

Rule 6A-1.09981 is amended to read:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability

(1) Policy Guidance. Accountability for student learning is the key focus of Florida's system of school improvement. Results from the statewide assessment program required by Section 1008.34 ~~229.57~~, Florida Statutes, shall form the basis of Florida's system of school improvement and accountability. Student achievement data from the Florida Comprehensive Assessment Test (FCAT) in grades 3-10 shall be used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state. Results shall further be used as the primary criteria in calculating school performance grades as specified in subsection (5) of this rule, ~~school improvement ratings~~, school rewards and recognition, and performance-based funding and shall be annually reported. The statewide assessment program shall be used to measure the annual learning gains of each student toward achievement of the Sunshine State Standards appropriate for the student's grade level and to inform parents of the educational progress of their public school children as specified by Section 1008.34 ~~229.57~~ (1), Florida Statutes.

(a) Full Implementation of Accountability System in School Year 2001-2002 and ~~Thereafter~~. Beginning in school year 2001-2002, the school accountability system will be considered to be fully implemented with the following accountability elements.

1. Designation of school performance grades shall be based on a combination of:

a. Student achievement scores, based on FCAT reading and mathematics assessments in grades 3-10 and FCAT writing assessments in grades 4, 8, and 10;

b. Annual student learning gains as measured by FCAT reading and mathematics assessments in grades three (3) through ten (10); and

c. Improvement of the FCAT reading scores of students in the lowest twenty-five (25) percent of each grade, aggregated for each school, unless they are performing above satisfactory, defined as FCAT Achievement Levels 4 and 5;

2. School improvement ratings shall be based on the ~~FCAT reading assessments~~ and indicate if a school's student performance grade in the current year in reading has improved, remained the same, or declined compared to the previous year. School improvement ratings shall not be used in the designation of school grades.

3. Schools designated as Performance Grade "C" or above shall be required to demonstrate that adequate progress in reading, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year's FCAT score. The minimum requirement for adequate progress is deemed to be met when if at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the minimum requirement for adequate progress in reading among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for ~~demonstrating~~ improving learning gains of the lowest performing students ~~adequate progress~~. If a school otherwise designated as Performance Grade "B" or "C" does not ~~meet minimum~~ make adequate progress, demonstrate learning gains for at least half of the lowest performing students, ~~requirement~~ in at least one of for two (2) consecutive years ~~in a row~~, the final

Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as ~~P~~performance gGrade "A" unless the ~~minimum criteria for~~ adequate progress criterion in reading, learning gains for at least half of the lowest performing students ~~is, is met each year.~~ and the ~~difference between the reading gains for the lowest twenty-five (25) percent of students in the school as defined in paragraph (5)(c) of this rule and the reading gains for all eligible students in the school as defined in paragraph (5)(b) of this rule is no more than ten (10) percentage points.~~

4. To ensure that student data accurately represent school performance, schools shall be required to assess at least ninety (90) percent of their eligible students to qualify for a School Performance Grade of D, C, or B and at least ninety-five (95) percent to qualify for an A.

5. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

6. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation shall be eligible for school recognition and awards.

7. Schools designated School Performance Grade A and schools improving at least two (2) performance grades shall be eligible for deregulated status and increased budget authority.

8. Intensive assistance and intervention, including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule, shall be provided to schools designated School

Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade F.

(b) In an effort to promote the continuous improvement of each student and each school within the state every school year, accountability reports shall be reflective of the data available for each year.

(2) School Accountability for Student Performance. All schools shall be accountable for performance relative to the Student Performance Goal stated in Section 1008.345 ~~229.594~~, Florida Statutes. Each school is accountable for the performance of its entire student population. Student achievement data from the FCAT shall be used to measure a school's student performance for the subject areas of reading, mathematics, and writing. The FCAT levels in the performance criteria in subsection (5) of this rule are those specified in Rule 6A-1.09422, FAC., for the year in which achievement data are used for accountability. In addition, the FCAT assessment shall include a norm-referenced subtest that shall be used to report student achievement as compared to national norms. Schools shall report student achievement scores on these subtests to parents. Student achievement data on norm-referenced subtests shall not represent progress toward the Sunshine State Standards and shall not be used in designating school performance grades, but may be used to validate the reasonableness of the improvements demonstrated for the purpose of designating a school performance grade as described in this rule.

