HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 773 K-12 Student Assessments
SPONSOR(S): PreK-12 Appropriations Subcommittee; Diaz, Jr; Sprowls and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 926

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	14 Y, 0 N	Brink	Duncan
2) PreK-12 Appropriations Subcommittee	10 Y, 5 N, As CS	Seifert	Potvin
3) Education Committee			

SUMMARY ANALYSIS

The bill revises requirements relating to the statewide assessment program as follows:

- Beginning with the 2017-2018 school year, the statewide, standardized English language arts (ELA) assessment in grades 3 through 10 and mathematics assessment in grades 3 through 8 must be administered no earlier than the last 3 weeks of the school year.
- The bill exempts the "grade 3 Reading assessment" from the new testing window.
- The results from the statewide, standardized ELA and mathematics assessments must be reported to the student's current teacher and to the student's teacher for the subsequent school year before the start of the school year. It must contain information related to the student's performance, including:
    - identification of areas of strength and areas in need of improvement;
    - ways the student's parent can assist his or her child based on the results;
    - if available, longitudinal data based on the student's previous performance;
    - a comparison of the student's score with other students in the school district, state, and, if available, other states; and
    - predictive information on how the student might perform on college entrance assessments.

The bill requires that any new contract for the statewide, standardized ELA and mathematics assessments must define a Level 3 achievement score as "proficient."

The bill requires the Commissioner of Education to review the SAT and ACT to determine their alignment with Florida's academic standards for ELA and mathematics. The commissioner must submit a report with the review's findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017.

The bill also requires school districts to provide results from a district-required local assessment to a student's teacher within 7 days after the assessment is administered.

This bill has a fiscal impact of $339,611 in nonrecurring General Revenue funds to implement the provisions of Section 1 and $1,247,251 in recurring General Revenue funds to implement the provisions of Section 2.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Statewide Assessment Program

Present Situation

Assessments and Assessment Schedules

As of the beginning of the 2016-2017 school year, Florida's statewide accountability system is comprised of the following:

- **Rigorous academic standards** that establish what knowledge and skills students in kindergarten through grade 12 need to learn.[1]
- **Statewide, standardized assessments** to measure student achievement of the standards in specified subject areas and grade levels.[2]
- **School and district grades** based on student achievement of the standards and other indicators of school and district quality as well as school improvement ratings based on student learning growth.[3]
- **School recognition** funds that award schools for improving or achieving high levels of performance.[4]
- **Performance evaluation criteria** for teachers and administrators based in part on student achievement of the standards.[5]
- **Public reporting** of school, district, and teacher performance.[6]
- **School improvement** requirements to help struggling schools incorporate best practices and, when needed, to fundamentally restructure schools that continue to fail.[7]

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for English language arts (ELA) for grades 3-10 and mathematics for grades 3-8; end-of-course (EOC) assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment for grades 5 and 8.[8] The assessments measure the extent to which students have mastered Florida's academic content standards, the Next-Generation Sunshine State Standards (NGSSS) and Florida Standards.[9] The grade-level ELA and math 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.[10] Results from the assessments are used to calculate school grades and school improvement ratings[11] and determine student readiness for promotion to 4th grade and high school graduation.[12] In addition, school districts

[1] Section 1003.41, F.S.; rule 6a-1.09401, F.A.C.
[2] Section 1008.22(3), F.S.
[3] Section 1008.34, F.S.; alternative schools may receive a school improvement rating pursuant to s. 1008.341, F.S.; exceptional student education centers may receive a school improvement rating pursuant to s. 1008.3415, F.S.
[4] Section 1008.36, F.S.
[5] Section 1012.34, F.S.
[6] *See* ss. 1001.42(18), 1002.20(16), 1008.22(11), 1008.341(1), and 1012.34(1)(c), F.S.
[7] Section 1008.33, F.S.; rule 6A-1.099811, F.A.C.
[8] Sections 1008.22(3), 1003.4156, and 1003.4282, F.S. Retake administrations are offered for the Grade 10 FSA ELA and Algebra I EOC assessment. Florida Department of Education, Division of Public Schools, *2016-17 Statewide Assessment Schedule Revisions and 2017-18 Preliminary Schedule Release*, Memorandum (August 1, 2016), *available at* http://info.fldoe.org/docushare/dsweb/Get/Document-7699/dps-2016-125.pdf.
[9] *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 [hereinafter referred to as *ESEA Flexibility Request*].
[10] Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.
[11] *See* ss. 1008.34 and 1008.341, F.S.
[12] *See* ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.[13]

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 the next 2 school years.[14] 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.[15]

The assessment calendar consists of testing windows, or the range of dates during which districts and schools may choose to administer a given assessment.[16] Inside of the state window, districts establish their own windows during which the district will administer a given assessment.

