

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 1193 K-12 Assessments and Accountability
SPONSOR(S): Education & Employment Committee and Early Learning & Elementary Education Subcommittee, Plasencia, and others
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 1048

FINAL HOUSE FLOOR ACTION: 83 Y's 31 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/CS/HB 1193 passed the House on March 9, 2022, as CS/SB 1048.

In 2021, the Legislature passed HB 7011 which requires the Department of Education to implement a statewide English language arts (ELA) and mathematics progress monitoring system for students in Voluntary Prekindergarten (VPK) through grade 8. The bill expands the VPK through grade 8 progress monitoring system to include English Language Arts (ELA) in grades 9 and 10 and replaces the statewide, standardized ELA and mathematics assessments with the end-of-year administration of the progress monitoring system (PM system).

The bill establishes timelines for providing teachers and parents progress monitoring results and requires that PM system and statewide, standardized assessment data be provided to parents in an individual student report. The individual student reports must be provided electronically and contain resources to support informed parent involvement. Beginning with the 2023-2024 school year, ELA and mathematics assessment results must be made available by May 31.

The bill provides for the transition to the new PM system by holding schools harmless for 2022-2023 school grades and school improvement ratings. Once learning gains can be calculated following the 2023-2024 school year, State Board of Education must evaluate the school grading scale to determine if the scale should be adjusted.

The bill requires the Commissioner of Education, based on a third-party review and by January 31, 2025, to report on and make recommendations related to the implementation of the PM system. The bill authorizes the Department of Education, as needed, to amend assessment contracts to comply with the requirements of the bill.

The bill does not appear to have a fiscal impact. See Fiscal Comments.

The bill was approved by the Governor on March 15, 2022, ch. 2022-16, L.O.F., and will become effective on July 1, 2022, except as otherwise provided.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Florida's Statewide Public School Accountability System

Background

School accountability generally refers to the actions taken by states and school districts to improve academic outcomes for all students by measuring and providing public information on student success and school and educator quality. Florida's K-12 Accountability System was created to provide for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high-quality education in accordance with s. 1, Art. IX of the Florida Constitution.¹

Federal Requirements

The Elementary and Secondary Education Act (ESEA) was signed into law in 1965² and was reauthorized by the No Child Left behind (NCLB) act in 2002 and the Every Student Succeeds Act (ESSA) in 2015.³

The ESSA, like its predecessors NCLB and ESEA, aims 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.⁴

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

- challenging academic standards for reading or English language arts (ELA) and mathematics;⁵
- high quality assessments in ELA, mathematics, and science;⁶
- long-term goals for all students and student subgroups⁷ in the state, including measurements of interim progress toward meeting the goals;⁸
- multiple indicators of student success and school quality,⁹ including:
 - academic achievement as measured by statewide assessments in ELA and mathematics;
 - a 4-year graduation rate for high schools;
 - for elementary and middle schools, student growth or another academic indicator;
 - progress of English learners¹⁰ (EL) toward English proficiency; and

¹ See s. 1008.345(1), F.S. The Commissioner of Education is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability. See *id.*

² Pub. L. No. 89-10 (April 11, 1965).

³ U.S. Department of Education, *Every Student Succeeds Act*, <https://www.ed.gov/essa?src=rn> (last visited March 17, 2022).

⁴ 20 U.S.C. s. 6311(a)(1).

⁵ 20 U.S.C. s. 6311(b)(1).

⁶ 20 U.S.C. s. 6311(b)(2).

⁷ 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).

⁸ 20 U.S.C. s. 6311(c)(4)(A).

⁹ 20 U.S.C. s. 6311(c)(4)(B).

¹⁰ 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).

- an additional indicator of school quality or student success;
- annual meaningful differentiation (i.e., levels of performance) based on the system's indicators;¹¹ and
- identification of schools, based on annual meaningful differentiation, that require comprehensive support and improvement or targeted support and improvement for specific student subgroups.¹²

The 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 language proficiency, and, for the state, progress toward its long-term goals.¹³

The U.S. Department of Education approved Florida's ESSA State Plan in 2018.¹⁴

Overview of Florida's Accountability system

Florida's statewide accountability system, as amended by the Legislature in 2017,¹⁵ comprises the following:

- Rigorous academic standards that establish what knowledge and skills students in kindergarten through grade 12 need to learn.¹⁶
- Statewide, standardized assessments to measure student achievement of the standards in specified subject areas and grade levels.¹⁷
- 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.¹⁸
- School recognition funds that award schools for improving or achieving high levels of performance.¹⁹
- Performance evaluation criteria for teachers and administrators based in part on student achievement of the standards.²⁰
- Public reporting of school, district, and teacher performance.²¹
- School improvement requirements to help struggling schools incorporate best practices and, when needed, to fundamentally restructure schools that continue to fail.²²

Florida's Academic Standards

Together, all of Florida's academic standards compose the Next Generation Sunshine State Standards (NGSSS), which establish the core content of the curricula to be taught and specify the core content knowledge and skills that K-12 public school students are expected to acquire in ELA, science, mathematics, social studies, visual and performing arts, physical education, health, and foreign

¹¹ 20 U.S.C. s. 6311(c)(4)(C).

