

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 549 Education

SPONSOR(S): Education Committee; PreK-12 Appropriations Subcommittee; PreK-12 Quality Subcommittee; Fine and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 906; CS/CS/SB 926

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	12 Y, 0 N, As CS	Brink	Duncan
2) PreK-12 Appropriations Subcommittee	14 Y, 0 N, As CS	Seifert	Potvin
3) Education Committee	12 Y, 0 N, As CS	Brink	Hassell

SUMMARY ANALYSIS

The bill revises requirements related to the statewide assessment program by:

- deleting provisions requiring the administration of the Algebra II end-of-course (EOC) assessment;
- revising assessment windows for statewide, standardized assessments to move administration later in the year and, for certain assessments, during the last 4 weeks of a district's school calendar;
- requiring results from the statewide, standardized English Language Arts (ELA) and mathematics assessments to be provided in an easy-to-read report and delivered in time to provide useful, actionable information to students, parents, and to each student's teacher, including each student's teacher of record for the next school year; and
- moving the date by which the Commissioner of Education must publish the uniform assessment calendar on the Department of Education (DOE) website from August to January of each year.

The bill requires the commissioner, beginning with the 2019-2020 school year and every 3 years thereafter, to publish on the DOE's website each statewide, standardized assessment and statewide EOC assessment, as well as materials to help the public interpret the published assessment information. The commissioner may determine the schedule for publishing assessments during the 3-year period; however, the initial publication must include the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

The bill also revises provisions relating to the student learning growth formula by requiring that an independent third party develop the formula and verify the suitability of statewide assessment results for annual learning growth measures. The bill requires the commissioner to provide schools access to individual student learning growth data in a user-friendly format that enables teachers to understand and evaluate the data and school administrators to improve instruction, evaluate programs, allocate resources, plan professional development, and communicate with stakeholders.

The commissioner must contract an independent study to determine whether the SAT and ACT may be used in lieu of the grade 10 ELA assessment and the Algebra I EOC assessment as allowed by federal law.

The bill has a fiscal impact of \$339,611 in nonrecurring General Revenue funds for the assessment study and appropriates recurring General Revenue as follows: \$1,247,251 to implement assessment reporting requirements; \$11.2 million to implement paper-based state assessments for grades 3 through 6; \$3.4 million to implement provisions relating to student learning growth data; and \$3,085,978 for the release of assessments. See FISCAL IMPACT ON STATE GOVERNMENT, *infra*.

The bill takes effect July 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0549e.EDC

DATE: 4/20/2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Statewide, Standardized Assessments

Present Situation

Assessments and Assessment Schedules

Florida's statewide assessment program is used to measure the extent to which students have mastered Florida's academic content standards.¹ It includes comprehensive, grade level assessments, end of course (EOC) assessments, and alternate assessments for students with significant cognitive disabilities.² The grade-level English language arts (ELA) and mathematics assessments and Algebra I, Geometry, and Algebra II EOC assessments are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.³

Results from the assessments are used to calculate school grades and school improvement ratings⁴ and determine student readiness for promotion to 4th grade and high school graduation.⁵ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.⁶

Florida and federal law both require that all public school students annually participate in statewide, standardized ELA and mathematics assessments beginning in the 3rd grade.⁷ Federal law requires that students participate in a standardized science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.⁸ The requirements for students in Florida are as follows:⁹

- ELA
 - Grades 3-10: annual participation in the FSA-ELA
- Math
 - Grades 3-8: annual participation in the mathematics FSA
 - High school:
 - Algebra I EOC and Geometry assessments
 - (If enrolled) Algebra II EOC assessment
- Science
 - Grades 5 and 8: Statewide Science Assessment
 - High school: Biology I EOC assessment
- Social Studies
 - Middle school: Civics EOC assessment
 - High school: U.S. History EOC assessment

By August of each year, the Commissioner of Education must publish a uniform assessment calendar on the Department of Education (DOE) website that includes assessment and reporting schedules for

¹ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf>.

² See s. 1008.22(3), F.S.

³ Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

⁴ See ss. 1008.34 and 1008.341, F.S.

