

1 A bill to be entitled

2 An act relating to educational accountability;  
3 amending s. 1008.34, F.S.; revising the definition of  
4 the term "Learning Gains"; requiring the calculation  
5 of Learning Gains to include students who maintained  
6 certain scores on the statewide, standardized  
7 assessments from one school year to the next;  
8 requiring schools and school districts to receive a  
9 school or district grade or a school improvement  
10 rating of "Incomplete" for the 2014-2015 school year;  
11 providing that student performance on the statewide,  
12 standardized assessments for the 2014-2015 school year  
13 shall be used for informational purposes; providing  
14 that certain schools or providers may not be penalized  
15 as a result of the 2014-2015 school grade or rating;  
16 requiring the Department of Education to submit a  
17 report on the state's education performance  
18 accountability system to the Governor and Legislature;  
19 providing an effective date.

20  
21 WHEREAS, Florida's education performance accountability  
22 system has for years been a model for the nation, and, because  
23 the transition to the Florida Standards and the Florida  
24 Standards Assessments (FSA) has been fraught with difficulties,  
25 the state's reputation as an educational model is in jeopardy,  
26 and

27 WHEREAS, during the 2014-2015 computer-based administration  
28 of the FSA, technical difficulties caused a variety of  
29 challenges for students, teachers, and school district  
30 personnel, including causing some students to be locked out of  
31 the online testing platform during administration of the  
32 assessments, some students to be unable to complete their  
33 assessments, the loss of assessment results, and various other  
34 technical difficulties such as blank computer screens and a  
35 cyberattack on the online testing platform, and

36 WHEREAS, days of instruction were lost for students who  
37 were not able to be tested on schedule and for students whose  
38 access to computers and other instruction were disrupted by the  
39 technical difficulties, and

40 WHEREAS, the validity study for the 2014-2015 FSA  
41 underscored that the spring 2015 administration of the FSA did  
42 not meet the normal rigor and standardization expected of a  
43 high-stakes, standardized assessment, and

44 WHEREAS, statewide, standardized assessment results for  
45 Florida's public school students are a major determinant in  
46 calculating school grades, and

47 WHEREAS, if school grades are issued for the 2014-2015  
48 school year, they will not include student learning gains or  
49 growth, which is an essential component of the school grade  
50 calculation, and

51 WHEREAS, the credibility of Florida's education performance  
52 accountability system is at stake with students, parents,

53 teachers, and Florida citizens no longer having confidence in  
 54 the system, and

55 WHEREAS, the issuance of school grades months after the  
 56 spring administration of the FSA does nothing to measure student  
 57 performance, inform instruction, evaluate teachers, or fairly  
 58 grade schools, but further erodes public support for the state's  
 59 education performance accountability system, and

60 WHEREAS, changes must be made to develop a viable education  
 61 performance accountability system and regain the trust of  
 62 students, teachers, parents, and communities, NOW, THEREFORE,

63  
 64 Be It Enacted by the Legislature of the State of Florida:

65  
 66 Section 1. Paragraph (b) of subsection (1), paragraph (b)  
 67 of subsection (3), and subsections (5) and (7) of section  
 68 1008.34, Florida Statutes, are amended to read:

69 1008.34 School grading system; school report cards;  
 70 district grade.—

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

74 (b) "Learning Gains," "annual learning gains," or "student  
 75 learning gains" means the degree of student learning growth  
 76 occurring from one school year to the next as required by state  
 77 board rule for purposes of calculating school grades under this  
 78 section or maintaining an achievement level 3, 4, or 5 on a

79 statewide, standardized assessment from one school year to the  
80 next.

81 (3) DESIGNATION OF SCHOOL GRADES.—

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

85 a. The percentage of eligible students passing statewide,  
86 standardized assessments in English Language Arts under s.  
87 1008.22(3).

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

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

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

94 e. The percentage of eligible students who make Learning  
95 Gains in English Language Arts as measured by statewide,  
96 standardized assessments administered under s. 1008.22(3).

97 f. The percentage of eligible students who make Learning  
98 Gains in mathematics as measured by statewide, standardized  
99 assessments administered under s. 1008.22(3).

100 g. The percentage of eligible students in the lowest 25  
101 percent in English Language Arts, as identified by prior year  
102 performance on statewide, standardized assessments, who make  
103 Learning Gains as measured by statewide, standardized English  
104 Language Arts assessments administered under s. 1008.22(3).

105 h. The percentage of eligible students in the lowest 25  
106 percent in mathematics, as identified by prior year performance  
107 on statewide, standardized assessments, who make Learning Gains  
108 as measured by statewide, standardized mathematics assessments  
109 administered under s. 1008.22(3).

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

116  
117 In calculating Learning Gains for the components listed in sub-  
118 subparagraphs e.-h., the State Board of Education shall require  
119 that learning growth toward achievement levels 3, 4, and 5 is  
120 demonstrated by students who scored below each of those levels  
121 in the prior year or, for students who scored at achievement  
122 level 3, 4, or 5, that those students maintained such  
123 achievement level from one school year to the next. In  
124 calculating the components in sub-subparagraphs a.-d., the state  
125 board shall include the performance of English language learners  
126 only if they have been enrolled in a school in the United States  
127 for more than 2 years.