¹² 20 U.S.C. s. 6311(c)(4)(D).

¹³ See 20 U.S.C. s. 6311(h)(1) and (2).

¹⁴ Florida Department of Education, *Approval Letter from the U.S. Department of Education*, (Sept. 26, 2018), available at <https://www.fldoe.org/core/fileparse.php/14196/urlt/ESSA-ApprovalLetter.pdf>.

¹⁵ Chapter 2017-116, L.O.F.

¹⁶ Section 1003.41, F.S.; rule 6A-1.09401, F.A.C.

¹⁷ Section 1008.22(3), F.S.

¹⁸ 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.

¹⁹ Section 1008.36, F.S. Funding for School Recognition was vetoed in 2020 and was not included in the 2021 General Appropriations Act. See Specific Appropriation 10, ch. 2020-111, L.O.F. (vetoed by the Governor) and chapter 2021-36, L.O.F.

²⁰ Section 1012.34, F.S.

²¹ See ss. 1001.42(18), 1002.20(16), 1008.22(12), 1008.341(1), and 1012.34(1)(c), F.S.

²² Section 1008.33, F.S.; rule 6A-1.099811, F.A.C.

languages.²³ The SBE is responsible for adopting the NGSSS in rule based upon review and recommendations by the Commissioner of Education in consultation with Florida educators, school administrators, and state colleges and universities.²⁴

The NGSSS must provide for the logical, sequential progression of core curricular content that incrementally increases a student’s knowledge and skills over time.²⁵ Accordingly, the standards must include distinct grade-level expectations as follows:

| Subject Areas | Organization of Grade-Level Expectations |
|---|---|
| ELA Science Mathematics Social Studies | Grade-by-grade expectations for each individual K-8 grade level; standards for grades 9-12 may be organized by grade clusters of more than one grade level, e.g., courses such as Algebra I or U.S. History ²⁶ |
| Visual and Performing Arts Physical Education Health Education Foreign Languages | Grade-by-grade expectations for each individual K-5 grade level; standards for grades 6-12 may be organized by grade clusters of more than one grade level, e.g., courses such as Latin I, Physical Education ²⁷ |

Florida first established minimum student performance expectations and standards in 1977.²⁸ In 1996, the SBE adopted the Sunshine State Standards, predecessors to the NGSSS, based on the goals established under *Blueprint 2000*.²⁹ Adoption and integration of the NGSSS began in 2008 and included the adoption of Common Core standards for ELA and mathematics in 2010.³⁰ Amidst concerns over federal involvement in the selection and implementation of the standards and statewide, standardized assessments, Governor Rick Scott signed Executive Order No. 13-276 (2013), establishing the Florida Plan for Education Accountability.³¹ As a result of the executive order and subsequent statewide public input,³² the SBE amended the ELA and mathematics standards, now

²³ Section 1003.41(1) and (2), F.S.

²⁴ See s. 1003.41(3), F.S.; rule 6A-1.09401, F.A.C.

²⁵ Section 1003.41(1), F.S.

²⁶ *Id.*

²⁷ Section 1003.41(2)(e), F.S.

²⁸ See Florida Department of Education, *Florida’s Adoption of State Standards Background*, at 2 (2013), available at <http://www.fldoe.org/core/fileparse.php/5390/urlt/0081025-floridasadoptionofstatestandards.ppt>.

²⁹ See Florida Department of Education, *FCAT Handbook*, at 9 (2005), available at <http://www.fldoe.org/core/fileparse.php/7478/urlt/background.pdf>.

³⁰ See rule 6A-1.09401, F.A.C. For a progression of changes to Florida’s academic standards since 1999, see Florida Department of State, *Rule Title: Student Performance Standards*, <https://www.flrules.org/gateway/RuleNo.asp?title=FINANCE%20AND%20ADMINISTRATION&ID=6A-1.09401> (last visited March 17, 2022) (providing a sequence of links to proposed and adopted amendments to rule 6A-1.09401, F.A.C.).

³¹ Office of the Governor, *Executive Order 13-276: Florida Plan for Educational Accountability*, (September 23, 2013), available at <https://www.flgov.com/wp-content/uploads/2013/09/EO-13-276.pdf>. The order directed the commissioner to take certain actions with respect to four aspects of the education system in Florida: procurement of the next statewide, standardized assessments; student data security; the school accountability system; and teacher evaluations.

³² Curva & Associates, LLC, *Analysis of the Florida Common Core Standards Public Input Period*, (Dec. 2013), available at <http://www.fldoe.org/core/fileparse.php/5390/urlt/0081021-floridastandardspublicreview.pdf> (summarizing public comments and recommendations concerning changes to Florida’s ELA and math standards).

called the “Florida Standards,”³³ and the commissioner selected new statewide, standardized ELA and mathematics assessments aligned to the standards.³⁴

