



Draper Notes

February 4, 2015

Senator John Legg Files Educational Accountability Bill (SB 616)

Yesterday, Florida State Senator John Legg, the Chairperson of the Committee on Education Pre-K – 12, filed SB616, relating Educational Accountability. While a full detailed analysis of the legislation is below; here's a rundown of the major initiatives the proposed legislation calls for:

- Revising requirements for the administration of local assessments
- Restricting the amount of school hours that a school district may dedicate to administer specified assessments
- Transferring provisions relating to district school board policies regarding assessments
- Restricting the amount of school hours that a school district may dedicate to administer specified assessments
- Requiring a school district to secure consent of a student's parent if school hours dedicated to the administration of local assessments exceed the threshold amount
- Authorizing a student to take an examination or assessment adopted 12 pursuant to State Board of Education rule
- Revising the percentage thresholds for performance evaluation criteria for instructional personnel and school administrators
- Specifying standards for the content and the administration of local assessments; specifying requirements for eligibility of salary adjustments for instructional personnel or school administrators

Full Text of SB 616 by Senator Legg relates to education accountability.

Section 1. Amends s. 1008.22 – Student assessment program for public schools.

The bill amends subsection (6) and retains language requiring the measurement of student performance in all subjects and grade levels not included in the standardized assessment program as the responsibility of districts. "District-mandated" assessments are renamed "district-required local" assessments.

The bill removes current language requiring that districts administer local assessments in subjects and grade levels not measured under the statewide assessment program beginning in the 2014-2015 school year and the list of assessments that may be used. Most of this language is reinserted later in the bill.

Language is added that a school district may not schedule more than 5 percent of total school hours to administer statewide assessments and district-required local assessments. If a district requires more than 5 percent of total school hours to administer district-required local assessments, the district must secure written consent from a student's parent before administering such assessments. Notwithstanding this requirement, a student may, within a school year, choose to take an examination or assessment adopted by SBE rule pursuant to s. 1008.22 (student assessment program) and 1008.30 (common placement testing for public postsecondary education).

Section 2. Amends s. 1012.34 – Personnel evaluation procedures and criteria.

Subsection (3) is amended and the percentage of a teacher's evaluation based on student performance is decreased from 50% to 40%. If less than three years of data, the percentage is reduced to 30% (currently 40%).

At least 30% of a performance evaluation for teachers must be based on instructional practice. Current law does not indicate a percentage. For school administrators, at least 30% of the performance evaluation must include indicators based upon leadership standards adopted by the SBE. Current law does not include a percentage.

For both teachers and school administrators, no more than 30% of the performance evaluation must include other professional and job responsibilities. Current law does not include a percentage.

Subsection (7) now relates to the measurement of student learning growth on both state and local assessments. Student learning growth models or VAM are retained for courses associated with statewide, standardized assessments.

For grades and subjects not assessed by statewide assessments, but otherwise locally assessed, the existing statutory language is modified but the requirement to measure performance of students using a methodology determined by the district remains.

A new paragraph (d) is added that includes much of the language that was deleted in s. 1008.22 relating to local assessments. Therefore, school districts continue to be responsible for the measurement of student performance in all subjects and grade levels, except those measured under the statewide assessment program. For subjects and grade levels not measured under the statewide program, each district is responsible for administering local assessments that measure student mastery of course content at the necessary level of rigor. Local assessment may include (similar to current list):

- a. Statewide assessments.

- b. Other standardized assessments, including nationally recognized standardized assessments.
- c. Industry certification assessment.
- d. District-developed or district-selected assessments (removes reference to EOCs).
- e. Teacher-selected or principal-selected assessments.

