

Document #2 - A

Recommendations that Need Approval by USDOE

Subcommittee Work	Description	Statutory and Rule Reference	Statutory Change Needed	Timeline	USDOE Response to Inclusion of These Recommendation in the Waiver Request	Commissioner Recommendation/Rationale
Recommendations that Need USDOE Agreement						
<p>1. Revisit federal policy for accountability of entry into country vs. state practice of entry into ESOL program for determining entry point for ELLs.</p> <p>(21 Taskforce members indicated agreement)</p>	<p>Federal policy holds that ELL entry point for inclusion in accountability begins with entry into the country. State policy has been to base ELL identification for accountability purposes on entry date into an ESOL program. This is important because, first year ELLs are exempted from inclusion in the school accountability system for performance purposes. How one defines point of entry affects how first year ELLs are identified. Subcommittee brought up the fact that in many districts in Florida, the majority of ELL students were actually born in the United States, calling into question the validity of using entry into the country for accountability purposes.</p>	<p>1011.62(1) F.S. Rules 6A-1.09981; 6A – 6.09022, F.A.C.</p>	<p>No, as long as agreed to as part of the ESEA waiver.</p>	<p>Dependent upon USDOE agreement</p>	<p>Agree that entry date for ELL students can be entry into school in the county. Did not agree to date of entry into ESOL. Did not agree to toll the clock if a student leaves the country and returns.</p>	<p>Recommended for rule amendment. (Commissioner’s Rec. #2) Recommend that entry into school in the country be used for determining ELL entry date. This provides more flexibility than what is in the proposed rule.</p>
<p>2. Use multiple outcome measures to ensure a comprehensive picture of ELL progress</p> <ol style="list-style-type: none"> Close achievement gap Improve level Maintain proficiency Scale score from Level 1 to Level 2 Longitudinal cohort analysis Participation count – gain count – proficiency/performance count Disaggregate data by level of proficiency; growth of proficiency; growth over time in program 	<p>Subcommittee expressed a desire to expand the School Grades calculation to include additional measures. It was explicitly stated that these measures would be in addition to – <u>not instead of</u> – current measures. Measures would not necessarily be limited to ELLs. For example, schools could earn points for closing achievement gaps (ELL vs. non-ELL, but also other comparisons). Schools could earn points for performance or gains for a cohort of students who have been with the same school over a number of consecutive years (e.g., the performance of fifth graders who have attended the same elementary school since kindergarten).</p>	<p>s. 1008.34, F.S. Rule 6A-1.09981, F.A.C.</p>	<p>Possibly, more specificity about the manner of implementation is needed to opine; however, certain parts of recommendation would need statutory change, such as maintaining proficiency. This is a new component of the grading scheme.</p>	<p>Would likely require statutory change and USDOE agreement</p>	<p>Open to consideration when provided more detail on implementation</p>	<p>Not recommended for rule revision at this time. The proposal requires a significant revision to the structure of school grades through statutory and rule changes. In addition, the school grades model currently includes multiple outcome measures that measure the performance of all students.</p>

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(20 Taskforce members indicated agreement)						
<p>3. Use multiple outcome measures to ensure comprehensive picture for ELLs in School Grades, including English Language Proficiency (e.g., Comprehensive English Language Learning Assessment [CELLA] results)</p> <p>(19 Taskforce members indicated agreement)</p>	<p>Subcommittee noted that ELLs must develop English language proficiency as well as academic content mastery. The academic content mastery is covered by FCAT, and schools are currently held accountable for that measure. English language proficiency is measured by CELLA, which is not currently part of the School Grading system. Thus, schools are not currently held accountable for English language proficiency levels. Including CELLA would provide schools incentives to focus on English language proficiency. By focusing on moving ELLs to English language proficiency and moving more ELLs to English language proficiency, FCAT outcomes should improve.</p>	<p>s. 1008.34, F.S. Rule 6A-1.09981, F.A.C.</p>	<p>Yes. Section 1008.34(2)(b) sets forth the tests to be used in grading and they are limited to FCAT, EOC and test for special diploma or FAA.</p>	<p>Would require statutory change and USDOE agreement</p>	<p>USDOE agreed with using CELLA but not as a substitute for proficiency on FCAT.</p>	<p>Not recommended for rule revision. Statute does not allow us to include CELLA in school grades at the current time. Also, CELLA will only be administered in Florida for two more years before being replaced by a new language acquisition proficiency assessment. Additionally, “bonus” points should be used sparingly in the school grades model.</p>
<p>4. For students performing on Emergent level on FAA, proficiency determined by learning gains for school accountability purposes. Define learning gains as meeting state average or higher for emergent students at each grade</p> <p>(18 Taskforce members indicated agreement)</p>	<p>Raw score increases (year over year) would be used to determine gains for students remaining at FAA levels 1, 2, and 3. Rather than the planned 11-point increase required to show gains (based on the difference in the standard error of measurement), a student would be considered to have made a gain if he/she met or exceeded the state average for students at the same grade level.</p>	<p>6A-1.09981</p>	<p>No.</p>	<p>Requires USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation, it would require treating some students differently than others.</p>	<p>Not recommended for rule revision. Not recommended for rule adoption due to USDOE concern about treating one subgroup differently than others.</p>
<p>5. Use weighted measure of FCAT performance in School Grades until English language proficiency is achieved</p> <p>(17 Taskforce members indicated agreement)</p>	<p>Subcommittee explicitly stated that this recommendation fully included ELLs. However, the recommendation aims to weight FCAT performance differently based on what one would expect from the ELL given his/her English language proficiency level.</p>	<p>Rule 6A-1.09981, F.A.C.</p>	<p>No, if this recommendation is implemented by weighing performance of ELL differently until they are proficient. This is because 1008.34(3)(b)1.a. gives DOE</p>	<p>Requires USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation, it would require treating some students differently than others.</p>	<p>Not recommended for rule revision. Not recommended for rule adoption due to USDOE concern about treating one subgroup differently than others.</p>