(3) Reporting Student Achievement Data for School Accountability. Student achievement data shall be reported for all students in a school as specified by Section

1008.22 229.57, Florida Statutes. Each year reports of achievement data for all students shall be prepared for each school, the district, and the state. For the purpose of assigning school performance grades, each school's aggregate achievement data shall be based on:

(a) The scores of all students enrolled in standard curriculum courses including the scores of students who are speech impaired, gifted, hospital homebound, and Limited English Proficient (LEP) students who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

(b) In addition, only the scores of those students who are enrolled in the second period and the third period full-time equivalent student membership survey, as specified in Rule 6A-1.0451, FAC., shall be included.

(c) The Commissioner is authorized to designate a single school performance grade for schools that ~~which~~ serve multiple levels: elementary and/or middle and/or high school grade levels.

(d) The Commissioner will issue guidelines regarding which school types shall receive school performance grades. The accountability contact person, as specified in paragraph (9) of this rule, is responsible for verifying that each school is appropriately classified by type before the issuance of school grades. The Commissioner shall periodically review the criteria for including students in the calculation of School Performance Grades, including students in alternative and Department of Juvenile Justice facilities.

(4) School Performance Grades. The measure of school accountability shall be the school performance grade. The Commissioner is authorized to designate a school

performance grade for each school that:

(a) 1. Has at least thirty (30) eligible students with valid FCAT assessment scores in reading in both the current and the previous years, and

(b) 2. ~~H~~has at least thirty (30) eligible students with valid FCAT assessment scores in math in the current and previous years, ~~and~~

~~3. was included in the School Accountability System the previous year.~~

School performance grade designations shall be made in the summer of each school year. Performance designations shall be made using School Performance Grades A, B, C, D, and F, as specified in Section 1008.34(2)~~229.57(7)~~, Florida Statutes. School performance grades shall be based on the assessments and criteria as specified in subsection (5) of this rule. The Commissioner is authorized to establish appropriate achievement level criteria in newly assessed grade levels for submission to the State Board for final approval.

(5) Criteria for Designating School Performance Grades. School performance grades shall be designated in the summer of each year and shall be based on a combination of the following three components, as specified in Section 1008.34(3) ~~229.57(8)~~, Florida Statutes:

(a) Student achievement scores, aggregated for each school, which indicate the percent of eligible students who score at or above FCAT Achievement Level 3 in reading and math and the percent of students who score "3" or higher averaged with the percent who score "3.5" or higher on the FCAT writing assessment;

(b) Annual learning gains, aggregated for each school, which indicate the percent of eligible students who have:

1. improved their FCAT Achievement level from one (1) year to the next, or
2. maintained their achievement levels within levels 3, 4, or 5 from one (1) year to the next, or
3. remained within FCAT Achievement Levels 1 or 2, but ~~and~~ who demonstrated more than one (1) year's growth on the FCAT developmental scale, ~~as determined by the Department of Education.~~ The Department of Education has identified the scores in the following table as representing one (1) year's growth.

	<u>Grade</u>	<u>Grade</u>	<u>Grade</u>	<u>Grade</u>	<u>Grade</u>	<u>Grade</u>	<u>Grade</u>
	<u>3-4</u>	<u>4-5</u>	<u>5-6</u>	<u>6-7</u>	<u>7-8</u>	<u>8-9</u>	<u>9-10</u>
<u>Reading</u>	<u>230</u>	<u>166</u>	<u>133</u>	<u>110</u>	<u>92</u>	<u>77</u>	<u>77</u>
<u>Math</u>	<u>162</u>	<u>119</u>	<u>95</u>	<u>78</u>	<u>64</u>	<u>54</u>	<u>48</u>

Students whose FCAT Achievement Level declines from one (1) year to the next shall not be deemed to have made annual learning gains. The annual learning gains calculation shall be based on students who have a valid FCAT reading and/or math score in both the current and previous year, and who take a higher grade level test in the current year than in the previous year.

(c) ~~Improvement, as defined in paragraph (5)(b) of this rule,~~ of the lowest twenty-five (25) percent of students in reading in each grade, as defined in paragraph (5)(b) of this rule, shall be aggregated for each school, unless the students so designated they are performing above proficiency ~~satisfactory~~, defined as FCAT Achievement Levels 4 and 5.

(6) Procedures for Calculating School Performance Grades. The overall Performance Grade of A, B, C, D or F for school years 2001-2002 and thereafter, as

designated in Section 1008.34(2) ~~229.57(7)~~, Florida Statutes, shall be based on the sum of the following six (6) school grade point elements:

(a) One (1) point for each percent of students who score at or above FCAT Achievement Level 3 in reading;

(b) One (1) point for each percent of students who score at or above FCAT Achievement Level 3 in mathematics;

(c) One (1) point for each percent of students who score "3" or higher averaged with the percent who score "3.5" or higher on the FCAT writing assessment;

(d) One (1) point for each percent of students who make annual learning gains in reading as defined in paragraph (5)(b) of this rule;

(e) One (1) point for each percent of students who make annual learning gains in mathematics as defined in paragraph (5)(b) of this rule; and

(f) One (1) point for each percent of students in the lowest twenty-five (25) percent in reading in the school as defined in paragraph (5)(c) of this rule who make learning gains as defined in paragraph (5)(b) of this rule.