⁵ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

⁶ See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

⁷ See s. 1008.22(3)(a); 20 U.S.C. s. 6311(b)(2)(v)(I).

⁸ See 20 U.S.C. s. 6311(b)(2)(B)(v)(II).

⁹ See s. 1008.22(3)(a) and (b), F.S.

the next 2 school years.¹⁰ Results for all statewide, standardized assessments, including EOC assessments, must be made available no later than the week of June 8. School districts must administer the assessments in accordance with the assessment schedule established by the commissioner.¹¹

The assessment calendar consists of testing windows, or the range of dates during which districts and schools may choose to administer a given assessment.¹² Inside of the state window, districts establish their own windows during which the district will administer a given assessment.

Spring 2017 Assessments (Regular Administration)¹³	
February 27-March 3, 2017	Grades 4-7 English Language Arts – Writing
February 27-March 10, 2017	Grades 8-10 English Language Arts – Writing
March 27-April 7, 2017	Grade 3 English Language Arts – Reading
April 10-May 12, 2017	Grades 4-10 English Language Arts – Reading Grades 3-8 Mathematics
April 17-May 12, 2017	Algebra I, Geometry, Algebra II EOC Assessments
April 17-May 19, 2017	Biology I, Civics, U.S. History EOC Assessments
May 1-5, 2017	Grades 5 & 8 Science

Computer-Based Testing

The law has required the gradual transition to computer-based assessments beginning with the 2015-2016 school year.¹⁴ Currently, all assessments, except the 3rd grade ELA assessment, the writing portion of the ELA assessment for grades 4 through 7, and the grades 5 and 8 science assessments, are administered on computers. The 3rd grade ELA assessment will be administered as a computer-based test beginning with the 2017-2018 school year.¹⁵ A student may take a paper-based assessment if indicated by his or her individual education plan as a necessary accommodation.¹⁶ Windows for EOC assessments are longer than windows for comprehensive, grade-level tests to allow more flexibility for middle schools and high schools to administer the assessments.¹⁷

Use of computer-based testing provides for a shorter scoring process but requires a longer testing window based on the available facilities and testing devices at each participating school. The writing portion of the ELA assessment includes hand scoring by human graders. This requires the window to open earlier than other assessment windows so that scores can be calculated in time to meet statutory deadlines.¹⁸ The 3rd grade ELA assessment is also administered earlier so that decisions related to 4th grade promotion can be made prior to the completion of the school year.

¹⁰ Section 1008.22(7)(b), F.S.

¹¹ Section 1008.22(7)(a), F.S.

¹² Florida Department of Education, *2016-2017 Uniform Statewide Assessment Calendar* (2016), available at <http://fldoe.org/core/fileparse.php/5663/urlt/K12UniformAssessmentCalendar16-17.doc>.

¹³ Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule* (2016), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

¹⁴ See s. 1008.22(3)(d)1., F.S. See also Florida Department of Education, *Florida's Transition to Computer-Based Testing for Statewide Assessments 2014-18* (2016), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-7048/dps-2014-81b.pdf>.

¹⁵ See *id.* The grade 3 ELA assessment does not include a separate writing component.

¹⁶ Florida Department of Education, *Computer-based Testing*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/computer-based-testing.stml> (last visited Mar. 13, 2017).

¹⁷ Email, Florida Department of Education, Bureau of K-12 Student Assessment (Nov. 3, 2016).

¹⁸ *Id.*

To graduate from high school with a standard high school diploma, a student must successfully complete 24 course credits and participate in EOC assessments for Algebra I, Geometry, Biology, and U.S. History. Students must also participate in 9th and 10th grade statewide, standardized assessments for ELA. Students must pass the Algebra I EOC assessment and the 10th grade statewide, standardized ELA assessment, or earn a concordant or comparative score on the SAT, ACT, or PERT, as applicable, to graduate.