Spring 2017 Assessments (Regular Administration)[17]	
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

The law has required the gradual transition to computer-based assessments beginning with the 2015-2016 school year.[18] Currently, all assessments, except the 3rd grade ELA assessment, and the writing portion of the ELA assessment for grades 4 through 7 are administered on computers. The 3rd grade ELA assessment will be administered as a computer-based test beginning with the 2017-2018 school year.[19] A student may take a paper-based assessment if indicated by his or her individual education plan as a necessary accommodation.[20] 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.[21]

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.[22] 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.

[13] *See* s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.
[14] Section 1008.22(7)(b), F.S.
[15] Section 1008.22(7)(a), F.S.
[16] Florida Department of Education, *2016-2017 Uniform Statewide Assessment Calendar* (2016), *available at* http://fldoe.org/core/fileparse.php/5663/urlt/K12UniformAssessmentCalendar16-17.doc.
[17] 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.
[18] *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.
[19] *See id*. The grade 3 ELA assessment does not include a separate writing component.
[20] 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).
[21] Email, Florida Department of Education, Bureau of K-12 Student Assessment (Nov. 3, 2016).
[22] *Id*.

To graduate from high school with a standard high school diploma, a student must successfully complete 24 course credits, 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.

Student Performance

A student's performance on a statewide, standardized assessment is determined using a scaled score based on total points earned and an achievement level ranging from Level 1 (lowest level) through Level 5 (highest level). A Level 3 score is considered satisfactory, or passing.[23] Passing scores for each assessment are set by the State Board of Education.[24] The DOE defines each level as follows:[25]

Level 1	Level 2	Level 3	Level 4	Level 5
Inadequate: Highly likely to need substantial support for the next grade	Below Satisfactory: Likely to need substantial support for the next grade	Satisfactory: May need additional support for the next grade	Proficient: Likely to excel in the next grade	Mastery: Highly likely to excel in the next grade

Florida's, achievement levels are established through a multi-step process of setting cut scores based on industry standards. The process has been utilized six times since 1998 and involves:

- input from over 300 educators based on test content;
- input from a reactor panel comprising K-12 and postsecondary educators and leaders, business leaders, and community leaders; and
- input of the public through three rule-development workshops.[26]

While Florida's assessment system establishes five achievement levels, other systems may include fewer levels. The National Assessment of Educational Progress (NAEP), or "America's Report Card," has three defined achievement levels: "Basic," "Proficient," and "Advanced." "Proficient" means "demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real-world situations, and analytical skills appropriate to the subject matter."[27] Several other states use four achievement levels, setting the cut point, or the point where students meet expectations for the assessment, at the third-highest level.[28]

Whether "Proficient" as defined for the NAEP means grade-level performance has been heavily debated. Proponents for alignment of grade level expectations to the "Proficient" level have argued that it is important to continue to push higher expectations for students in order to catch up to countries that have higher scores on international assessments, such as Singapore, and to promote a consistent concept of grade-level performance among states. Opponents of the alignment have argued that "Proficient" is aspirational and unreasonably high to be considered a legitimate grade-level expectation and that NAEP assessments and state assessments measure different skills and standards.[29]

---

[23] Section 1008.22(3)(e)1., F.S.; rule 6A-1.09981(2)(c), F.A.C.
[24] Section 1008.22(3)(e)2., F.S.
[25] Florida Department of Education, Bureau of K-12 Student Assessment, *2015-16 FSA ELA and Mathematics Fact Sheet* (2016), *available at* www.fldoe.org/core/fileparse.php/5663/urlt/ELA-MathFSAFS1516.pdf.
[26] Florida Department of Education, *State Board Analysis on Other States' Cut Points as Compared to NAEP Performance* (2015), *available at* http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf.
[27] The National Center for Education Statistics, *NAEP Achievement Levels*, https://nces.ed.gov/nationsreportcard/achievement.aspx (last visited Mar. 12, 2017).
[28] Florida Department of Education, *State Board Analysis on Other States' Cut Points as Compared to NAEP Performance* (2015), *available at* http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf.
[29] *See e.g.*, Tom Loveless, *The NAEP Proficiency Myth*, https://www.brookings.edu/blog/brown-center-chalkboard/2016/06/13/the-naep-proficiency-myth/ (last visited Mar. 12, 2017); Center for Public Education, *The Proficiency Debate: At a Glance*,