On January 31, 2019, Governor Ron DeSantis issued an executive order directing the commissioner to comprehensively review and collect public input on Florida’s academic standards for kindergarten through grade 12 students and provide recommended revisions to the Governor by January 1, 2020.³⁵ The commissioner’s recommendations included replacing the Florida Standards for ELA and mathematics with the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards.³⁶ On February 12, 2020, the SBE adopted the B.E.S.T. Standards in rule.³⁷ Implementation of the ELA standards began with the 2021-2022 school year, and implementation of the mathematics standards will begin with the 2022-2023 school year.³⁸ On July 14, 2021, the SBE adopted updated standards and Access Points³⁹ for B.E.S.T. ELA and mathematics, as well as standards for social studies and health education.⁴⁰

Florida’s Statewide Student Assessment Program

Federal Requirements

The ESSA provides flexibility in state accountability systems, but maintains the assessment requirements of NCLB. Under ESSA, states receiving Title I funding are still required to administer the mathematics and reading or ELA assessments annually to students in grades 3 through 8 and once in high school.⁴¹ In addition, states are required to measure student proficiency in science at least once in grades 3 through 5; grades 6 through 9; and grades 10 through 12.⁴² However, ESSA amended NCLB to allow for a state or a consortia of states to use multiple statewide interim assessments⁴³ that result in a single summative score,⁴⁴ or a state can use a single summative assessment.⁴⁵ In addition, ESSA amended NCLB to allow states to administer computer adaptive assessments for the purposes of meeting federal requirements.⁴⁶

Florida Standards Assessment and the Next Generation Sunshine State Standards Assessment

³³ See rule 6A-1.09401(1)(l) and (m), F.A.C. See also Florida State Board of Education, *Minutes for February 18, 2014, State Board of Education Meeting*, available at <http://fldoe.org/core/fileparse.php/5444/urlt/0074998-minutes.pdf>.

³⁴ Florida Department of Education Press Office, *With Students as Top Priority, Florida Chooses Replacement for FCAT*, Press Release (Mar. 17, 2014), available at <http://www.fldoe.org/core/fileparse.php/5390/urlt/0081008-floridachooesreplacementfcats.pdf>.

³⁵ Office of the Governor, *Executive Order 19-32: Commitment to Eliminating Common Core, Ensuring High-Quality Academic Standards and Raising the Bar for Civic Literacy*, (January 31, 2019), available at https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-32.pdf.

³⁶ Florida Department of Education, *February 12, 2020 – Meeting Agenda*, <http://www.fldoe.org/policy/state-board-of-edu/meetings/2020/2020-02-12> (last visited March 17, 2022). See rule 6A-1.09401, F.A.C.

³⁷ *Id.*

³⁸ Florida Department of Education, *Adoption and Implementation Memo to School Districts*, (February 13, 2020), <https://info.fldoe.org/docushare/dsweb/Get/Document-8838/dps-2020-26.pdf>.

³⁹ Beginning in 2006, access points became the means through which students with a significant cognitive disability have accessed the general education content found in the NGSSS. Access points were developed for all standards with three complexity levels that represented a continuum of understanding (participatory, supported and independent). Courses containing these standards, also known as access courses, were developed to support access for all students to the general education standards. Florida Department of Education, *Access Points to Next Generation Sunshine State Standards (Florida Standards) – Mathematics 2014*, at 2, (Spring 2014), available at <https://www.fldoe.org/core/fileparse.php/5444/urlt/0074988-math.pdf>.

⁴⁰ Florida Department of Education, *July 14, 2021 – Meeting Agenda*, <https://www.fldoe.org/policy/state-board-of-edu/meetings/2021/2021-07-14/> (last visited March 17, 2022).

⁴¹ 34 C.F.R. s. 200.5(a)(1)(i).

⁴² 34 C.F.R. s. 200.5(a)(1)(ii).

⁴³ An interim assessment is used to evaluate students’ knowledge and skills relative to a specific set of academic goals.

⁴⁴ 34 C.F.R. s. 200.2(b)(10)(i)-(ii).

⁴⁵ A summative assessment is generally administered once, typically at the end of the school year to evaluate performance against a set of content standards.

⁴⁶ 34 C.F.R. s. 200.2(c)(1).

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff.⁴⁷ The Florida Standards Assessments (FSA) and NGSSS assessments measure student achievement of the standards contained in the Florida Standards and the NGSSS, respectively. The statewide assessments program also provides feedback and accountability indicators to Florida educators, policy makers, students, and other citizens.⁴⁸

The commissioner is required to design and implement a statewide standardized assessment program aligned to the core curricular content established in the NGSSS.⁴⁹ The statewide standardized assessment program for students in grades 3 through 10 is as follows:⁵⁰

- Florida Standards Assessments:
 - ELA: grades 3-10.⁵¹
 - Mathematics: grades 3–8.
 - End-of-Course (EOC) assessments for students who are enrolled in the corresponding course:
 - Algebra 1.⁵²
 - Geometry.
- NGSSS Assessments:
 - Grade 5 and grade 8 science.
 - EOC assessments for students who are enrolled in the corresponding courses:
 - Biology I.
 - United States History.
 - Civics.

