12 receives an "I" or "Incomplete" as a 2014-2015 school
13 grade or school improvement rating is not subject to
14 turnaround options, sanctions, or penalties; requiring
15 the Department of Education to conduct a comprehensive
16 review of the school accountability system; providing
17 requirements for the review; requiring a report to the
18 Governor and the Legislature by a specified date;
19 removing the scheduled repeal of transitional
20 provisions; providing an effective date.

21
22 WHEREAS, Florida's accountability system has been a model
23 for the nation, and

24 WHEREAS, the transition to the new statewide Florida
25 Standards Assessments, or FSA, has been fraught with
26 difficulties, and

27 WHEREAS, during the testing window, students were locked
28 out of their computers, students were not able to finish their
29 tests, entire testing results were lost, computer screens were
30 blank, and computers were cyber-attacked, and

31 WHEREAS, days, if not weeks, of instruction were lost for
32 those students who were not being tested, and access to

3-00690A-16

20161124__

33 computers and other instruction was disrupted, and

34 WHEREAS, the recently released validity study underscored
35 the difficulty of gauging the magnitude of the problem, as well
36 as the lack of rigor and lack of standardization in the
37 administration of the FSA, and

38 WHEREAS, the results of the FSA will be a major, if not the
39 only, determining factor in calculating school grades, and

40 WHEREAS, school grades, if issued, will be incomplete
41 because they will not include student learning gains or growth,
42 which are essential components of school grades, and

43 WHEREAS, the confidence in and credibility of Florida's
44 accountability system are at stake with students, parents,
45 teachers, and the community, and

46 WHEREAS, the issuance of school grades months after the
47 administration of the FSA does nothing to measure performance,
48 inform instruction, evaluate teachers, or fairly grade schools
49 and will further weaken public support of the accountability
50 system, and

51 WHEREAS, changes must be made to develop a viable
52 accountability system and regain the trust of students,
53 teachers, parents, and communities, NOW, THEREFORE,

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Paragraph (b) of subsection (1), paragraph (b)
58 of subsection (3), and subsections (5) and (7) of section
59 1008.34, Florida Statutes, are amended to read:

60 1008.34 School grading system; school report cards;
61 district grade.-

3-00690A-16

20161124__

62 (1) DEFINITIONS.—For purposes of the statewide,
63 standardized assessment program and school grading system, the
64 following terms are defined:

65 (b) "Learning gains," "annual learning gains," or "student
66 learning gains" means the degree of student learning growth
67 occurring from one school year to the next as required by state
68 board rule for purposes of calculating school grades under this
69 section. For the purpose of school grades, maintaining
70 achievement level 3, level 4, or level 5 or increasing such
71 achievement level constitutes a learning gain.

72 (3) DESIGNATION OF SCHOOL GRADES.—

73 (b)1. Beginning with the 2015-2016 ~~2014-2015~~ school year, a
74 school's grade shall be based on the following components, each
75 worth 100 points:

76 a. The percentage of eligible students passing statewide,
77 standardized assessments in English Language Arts under s.
78 1008.22(3).

79 b. The percentage of eligible students passing statewide,
80 standardized assessments in mathematics under s. 1008.22(3).

81 c. The percentage of eligible students passing statewide,
82 standardized assessments in science under s. 1008.22(3).

83 d. The percentage of eligible students passing statewide,
84 standardized assessments in social studies under s. 1008.22(3).

85 e. The percentage of eligible students who make learning
86 gains in English Language Arts as measured by statewide,
87 standardized assessments administered under s. 1008.22(3).

88 f. The percentage of eligible students who make learning
89 gains in mathematics as measured by statewide, standardized
90 assessments administered under s. 1008.22(3).

3-00690A-16

20161124__

91 g. The percentage of eligible students in the lowest 25
92 percent in English Language Arts, as identified by prior year
93 performance on statewide, standardized assessments, who make
94 learning gains as measured by statewide, standardized English
95 Language Arts assessments administered under s. 1008.22(3).

96 h. The percentage of eligible students in the lowest 25
97 percent in mathematics, as identified by prior year performance
98 on statewide, standardized assessments, who make learning gains
99 as measured by statewide, standardized mathematics assessments
100 administered under s. 1008.22(3).

101 i. For schools comprised of middle grades 6 through 8 or
102 grades 7 and 8, the percentage of eligible students passing high
103 school level statewide, standardized end-of-course assessments
104 or attaining national industry certifications identified in the
105 CAPE Industry Certification Funding List pursuant to rules
106 adopted by the State Board of Education.

107
108 In calculating learning gains for the components listed in sub-
109 subparagraphs e.-h., the State Board of Education shall require
110 that learning growth toward achievement levels 3, 4, and 5 is
111 demonstrated by students who scored below or remained at
112 achievement level 3, level 4, or level 5 ~~each of those levels~~ in
113 the prior year. In calculating the components in sub-
114 subparagraphs a.-d., the state board shall include the
115 performance of English language learners only if they have been
116 enrolled in a school in the United States for more than 2 years.

117 2. For a school comprised of grades 9, 10, 11, and 12, or
118 grades 10, 11, and 12, the school's grade shall also be based on
119 the following components, each worth 100 points:

3-00690A-16

20161124__

120 a. The 4-year high school graduation rate of the school as
121 defined by state board rule.