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			discretion in how to define performance or achievement.			
<p>6. Make modifications to the School Grades performance calculation for ELLs based on English language proficiency or 5 years in an ESOL program. Schools would earn a bonus for ELLs who are not yet proficient in English (i.e., not proficient on CELLA) within 5 years in an ESOL program yet score Level 3 or higher on FCAT.</p> <p>(17 Taskforce members indicated agreement with the concept)</p> <p>(15 indicated agreement with including non-English proficient students in the numerator, but not denominator of the School Grade performance components if they earn a Level 3 or higher on FCAT)</p> <p>(15 indicated agreement with fully including ELL students who have achieved English language proficiency in both the numerator and denominator of the School Grades performance components)</p> <p><u>Note:</u> Committee members voted for pieces of this recommendation, though it is basically one recommendation.</p>	<p>Schools would earn a bonus for ELLs who are not yet proficient in English (i.e., not proficient on CELLA) within 5 years in an ESOL program. That is, if an ELL student has been receiving ESOL services for 5 years or less, and has yet to achieve English language proficiency, his/her performance would only count in the numerator of the School Grades performance components, not the denominator. In a sense, a non-English proficient student who reaches a Level 3 or higher on FCAT would be treated as a “bonus” for a school. If an ELL student has achieved English Language proficiency, he/she would be included in the School Grades performance components regardless of what level (i.e., Level 1, 2, 3, 4, or 5) the student earns on FCAT. Note, that current policy fully includes all ELL students who have been receiving ESOL services for two years or more in the School Grades performance components, regardless of English language proficiency status.</p>	<p>Rule 6A-1.09981, F.A.C.</p>	<p>Yes. The effect of the recommendation is to remove students from the performance component of school grades based upon CELLA scores. There is no authority for the removal or the use of CELLA in 1008.34 F.S.</p>	<p>Requires statutory change and USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation, it would require treating some students differently than others.</p>	<p>Not recommended for rule revision. Not recommended for rule adoption due to USDOE concern about treating one subgroup differently than others. In addition, not including ELLs fully in the model until 5 years would be retreating from our current accountability position of including ELLs fully after 2 years.</p>

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<p>7. Focus on English language proficiency levels – weighted calculation</p> <ul style="list-style-type: none"> h. 5 years in program i. Bonus if proficient in less j. Proficiency on CELLA NUM DENOM k. Not proficient on CELLA NUM Not DENOM <p>(17 Taskforce members indicated agreement)</p>	<p>Similar to Recommendation 6.</p>	<p>Rule 6A-1.09981, F.A.C.</p>	<p>Yes, see recommendation 6</p>	<p>Requires statutory change and USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation, it would require treating some students differently than others.</p>	<p>Not recommended for rule revision. Not recommended for rule adoption due to USDOE concern about treating one subgroup differently than others.</p>

