

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 793 Measurement of Student Performance

**SPONSOR(S):** Bell

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1644

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Early Learning & Elementary Education Subcommittee	16 Y, 0 N	Bauman	Brink
2) Education & Employment Committee	21 Y, 0 N	Bauman	Hassell

### SUMMARY ANALYSIS

Teacher performance evaluation ratings, including ratings based on the Value-Added Model (VAM), are used in part to determine teacher assignments at low-performing schools with a turnaround plan.

However, VAM data is often released immediately before or after the start of the school year, making it difficult for school districts to make these instructional assignments in compliance with State Board of Education rule.

To assist school districts in timely assigning instructional personnel before the start of the school year, the bill requires the Commissioner of Education to release VAM data to school districts annually by July 31, rather than in August.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2021.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Evaluation of Instructional Personnel**

##### Present Situation

Florida law requires each district school superintendent to establish procedures to evaluate the job performance of district instructional personnel.<sup>1</sup> The Florida Department of Education (DOE) must approve each school district's performance evaluation system, which must:

- be designed to support effective instruction and student learning growth and be used when developing district and school level improvement plans;
- provide appropriate instruments, procedures, timely feedback, and criteria for improving the quality of instruction and be used when identifying professional development;
- include opportunities for parental input;<sup>2</sup>
- identify teaching fields where special evaluation procedures and criteria are necessary;
- differentiate among four levels of performance; and
- provide training and monitoring for the proper use of the evaluation criteria and procedures.<sup>3</sup>

The four levels of performance a school district's performance evaluation system must differentiate are:

- Highly Effective.
- Effective.
- Needs Improvements or, for instructional personnel in the first 3 years of employment who need improvement, Developing.
- Unsatisfactory.<sup>4</sup>

Instructional personnel must be evaluated annually,<sup>5</sup> except that newly hired classroom teachers must be evaluated at least twice in their first year of teaching in the school district.<sup>6</sup> Newly hired classroom teachers include first-time teachers new to the profession as well as veteran teachers new to the school district.<sup>7</sup>

The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices.<sup>8</sup> The criteria used to evaluate instructional personnel are student performance, instructional practice, and other indicators identified by the district school board.<sup>9</sup> At least one third of an instructional personnel evaluation must be based upon student performance and at least another one third based on instructional practice.<sup>10</sup>

##### *Measuring Student Performance for Evaluation*

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<sup>1</sup> Section 1012.34(1)(a), F.S.

<sup>2</sup> Section 1012.34(2)(c), F.S. The evaluation system must include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input into employee performance evaluations when appropriate.

<sup>3</sup> Section 1012.34(1)(b), (2), and (3)(a), F.S. *See* Rule 6A-5.030, F.A.C. (establishing process for submitting district evaluation system plans to the DOE for approval).

<sup>4</sup> Section 1012.34(2)(e), F.S.

<sup>5</sup> The DOE suspended the requirement to conduct annual evaluations for teachers and administrators for the 2019-2020 school year in response to COVID-19. Florida Department of Education, Order No. 2020-EO-02 (May 13, 2020), at 5, *available at* <https://www.fldoe.org/core/fileparse.php/19861/urlt/DOEEmergencyOrder2020-EO-02.pdf>.

<sup>6</sup> Section 1012.334(3)(a), F.S.

<sup>7</sup> Rule 6A-5.030(2)(g), F.A.C.

<sup>8</sup> Section 1012.34(3)(a), F.S.

<sup>9</sup> Section 1012.34(3)(a)1., 2., and 4., F.S.

<sup>10</sup> Section 1012.34(3)(a)1., F.S.

The student performance component of the evaluation must include student learning growth or achievement data of the teacher's students over the course of at least 3 years.<sup>11</sup> If less than 3 years of data are available, the years for which data are available must be used.<sup>12</sup> The proportion of growth or achievement data may be determined by instructional assignment (i.e., what courses or subjects are taught by the teacher).<sup>13</sup> Each school district must measure student performance using a methodology determined by the district, including through the use of statewide, standardized assessments and district-selected or -developed assessments.<sup>14</sup>

A district may also select, but is not required to use, the state-approved formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts (ELA) and mathematics.<sup>15</sup> Florida's current formula, the Value-Added Model (VAM), was developed with the recommendations of a stakeholder committee of Florida educators.<sup>16</sup> The VAM measures the average amount of learning growth of a teacher's students above or below the expected learning growth of similar students in the state, resulting in a value-added score.<sup>17</sup> Because the model requires prior student assessment data, VAM results are produced only for teachers who teach the following:

- ELA in grades 4-10;
- Mathematics in grades 4-8; and
- Algebra 1 in grades 8 and 9.<sup>18</sup>

About one-third of teachers receive VAM scores, which are also differentiated by the DOE into the four categories of performance: Highly Effective, Effective, Needs Improvement (Developing), and Unsatisfactory.<sup>19</sup>

## School Improvement

### Present Situation

School improvement is the component of Florida's statewide accountability system that provides support and interventions to low-performing schools.<sup>20</sup> The supports and interventions are designed to improve and sustain performance of all student subgroups and hold districts accountable for improving the academic achievement of all students and turning around low-performing schools.<sup>21</sup>

A public school that earns a "D" or "F" under Florida's school grading system or that produces a graduation rate of 67 percent or less is identified as a school improvement school for the purpose of receiving DOE support and interventions.<sup>22</sup>

A school that earns two consecutive grades of "D" or a single grade of "F" is required to develop a turnaround plan for approval by the State Board of Education.<sup>23</sup> The turnaround plan must be designed to improve the school's grade to a "C" or better within 2 school years.<sup>24</sup> The turnaround options available to a school district include:

- District-managed - the school district manages the 2 year turnaround plan at the school;

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* See Rule 6A-5.030(3)(e)3.a., F.A.C.