To illustrate, 75 percent of 4th grade students in Florida who took the 2015 NAEP Reading assessment achieved a "Basic" rating while 39 percent achieved a "Proficient" rating. In 2016, 52 percent of Florida's 4th grade students achieved a Level 3 on the statewide, standardized ELA assessment, while 26 percent achieved a Level 4.

2015 FL 4th Grade NAEP Reading[30]	% Basic	75%
	% Proficient	39%
2016 4th FL Grade ELA Assessment[31]	% Level 3	52%
	% Level 4	26%

These data suggest that Florida's Level 3 and Level 4 standards are more rigorous than the NAEP "Basic" and "Proficient" levels, respectively. Currently, School Public Accountability Reports indicate the percentage of students who achieve each level of performance (1-5) at the school, district, and state levels on a given state assessment.[32] Thus a student performing at a proficient level (Level 4) can easily be determined.

Data show little correlation between NAEP performance and state cut scores. Among the 10 highest performing states based on the Quality Counts ranking, the differential between the state cut points and the "Proficient" standard on the 2015 NAEP Grade 8 Mathematics standard varies widely. The third-highest performing state, New Jersey, had more students meet the NAEP "Proficient" mark than achieve the "Met Expectations" cut score on its state assessment by 22 percentage points. By contrast, the 6th highest performing state, Minnesota, had fewer students meet the NAEP "Proficient" mark than achieve the "Meets Standards" cut point on its state assessment by 10 percentage points.

Effect of Proposed Changes

The bill requires that beginning with the 2017-2018 school year the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8 to be administered no earlier than the last 3 weeks of the school year. The bill specifies that the testing window for these assessments may be no longer than 3 weeks and exempts the 3rd grade "Reading" assessment from the requirements of the bill. The bill does not expressly include state EOC assessments under these requirements.

The bill requires any new contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, the assessments are 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.

The bill also requires that, beginning with any contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, "achievement level 3 shall be defined as proficient for each new assessment." It is unclear whether the effect of the provision is to nominally equate "proficient" with "satisfactory" or to require that a Level 3 score signify the attainment of higher achievement standards.

---

http://www.centerforpubliceducation.org/Main-Menu/Evaluating-performance/The-proficiency-debate-At-a-glance (last visited Mar. 12, 2017).

[30] National Center for Education Statistics, *State Profiles*, https://nces.ed.gov/nationsreportcard/states/ (last visited Mar. 13, 2017) (review based on the state profile for Florida).

[31] Florida Department of Education, *Florida PK-20 Education Information Portal*, https://edstats.fldoe.org/SASPortal/public (last visited Mar. 13, 2017) (review based on 2016 ELA assessment data for 4th grade students).

[32] *See e.g.*, Florida Department of Education, *School, District, and State Public Accountability Report for A.L. Mebane Middle School 2014-15*, *available at* http://doeweb-prd.doe.state.fl.us/eds/nclbspar/year1415/nclb1415.cfm?dist_schl=1_221.

According to the Department of Education, if the Level 3 cut point is aligned to the NAEP "Proficient" level, the percentage of students passing assessments required for graduation would decrease from 51 percent to 36 percent.[33]

Reporting Assessment Results

Present Situation

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.[34] The law also requires that assessment and reporting schedules must provide the earliest possible reporting of student assessment results to school districts.[35]

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 Department of Education (DOE) website.[36] 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.[37]

The law also requires school districts to provide a student's performance results on a district-required local assessment to the student's teachers and parents no later than 30 days after administering the assessment. This requirement does not apply if the superintendent determines that extenuating circumstances exist and reports the circumstances to the district school board.