In addition, school districts must participate in national and international comparison assessments, such as the National Assessment of Educational Progress (NAEP),¹⁹ Trends in International Mathematics and Science Study, Program for International Student Assessment, Progress in International Reading Literacy Study, and International Computer and Information Literacy Study.²⁰ All Students with disabilities, except for students with an approved medical complexity or extraordinary exemption waiver, must participate in the statewide, standardized assessments.²¹ Students with significant cognitive disabilities may be eligible to take the Florida Standards Alternate Assessment, which measures student academic performance on the state's academic standards using access points.²²

Reporting Student Assessment Results

The law requires that state assessment contracts entered into or renewed after April 14, 2015, must provide for a student's performance on state assessments to be provided to the student's teachers and parents by the end of the school year, unless the Commissioner of Education determines that extenuating circumstances exist and reports the circumstances to the State Board of Education.²³ The law also requires that assessment and reporting schedules must provide the earliest possible reporting of student assessment results to school districts.²⁴

The law does not specify what information must be included when assessment results are provided to teachers or parents; however, sample reports are currently provided on the DOE website.²⁵ The report for the 3rd grade ELA assessment includes the achievement level the student earned on the assessment, the number of points possible and points earned in each "reporting category," and the percentage of students in the school, district, and state at each achievement level for the assessment.²⁶

Effect of Proposed Changes

The bill provides that the grade 3 statewide, standardized ELA assessment, the writing portion of the statewide, standardized ELA assessments, and any statewide, standardized assessment delivered in a paper-based format must be administered no earlier than April 1 each year within a 2-week assessment window. The bill further provides that any other statewide, standardized assessment that is delivered in a computer-based format must be administered within a 4-week assessment window that opens no earlier than May 1 each year; school districts must administer such assessments no earlier

¹⁹ 20 U.S.C. s. 6311(a)(1)(B). Federal Title I funds are contingent upon a state's participation in the NAEP, which is administered through the National Center for Education Statistics, the primary federal entity for collecting and analyzing state related to education in the U.S. National Center for Education Statistics, *About Us*, <https://nces.ed.gov/about/> (last visited Mar. 17, 2017).

²⁰ See s. 1008.22(2), F.S.

²¹ See ss. 1008.212 and 1008.22(10), F.S.

²² See s. 1008.22(3)(c)4., F.S.; rule 6A-1.09430(1), F.A.C.; see also Florida Department of Education, Division of Public Schools and Bureau of Exceptional Education and Student Services, *Statewide Assessment for Students with Disabilities*, Technical Assistance Paper 2010-92 (July 15, 2010). Access points provide students with significant cognitive disabilities access to the Florida Standards at reduced levels of complexity.

²³ See ss. 7 and 15, ch. 2015-6, L.O.F., codified at s. 1008.22(3)(g)2., F.S.

²⁴ Section 1008.22(7)(a), F.S.

²⁵ Florida Department of Education, *Understanding the New Score Report*, <http://fldoe.org/accountability/assessments/fsa-report.stml> (last visited Mar. 13, 2017).

²⁶ See e.g., Florida Department of Education, *The Florida Standards Assessment English Language Arts Grade 3 Score Report* (2016), available at <http://fldoe.org/core/fileparse.php/5651/urlt/3ELATemplate.pdf>.

than 4 weeks before the last day of school for the district. In effect, this will require the last 4 weeks of a school district's school year to overlap with the 4-week state assessment window to the extent necessary for all computer-based assessments in the district to be administered.

The bill requires that assessment results for the grade 3 statewide, standardized ELA assessment be made available no later than May 31. The bill moves the date by which all other statewide assessment results must be made available from the week of June 8 to no later than June 30 of each year in order to allow time for scoring to be completed under the later assessment windows in the bill.

The bill moves the date by which the commissioner must post the uniform assessment calendar to the DOE website from August to January of each year. This will provide school districts additional time to establish their respective assessment calendars for the next two school years.

The bill requires that any new contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, be administered quarterly for students who have been identified through competency-based education as having mastered the content and who are prepared to take the applicable assessment in accordance with the Competency-Based Education Pilot Program under s. 1003.4995, F.S.

The bill also requires that all statewide, standardized assessments, including EOC assessments, must be administered in a computer-based format; however, beginning with the 2018-2019 school year, the statewide, standardized ELA and mathematics assessments for grades 3 through 6 must be administered in a paper-based format only.

