

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1498

INTRODUCER: Senator Baxley

SUBJECT: School Turnaround

DATE: February 14, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Sagues | Sikes | ED | Pre-meeting |
| 2. | | | AED | |
| 3. | | | AP | |

I. Summary:

SB 1498 modifies the identification of schools in need of intervention and support, and revises the school turnaround process and requirements for schools identified as needing intervention and support. Specifically, the bill:

- Defines a deficient and failing school as a school that earns a grade of “D” or “F” and needs intervention and support.
- Allows for a school district to request to change a school turnaround option after the first year of implementation if specific conditions are met.
- Modifies the options that are available for school districts if the turnaround school does not improve to at least a grade of “C” or higher.
- Authorizes the State Board of Education to revoke a turnaround plan when a district has failed to meet the requirements of the plan.

The bill does not require the appropriation of additional state funds.

The bill takes effect on July 1, 2020.

II. Present Situation:

School Grading System

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how well each school is serving its students.¹ School grades are used in the state system of school

¹ Florida Department of Education, *2019 School Grades Overview* (2019), available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview19.pdf>.

improvement and accountability to determine the need for school intervention and support,² or to determine whether a school is eligible for school recognition funds.³

Schools are graded using one of the following grades:⁴

- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).
- “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in ELA, mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains.⁵ Middle and high school models include additional components beyond the basic model.⁶

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on following components:⁷

- The 4-year high school graduation rate of the school as defined by State Board of Education (SBE) rule.⁸
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the SBE.

Improvement of Low Performing Schools

Florida’s system of improving low-performing schools is referred to as “school improvement” (SI),⁹ Under SI, intervention and support is provided to traditional public schools earning a letter grade of “D,” or “F.”¹⁰ Intensive intervention and support strategies are applied to schools that earn two consecutive grades of “D” or a grade of “F” through turnaround option plans.¹¹

² See s. 1008.33(4), F.S.

³ See s. 1008.36, F.S.

⁴ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

⁵ Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.

⁶ See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

⁷ Section 1008.34(3)(b)2., F.S., and rule 6A-1.09981(4)(c)2. and 3., F.A.C.

⁸ The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.

⁹ Rule 6A-1.09981(1), F.A.C.

¹⁰ Section 1008.33(3)(b), F.S.

¹¹ Section 1008.33(3)(c), F.S.

All Florida public schools that earn grade of “D” or “F” must have a school improvement plan, which is developed and implemented by the school’s advisory council.¹² It is the responsibility of each district school board to approve school improvement plans.¹³

Intervention and Support Strategies

If a school earns two consecutive grades of “D” or a grade of “F,” it must immediately implement a differentiated matrix of intervention and support strategies.¹⁴ Districts with a school improvement school must coordinate with the Department of Education (DOE), the Regional Executive Director or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.¹⁵

Florida law specifies seven general types of intervention and support strategies for traditional public schools to address student performance. The intervention and support strategies may include school improvement planning; leadership and educator quality improvement; professional development; curriculum review, pacing and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes.¹⁶

School Turnaround Options

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district managed turnaround plan through which the school district manages the 2-year turnaround plan at the school.¹⁷ The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.¹⁸

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year.¹⁹ If the school’s grade does not improve to a “C”, the school must select from the following turnaround options:²⁰

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.

¹² Sections 1001.42(18)(a) and 1001.452(2), F.S. School advisory councils (SACs) are composed of principals, teachers, educational support personnel, parents, students, local business representatives, and community members. Section 1001.452(1)(a), F.S. SACs are responsible for developing and implementing the school’s improvement plan, assisting in the development of the school’s budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards. Sections 1001.452(2) and 1008.36(4), F.S. *See also* Section 1002.33(9)(n), F.S. Requires a charter school earning a “D” or “F” to submit a school improvement plan to the sponsor.

¹³ Section 1001.42(18)(a), F.S.

¹⁴ Section 1008.33(4)(a), F.S.

¹⁵ Rule 6A-1.099811(5)(a), F.A.C.

¹⁶ Section 1008.33(3)(c), F.S.; *see* rule 6A-1.099811(5)(b)1.-9., F.A.C.

¹⁷ Rule 6A-1.099811(5)(a)-(b), F.A.C.

¹⁸ Section 1008.33(4)(a), F.S.

¹⁹ The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation. *Id.*

²⁰ Section 1008.33(4)(b)1.-3., F.S.

- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.
 - The external operator may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

Based on traditional public schools that received grades in 2018 and 2019:²¹

- 70 percent of schools graded “D” or “F” improved their grade in 2019;
- 77 percent of schools graded “F” in 2018 improved their grade in 2019; and
- 85 percent of first year turnaround schools in 2018 improved their grade to a “C” or higher and exited turnaround in 2019.