Effect of Proposed Changes

The bill requires that the results of the statewide, standardized ELA and mathematics assessments be reported in an "easy-to read and understandable" format to each student's current teacher of record and to each student's teacher of record for the subsequent school year before the start of the school year. 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.

[33] Florida Department of Education, *State Board Analysis on Other States' Cut Points as Compared to NAEP Performance* (2015), *available at* http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf.
[34] *See* ss. 7 and 15, ch. 2015-6, L.O.F., *codified at* s. 1008.22(3)(g)2., F.S.
[35] Section 1008.22(7)(a), F.S.
[36] Florida Department of Education, *Understanding the New Score Report*, http://fldoe.org/accountability/assessments/fsa-report.stml (last visited Mar. 13, 2017).
[37] *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.

The bill also requires that a student's performance on a district-required local assessment be provided to the student's teacher within 7 days after the assessment was administered.

High School State Assessments

The *Every Student Succeeds Act* (ESSA)[38] 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).[39] 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, 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;[40]
- **high quality assessments** in ELA, math, and science;[41]
- **long-term goals** for all students and student subgroups[42] in the state, including measurements of interim progress toward meeting the goals;[43]
- **multiple indicators** of student success and school quality,[44] 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 learners[45] (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;[46] and
- **identification of schools**, based on annual meaningful differentiation that requires comprehensive support and improvement or targeted support for specific student subgroups.[47] 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.[48]

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.[49]

---

[38] Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq*.
[39] Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).
[40] 20 U.S.C. s. 6311(b)(1).
[41] 20 U.S.C. s. 6311(b)(2).
[42] 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).
[43] 20 U.S.C. s. 6311(c)(4)(A).
[44] 20 U.S.C. s. 6311(c)(4)(B).
[45] 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).
[46] 20 U.S.C. s. 6311(c)(4)(C).
[47] 20 U.S.C. s. 6311(c)(4)(D).
[48] *See* 20 U.S.C. s. 6311(h)(1) and (2).
[49] 20 U.S.C. s. 6311(b)(2).

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.[50] However, any such assessment must:[51]

- 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;
- 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.[52] 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.[53] 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.[54]

Effect of Proposed Changes

The bill requires the commissioner to review the SAT and ACT to determine their alignment with the core curricular content for high school-level ELA and mathematics established in the Next Generation Sunshine State Standards. The commissioner must submit a report with the results of the review to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education by December 1, 2017.

B. SECTION DIRECTORY:

Section 1. Requires the Commissioner of Education to review specified college entrance examinations to determine their alignment with the core curricular content for high school-level English Language Arts and mathematics established in state standards; requiring 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 2. Amends s. 1008.22, F.S.; conforming a cross-reference; revising provisions relating to achievement levels for certain statewide, standardized assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in

[50] *See* 20 U.S.C. s. 6311(b)(2)(H).
[51] 20 U.S.C. s. 6311(b)(2)(H)(i)-(v).
[52] 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.
[53] *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.
[54] *Id.*

specified grades; revising provisions relating to reporting requirements for school district-required local assessments; providing reporting requirements for certain student assessment results.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   This bill has a fiscal impact of $339,611 in nonrecurring General Revenue funds to implement the provisions of Section 1 and $1,247,251 in recurring General Revenue funds to implement the provisions of Section 2.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires the 3rd grade English language arts (ELA) assessment to be administered during the last 3 weeks of school. The bill then exempts the grade 3 “Reading” assessment from the 3-week

requirement. It is unclear what portion of the 3rd grade assessment is exempted, however, because the 3rd grade ELA assessment does not have a separate reading or writing component.

The bill requires statewide, standardized ELA and mathematics assessments to be administered during the final 3 weeks of the school year. It also requires that the assessment window be no longer than 3 weeks. However, because the last day of school is separately established by each school district, it is unlikely the Department of Education could establish a 3-week state assessment window. The latest school district close date for the 2016-2017 school year is in Dade (June 8) and the earliest date is in Hamilton (May 19), which leaves only a one-day overlap for purposes of a 3-week testing window.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 28, 2017, the PreK-12 Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provides an appropriation of $339,611 of nonrecurring General Revenue to fund the provision of Section 1 of the bill. The amendment also provides an appropriation of $1,247,251 of recurring General Revenue to fund the provision of Section 2 of the bill.