The bill requires that the results of the statewide, standardized ELA and mathematics assessments, including retakes, be reported in an "easy-to read and understandable" format and delivered in time to provide useful, actionable information to students, parents, and to each student's current teacher and the student's teacher of record for the subsequent school year. In any case, each school district must provide the report within 1 week after receiving the results from the DOE. The report must include, at a minimum:

- a clear explanation of the student's performance on the applicable assessments;
- information identifying the student's areas of strength and areas in need of improvement;
- specific actions that may be taken, and the available resources that may be used, by the student's parent to assist the student based on his or her areas of strength and areas in need of improvement;
- longitudinal information, if available, on the student's progress in each subject area based on previous statewide, standardized assessment data;
- comparative information showing the student's score compared to other students in the school district, in the state or, if available, in other states; and
- predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

High School State Assessments

Present Situation

The *Every Student Succeeds Act* (ESSA)²⁷ is a federal law that reauthorized and substantially revised the *Elementary and Secondary Education Act of 1965* (ESEA). ESSA is the successor to the *No Child Left Behind Act of 2001* (NCLB).²⁸ Like its predecessors NCLB and ESEA, the goal of ESSA is to improve elementary and secondary education in public schools by conditioning the receipt of federal funds on the implementation of federal requirements. In order to receive Title I funds under ESSA,

²⁷ Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.*

²⁸ Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

states must implement a statewide accountability system for K-12 public schools. ESSA also offers competitive and noncompetitive grant funds for teacher and school leader development, family engagement, student support, weighted per-pupil funding, and the development of innovative student progression systems and assessment formats.

ESSA requires each state receiving Title I funds to submit a plan that includes:

- **challenging academic standards** for reading or language arts (ELA) and math;²⁹
- **high quality assessments** in ELA, math, and science;³⁰
- **long-term goals** for all students and student subgroups³¹ in the state, including measurements of interim progress toward meeting the goals;³²
- **multiple indicators** of student success and school quality,³³ including:
 - academic achievement as measured by statewide assessments in ELA and math;
 - a 4-year graduation rate for high schools;
 - for elementary and middle schools, student growth or another academic indicator;
 - progress of English learners³⁴ (EL) toward English proficiency; and
 - an additional indicator of school quality or student success;
- **annual meaningful differentiation** (i.e., levels of performance) based on the system's indicators,³⁵ and
- **identification of schools**, based on annual meaningful differentiation that requires comprehensive support and improvement or targeted support for specific student subgroups.³⁶

ESSA also requires each state and each local school district to annually publish a report card that provides information on student success, school quality, per-pupil funding, the progress of ELs toward English proficiency, and, for the state, progress toward its long-term goals.³⁷

These states must also implement high quality standardized assessments for all students, including:

- annual ELA and math assessments for all students in grades 3-8;
- at least one ELA and one math assessment in high school; and
- at least one science assessment during grades 3 through 5, 6 through 9, and 10 through 12.³⁸

With respect to high school assessments, ESSA states that “[n]othing in this paragraph shall be construed to prohibit a local education agency [at the state’s discretion and upon state approval] from administering a locally selected assessment in lieu of the State-designated” high school ELA, math, or science assessments.³⁹ However, any such assessment must:⁴⁰

- be approved by the state;
- be nationally recognized;
- be aligned to the state’s academic standards;
- address the depth and breadth of such standards;
- be equivalent in its content coverage, difficulty, and quality to the state assessments;

²⁹ 20 U.S.C. s. 6311(b)(1).

³⁰ 20 U.S.C. s. 6311(b)(2).

³¹ For purposes of statewide accountability systems, student subgroups include economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners. 20 U.S.C. s. 6311(c)(2).

³² 20 U.S.C. s. 6311(c)(4)(A).

³³ 20 U.S.C. s. 6311(c)(4)(B).

³⁴ An English learner is between 3 to 21 years old; is enrolled or preparing to enroll in an elementary or secondary school; was not born in the U.S. or has a native language other than English; and has difficulties in speaking, reading, writing, or understanding the English language such that the student cannot meet the state’s academic standards, cannot achieve in a classroom with instruction in English, or does not have the opportunity to participate fully in society. *See* 20 U.S.C. s. 7801(20).