Standardized Test Administration and Testing Schedule

The ELA and mathematics FSA for grades 3 through 6 is currently administered in a paper-based format.⁵³ Statewide EOC assessments,⁵⁴ the grade 7 and 8 mathematics FSA, and grades 7 through 10 ELA FSA are administered in a computer-based format.⁵⁵

The grade 3 ELA FSA and the writing portion of the ELA FSA must be administered no earlier than April 1 each year.⁵⁶ The spring administration of the ELA FSA in grades 4 through 10, mathematics FSA in grades 3 through 8, and EOC assessments must be administered no earlier than May 1 of each year.⁵⁷ The commissioner is required to establish schedules for the administration of statewide,

⁴⁷ Section 1008.22(1), F.S.

⁴⁸ Florida Department of Education, *Florida Statewide Assessments: Statewide Assessments Guide 2020-2021*, at 1 (2021), available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/swapig.pdf>.

⁴⁹ Section 1008.22(3), F.S.

⁵⁰ Section 1008.22(3)(a) and (b), F.S.

⁵¹ Section 1008.22(3)(a), F.S. provides for grade 10 ELA retakes for students who have not achieved the passing score needed for graduation requirements. Students can earn a concordant score on an ACT or SAT to satisfy the graduation requirement. Section 1008.22(9), F.S.

⁵² Required for high school graduation under s. 1003.4282(3)(b), F.S. Students can earn a comparative score on an assessment identified by the commissioner. Section 1008.22(10), F.S.

⁵³ Section 1008.22(3)(a), F.S.

⁵⁴ Section 1008.22(3)(b)5., F.S.

⁵⁵ Florida Department of Education, *Florida Statewide Assessments: Statewide Assessments Guide 2020-2021*, at 35 (2021), available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/swapig.pdf>.

⁵⁶ Section 1008.22(7)(c)1. F.S. The test administration window may not exceed 2 weeks.

⁵⁷ Section 1008.22(7)(c)2.-3., F.S. The test administration window for paper-based assessments may not exceed 2 weeks. The test administration for computer-based assessments may not exceed 4 weeks.

standardized assessments and the reporting of student assessment results.⁵⁸ The 2021-2022 school year FSA and EOC administration schedule is below.⁵⁹

FLORIDA STATEWIDE ASSESSMENT PROGRAM 2021–2022 SCHEDULE*

| English Language Arts (ELA), Mathematics, and Science | |
|--|--|
| Dates | Assessment |
| April 4–15, 2022 | Grades 4–10 ELA Writing Grade 3 ELA Reading |
| May 2–13, 2022 | Grades 4–6 ELA Reading Grades 3–6 Mathematics |
| May 2–27, 2022 | Grades 7–10 ELA Reading Grades 7 & 8 Mathematics |
| May 9–20, 2022 | Grades 5 & 8 Science |
| End-of-Course Assessments | |
| Dates | Assessment |
| September 13–October 15, 2021 November 29–December 17, 2021 May 2–27, 2022 July 11–22, 2022 | Algebra 1, Biology 1, Civics, Geometry & U.S. History |
| Florida Standards Assessments (FSA) Retakes | |
| Dates | Assessment |
| September 13–October 15, 2021 | Grade 10 ELA Reading Retake Grade 10 ELA Writing Retake |
| February 21–March 11, 2022 | Grade 10 ELA Writing Retake Grade 10 ELA Reading Retake Algebra 1 Retake |

* School districts establish daily testing schedules within these windows according to state-provided guidance. For more detailed scheduling information for a specific school or district, please visit that organization's website.

The commissioner must also publish on the Department of Education's (DOE) website a uniform testing calendar that is provided to school districts,⁶⁰ so that school districts can populate the calendar with the state- and district-required assessments.⁶¹ School districts are required to publish the uniform testing calendar on their website each school year.⁶² A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments and district-required local assessments.⁶³

Reporting of Results and Achievement Levels

Results for the FSA and EOC assessments must be made available no later than June 30, except for the results for the grade 3 ELA FSA, which must be available no later than May 31.⁶⁴ The results for the FSA and EOC assessments must be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student's

⁵⁸ Section 1008.22(7)(a), F.S.

⁵⁹ Florida Department of Education, *Florida Statewide Assessment Program 2021-22 Schedule*, available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8789/dps-2019-197a.pdf>.

⁶⁰ Section 1008.22(7)(b), F.S.

⁶¹ Section 1008.22(7)(d), F.S.

⁶² *Id.*

⁶³ Section 1008.22(7)(e), F.S.

⁶⁴ Section 1008.22(7)(a), F.S.

current teacher of record and teacher of record for the subsequent school year. The school district must provide the assessment results within 1 week after receiving the results from the DOE.⁶⁵

All statewide, standardized EOC assessments and ELA, mathematics, and science assessments must use scaled scores and achievement levels.⁶⁶ Achievement levels range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.⁶⁷ Passing scores for each statewide, standardized assessment are designated by the SBE in rule.⁶⁸ If the commissioner seeks to modify performance level scores on a statewide, standardized assessment, the commissioner must provide a copy of the proposed scores and implementation plan to the Speaker of the House of Representatives and the President of the Senate at least 90 days before submission to the SBE for review.⁶⁹

Student Progress Monitoring in Florida

Progress monitoring tools (PM tool) are types of formative assessments that allow teachers to continuously evaluate student learning and monitor the effectiveness of their instruction.⁷⁰ PM tools assist in the selection of appropriate interventions, and can help inform supports for student with disabilities.⁷¹