The language requiring each district to adopt policies for the selection and scoring of local assessments remains as does the language authorizing the use of a variety of assessment formats. As in current language, for all ELA, math, science, and social studies courses offered in the district used to meet graduation requirements and which are not otherwise assessed by statewide assessment, the school board is limited to a. – d. above. New clarifying language is added so that for a teacher or school administrator to be eligible for a salary adjustment under the performance salary schedule, the student performance component of the performance evaluation must be based on an assessment described in a.-d. above and using a methodology determined by school districts. Such methodologies could include student learning growth, achievement levels, performance on statewide assessments, or for this school year only, measurable learning targets on local assessments.

Subsection (8) relating to rulemaking is amended and requires the SBE to adopt rules no later than August 1, 2015 relating to uniform procedures for review and approval of district evaluation systems; specific, discrete standards for each performance level; measurement of learning growth; and a process for monitoring district implementation. Specifically, the rule must establish student performance levels that if not met will result in the employee receiving an unsatisfactory performance evaluation rating; and also the level that must be met for an employee to receive a highly effective or effective rating.

Section 3. Amends s. 1012.22 – Public school personnel; powers and duties of the district school board.

Clarifies that a classroom teacher whose performance evaluation uses measurable learning targets on local assessments (references s. 1012.34(7)(c)3.) must remain under the grandfathered salary schedule until his or her teaching assignment changes to a subject for which there is a statewide assessment or district-required local assessment or the district establishes equally appropriate measures of student learning growth as defined by s. 1012.34 and SBE rules. In other words, districts may use learning targets on local assessments as part of the evaluation, but those teachers remain on the grandfathered schedule and are not eligible for performance pay. This seems to conflict with Section 2 where these teachers evaluated using learning targets could be eligible for a salary adjustment. I am asking for clarification. Also, the ability to use of measurable learning targets expires July 1, 2015.

However, teachers who teach a course not measured by a statewide assessment do not have to remain on the grandfathered salary schedule of evaluated using a district methodology. Such methodology could use learning growth, achievement level or performance on a statewide assessment (see lines 224-246).

Section 4. Amends s. 1008.34 – School grading system; school report cards; district grade.

Technical changes.

Section 5 – School district contingency plan.

Current law provides that school grades for the 2014-15 school year be calculated based on the new assessment, but such grades shall serve as an informational baseline. Consequently, schools would not be required to implement a turnaround option, sanctions and penalties are not held in abeyance, the School Recognition Program would continue, and for retention and graduation purposes, this year's assessment results would be linked back to last year's results. Regardless of this transition language, a district could, by supermajority vote, request SBE approval to waive all of these transition benefits and instead use the results from the assessment administered in 2014-2015 for diagnostic and baseline purposes only. Therefore, no school grades would be issued if the waiver is granted.

The waiver request must be submitted to the commissioner by the superintendent from the last day of the administration of the statewide assessment through June 5, 2015. At a minimum, the request must include:

- The scope of the request which may be either a school district, certain schools or a school. It may not include a grade level, subject- area level or another level.
- The reason for the request, including a description of the systemic or unique implementation failure. Quantifiable data must accompany the request. Inability to assess the minimum percentage of students does not, in itself, is not acceptable.
- A corrective action plan that will resolve such failure in time for successful administration of the assessment during the 2015-2016 school year; including allocation of resources and technical assistance needs.
- Plan to use diagnostic data to facilitate continuous improvement of student performance and effectiveness of schools, etc. The district must describe plans for implementing student progression plans, performance evaluations of instructional personnel and school administrators, performance salary schedule requirements, and other uses identified by the commissioner.

The Commissioner must review each request and consult with the superintendent. The commissioner's recommendation may include conditional requirements that must apply if the waiver is approved.

For only the 2014-2015 school year, if the waiver is granted:

- A school or district may not receive a grade, improvement rating or district grade.
- A school may, at district's discretion, choose to use the assessment results in teacher and school administrator evaluations.
- The district will continue to have its student performance results included in statewide assessment results that are published by DOE.
- A school forfeits eligible for earn school recognition funds.
- A school district forfeits the district's eligibility to earn the designation and benefits associated with high performance school district.
- This section expires July 1, 2016.

Section 6. Effective date is upon becoming law.