

EFFECTS OF DISTRICT OPTING OUT OF STATEWIDE ASSESSMENTS

1. Effects on Students

- Students cannot complete graduation requirements, leading to issuance of a standard high school diploma. Section 1003.4282, Florida Statutes, requires passage of the 10th Grade FCAT or ELA Assessment and the Algebra I EOC assessment as prerequisites to graduation. Additionally, the Statute requires that if a student has met all requirements for graduation with the exception of passage of the statewide assessments, the School District is required to provide the student an opportunity to continue attending high school for one (1) more year to receive instruction and preparation to attempt to pass the statewide assessments.
- High school and middle grade students may not be able to obtain credit for completion of courses which require that 30% of their grade be based on the student's performance on the end of course test, Sections 1003.4282 and 1003.4156, Florida Statutes. Additionally, students who do not pass an end of course assessment required to receive a standard high school diploma, must be placed in a segmented remedial online course in order to avoid loss of the FTE for that course and student, Section 1011.61, Florida Statutes.
- Statutory requirements for 3rd Grade retention could not be appropriately administered because the requirement to retain a student, whose reading deficiency is not remedied, is based on performance on the statewide standardized assessment, Section 1008.25, Florida Statutes. Additionally, the District could not comply with the requirement of statute to provide intensive reading instruction to students in Grades K through 3 who have a substantial deficiency in reading based upon statewide assessments because there would not be evidence of performance on a statewide assessment upon which to make this determination.
- The School District could not comply with provisions of the Florida statute concerning Opportunity Scholarships, Section 1002.38, Florida Statutes. The statute requires that a student who attends a school which receives a school grade of an F or three (3) consecutive D's, be given an opportunity to transfer to another public school with a performance grade category of C or better. Without statewide assessments, the school grade would be "incomplete" and therefore students could not be assigned to a school with a grade of C or above.

2. Effects on Employees

- The School District would not be able to comply with provisions of Florida Statute concerning the evaluation of instructional personnel and school administrators. At least 50% of the performance evaluation of classroom teachers and 40% of the evaluation of school administrators is required to be based upon student learning growth assessed annually by statewide assessments, Section 1012.34, Florida Statutes. Section 1012.33, Florida Statutes, requires instructional personnel retention decisions to be based on such evaluation ratings. Additionally, Section 1012.22, Florida Statutes, requires salary adjustments for instructional personnel be based upon the results of such evaluations, which include the required component of student learning growth as evidenced by statewide assessments. It also requires provision of salary supplements to instructional personnel assigned to schools with a grade of F or three (3) consecutive D's, which could not be complied with when a school receives an "incomplete" due to the lack of participation in the statewide assessments.
- Schools would not receive school recognition dollars pursuant to Section 1008.36, Florida Statutes, which requires receipt of a school grade of an A or a one (1) letter grade improvement, to be eligible for receipt of such funds.
- The required performance base salary schedule would fail to be implemented as required. A portion of the statutorily required performance salary schedule must be based on a performance component which is based on student growth on statewide assessments. 1012.22(1)(c)5., Florida Statutes.
- School principals would be ineligible for performance pay under 1012.28, Florida Statutes, as principals are required to faithfully and effectively apply the personnel evaluation system approved pursuant to 1012.34, Florida Statutes, which includes data from student performance on statewide assessments.
- School principals would be ineligible for performance pay under 1012.28, Florida Statutes, as principals are required to assist teachers in the use of student assessment data, as measured by student learning gains pursuant to 1008.22, Florida Statutes.

3. Effects on Schools

- Section 1011.62, Florida Statutes, requires Supplemental Academic Instruction and Research Based Reading Instruction categoricals be used to fund an additional hour of instruction beyond the normal school day for students attending schools in the 300 lowest performing elementary schools, based on the state reading assessment. Presumably, if elementary students at Lee County

School District did not take the state reading assessment, all of the elementary schools would be in the 300 lowest performing, therefore requiring additional instruction.