Voluntary Prekindergarten through Grade 8 Progress Monitoring Tool

Children who enrolled in a private or public Voluntary Prekindergarten Program (VPK), for the 2021-2022 program year and prior years, are assessed with the Florida VPK assessment.⁷² The Florida VPK assessment is a PM tool, aligned with the Early Learning and Developmental standards: 4 Years old to Kindergarten, that measures a child's abilities in print knowledge, phonological awareness, mathematics, and oral language/vocabulary.⁷³ The Florida VPK assessment includes a pre- and post-assessment:⁷⁴

- The Pre-assessment or Assessment Period 1 is administered within the first thirty calendar days of the VPK class schedule.
- The Post-assessment or Assessment Period 3 is administered within the last thirty calendar days of the VPK class schedule.

Students who enrolled in kindergarten in a public school for the 2021-2022 school year, and prior school years, were assessed with the Florida Kindergarten Readiness Screener within the first 30 school days of the school year.⁷⁵ The Florida Kindergarten Readiness Screener is a computer adaptive assessment, which is completed by students in less than 20 minutes and measures student proficiency in three broad domains:⁷⁶

- Word knowledge and skills.
- Comprehension strategies and constructing meaning.

⁶⁵ Section 1008.22(7)(h), F.S.

⁶⁶ Section 1008.22(3)(e)1., F.S.

⁶⁷ *Id.*

⁶⁸ Section 1008.22(3)(e)2., F.S.

⁶⁹ Section 1008.22(3)(e)3., F.S.

⁷⁰ The Iris Center, Peabody College Vanderbilt University, *How can teachers systematically identify when to adjust instruction for struggling students?*, <https://iris.peabody.vanderbilt.edu/module/pmr/cresource/q1/p02/> (last visited March 17, 2022).

⁷¹ Wrightslaw, *Progress Monitoring*, (Oct. 13, 2014), <https://www.wrightslaw.com/info/progress.index.htm> (last visited March 17, 2022).

⁷² Rule 6A-1.09433, F.A.C.

⁷³ Office of Early Learning, *About Assessments in VPK and Kindergarten Screening*, <http://www.floridaearlylearning.com/vpk/vpk-providers/assessments-flks> (last visited March 17, 2022).

⁷⁴ Rule 6M-8.620, F.A.C.

⁷⁵ Section 1002.68(3)(a), F.S.

⁷⁶ Florida Department of Education, *Assessment for reading, language and vocabulary, and numeracy*, (2020), available at <https://www.fldoe.org/core/fileparse.php/18494/urlt/StarEarlyLiteracy.pdf>.

- Numbers and operations.

There is no federal requirement for states to administer assessments in kindergarten through grade 2. As of 2019, Florida was one of 12 states that did not offer a statewide kindergarten through grade 2 assessment system or a list of approved kindergarten through grade 2 assessment systems for school districts.⁷⁷ In 2021, the Legislature required implementation of a statewide VPK through grade 8 coordinated screening and progress monitoring system (CSPM) that includes grades kindergarten through grade 2.⁷⁸

Beginning with the 2022-2023 school year, private and public VPK providers and public schools in Florida must participate in the CSPM for students in VPK through grade 8. The CSPM must be administered three times during the school or program year and must:⁷⁹

- Measure student progress in VPK⁸⁰ through grade 8 in meeting the appropriate expectations in early literacy and mathematics skills and in ELA and mathematics standards.
- Measure student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level.
- Be a valid, reliable, and developmentally appropriate computer-adaptive assessment that identifies students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia.
- Provide data that can be used for VPK Program accountability requirements.
- Provide VPK Program providers, school districts, schools and teachers with data and resources that enhance instruction and parental communication.
- Provide information to the DOE to aid in the development of educational programs, policies and supports for VPK providers and school districts.

Beginning with the 2022-2023 program year, each private prekindergarten provider and public school in the VPK Program must participate in a program assessment of each VPK classroom based on teacher-child interactions.⁸¹ The DOE must adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which includes program assessment scores and learning growth and outcomes based on CSPM results.⁸²

Optional Progress Monitoring

The DOE allocated \$20 million from the Coronavirus Aid, Relief, and Economic Security (CARES) Act⁸³ funds for progress monitoring and data-informed supports.⁸⁴ From October 1, 2020, through February 19, 2021, the DOE made available to all public schools on a voluntary basis a new PM tool to serve as a connective support between the foundational skills that students seek to acquire and their progress through early education years and drive informed teaching practices and curriculum decisions.⁸⁵ The

⁷⁷ Council of Chief State School Officers, *K-2 Assessments: An Update on State Adoption and Implementation*, at 6 (2019), available at <https://ccsso.org/sites/default/files/2019-06/K-2%20Assessments%20Paper%20FINAL.pdf>.

⁷⁸ Section 15, ch. 2021-9, L.O.F.

⁷⁹ Section 1008.25(8)(a), F.S.

⁸⁰ Section 1008.2125(2)(a), F.S., requires that students in VPK and kindergarten be assessed with the coordinated screening and progress monitoring system within the first 30 days after enrollment, midyear, and within the last 30 days of the program or school year.