The percent of students reflected in each of the six (6) school grade point elements defined in paragraphs (6)(a) through – (f) of this rule shall be expressed to the nearest whole number. The corresponding points assigned for each grade point element shall also be expressed to the nearest whole number. In the event that a school does not have at least thirty (30) eligible students tested in writing, the district average in writing ~~grade point element~~ as defined in paragraph (6)(c)(~~a~~) of this rule shall be substituted ~~for the grade point element defined in paragraph (6)(c) of this rule~~. In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent

in reading as defined in paragraph (5)(c) of this rule, the lowest performing thirty (30) students at or below proficiency, defined as FCAT Achievement Levels 1, 2, and 3, will be used. In the event there are still not thirty (30) qualified students in the lowest achieving group, the grade point element defined in paragraph (6)(d) of this rule shall be substituted for the grade point element defined in paragraph (6)(f) of this rule.

(7) School Performance Grading Scale. The School Performance Grade shall be based on the sum of the six (6) grade point elements as defined in paragraphs (6)(a) through (f) of this rule and shall be scaled to reflect school performance, learning gains, and improvement of the lowest twenty-five (25) percent beginning with the 2001-2002 school year, as required by Section 1008.34(1) ~~229.57(7)~~, Florida Statutes. In addition to the requirements in subsection (5) of this rule for minimum percent of students tested, the following scale shall be applied:

(a) At least 410 school grade points shall be required for a School Performance Grade of A<sub>+</sub>.

(b) At least 380 school grade points shall be required for a School Performance Grade of B<sub>+</sub>.

(c) At least 320 school grade points shall be required for a School Performance Grade of C<sub>+</sub>.

(d) At least 280 school grade points shall be required for a School Performance Grade of D<sub>+</sub>.

(e) If a school accumulates fewer than 280 school grade points, it shall be assigned a School Performance Grade of F.

~~(f) To achieve a smoother transition from the previous grading system, the~~

~~Commissioner is authorized to apply to the 2002 school performance grades a one-time variance of up to five (5) percent of the grading scale as defined in paragraphs (7)(a)-(e) of this rule.~~

(8) Planned System Enhancements. As indicated in this subsection, planned enhancements will occur in Florida's System of School Improvement and Accountability. The Commissioner of Education will periodically recommend additional changes to the system to the State Board of Education as necessary to ensure that continuous improvements are made in the educational programs of the state.

(a) The points earned for writing defined in paragraph (6)(c) of this rule will be based on the percent of students who score "3.5" or higher on the FCAT writing assessment for School Performance Grades determined in 2004-05 and 2005-06. For the School Performance Grades determined in 2006-07 and beyond, the points earned for writing defined in paragraph (6)(c) of this rule will be based on the percent of students who score "4" or higher on the FCAT writing assessment.

(b) Beginning with the performance grades to be issued in 2004-05, the students eligible to be included in the system, described in paragraph (3)(a) of this rule, will be expanded to include all students, regardless of disability or limited English proficiency classification, with valid FCAT assessment scores in reading in both the current year and the previous year. Inclusion of these students will be applied to paragraph (1)(a)4, regarding the percent tested, and to paragraphs (6)(d), (6)(e), and (6)(f), regarding the determination of student learning gains, of this rule.

(c) Science will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each

percent of students who score at or above Achievement Level 3, proficient, as will be recommended by committees of educators and approved by the State Board of Education during 2005-06.

(9)(8) Accuracy and Representativeness of Performance Data. The Commissioner will review all information submitted by school districts to represent the performance of schools receiving a school performance grade.

(a) Each school district superintendent shall designate a school accountability contact person to be responsible for verifying that each school is appropriately classified by type, verifying student data indicators and eligibility for inclusion and exclusion in school grade calculations, and reconciling student test answer documents that do not match survey three membership records, ~~and verifying student eligibility for inclusion in school grade calculations~~ prior to their the issuance of school grades. Student eligibility changes may include, but are not limited to, officially recorded test invalidations, Exceptional Student or Limited English Proficient Student status changes made prior to testing, and school withdrawals made prior to testing. All changes in student eligibility for ~~inclusion in~~ school grade calculations shall be made prior to the issuance of school grades and must be accompanied by written documentation deemed appropriate by the Department. Each school district shall be responsible for providing all related information to the Department within the time limits specified by the Commissioner.