Florida Education Finance Program

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.²² The number of FTE students in each of the funded education programs is multiplied by cost factors²³ relative to each program to obtain weighted FTE student values.²⁴ The base student allocation from state and local funds is determined annually by the Legislature in the General Appropriations Act (GAA) and is a component in the calculation of each school district’s base funding.²⁵ In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes, such as the turnaround school supplemental services allocation.

Turnaround School Supplemental Services Allocation

The turnaround school supplemental services allocation (TSSSA) provides funding to schools in, or exiting, turnaround status with funds to offer services designed to improve the overall academic and community welfare of the schools’ students and their families.²⁶ Services funded by the TSSSA may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.²⁷

²¹ Florida Department of Education, *School Improvement Presentation to the House PreK-12 Innovation Subcommittee* (October 16, 2019), available at <https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting%20Packets&FileName=pki%2010-16-19.pdf>.

²² See s. 1011.62, F.S.

²³ Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

²⁴ Section 1011.62, F.S.; Department of Education, *2019-20 Funding for Florida School Districts* (2019), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

²⁵ *Id.* at 17.

²⁶ Section 1011.62(21), F.S.

²⁷ Section 1011.62(21)(a)1., F.S.

Before distribution of the TSSSA, the school district must develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year, then submit its approved plan to the Commissioner of Education by September 1 of each year.²⁸ At a minimum the plan must:²⁹

- Establish comprehensive support services that develop family and community partnerships;
- Establish clearly defined and measurable high academic and character standards;
- Increase parental involvement and engagement in the child’s education;
- Describe how instructional personnel will be identified, recruited, retained, and rewarded;
- Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards;
- Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and
- Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of “C” or higher.

Subject to legislative appropriation, each school remains eligible for the TSSSA for a maximum of four continuous fiscal years while implementing a turnaround option.³⁰ In addition, a school that improves to a grade of “C” or higher remains eligible to receive the allocation for a maximum of two continuous fiscal years after exiting turnaround status.³¹

III. Effect of Proposed Changes:

The bill amends s. 1008.33, F.S., to modify the identification of schools earning a school grade of “D” or “F” and in need of intervention and support as deficient and failing schools, and to revise the school turnaround process and requirements for schools earning two consecutive school grades of “D” or a grade of “F.”

District Managed Turnaround Plans

The bill allows for a school district to request a change to a school turnaround plan during or after the first year of implementation. The bill also authorizes a school district to request an additional year of implementation before the school must implement a second turnaround option if the request:

- Demonstrates that the school has a positive trajectory using the school grade components specified in law;
- Demonstrates that the school does not have any instructional personnel who have received an unsatisfactory evaluation and that the percentage of such personnel who have received an evaluation of needs improvement is at or below the Florida Value-Added Model (VAM)³² average where the district has five or fewer schools;

²⁸ Section 1011.62(21)(b) and (d), F.S.

²⁹ Section 1011.62(21)(c)1.-7., F.S.

³⁰ Each school district’s allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of \$500 or as provided in the GAA. Section 1011.62(21)(e) and (f), F.S.

³¹ 1011.62(21)(f), F.S.

³² VAM is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning growth. Rule 6A-5.0411(2)(j), F.A.C.

- Includes a description of the services that will be implemented to ensure the sustainability of improvement during the next year and thereafter; and
- Includes a description of the services that will be implemented to ensure the sustainability of improvement during the next year and thereafter.

The bill provides that unless an additional year of implementation is provided, if a school that completes a district-managed turnaround plan cycle and does not improve to at least a grade of “C” or higher, the school district must implement one of the following:

- Upon recommendation of the Commissioner of Education, the State Board of Education (SBE) may choose to allow the school district to close the school, reassign students to another school with a school grade of “C” or higher, and monitor the progress of each reassigned student for three school years;
- Repurpose the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or
- Enter into an annual performance contract with an external operator that has a demonstrated record of effectiveness to operate the school. An external operator may include a provider authorized by the State University System or Florida College System (FCS) or a district-managed charter school.

The bill adds that the SBE may revoke a turnaround plan when a district fails to follow the terms of its approved plan or to meet the requirements of the plan. Prior to the revocation, the SBE must consider any curative action taken or proposed by the district and the feasibility of improving performance under the plan during the remainder of the approval period. Upon revocation, the SBE may require a district to submit a new plan or select a new turnaround option.

Turnaround School Supplemental Services Allocation

The bill conforms eligibility for the turnaround school supplemental services allocation (TSSSA) to district-managed turnaround schools, schools implementing a charter or external operator turnaround option, and schools that have improved to a “C” or higher and are no longer in turnaround status, as modified in the bill.

The bill also updates cross-references as conforming provisions for sections 1002.33, 1002.332, and 1002.333 of the Florida Statutes.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1008.33, 1011.62, 1002.33, 1002.332, and 1002.333.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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