⁸¹ Section 1002.68(2), F.S.

⁸² Section 1002.68(4)(a), F.S.

⁸³ The CARES Act was passed by Congress March 27, 2020. The CARES Act provided funding in four education related categories: Elementary and Secondary School Emergency Relief Fund, Governor's Emergency Education Relief Fund, Higher Education Emergency Relief fund, Child Care Development Block Grant.

⁸⁴ Florida Department of Education, *Reopening Florida's Schools and the CARES Act*, at 102, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FLDOEReopeningCARESAct.pdf>.

⁸⁵ Florida Department of Education, *Free Optional Progress Monitoring Tool Available to Public Schools*, (Sept. 2, 2020), available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/CambiumProgressMonitoring2020-21.pdf>.

PM tool was computer adaptive, made available for multiple administrations, and was aligned to the state standards for grades 3 through 10 reading and grades 3 through 8 mathematics.⁸⁶ Public schools participating in the optional PM tool were recommended to provide students between 45 and 60 minutes to complete each assessment.⁸⁷

In school year 2020-2021, 59 school districts administered the PM tool.⁸⁸ The 59 school districts that accessed the PM Tool administered 322,030 reading assessments and 226,122 mathematics assessments. For the 2021-2022 school year, as of Dec. 13, 2021, 54 school districts have accessed the PM Tool and administered 110,787 Reading assessments and 56,237 mathematics assessments.⁸⁹

School District Assessments

The measurement of student performance is the responsibility of school districts, except in those subjects and grade levels measured under the statewide, standardized assessment program.⁹⁰ School districts are required annually, by October 1, to post the uniform assessment calendars that delineate which assessments are statewide, standardized assessments and which are district-required assessments.⁹¹ For the 2020-2021 and 2021-2022 school years, the DOE required that school districts submit progress monitoring results to the DOE for progress monitoring assessments that were administered during the school year.⁹²

For the 2020-2021 school year, only two school districts reported using no PM tool. Other school districts reported the following:⁹³

- 22 school districts reported use of one PM tool.
- 29 school districts reported use of two PM tools.
- 18 school districts reported use of three PM tools.
- 2 school districts reported use of four PM tools.

For school year 2021-22, school districts reported the following to the DOE:⁹⁴

- 15 school districts have no PM data reported through the platform.
- 38 school districts reported use of one PM tool.
- 17 school districts reported use of two PM tools.
- 3 school districts reported use of three PM tools.

School and School District Accountability

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.⁹⁵ School grades are also used to determine whether a school must select or

⁸⁶ *Id.*

⁸⁷ Florida Department of Education, *Adaptive Progress Monitoring (APM) Administration Manual, 2021-22*, at 3 (2021), available at <https://fsassessments.org/-/media/project/client-portals/florida/pdf/apm/apm-administration-manual-081921-final.pdf>.

⁸⁸ Email, Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education, (Jan. 28, 2022), on file with the Early Learning & Elementary Education Subcommittee.

⁸⁹ *Id.*

⁹⁰ Section 1008.22(6), F.S.

⁹¹ Section 1008.22(7)(d), F.S.

⁹² Florida Department of Education Emergency Order 2020-EO-06.

⁹³ Email, Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education, (Jan. 28, 2022), on file with the Early Learning & Elementary Education Subcommittee. Some school districts use different progress monitoring tools for different grade bands, i.e. K-5, 6-8, and 9-12. Examples of progress monitoring tools that are used by Florida's school districts include: I-Ready, STAR assessments, MAP assessments, Cambium Progress Monitoring tool, and Achieve 3000.

⁹⁴ *Id.* An analysis of the 2021-2022 district assessment calendars that were submitted to the Department of Education showed that 61 school districts intended to use a progress monitoring tool for the 2021-2022 school year.

⁹⁵ Section 1008.34(1), F.S.

implement a turnaround option⁹⁶ or whether a school is eligible for school recognition funds as appropriated by the Legislature.⁹⁷

The annual reports must identify schools as having one of the following grades:⁹⁸

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

The SBE must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustments and explain the reasons for the adjustment and the impact it will have on school grades.⁹⁹

Elementary, middle, 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. Middle and high school models include additional components beyond the basic model.¹⁰⁰ Combination school models include the additional components for the grades served (e.g., a school serving grades K through 12 would include the additional components for the middle and high school models).

| School Grades Models | | | | | | | |
|---|--|--------------------------|-----------------------------------|--|--------------------------------|--|---|
| Basic/Elementary (700 Points) | | | Middle School (Basic +200 Points) | | High School (Basic+300 Points) | | |
| English Language Arts | Mathematics | Science | Civics EOC Assessment | Acceleration Success | U.S. History EOC Assessment | Graduation Rate | Acceleration Success |
| Achievement (0% to 100%) | Achievement (0% to 100%) | Achievement (0% to 100%) | Achievement (0% to 100%) | Percentage of students who pass high school EOC assessments & industry certifications (0% to 100%) | Achievement (0% to 100%) | Overall, 4-year graduation rate (0% to 100%) | Percent of students eligible to earn: college credit through AP, IB, AICE, dual enrollment, or earned an industry certification ¹⁰¹ (0% to 100%) |
| Learning Gains (0% to 100%) | Learning Gains (0% to 100%) | | | | | | |
| Learning Gains of Low 25% (0% to 100%) | Learning Gains of Low 25% (0% to 100%) | | | | | | |

⁹⁶ See s. 1008.33(4), F.S.