(b) Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school's performance grade or designate the school in a lower performance grade. If less than ninety (90) percent of the school's student population eligible for inclusion in

the designation of the school's performance grade were assessed, the school's performance grade shall be designated incomplete (I) for at least no more than thirty (30) days or until the data are determined by the Commissioner to accurately represent the performance of the school. In the event that the percent tested remains less than ninety (90) percent, the final performance grade will be one letter grade lower than indicated by the points described in subsection (7) of this rule or will be a grade determined by the Commissioner of Education to accurately represent the performance of the school.

(c) After the initial issuance of school performance grades, the school district shall have at least thirty (30) days to review the data on which the performance grade was based. If the school district determines that a different performance grade should be assigned because of the omission of student data, a data miscalculation, or special circumstances that might have affected the grade assigned, a request for a state review of the data can be submitted. Changes to the criteria or process described in paragraph (9)(a) will not be considered as part of this review and must be addressed as described therein. Appropriate documentation of all elements and data to be reviewed by the Department must be submitted within the time limits specified by the Commissioner.

The Commissioner's determination of a school's performance grade shall be final.

(10)(9) Rewards and Recognition. Schools must have a designated school performance grade to participate in the Florida School Recognition Program as authorized by Section 1008.36 231.2905, Florida Statutes. Schools designated School Performance Grade A and schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial

awards.

(a) Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades may be given deregulated status as specified in Section 1003.63 ~~228.0565~~(5), (7), (8), (9), and (10), Florida Statutes. Districts shall develop guidelines for the implementation of this provision and shall provide deregulated status to eligible schools that request it. The school advisory council and principal of an eligible school seeking waivers from state statutes shall submit requests as specified in Section 1003.63 ~~228.0565~~(7)(a) and (b), Florida Statutes. The school's deregulated status shall remain in effect as long as the school abides by the provisions of Section 1003.63 ~~228.0565~~(5), (7), (8), (9), and (10) or unless the school's performance grade declines.

(b) Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades shall have greater authority over the allocation of the school's total budget. Local school boards shall adopt policies in accordance with Section 1001.42 ~~230.23~~(17)(d), Florida Statutes, which grant schools greater authority over the allocation of the school's total budget, including, but not limited to, allocation of instructional staff and the acquisition of instructional materials, equipment, and technology. The school's total budget includes funds generated from the FEFP, state categoricals, lottery funds, grants, and local funds. The policies shall provide for approval of a school's written proposal as long as the proposal remains within the school's total budget, specifies the areas in which the school will have administrative and fiscal autonomy, specifies the areas in which the school will follow school district fiscal and administrative policies, and is consistent with the school's

deregulated status.

~~(c) Schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial awards under the provisions of the Florida School Recognition Program authorized by Section 231.2905, Florida Statutes. Schools designated as School Performance Grade F that make substantial progress toward the next performance grade level designation may receive financial awards under guidelines to be determined by the Commissioner.~~

~~(11)(10) Assistance and Intervention for Schools Designated School Performance Grade F or School Performance Grade D. Assistance and intervention plans shall be provided for each school designated School Performance Grade F and School Performance Grade D.~~

(a) Assistance for Schools Designated School Performance Grade F or School Performance Grade D. Each school designated School Performance Grade F shall develop its school improvement plan in collaboration with the school advisory council, school board, and the Department. The school improvement plan shall take into account the unique demographic characteristics of the school. The school board shall have final approval of the plan. Each school designated School Performance Grade F or School Performance Grade D shall receive specific assistance and interventions, including additional resources if needed, from the district school board as provided in Section 1001.42 ~~230.23~~(16)(c), Florida Statutes. The district's two-year plan of increasing individualized assistance and intervention for each school designated School Performance Grade F or School Performance Grade D shall be approved by the school board. Assistance shall be provided to each designated school in the district at

increasingly intensive levels as long as the school continues to be so designated. For the purpose of documenting compliance with Section 1001.42 ~~230.23~~(16)(c), Florida Statutes, school boards shall provide to the Department annually a copy of the approved assistance and intervention plan for each school designated School Performance Grade F in the district.

(b) The Commissioner is authorized to give preference to schools designated School Performance Grade F and School Performance Grade D in awarding federal and state grants designed to improve student achievement. The Department shall give priority to School Performance Grade F and School Performance Grade D schools in providing school improvement assistance and resources. The Department will identify demographically similar, but higher performing, schools in the state for possible assistance.