³⁵ 20 U.S.C. s. 6311(c)(4)(C).

³⁶ 20 U.S.C. s. 6311(c)(4)(D).

³⁷ *See* 20 U.S.C. s. 6311(h)(1) and (2).

³⁸ 20 U.S.C. s. 6311(b)(2).

³⁹ *See* 20 U.S.C. s. 6311(b)(2)(H).

⁴⁰ 20 U.S.C. s. 6311(b)(2)(H)(i)-(v).

- provide comparable, valid, and reliable data on academic achievement, as compared to the state assessment, for all students and for each subgroup of students, with results expressed in terms consistent with the state's academic achievement standards (i.e., Level 1, Level 2, etc.);
- meet the same technical requirements as the state assessments; and provide unbiased, rational, and consistent differentiation between schools within the state in order to meet the requirements of the state accountability system.

Some states, including Wisconsin and Wyoming, have submitted plans to use the ACT as the high school assessment for accountability purposes.⁴¹ However, the U.S. Department of Education, as part of the peer review process for approving state plans, notified both states that they cannot receive approval to use the assessment until they submit substantial additional evidence, including documentation of independent alignment studies to show the assessments are aligned to the states' standards, to support its use.⁴² The U.S. Department of Education also asked for additional evidence to show that different student subgroups would not be disadvantaged in taking the ACT and that accommodations for students with disabilities are appropriate, effective, do not alter the construct being assessed, and allow meaningful interpretations of results and comparison of scores.⁴³

Effect of Proposed Changes

The bill requires the commissioner to contract for an independent study to determine whether the SAT and ACT may be administered in lieu of the grade 10 statewide, standardized ELA assessment and the Algebra I EOC assessment consistent with the provisions of ESSA. The commissioner must submit a report with the results of the review and any recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education by January 1, 2018.

Publication of Assessment Items

Present Situation

All examination and assessment instruments, including work papers and developmental materials, are confidential and exempt from disclosure under Florida's public records laws.⁴⁴ Provisions governing access, maintenance, and destruction of such instruments and materials are prescribed in rule by the State Board of Education.⁴⁵

Per general practice, once a test or test item is released, the test items may not be reused in order to maintain assessment validity.⁴⁶

From 2005 to 2007, the DOE released FCAT assessments as follows:

- Grades 4, 8, and 10 Reading and Mathematics in 2005;
- Grades 3, 7, 9 and 10 Reading and Mathematics in 2006;
- Grades 5 and 6 Reading and Mathematics, and Grade 8 Science; and
- For the FCAT Writing and FCAT 2.0 Writing assessment, the DOE released the prompts and student responses.⁴⁷

⁴¹ Catherine Gewertz, *Approval Deferred on ACT for Accountability in Wyo., Wis.*, EDUCATION WEEK (Feb. 7, 2017), available at <https://www.edweek.org/ew/articles/2017/02/08/approval-deferred-on-act-for-accountability-in.html>.

⁴² See Letter from Ary Amerikaner, Deputy Assistant Secretary U.S. Department of Education, to Jillian Balow, State Superintendent of Public Instruction, Wyoming Department of Education (Dec. 2, 2016), available at <https://www2.ed.gov/admins/lead/account/nclbfinalassess/wy5.pdf>; Letter from Ann Whalen, Senior Advisor to the Secretary, U.S. Department of Education, to Tony Evers, State Superintendent, Wisconsin Department of Public Instruction (Jan. 13, 2017), available at <https://www2.ed.gov/admins/lead/account/nclbfinalassess/wi6.pdf>.

⁴³ *Id.*

⁴⁴ See s. 1008.23 F.S.

⁴⁵ See rule 6A-10.042, F.A.C.

⁴⁶ *Id.* at 3.