⁹⁷ See s. 1008.36, F.S.

⁹⁸ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

⁹⁹ Section 1008.34(3)(c)1., F.S.

¹⁰⁰ See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

¹⁰¹ See s. 1008.34(3)(b)2.b., F.S. (2020). In 2020, the Legislature revised the acceleration success component to include the percentage of students who complete at least 300 clock hours of qualifying coursework through career dual enrollment. The 2021 graduating class will be the first graduating class that can participate in career dual enrollment to be counted toward their school’s grade. The first time career dual enrollment will be included in the school grades calculation will be the summer of 2022. In the 2022-2023 school year, the school grades calculation will also include the percentage of students who earn a qualifying score on the Armed Services Vocational Aptitude Battery and two credits in Junior Reserve Officers’ Training Corps from the same U.S. Armed Forces Branch.

A school's grade must include only those components for which at least 10 students have complete data. If a school does not meet the 10-student threshold for a component, it will receive a school grade based only on the remaining components.¹⁰² In addition, a high school's graduation rate must include students who transfer to a private school with which the school district has a contractual relationship.¹⁰³

Student achievement is determined by the percentage of full-year enrolled students who scored at level 3 or above on statewide, standardized assessments and EOC assessments in ELA, mathematics, Civics, U.S. History, science, Biology I, Algebra I, and Geometry.¹⁰⁴ English language learners are included in achievement calculations after enrollment in a school in the U.S. for more than 2 years and gains calculations after 1 year.¹⁰⁵

The learning gains component measures the growth demonstrated by a student from one year to the next in one of four ways:¹⁰⁶

- Increasing at least one achievement level on the statewide, standardized assessment in the same subject area.
- For students who score below level 3, improving by at least one "subcategory" within level 1 or level 2, based on the student's scale score, on the next year's assessment for that subject area.
- For students who score a level 3 or a level 4, improving the scale score on the next year's assessment for that subject area.
- For students who score a level 5, scoring a level 5 on the next year's assessment for that subject area.

An additional learning gains component is included for current-year, full-year-enrolled students whose prior-year assessment scores are in the school's lowest performing 25 percent on the statewide, standardized ELA and math assessments.¹⁰⁷

School Improvement Ratings

An alternative school or exceptional student education (ESE) center may opt for a school improvement rating instead of a school grade.¹⁰⁸ The school improvement rating is calculated using student learning gains on statewide, standardized ELA and mathematics assessments for all eligible students who are enrolled in the school and who have assessment scores, concordant scores, or comparable scores for the preceding school year.¹⁰⁹ Schools that improve their ratings by at least one level or maintain a "commendable" rating are eligible for school recognition awards.¹¹⁰ The school improvement rating identifies an alternative school as having one of the following ratings:¹¹¹

- Commendable: a significant percentage of the students attending the school are making learning gains.
- Maintaining: a sufficient percentage of the students attending the school are making learning gains.
- Unsatisfactory: an insufficient percentage of the students attending the school are making learning gains.

¹⁰² See s. 1008.34(3)(a), F.S.

¹⁰³ Section 1008.22(3)(d)3., F.S.

¹⁰⁴ See s. 1008.34(3)(b)1., F.S.

¹⁰⁵ See s. 1008.34(3)(b)1., F.S. (flush left provisions at the end of the subparagraph).

¹⁰⁶ See rule 6A-1.09981(2)(b), F.A.C.

¹⁰⁷ Section 1008.34(3)(b)1.g.-h., F.S.; rule 6A-1.09981(4)(a)5.-8., F.A.C.

¹⁰⁸ School improvement ratings, which do not include an academic achievement component but instead focus on learning gains, are offered to alternative schools because the students at these schools are often enrolled in more than one school within the school year. All alternative students' learning gains scores are included in either the alternative school or home school accountability report.

Section 1008.341(1), F.S.

¹⁰⁹ Section 1008.341(3), F.S.

¹¹⁰ Section 1008.341(2), F.S. (flush left provisions at the end of the subsection).

¹¹¹ Section 1008.341(2)(a)-(c), F.S. Concordant and comparative scores may be used to demonstrate learning gains for students in grades 9 through 12 who scored a Level 1 or 2 in the prior year in the same subject area. See rule 6A-1.099822(2)(c), F.A.C.