- Schools would receive a school grade of “incomplete” as a result of not meeting the requirement that 95% of students participated in statewide assessments, Section 1008.34, Florida Statutes. Section 1008.33, Florida Statutes, requires implementation of turn around options at schools receiving a grade of F. The section does not directly address the required actions for schools that receive a grade of “incomplete”.
- If charter schools were required to participate in the opt out as schools of the District, certain effects would be experienced. The School District would not be complying with the services it is required to provide to the charter schools, which include test administration services and payment of the cost of the state required student assessments, Section 1002.33, Florida Statutes. Additionally, charter schools could not become high performing charter schools, pursuant to Section 1002.331, Florida Statutes, with the attendant benefits, because they would not have the school grades required to establish eligibility. Charter schools could not receive capital outlay funds, pursuant to Section 1013.62, Florida Statutes, because one of the eligibility requirements is to have satisfactory student achievement based on Florida accountability standards.

4. Effects on the School District

- The School District could not be an academically high performing School District, pursuant to Section 1003.621, Florida Statutes, with the attendant benefits, such as the ability to start school earlier than two (2) weeks before Labor Day, in that part of the criteria for the status includes a grade of A for two (2) years in a three (3) year period.
- Many Rules and Policies of the School Board, such as the Student Progression Plan and ESE Special Programs and Procedures, would have to be revised to remove provisions concerning student participation in student assessment. The collective bargaining agreement for instructional staff would have to be renegotiated with respect to evaluation and compensation.

5. Effects on Funding

- The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities participate in assessments in compliance with state plans. Failure to participate in such assessments would put the District at risk of loss of IDEA funds.

- Title I of the Elementary and Secondary Education Act requires that states submit a plan to seek grant funding. One component of this plan is a procedure for statewide assessment. Failure to take part in the statewide assessment, which is part of the state plan, may result in a loss of Title I funding for the School District.

- Section 1008.22, Florida Statutes, states “participation in the assessment program is mandatory for all school districts and all students attending public schools.” Additionally, Section 1008.34, Florida Statutes, states; “each school must assess at least 95% of its eligible students”. Section 1008.32, Florida Statutes, states that the Commissioner of Education may investigate allegations of non-compliance with law by school districts. If the District School Board cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified time frame. If the School Board is found to be unwilling or unable to comply with law within the specified time, the State Board has the authority to initiate certain actions. These actions include:
 - 1) Report to the Legislature that the School District is unwilling or unable to comply with law and recommend action be taken by the Legislature; 2) Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds or any other funds specified by the Legislature until the School District complies with the law; and 3) Declare the School District ineligible for competitive grants. In the event the School District fails to comply with the law requiring participation in statewide assessments, the State Board of Education would have authority under this statute to withhold funding and make the School District ineligible for competitive grants.

HOW DEPARTMENTS USE ASSESSMENT DATA

ACCOUNTABILITY AND ASSESSMENT:

- Comply with high school graduation requirements (FCAT Reading, Algebra EOC, credit in Biology, Geometry and US History).
- Comply with middle school Civics credit requirement (Civics EOC is 30% of final course grade).
- Inform decisions regarding retention and promotions (such as third grade retention).
- Evaluate district initiatives/programs (*e.g.* Does Achieve 3000 increase FCAT gains?).
- Calculate school and district grades (schools/district would not qualify for a grade without test data)
- Qualify for High Performing District Status (based in part on district/school grades)
- Participate in the Duke University Talent Identification Program
- Calculate and report student grades and GPAs.
- Qualify students for scholarships such as Bright Futures (based partly GPA and courses completed).
- Evaluate teacher performance (VAM calculation).
- Comply with the Student Progression Plan.
- Implement progress monitoring to inform instruction
- Determine differentiated accountability (DA) status and measure compliance with plan.
- Qualify students as Sunshine State Scholars.
- Determine attainment of Superintendent goals.
- Determine needs and measure success of School Improvement Plans.
- Determine needs and measure success of District Strategic Plan.
- Attain and maintain District accreditation.
- Evaluate principals and assistance principals.
- Qualify students for college and university admission.
- Determine awards under the Florida School Recognition Program.
- Receive reimbursements of funds for passing scores (AP, IB, AICE)
- Qualify teachers for bonuses based on AP test results.
- Place of students in appropriate academic programs (*e.g.* intensive reading, gifted programs.)
- Determine needs and measure success of the District K-12 Reading Plan
- Determine needs and measure success of District Improvement and Assistance Plan (DIAP).
- Inform decisions made in Multi-Tiered Systems of Support (MTSS) processes.
- Identify English language learner (ELL) students
- Assess and improve relative levels of academic progress (*e.g.* achievement gap)

ADULT AND CAREER EDUCATION

- Qualify students for industry certifications.
- Earn FTE Funding
- Articulate Post-Secondary/College Credit
- Measure effective classroom instruction