According to the DOE, budgetary constraints ended the practice beginning in 2008.⁴⁸ In order to reduce costs, the DOE licenses FSA test items from the test developer, American Institutes for Research, and does not have ownership of or copyright authority over the items.⁴⁹ This practice is becoming commonplace among states.⁵⁰ Some texts used in state assessment questions are taken from the public domain and can be freely published; however, others are copyrighted texts that the DOE does not have authority to publish.⁵¹

Effect of Proposed Changes

The bill requires the Commissioner of Education, beginning with the 2019-2020 school year and every 3 years thereafter, to publish each statewide, standardized assessment and statewide EOC assessment on the DOE's website, excluding retake and alternate assessments, administered in the most recent school year. By publishing the assessments on the website, the DOE would provide public access to view assessments administered during the previous school year.

The bill allows the commissioner to determine the schedule for publishing assessments during the 3-year period; however, the initial publication must occur no later than June 30, 2020, and must include the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

The bill requires the DOE to publish materials on its website to help the public interpret the published assessment information.

Because test items cannot be repeated for purposes of assessment validity, the DOE would be required to procure additional test items to replace the items it has authority to publish.⁵² This would require renegotiation of current assessment contracts for the development of test items owned by the DOE. Thereafter, the DOE would be required to purchase sufficient test items to replace assessments that are published in accordance with the bill.

The bill does not authorize or require the publication or release of individual student assessment files.

Value-Added Model

Present Situation

In recent years, several states have adopted the use of value-added models as part of their education accountability systems.⁵³ Value-added models are used to measure the causal effect teachers, and in some cases schools, have on student learning growth by controlling for differences in student backgrounds. Such models are generally based on standardized assessment scores and have been the favored model used by economists to measure the impact teacher quality has on student academic and economic outcomes.⁵⁴ Value-added models, when used alongside other measures of teacher

⁴⁷ Florida Department of Education, Agency Analysis of 2016 House Bill 549, pp.2- 3 (Feb. 7, 2017).

⁴⁸ Florida Department of Education, Testimony by the Assistant Deputy Commissioner for the Division of Accountability, Research, and Measurement before the House PreK-12 Quality Subcommittee (Mar. 20, 2017).

⁴⁹ Florida Department of Education, Agency Analysis of 2016 House Bill 549, p. 3 (Feb. 7, 2017).

⁵⁰ *Id* at 3.

⁵¹ *Id* at 3.

⁵² *See id* at 3.

⁵³ DAVID MORGANSTEIN & RON WASSERSTEIN, *ASA Statement on Using Value-Added Models for Educational Assessment* 1 STATISTICS & PUB. POL'Y 108 (2014).

⁵⁴ RAJ CHETTY, JOHN FRIEDMAN, AND JONAH ROCKOFF, *Discussion of the American Statistical Association's Statement (2014) on Using Value-Added Models for Educational Assessment* (2014), available at

<http://amstat.tandfonline.com/doi/pdf/10.1080/2330443X.2014.956906?needAccess=true>.

performance, significantly improve the ability of teacher evaluation systems to identify the most effective teachers.⁵⁵

In Florida's value-added model (VAM) is used to objectively measure student learning growth on the:

- statewide, standardized English language arts assessment in grades 4-10;
- statewide, standardized mathematics assessment in grades 4-8; and
- Algebra I end-of-course assessment.⁵⁶

Student learning growth, as measured by VAM, comprises at least one third of a teacher's performance evaluation if the teacher is assigned a class associated with one of the assessments for which VAM data is calculated.⁵⁷ The DOE must calculate VAM scores for these teachers, and school districts must use the scores in the student performance portion of their evaluations.⁵⁸

VAM establishes the expected learning growth for each student, called a predicted score. Florida's VAM model bases each student's predicted score on the typical learning growth seen among students who share characteristics, called covariates, that are statistically controlled for in the model. The covariates used in Florida's student learning growth formula are:

- up to two prior years of achievement scores;
- students with disabilities (SWD) status;
- English Language Learner status;
- gifted status;
- attendance;
- the number of subject-relevant courses in which the student is enrolled;
- mobility, i.e., the number of school transitions a student makes in the same school year;
- difference from modal age in grade, i.e., the student's age in relation to what is normal for students enrolled in that grade (as an indicator of retention);
- class size (which is a continuous measure counting the number of students linked to the educator); and
- homogeneity of entering test scores of students in the class (which identifies variations in the achievement levels of students in a class when first assigned to the educator).⁵⁹