An alternative school that does not meet the requirements for issuance of a school improvement rating and has not received a rating for the past two consecutive years must receive a rating for the current year based on all student learning gains for all grades levels at the school for those 3 years.¹¹² If an alternative school does not have at least 10 students with complete data for a school improvement rating component, that component may not be used in calculating the school's improvement rating. To make certain that the school still receives a rating, the rating must be calculated based on the percentage of points earned from the ELA and mathematics learning gains components for those 3 years.¹¹³

School District Grades

Each school district must annually receive a district grade (A through F) as part of a district report card.¹¹⁴ The grade is calculated based on the same components used to grade the district's schools using data from each eligible student in the district, including students enrolled in charter schools.¹¹⁵ In addition to the district's grade, the district report card must also include:¹¹⁶

- measures of the district's progress in closing the achievement gap between higher- and lower-performing subgroups;
- measures of the district's progress in demonstrating learning gains of its highest-performing students;
- measures of the district's success in improving student attendance;
- the district's grade-level promotion of students scoring achievement levels 1 and 2 on statewide, standardized ELA and mathematics assessments; and
- measures of the district's performance in preparing students for the transition from elementary to middle school, middle to high school, and high school to postsecondary institutions and careers.

Effect of the Bill

The bill extends the CSPM system to include ELA for grades 9 and 10. The bill also reduces the assessment footprint by replacing the ELA FSA for students in grades 3 through 10 and the mathematics FSA for students in grades 3 through 8 with the end-of-year administration of the CSPM system.

The bill requires that the CSPM system:

- be included in the uniform assessment calendar;
- be included in the limitation on assessment taking up no more than 5 percent of school hours; and
- provide results to teachers within 1 week of each progress monitoring assessment, and to parents within 2 weeks.

The bill establishes the following schedule for CSPM system assessments:

- For students in VPK through grade 2, three assessments must occur as follows:
 - The first assessment occurs within 30 days of enrollment or the start of the program year;
 - The second assessment occurs midyear; and
 - The third assessment occurs within the last 30 days program year or school year.

¹¹² Section 1008.341(2), F.S.

¹¹³ *Id.* A school must assess 80 percent of students to receive a rating. A school that assesses less than 90 percent of its students is not eligible to receive a rating of "Commendable." *See id.*

¹¹⁴ Section 1008.34(4)-(5), F.S.

¹¹⁵ *See* rule 6A-1.09981(5), F.A.C. The calculation includes students who transfer between schools in the district or who are enrolled in a school that does not receive a grade. Section 1008.34(5), F.S. However, students who are enrolled in a school of hope pursuant to s. 1002.333, F.S., are not included in a district's grade. *See* s. 1002.333(6)(a), F.S.

¹¹⁶ Section 1008.34(4)-(5), F.S.

- For students in grades 3 through 10 ELA and grades 3 through 8 mathematics, three assessments must occur at the beginning, middle, and end of the year as set forth in state board rule.

The bill requires school districts to work with the Florida Virtual School, approved virtual instruction providers, and virtual charter schools to provide students access to testing facilities so they are able to participate in the PM system.

The bill requires the commissioner, by January 31, 2025, to report on and make recommendations related to the CSPM system in the following areas, based on a third-party review:

- Validity of using CSPM assessments 1, 2, or both in place of using the comprehensive end-of-year progress monitoring assessment for accountability purposes.
- Options to reduce assessment footprint and maintain valid and reliable data including use of computer-adaptive assessments.
- Improving remote administration of assessments.
- Accelerating student progression.
- Incorporation of state-adopted ELA instructional materials into the PM system.
- Impact of the CSPM on student learning growth data.

The bill improves communication with parents regarding their student's performance by requiring that district assessment data be provided within 1 week of test administration; requiring that statewide assessment data be provided to parents in an individual student report; and moving the deadline for the publication of statewide, standardized ELA and mathematics assessment results (i.e., the end-of-year administration of the CSPM) from June 30 to May 31, starting with the 2023-2024 school year. The bill requires that individual student reports be provided electronically and contain resources for parents to better understand the progress monitoring assessment and which support informed parent involvement.

The bill provides for the transition to the new CSPM system based assessment and accountability processes in the following manner:

- School grades for the 2022-2023 school year will be assigned so that the same percentage of schools achieve each grade as they did in the 2021-2022 school grades results. Once learning gains data becomes available following the 2023-2024 school year, the DOE must review the school grading scale to determine if it needs to be adjusted.
- Schools and providers must be held harmless, based on 2022-2023 school grades, for accountability purposes. While a school or provider cannot be forced to enter a turnaround plan based on its 2022-2023 school grade, a school may exit a turnaround plan based on its grade.
- For promotion to grade 4 and high school graduation, satisfaction of assessment requirements must be based on a comparison of the student's end-of-year 2022-2023 CSPM system results to 2021-2022 expectations on the FSA. A school district may promote a student to grade 4 based on a good cause exemption or if it has other reliable evidence of the student's performance.

The bill authorizes the Department of Education, as needed, to amend assessment contracts to comply with the requirements of the bill.

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:

For Fiscal Year 2021-2022, there is a total of \$134,702,019 appropriated in the DOE's Assessment and Evaluation appropriation category in the General Appropriations Act (GAA); this funds, in part, the DOE's costs associated with the implementation of statewide, standardized assessments. A total of \$8.0 million was appropriated in Specific Appropriation 135 of the Fiscal Year 2021-2022 GAA to develop the VPK through grade 8 CSPM system established by HB 7011 (2021). As a result of this bill, the DOE's Assessment and Evaluation appropriation category is reduced by \$15.5 million to reflect the replacement of the current statewide, standardized ELA and mathematics assessments with the end-of-year administration of the CSPM system.