HOW DEPARTMENTS USE ASSESSMENT DATA

BUSINESS SERVICES

- Qualify for funding based on grades (*e.g.* SAI, School Recognition.)
- Qualify for additional funds and bonuses (AP, IB, AICE, CAPE, *etc.*)

CURRICULUM AND STAFF DEVELOPMENT

- Calculate and award Teacher Performance Pay based on value-added model (VAM)
- Calculate and award School Grades
- Qualify students for high school graduation
- Make decisions about retention (Grade 3)
- Progress Monitoring Requirement
- Strategic Plan & Accreditation (academic measures)

EARLY CHILDHOOD

- Identify students in need of additional classroom support (Strengths and Difficulty Questionnaire).
- Screen all children in the first 45 calendar days (Ages and Stages) in compliance with Head Start agreement and regulations.
- Monitor progress to plan for children's individual and group learning (Teaching Strategies GOLD) in compliance with Head Start agreements and regulations.
- Monitor progress using new VPK system as required by statute for VPK funding.
- Conduct pre-test and post-tests in voluntary prekindergarten (VPK) programs necessary to earn VPK funding.
- Determine kindergarten readiness rates for students enrolled with VPK providers (FLKRS).

GRANTS AND PROGRAM DEVELOPMENT

- Demonstrate need in competitive grant proposals (such as the Teacher Incentive Fund) and non-competitive grant proposals (such as Title I).
- Evaluate sponsored programs (such as grant projects) and internal initiatives (such as curriculum changes).
- Define project deliverables in grant proposals.
- Assess the progress of charter schools toward their contracted goals.
- Consider recommendation for renewal of charters.
- Determine whether or not charter schools are required to complete school improvement plans.
- Evaluate efficacy of textbooks and other instructional materials.
- Determine efficacy of District English Language Learners plan and interventions (CELLA).
- Evaluate soundness of student progression plans.

HOW DEPARTMENTS USE ASSESSMENT DATA

- Inform development of individual academic plans (IAPs) for students in facilities served by or affiliated with the Florida Department of Juvenile Justice.
- Determine school readiness (CLASS, FLKRS, developmental screening)
- Inform decisions regarding special programs and modifications such as MTSS plans, 504 plans, and IEPs.
- Inform decisions about placement in advances, honors, AP, and dual enrollment courses.
- Determine readiness, admissions, and placement for postsecondary studies (PERT, CPT, SAT, ACT, et al.)
- Determine scholarship eligibility and decisions (PSAT/NMSQT, SAT).
- Qualify students for preferred state college and university admissions under the Florida Talented Twenty Program
- Evaluate efficacy of private providers for tutoring and other instructional services.
- Determine AYP status of schools (if waiver is not renewed in spring 2015).
- Determine Differentiated Accountability status of schools (if waiver is renewed in spring 2015).
- Determine salary, contract status, and employability of teachers.
- Determine salary and placement of principals.
- Compare state education system to other state education systems (NAEP).
- Compare state and national education system to those of other states and nations (TIMSS, PISA, PIRL, et al.)

HUMAN RESOURCES

- Evaluate instructional and administrative personnel using the evaluation system required under s. 1012.34* in multiple ways.
- Provide performance pay increases.
- Continue providing grandfathered pay increases.
- Provide salary supplements agreed to in TALC contract and as required by the Teacher Incentive Fund grant.
- Determine progress on the career ladder progress (as established through the collective bargaining process)
- Award annual contracts to teachers meeting certain evaluation requirements under s. 1012.34, F.S.
- Continue employment status of teachers with Professional Services Contracts meeting certain evaluation requirements under s. 1012.34, F.S.
- Qualify employees for promotion or transfer under s. 1012.34, F.S.)
- Conduct a surplus employee pool in accordance with s. 1012.28(6), F.S.)
- Manage reductions in force in compliance with s. 1012.33, F.S.
- Evaluate teachers to certify completion of teacher induction program (APPLES), which is required for a person with a temporary certificate to obtain a professional certificate.
- Comply with state requirements for employee evaluation by using state assessments. The alternative would be to seek state approval to use our own growth model or use student achievement models. There are at least two issues preventing that. First, using school district assessments for student growth or achievement for every subject would be beyond our current capacity as most teachers and administrators are currently covered by either FCAT Reading or FCAT Math.