(c) The local school board is authorized to declare an emergency in order to negotiate special provisions of its contract with appropriate bargaining units to implement programs and strategies needed to improve student performance as specified in Section 1001.42 ~~230.23~~(19), Florida Statutes.

~~(12)~~(11) State Board of Education Action for Schools Designated Performance Grade F. A process for invoking State Board of Education action shall be implemented if, during any two (2) years out of a four (4) year period, a school is designated School Performance Grade F. The Commissioner shall coordinate the process and ensure that members of the State Board of Education are informed of recommendations for action regarding schools failing to make adequate progress. This process shall include the following steps:

STEP 1: Within thirty (30) days after the school has been notified by the Department that it has been designated School Performance Grade F, ~~failed to make adequate progress,~~ for the second year in a four-year period, the district school board chair, the superintendent, the school advisory council chair, and the school principal shall submit a written report to the Commissioner. The report shall outline the steps taken to remedy the inadequate performance and identify causes for continued failure to make adequate progress. The Commissioner shall provide the report to the State Board of Education and may include recommendations.

STEP 2: The State Board of Education shall review the school's performance data, including data reported as required in subsection (3) of this rule and Rule 6A-1.09982, FAC. The State Board of Education shall, if necessary, collect additional information on which to make a decision and may require the school district superintendent to provide additional written or verbal information.

STEP 3: Based on an analysis of all reports and data including a thorough consideration of the unique characteristics of the school, and after the district and school are given an opportunity to respond to any new information, the State Board of Education shall formally determine the degree of progress made by the school. Pursuant to this determination and recommendations of the Commissioner, the State Board of Education shall take action as authorized in Section 1008.33(2) ~~229.0535~~, Florida Statutes.

STEP 4: If the school board fails to comply with the actions recommended by the State Board of Education, within the time specified in said action, the school district's lottery funds shall be withheld unless the school board can justify its noncompliance, to the

State Board's satisfaction. If the State Board accepts a district's justification for noncompliance, the State Board may amend its recommended actions, or extend the time allowed for compliance.

~~(13)~~(12) State Board of Education Review of Schools Designated Performance Grade D. A process for invoking State Board of Education review may be initiated by the Commissioner if, during any two (2) years out of a four (4) year period, a school is designated School Performance Grade D. The Commissioner is authorized to require the school and district to report to the State Board of Education for an instructional review and action as authorized in Section 1001.42(16)(d)~~229.0535~~, Florida Statutes.

~~(14)~~(13) Responsibilities of Schools Performing at School Performance Grade C and Above. Schools determined to be performing at School Performance Grade C and above shall continue identifying needs, developing school improvement plans, and defining goals for improved performance without required State Board of Education intervention and assistance. These schools shall continue to assess and report progress on the goals as required by Sections 1008.34(1) ~~229.592(8)~~ and 1001.42 ~~230.23(16)(e)~~, Florida Statutes, and Rule 6A-1.09982, FAC.

~~(15)~~(14) Measures of Student Performance. The Department shall develop statewide assessments designed to measure student performance based on the following four standards to achieve the goal set forth in Section 1001.03(1)~~229.591(3)(c)~~, Florida Statutes, with special emphasis on reading, writing, and mathematics as defined in Rule 6A-1.09401, FAC., in the "Sunshine State Standards 1996" as incorporated by reference. Beginning in school year 2002-2003, science will be added as a subject area for special emphasis.

(a) Florida students locate, comprehend, interpret, evaluate, maintain, and apply information, concepts, and ideas found in literature, the arts, symbols, recordings, video and other graphic displays, and computer files in order to perform tasks and/or for enjoyment.

(b) Florida students communicate in English and other languages using information, concepts, prose, symbols, audio and video recordings, speeches, graphic displays, and computer-based programs.

(c) Florida students use numeric operations and concepts to describe, analyze, disaggregate, communicate, and synthesize numeric data, and to identify and solve problems.

(d) Florida students use creative thinking skills to generate new ideas, make the best decisions, recognize and solve problems through reasoning, interpret symbolic data, and develop efficient techniques for lifelong learning.

Specific Authority 1001.02, 1001.11, 1008.22, 1008.33, 1008.345 ~~229.053, 229.0535, 229.592, 229.57~~FS. Law Implemented 1003.63, 1008.33, 1008.34, 1000.03, 1001.42, 1008.345, 1008.36 ~~228.0565, 229.053, 229.0535, 229.57, 229.591, 229.592, 230.23, 231.2905~~ FS. History - New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-2000, 2-11-2002,