The VAM score represents the amount, on average, that students taught by a given teacher performed above or below their predicted level of performance. A positive score indicates that the teacher's students performed better than expected; a negative score indicates that the teacher's students performed worse than expected; and a score of "0" indicates that the teacher's students performed no better or worse than expected based on the factors accounted for in the model.⁶⁰

A VAM score provides an objective view of the impact a teacher has on a student's learning. Other evaluation components, including teacher observations and other indicators chosen by the district, incorporate subjective measures of a teacher's quality and can be influenced by collective bargaining. This can lead to instances where teachers who are rated highly effective based on their DOE-

⁵⁵ Bellwether Education Partners, *Ensuring Effective Teachers For All Students: hearing before the House PreK-12 Quality Subcommittee* (Jan. 11, 2017) (citing Bill & Melinda Gates Foundation, *Gathering Feedback for Teaching* (2011)).

⁵⁶ See rule 6A-5.0411, F.A.C. The Commissioner of Education adopted the committee's recommended value-added model (VAM) student learning growth formula for FCAT Reading and Mathematics assessments in June 2011. See Florida Department of Education, *Florida's Value Added Model* (2011) at 11, available at <http://www.fldoe.org/core/fileparse.php/7566/urlt/0075073-presentationvalue-addedmodel.pdf>.

⁵⁷ Section 1012.34(3)(a), F.S.

⁵⁸ See s. 1012.34(2) and (8), F.S.

⁵⁹ Rule 6A-5.0411(3)(a)3., F.A.C. The law specifies student attendance, disability, and English proficiency as variables that must be considered in formula development. Section 1012.34(7)(a), F.S.

⁶⁰ Jeffrey Solochek, *How does Florida's VAM work (in English)?*, Tampa Bay Times, February 26, 2014, <http://www.tampabay.com/blogs/gradebook/how-does-floridas-vam-work-in-english/2167478> (last visited Apr. 29, 2016). See rule 6A-5.0411, F.A.C.

calculated VAM score are nonetheless rated effective or lower on their performance evaluation due to the more subjective, district-determined portions of their evaluation.

Some states, such as Tennessee, have robust data systems and information on value-added data that help the public, teachers, and administrators understand what the data means with respect to teacher performance, school performance, and student growth.⁶¹ These systems allow teachers and school administrators to align instruction with student needs and identify trends in student growth. This information can play a significant role in equitable teacher distribution.⁶²

Effect of Proposed Changes

The bill requires that the student learning growth formula approved by the Commissioner of Education be developed by a third party independent of the entity that administers the statewide, standardized assessments. The third party developer must verify the suitability of statewide assessment results for annual learning growth measures.

The bill also requires the commissioner to provide schools access to individual student learning growth data in a user-friendly format that enables teachers to understand and evaluate the data and school administrators to improve instruction, evaluate programs, allocate resources, plan professional development, and communicate with stakeholders.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.4282, F.S., deleting a provision requiring certain students to take the Algebra II end-of-course assessment.

Section 2. Amends s. 1003.4285, F.S., deleting a provision requiring students to pass the Algebra II end-of-course assessment in order to earn a Scholar designation.

Section 3. Amends s. 1008.22, F.S., deleting a provision requiring the Algebra II end-of-course assessment to be administered; revising requirements relating to the administration and format of assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in specified grades; revising provisions relating to reporting requirements for school district-required local assessments; providing reporting requirements for certain student assessment results; requiring the Department of Education to publish certain assessments on its website; providing requirements for such publication; requiring the department to provide materials regarding assessment information on its website; conforming cross-references.

Section 4. Amends s. 1012.34, F.S., requiring third party development and verification of a student learning growth formula; providing for access to student learning growth formula data for specified uses.

Section 5. Requires the Commissioner of Education to contract for an independent study to determine whether specified college entrance examinations may be administered in lieu of certain state-required assessments and requires the commissioner to submit a report on the results of such review to the Governor, Legislature, and State Board of Education by a specified date.

Section 6. Provides appropriations.

Section 7. Providing an effective date.

⁶¹ See Tennessee Department of Education, *Tennessee Value-Added Assessment System*, <http://www.tn.gov/education/topic/tvaas> (last visited Apr. 19, 2017).

