

Committee Substitute for House Bill No. 1633

An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing Department of Education duties relating to identification of student learning gains; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (8) and (11) of section 229.57, Florida Statutes, are amended to read:

229.57 Student assessment program.—

(8) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (7) shall be based on the following:

(a) Timeframes.—

1. School performance grade category designations shall be based on the school's current one-school year of performance and the school's annual learning gains.

~~2.—In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.~~

~~2.3.~~ In the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, dropout rate and student readiness for college.

~~3.4.~~ Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on a combination of student achievement scores, student learning gains as measured by annual FCAT assessments in grades 3 through 10, and improvement of the lowest

25th percentile of students in the school in reading, math, or writing on the FCAT, including Florida Writes, unless these students are performing above satisfactory performance and on other appropriate performance data, including, but not limited to, dropout rate, cohort graduation rate, and student readiness for college.

(b) Student assessment data.—Student assessment data used in determining school performance grade categories shall include:

1. The aggregate median scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The aggregate median scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are performing above satisfactory performance the state in the previous school year.

The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The state board shall adopt appropriate criteria for each school performance grade category. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category “C,” making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the FCAT, including Florida Writes, unless these students are performing above satisfactory performance have scored among the lowest 25 percent of students in the state as well as by the overall population of students in the school.

(11) STATEWIDE ASSESSMENTS.—The Department of Education is authorized to implement, subject to appropriation, to negotiate a multiyear contract for the development, field testing, and implementation of annual assessments of students in grades 3 through 10. Such assessments must comply with the following criteria:

(a) ~~Assessments for each grade level shall be capable of measuring each student’s mastery of the Sunshine State Standards for that grade level and above.~~

(b) ~~Assessments shall be capable of measuring the annual progress each student makes in mastering the Sunshine State Standards.~~

(c) ~~Assessments shall include measures in reading and mathematics in each grade level and must include writing and science in grades 4, 8, and 10. Science assessment is to begin statewide in 2003.~~

(d) ~~Assessments shall be designed to protect the integrity of the data and prevent score inflation.~~

(a)(e) The statistical system for the annual assessments shall use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which distributions:

1. shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement against the current year achievement ~~or lack thereof, such that the "effects" of instruction to a student by a teacher, school, and school district may be estimated on a per-student and constant basis.~~

2. ~~Shall, to the extent possible, be able to be expressed in linear scales such that the effects of ceiling and floor dispersions are minimized.~~

~~(b)(f)~~ (b)(f) The statistical system shall provide for an approach which provides for the best estimates of linear unbiased prediction for the teacher, school, and school district effects on pupil progress. ~~These estimates should adequately be able to determine effects of and compare teachers who teach multiple subjects to the same groups of students, and team teaching situations where teachers teach a single subject to multiple groups of students, or other teaching situations as appropriate.~~

~~1. The department, in consultation with the Office of Program Policy Analysis and Government Accountability, and other sources as appropriate, shall use recognized approaches to statistical variance and estimating random effects.~~

2. The approach used by the department shall be approved by the commissioner ~~State Board of Education~~ before implementation for pupil progression assessment.

~~(g)~~ Assessments shall include a norm-referenced subtest that allows for comparisons of Florida students with the performance of students nationally.

~~(c)(h)~~ (c)(h) The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. The commissioner shall establish a schedule for the administration of the statewide assessments. In establishing such schedule, the commissioner is charged with the duty to accomplish the latest possible administration of the statewide assessments and the earliest possible provision of the results to the school districts feasible within available technology and specific appropriation. Annual assessments that do not contain performance items shall be administered no earlier than March of each school year, with results being returned to schools prior to the end of the academic year. Subtests that contain performance items may be given earlier than March, provided that the remaining subtests are sufficient to provide valid data on comparisons of student learning from year to year. The time of administration shall be aligned such that a comparable amount of instructional time is measured in all school districts. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

~~(i)~~ Assessments shall be implemented statewide no later than the spring of the 2000-2001 school year.

Section 2. For the purpose of incorporating the amendment to section 229.57, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but is not limited to, the following:

(c) Assistance and intervention.—

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

2. A school that is identified as being in performance grade category "D" pursuant to s. 229.57 is in danger of failing and must be provided assistance and intervention.

3.a. Each district school board shall develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths. If a classroom teacher, as defined by s. 228.041(9)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths, the district school board shall make every practical effort to grant the request.

b. For initial implementation in 2000-2001 and until full implementation of an annual assessment of learning gains, a classroom teacher who is selected by the school principal based on his or her performance appraisal and student achievement data to teach at a school designated as performance grade category "D" or "F" or at an alternative that serves disruptive or violent youths shall receive a supplement of at least \$1,000, not to exceed \$3,500, as provided for annually in the General Appropriations Act, each year he or she teaches at a school designated as performance grade category "D" or "F" or at an alternative school that serves disruptive or violent youths.

c. Beginning with the full implementation of an annual assessment of learning gains, a classroom teacher whose effectiveness has been proven based upon positive learning gains of his or her students as measured by annual FCAT assessments pursuant to s. 229.57, is eligible for an annual

supplement of at least \$1,000, not to exceed \$3,500, as provided for annually in the General Appropriations Act, each year he or she teaches at a school designated as performance grade category "D" or "F" or at an alternative school that serves disruptive or violent youths.

d. In the absence of an FCAT assessment, measurement of learning gains of students shall be as provided in s. 229.57(12). The supplement received under this paragraph shall be in addition to any supplement or bonus received as a result of other local or state pay incentives based on performance.

e. The Commissioner of Education shall adopt rules to determine the measures that define "teaching mastery" for purposes of this subparagraph.

4. District school boards are encouraged to prioritize the expenditures of funds received from the supplemental academic instruction categorical fund under s. 236.08104 to improve student performance in schools that receive a performance grade category designation of "D" or "F."

231.085 Duties of principals.—

(4) Each principal shall assist the teachers within the school to use student assessment data, as measured by student learning gains pursuant to s. 229.57, for self-evaluation.

231.17 Teacher certification requirements.—

(15) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—Beginning with the 2003-2004 school year, the Department of Education shall conduct a longitudinal study to compare performance of certificateholders who are employed in Florida school districts. The study shall compare a sampling of educators who have qualified for a professional certificate since July 1, 2002, based on the following:

(a) Graduation from a state-approved teacher preparation program.

(b) Completion of a state-approved professional preparation and education competency program.

(c) A valid standard teaching certificate issued by a state other than Florida.

The department comparisons shall be made to determine if there is any significant difference in the performance of these groups of teachers, as measured by their students' achievement levels and learning gains as measured by s. 229.57.

231.29 Assessment procedures and criteria.—

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures must comply with, but are not limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. Beginning with the full implementation of an annual assessment of learning gains, the assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 229.57 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 229.57 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.
2. Ability to maintain appropriate discipline.
3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.
4. Ability to plan and deliver instruction, including the use of technology in the classroom.
5. Ability to evaluate instructional needs.
6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.
7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

231.2905 Florida School Recognition Program.—

(4) The School Recognition Program shall utilize the school performance grade category designations in s. 229.57.

Section 3. The Department of Education, in consultation with the Office of Program Policy Analysis and Government Accountability, and other sources as appropriate, shall participate in the monitoring and reporting of the implementation of the methodology that will be used to identify student learning gains.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 30, 2001.

Filed in Office Secretary of State May 30, 2001.