122 b. The percentage of students who were eligible to earn
123 college and career credit through College Board Advanced
124 Placement examinations, International Baccalaureate
125 examinations, dual enrollment courses, or Advanced International
126 Certificate of Education examinations; or who, at any time
127 during high school, earned national industry certification
128 identified in the CAPE Industry Certification Funding List,
129 pursuant to rules adopted by the state board.

130 (5) DISTRICT GRADE.—Beginning with the 2015-2016 ~~2014-2015~~
131 school year, a school district's grade shall include a district-
132 level calculation of the components under paragraph (3) (b). For
133 the 2014-2015 school year, a school district shall receive a
134 district grade of "I" or "Incomplete." This calculation
135 methodology captures each eligible student in the district who
136 may have transferred among schools within the district or is
137 enrolled in a school that does not receive a grade. The
138 department shall develop a district report card that includes
139 the district grade; the information required under s.
140 1008.345(5); measures of the district's progress in closing the
141 achievement gap between higher-performing student subgroups and
142 lower-performing student subgroups; measures of the district's
143 progress in demonstrating learning gains of its highest-
144 performing students; measures of the district's success in
145 improving student attendance; the district's grade-level
146 promotion of students scoring achievement levels 1 and 2 on
147 statewide, standardized English Language Arts and mathematics
148 assessments; and measures of the district's performance in

3-00690A-16

20161124__

149 preparing students for the transition from elementary to middle
150 school, middle to high school, and high school to postsecondary
151 institutions and careers.

152 (7) TRANSITION.—School grades pursuant to this section and
153 school improvement ratings pursuant to s. 1008.341 for the 2013-
154 2014 school year shall be calculated based on statutes and rules
155 in effect on June 30, 2014. To assist in the transition to the
156 ~~2014-2015 school grades and school improvement ratings,~~
157 ~~calculated based on~~ new statewide, standardized assessments
158 administered pursuant to s. 1008.22, for the 2014-2015 school
159 year, each school shall receive an "I" or "Incomplete" as a
160 school grade or school improvement rating. However, the
161 components listed in sub-subparagraphs (3)(b)1.a.-d. and i. and
162 subparagraph (3)(b)2., if applicable, shall be calculated and
163 reported. The 2014-2015 school grades and school improvement
164 ratings shall serve as an informational baseline for schools to
165 work toward improved performance in future years. Accordingly,
166 notwithstanding any other provision of law:

167 (a) A school may not be required to select and implement a
168 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
169 year based on the school's 2014-2015 grade or school improvement
170 rating of "I" or "Incomplete" under s. 1008.341, as applicable.
171 The benefits of s. 1008.33(4)(c), relating to a school being
172 released from implementation of the turnaround option, and s.
173 1008.33(4)(d), relating to a school implementing strategies
174 identified in its school improvement plan, apply to a school
175 using turnaround options pursuant to s. 1008.33 which improves
176 at least one letter grade during the 2014-2015 school year.

177 (b)1. A school or approved provider under s. 1002.45 which

3-00690A-16

20161124__

178 receives an "I" or "Incomplete" ~~the same or a lower school grade~~
179 ~~or school improvement rating~~ for the 2014-2015 school year
180 compared to the 2013-2014 school year is not subject to
181 sanctions or penalties that would otherwise occur as a result of
182 the 2014-2015 school grade or rating. A charter school system or
183 a school district designated as high performing may not lose the
184 designation based on the 2014-2015 school grades of "I" or
185 "Incomplete" for any of the schools within the charter school
186 system or school district, as applicable.

187 2. The Florida School Recognition Program established under
188 s. 1008.36 shall continue to be implemented as otherwise
189 provided in the General Appropriations Act.

190 (c) Until such time as an independent verification of the
191 psychometric validity of the statewide, standardized assessments
192 first implemented in 2014-2015 is provided, for purposes of
193 grade 3 English Language Arts student performance and high
194 school graduation requirements pursuant to s. 1003.4282, student
195 performance on the 2014-2015 statewide, standardized assessments
196 shall be linked to 2013-2014 student performance expectations.
197 Students who score in the bottom quintile on the 2014-2015 grade
198 3 English Language Arts assessment shall be identified as
199 students at risk of retention. School districts must notify
200 parents of such students, provide evidence as outlined in s.
201 1008.25(6)(b), and provide the appropriate intervention and
202 support services for student success in grade 4.

203 (d) The Department of Education shall conduct a
204 comprehensive review that includes stakeholders of the school
205 accountability system, including, but not limited to:

206 1. A description of the system, including alignment and

3-00690A-16

20161124__

207 consistency within all components of the accountability system.

208 2. A determination of the capacity of districts and schools
209 to administer the required statewide, standardized assessments
210 without interruption in the ongoing delivery of instruction to
211 students who are not being assessed.

212 3. The development of a timeline for transition to school
213 grades which includes all the components of school grades to be
214 available before school grades are released.

215 4. An analysis of a district's pay for performance plan and
216 its impact on teacher recruitment and retention.

217
218 The department must submit a report containing the review and
219 any corresponding recommendation to the Governor, the President
220 of the Senate, and the Speaker of the House of Representatives
221 by December 1, 2016 ~~This subsection is repealed July 1, 2017.~~

222 Section 2. This act shall take effect upon becoming a law.