⁶² See SAS Institute, Inc., *TVAAS: What's New in 2016* (2016), available at <https://tvaas.sas.com/support/TVAAS-WhatsNew2016.pdf>.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The strike-all amendment adopted on March 20, 2017, eliminates several assessments from the publication requirement and provides the commissioner authority to determine the schedule for publishing assessments, which may affect certain fixed costs associated with developing test items. Based on the amendment, the DOE estimates costs of approximately \$3,085,978 annually.

The amendment adopted on April 20, 2017, includes the following appropriations using recurring General Revenue:

- \$1,247,251 to implement requirements for the assessment results report that must be provided to students, parents, and teachers;
- \$11,200,000 to implement the requirement that the statewide, standardized ELA and mathematics assessments for grades 3 through 6 be delivered in a paper-based format; and
- \$3,400,000 to implement the provisions relating to student learning growth data.

The April 20, 2017, amendment also provides an appropriation of \$399,611 nonrecurring General Revenue to fund the independent study to determine whether the SAT and ACT may be administered in lieu of the grade 10 statewide, standardized ELA assessment and the Algebra I EOC assessment.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

See FISCAL IMPACT ON STATE GOVERNMENT, *supra*.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 20, 2017, the PreK-12 Quality Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- limits the publication of tests to statewide, standardized assessments and statewide end of course (EOC) assessments;
- requires the assessments to be published starting with the 2019-2020 school year and every 3 years thereafter;
- allows the commissioner to determine the schedule for releasing assessments during the 3-year period; however, the initial publication must occur by June 30, 2020, and must include the grade 3 English language arts (ELA) and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment; and
- requires the Department of Education to provide materials on its website to help the public interpret the published assessment information.

On April 3, 2017, the PreK-12 Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provides an appropriation of \$4,000,000 in recurring General Revenue for the costs associated with the provisions of the bill.

On April 20, 2017, the Education Committee adopted one amendment, as amended, and reported the bill favorably as a committee substitute. The amendment:

- deletes provisions requiring the Algebra II EOC assessment to be administered and that certain students take the assessment;
- requires that all statewide, standardized assessments, including statewide EOC assessments, be delivered in a computer-based format; however, beginning with the 2018-2019 school year, the statewide, standardized ELA and mathematics assessments for grades 3 through 6 must be administered in a nonelectronic format;
- moves the date by which the commissioner must publish the uniform assessment calendar on the DOE's website from August to January of each year;
- requires, beginning with the 2018-2019 school year, that the grade 3 statewide, standardized ELA assessment, the writing portion of the ELA assessments, and paper-based assessments be administered during a 2-week assessment window that starts no earlier than April 1 each year;
- requires that computer-based statewide, standardized assessments be administered during a 4-week assessment window that starts no earlier than May 1 each year;
- requires each school district to administer those assessments no earlier than 4 weeks before the last day of school for the district;
- requires results from the grade 3 statewide, standardized ELA assessment to be made available no later than May 31 and the results from all other statewide assessments to be made available no later than June 30;

- requires the results of statewide, standardized ELA and mathematics assessments, including assessment retakes, to be reported to students, parents, and each student's teacher of record for the subsequent year in an easy-to-read and understandable format and in time to provide useful, actionable information and specifies information that must be included;
- requires that the student learning growth formula be developed by a third party independent of the statewide, standardized assessment administrator and requires the independent third party to verify the suitability statewide assessment results for student learning growth measures;
- requires the commissioner to provides schools access to individual student learning growth data in a user-friendly format that enables teachers and school administrators to understand, evaluate, and use the data for specified purposes;
- requires the commissioner to contract for an independent study to determine whether the SAT and ACT may be administered in lieu of the grade 10 statewide, standardized ELA assessment and the Algebra I EOC assessment consistent with federal provisions for locally-selected assessments under the Every Student Succeeds Act; and
- provides for appropriations related to the assessment study, reporting of student assessment results, the transition of certain statewide, standardized assessments to a paper-based format, and the provisions for student learning growth.

The bill analysis is drafted to reflect the committee substitute passed by the Education Committee.