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

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

133 b. The percentage of students who were eligible to earn  
134 college and career credit through College Board Advanced  
135 Placement examinations, International Baccalaureate  
136 examinations, dual enrollment courses, or Advanced International  
137 Certificate of Education examinations; or who, at any time  
138 during high school, earned national industry certification  
139 identified in the CAPE Industry Certification Funding List,  
140 pursuant to rules adopted by the state board.

141 (5) DISTRICT GRADE.—Beginning with the 2015-2016 ~~2014-2015~~  
142 school year, a school district's grade shall include a district-  
143 level calculation of the components under paragraph (3) (b). This  
144 calculation methodology captures each eligible student in the  
145 district who may have transferred among schools within the  
146 district or is enrolled in a school that does not receive a  
147 grade. The department shall develop a district report card that  
148 includes the district grade; the information required under s.  
149 1008.345(5); measures of the district's progress in closing the  
150 achievement gap between higher-performing student subgroups and  
151 lower-performing student subgroups; measures of the district's  
152 progress in demonstrating Learning Gains of its highest-  
153 performing students; measures of the district's success in  
154 improving student attendance; the district's grade-level  
155 promotion of students scoring achievement levels 1 and 2 on  
156 statewide, standardized English Language Arts and mathematics

157 assessments; and measures of the district's performance in  
158 preparing students for the transition from elementary to middle  
159 school, middle to high school, and high school to postsecondary  
160 institutions and careers.

161 (7) TRANSITION.—School grades pursuant to this section and  
162 school improvement ratings pursuant to s. 1008.341 for the 2013-  
163 2014 school year shall be calculated based on statutes and rules  
164 in effect on June 30, 2014. To assist in the transition to the  
165 ~~2014-2015 school grades and school improvement ratings,~~  
166 ~~calculated based on~~ new statewide, standardized assessments  
167 administered pursuant to s. 1008.22, schools and school  
168 districts shall receive an "I" or "Incomplete" for the 2014-2015  
169 school grades or school improvement ratings issued pursuant to  
170 s. 1008.341, as applicable. Performance on the statewide,  
171 standardized assessments administered pursuant to s. 1008.22 for  
172 the 2014-2015 school year and school improvement ratings shall  
173 serve as an informational baseline for schools to work toward  
174 improved performance in future years. Accordingly,  
175 notwithstanding any other provision of law:

176 (a) A school may not be required to select and implement a  
177 turnaround option pursuant to s. 1008.33 in the 2015-2016 school  
178 year based on the school's 2014-2015 grade or school improvement  
179 rating under s. 1008.341, as applicable. ~~The benefits of s.~~  
180 ~~1008.33(4)(c), relating to a school being released from~~  
181 ~~implementation of the turnaround option, and s. 1008.33(4)(d),~~  
182 ~~relating to a school implementing strategies identified in its~~

183 ~~school improvement plan, apply to a school using turnaround~~  
184 ~~options pursuant to s. 1008.33 which improves at least one~~  
185 ~~letter grade during the 2014-2015 school year.~~

186 (b)1. A school or approved provider under s. 1002.45 ~~which~~  
187 ~~receives the same or a lower school grade or school improvement~~  
188 ~~rating for the 2014-2015 school year compared to the 2013-2014~~  
189 ~~school year~~ is not subject to sanctions or penalties that would  
190 otherwise occur as a result of the 2014-2015 school grade or  
191 rating based on the "Incomplete" for the 2014-2015 school year.  
192 A charter school system or a school district designated as high  
193 performing may not lose the designation based on the  
194 "Incomplete" for the 2014-2015 school grades of any of the  
195 schools within the charter school system or school district, as  
196 applicable.

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

200 (c) Until such time as an independent verification of the  
201 psychometric validity of the statewide, standardized assessments  
202 first implemented in 2014-2015 is provided, for purposes of  
203 grade 3 English Language Arts student performance and high  
204 school graduation requirements pursuant to s. 1003.4282, student  
205 performance on the 2014-2015 statewide, standardized assessments  
206 shall be linked to 2013-2014 student performance expectations.  
207 Students who score in the bottom quintile on the 2014-2015 grade  
208 3 English Language Arts assessment shall be identified as



209 students at risk of retention. School districts must notify  
210 parents of such students, provide evidence as outlined in s.  
211 1008.25(6)(b), and provide the appropriate intervention and  
212 support services for student success in grade 4.

213 (d) The Department of Education, in coordination with  
214 various stakeholders, shall conduct a comprehensive review of  
215 the state's education performance accountability system and  
216 prepare recommendations for any necessary changes to the system.  
217 A report of the review and recommendations must be submitted to  
218 the Governor, the President of the Senate, and the Speaker of  
219 the House of Representatives by December 1, 2016. The report  
220 must include, but need not be limited to:

221 1. A description of the state's education performance  
222 accountability system, including alignment and consistency  
223 within all components of the accountability system.

224 2. A determination of the ability of school districts and  
225 schools to administer the required statewide, standardized  
226 assessments without interrupting the daily delivery of  
227 instruction to students who are not being assessed.

228 3. The development of a timeline to transition the state  
229 to an education performance accountability system that requires  
230 all the components of school grades to be available before  
231 school grades are released.

232 4. An analysis of school districts' pay for performance  
233 plans and the impact of the plans on teacher recruitment and  
234 retention.

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2016

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236 ~~This subsection is repealed July 1, 2017.~~

237 Section 2. This act shall take effect July 1, 2016.