HOW DEPARTMENTS USE ASSESSMENT DATA

- Maintain eligibility for year five of Race to the Top grant funding.
- Maintain eligibility for the next budget period award under the competitive Teacher Incentive Fund grant.

INFORMATION SYSTEMS

- Track, calculate, and reporting completion of high school graduation requirements. FCAT and EOC Assessments satisfy graduation requirements for a standard diploma.
- Provide programming for graduation requirement, including logic modifications.
- Determine whether or not a diploma will still be considered a standard diploma without satisfying FCAT and EOC requirements
- Schedule students. Currently student assessment data, such as FCAT assessment levels, are exported to the Pinnacle SIS Scheduling product because the information is used by master schedulers to help determine placement of students in courses, will require changes to processes, and will require programming effort if alternate solutions are implemented to facilitate scheduling
- Implement the Value Added Model (VAM) system. The foundation of the VAM System is student growth tied to assessments.
- Determine student eligibility for AICE and IB programs.
- Qualify for FTE funding. If the definition of standardized tests extends to AP, IB, and AICE, there are FTE dollars associated with students scoring a certain level on these tests.
- Structure the District's Mainframe Assessment System. Assessment data for various assessments are maintained on the mainframe. Opting out of these assessments will eliminate the current structure for these processes and applications/programs (e.g., pre-identification of students, upload programs, maintenance programs, interfaces with other products) specific to the standardized tests and will require programming effort if alternate assessments are used instead.

HOW DEPARTMENTS USE ASSESSMENT DATA

REFERENCES

Florida Statutes

From s. 1012.22, F.S.

Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34, F.S. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for this purpose. However, a classroom teacher whose performance evaluation utilizes student learning growth measures established under s. 1012.34(7)(e), F.S., shall remain under the grandfathered salary schedule until his or her teaching assignment changes to a subject for which there is an assessment or the school district establishes equally appropriate measures of student learning growth as defined under s. 1012.34, F.S., and rules of the State Board of Education.

In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34, F.S., and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

From s. 1012.33, F.S.

Within the program areas requiring reduction, the employee with the lowest performance evaluations must be the first to be released; the employee with the next lowest performance evaluations must be the second to be released; and reductions shall continue in like manner until the needed number of reductions has occurred. A district school board may not prioritize retention of employees based upon seniority.

*From s. 1012.34 (3)(a)1, F.S.

The evaluation criteria must include:

1. Performance of students.—At least 50 percent of a performance evaluation must be based upon data and indicators of student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments as provided in s. 1008.22(6). Each school district must use the formula adopted pursuant to paragraph (7)(a) for measuring student learning growth in all courses associated with statewide assessments and must select an equally appropriate formula for measuring student learning growth for all other grades and subjects, except as otherwise provided in subsection (7).

HOW DEPARTMENTS USE ASSESSMENT DATA

*From s. 1012.34 (7):

(7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

¹(a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. The formula must take into consideration each student's prior academic performance. The formula must not set different expectations for student learning growth based upon a student's gender, race, ethnicity, or socioeconomic status. In the development of the formula, the commissioner shall consider other factors such as a student's attendance record, disability status, or status as an English language learner. The commissioner shall select additional formulas as appropriate for the remainder of the statewide assessments included under s. 1008.22 and continue to select formulas as new assessments are implemented in the state system. After the commissioner approves the formula to measure individual student learning growth, the State Board of Education shall adopt these formulas in rule.

(b) Each school district shall measure student learning growth using the formulas approved by the commissioner under paragraph (a) for courses associated with the statewide, standardized assessments administered under s. 1008.22 no later than the school year immediately following the year the formula is approved by the commissioner. For grades and subjects not assessed by statewide, standardized assessments but otherwise assessed as required under s. 1008.22(6), each school district shall measure performance of students using a methodology determined by the district. The department shall provide models for measuring performance of students which school districts may adopt.

(c) For a course that is not measured by a statewide, standardized assessment, a school district may request, through the evaluation system approval process, to use a student's achievement level rather than student learning growth if achievement is demonstrated to be a more appropriate measure of classroom teacher performance. A school district may also request to use a combination of student learning growth and achievement, if appropriate.

(d) For a course that is not measured by a statewide, standardized assessment, a school district may request, through the evaluation system approval process, that the performance evaluation for the classroom teacher assigned to that course include the learning growth of his or her students on one or more statewide, standardized assessments. The request must clearly explain the rationale supporting the request.