<sup>15</sup> Section 1012.34(7)(a), F.A.C.

<sup>16</sup> Florida Department of Education, Division of Public Schools, Presentation to the PreK-12 Innovation Subcommittee (Oct. 16, 2019), at 26, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting%20Packets&FileName=pki%2010-16-19.pdf>.

<sup>17</sup> *Id.* at 27.

<sup>18</sup> *Id.* at 26.

<sup>19</sup> *Id.* at 26 and 30.

<sup>20</sup> Section 1008.33, F.S.; Rule 6A-1.099811(2)(w), F.A.C.

<sup>21</sup> *Id.*

<sup>22</sup> Section 1008.33(3)(b), F.S.; Rule 6A-1.099811(2)(z), F.A.C.

<sup>23</sup> Rule 6A-1.099811(6)(a), F.A.C.

<sup>24</sup> *Id.*

- Reassignment and Closure - the school district closes the school, reassigns the school's students to a "C" or higher graded school(s) and monitors the progress of those students;
- Charter School - the school district contracts with a charter school with a record of effectiveness to operate the school; or
- External Operator/Outside Entity - the school district contracts with an outside entity that has a record of effectiveness to operate the school.<sup>25</sup>

Because it is significantly more likely that instructional personnel with a VAM rating of "Effective" or higher maintain their rating than it is to improve an "Unsatisfactory" or "Needs Improvement" rating, state board rule limits the number of instructional personnel with low VAM ratings who may be assigned to schools in turnaround status.<sup>26</sup>

State board rule provides the following limitations for assigning instructional personnel at schools in turnaround status:

- A district-managed turnaround plan must ensure that the percentage of instructional personnel at the school with a rating of "Unsatisfactory" or "Needs Improvement," based on the most recent 3 year aggregated state VAM, is less than the district VAM average if the district has more than 5 schools.<sup>27</sup> The district-managed turnaround plan must also ensure that instructional personnel who do not have a state VAM rating and who do not show evidence of increasing student achievement are not rehired at the school.<sup>28</sup>
- A reassignment and closure turnaround plan must ensure that instructional personnel from the closed school who are rated as "Unsatisfactory" or "Needs Improvement," based upon the 3 year aggregated state VAM ratings, are not reassigned to other school improvement schools within the district.<sup>29</sup>
- A charter school or external operator/outside entity turnaround plan must ensure that instructional personnel rated as "Unsatisfactory" or "Needs Improvement," based upon both the 3 year aggregated state VAM rating, if applicable, and the district evaluation system, are not staffed at the school for the upcoming school year.<sup>30</sup>

To assist school districts with support and intervention for school improvement schools, the DOE must:

- prior to the start of each school year, publish a list when school grades are released to notify school districts of any school improvement schools in the district;
- provide notice of the level of support or intervention for school improvement schools;
- provide districts with state VAM data on instructional personnel in August of each year; and
- provide districts with student assessment, school grade, and graduation rate data annually.<sup>31</sup>

Current law requires school districts to begin the school year no earlier than August 10 each year.<sup>32</sup> However, VAM data is often released immediately before or after the start of the school year making it difficult for school districts with schools in turnaround status to make instructional assignments in compliance with state board rule.

### Effect of Proposed Changes

To assist school districts in timely assigning instructional personnel before the start of the school year, the bill requires the Commissioner of Education to release VAM data to school districts annually by July 31, rather than in August.

<sup>25</sup> Rule 6A-1.099811(6)(b)1.-4., F.A.C.

<sup>26</sup> Florida Department of Education, *supra* note 15, at 33-35. See Rule 6A-1.099811(8), (9), (10), and (11), F.A.C.

<sup>27</sup> Rule 6A-1.099811(8)(a)h., F.A.C. If the district has 5 or fewer schools, the district must ensure that the percentage of instructional personnel assigned to the school with either a rating of "Unsatisfactory" or "Needs Improvement," based upon the most recent 3 year aggregated state VAM average, is less than the state VAM average.

<sup>28</sup> Rule 6A-1.099811(8)(a)i., F.A.C.

<sup>29</sup> Rule 6A-1.099811(9)(a)5., F.A.C.

<sup>30</sup> Rule 6A-1.099811(10)(b)4. and (11)(a)3., F.A.C.

<sup>31</sup> Rule 6A-1.099811(4)(a)-(d), F.A.C.

<sup>32</sup> Section 1001.42(4)(f), F.S.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 1012.34, F.S.; requiring the Commissioner of Education to annually provide specified results to school districts by a certain date.

**Section 2:** Provides for an effective date of July 1, 2021.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**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:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.