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<p>8. Take ELL diversity into account:</p> <ul style="list-style-type: none"> i. Program entry (i.e., large percent of ELL students who are born in the country, differences among students at time of entry into ESOL programs) (When this issue is recommended in Goal 4 as an item to inform future federal policy 21 indicated agreement on the stand-alone recommendation in Goal 4) m. Language proficiency levels: development n. Background (e.g., refugee status, migrant status, mobility) <p>(14 Taskforce members indicated agreement)</p>	<p>Currently the USDOE requires the use of entry into the country to determine measure of time of schooling for ELLs; this does not allow for the majority of ELLs in Florida and the country who are born in the US and do not receive English language proficiency services until they enter the school system and are identified for English for Speakers of Other Languages (ESOL) services. Florida’s school accountability rule uses first day of ESOL services as entry date of student. Additionally, subcommittee members felt it important to take into account the diversity of ELLs in appropriately including them in a school accountability system. For example, differences among ELLs in terms of schooling history at time of entry into an ESOL program, language proficiency acquisition, and status (e.g., refugee, migrant) all may impact their expected performance on an academic content exam, such as FCAT. A third related issue is break in services when ELLs move back out of the country and reenter as well as migrants who move in and out of school district systems. Florida’s funding system requires district do not exit and reenter students in ESOL program services.</p>	<p>Section 1011.62(1) F.S.</p> <p>Rules 6A-1.09981; 6A – 6.09022, F.A.C.</p>	<p>Yes</p>	<p>Would require statutory change and change in State Auditing practices and USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation, it would require treating some students differently than others.</p>	<p>Not recommended for rule revision. Not recommended for rule adoption due to USDOE concern about treating one subgroup differently than others. See recommendation 1 in this document regarding ELL entry date.</p>
<p>9. Continue conversation at federal level to include special diploma equally in graduation rate calculations.</p> <p>(11 Taskforce members indicated agreement)</p>	<p>The subcommittee recommended that there should be consideration at the federal level for special diplomas to be included in the graduation rate. The subcommittee cautioned that this should only be considered for the very small percentage of students for whom a special diploma is appropriate. The subcommittee did not want this consideration to encourage the movement of more students to a special diploma in order to boost graduation rates.</p>	<p>ESEA</p>	<p>N/A</p>	<p>Requires USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation; the Federal uniform graduation rate cannot include special diploma recipients as graduates.</p>	<p>Not recommended for rule revision. Not recommended for rule adoption due to USDOE response. The school grading calculation will use the Federal uniform graduation rate as well as a 5-year adjusted federal rate that includes special diploma recipients as graduates.</p>

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<p>10. Recognize special diploma recipients fully in the graduation rate.</p> <p>(11 Taskforce members indicated agreement)</p>	<p>The subcommittee recommended that special diploma recipients be included in the numerator of the federal uniform graduation rate.</p>	<p>Rule 6A-1.09981</p>	<p>NA</p>	<p>Requires USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation; the Federal uniform graduation rate cannot include special diploma recipients as graduates.</p>	<p>Not recommended for rule revision. See rational for recommendation 9 in this document.</p>
<p>11. Recognize student growth as a unique component of accountability.</p> <p>(9 Taskforce members indicated agreement)</p>	<p>Current components of AYP determinations prescribed by ESEA do not include the option of using student learning gains measures as stand-alone components.</p>	<p>NA</p>	<p>NA</p>	<p>Requires USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation if growth was to be used in place of proficiency.</p>	<p>Not recommended for rule revision. Student gains are already a recognized portion of the school grades calculation in the learning gains component. If this measure is recommended to replace proficiency for SWD this would be treating a subgroup of students differently from all others and would not be approved by USDOE.</p>
<p>12. Identify a way to use the IEP for accountability purposes.</p> <p>(8 Taskforce members indicated agreement)</p>	<p>The subcommittee suggested that student growth, as measured by the IEP, should be considered as part of the accountability system for students with disabilities.</p>	<p>ESEA s. 1003.576 s.1008.34 Rule 6A-1.09981</p>	<p>Yes</p>	<p>Require statutory change and USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation.</p>	<p>Not recommended for rule revision. The IEP is designed for each student to ensure that appropriate goals are set for the student and that appropriate supports, accommodations, and services are provided to the student on an individualized basis. Given the purpose of an IEP, the IEP is not appropriate for use in the statewide accountability system. Use of the IEP in the accountability system could result in unintended negative consequences for the student such as learning goals being set too low to boost accountability results.</p>

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<p>13. Include ELLs fairly, justly, and accurately in the accountability system</p> <p>a. Multiple forms/approaches of assessment</p> <p>(8 Taskforce members indicated agreement)</p>	<p>Reiterates the subcommittee’s strong desire to include ELL fairly and accurately, whether that means inclusion of the English language proficiency exam (CELLA) in School Grades, or content assessments (e.g., FCAT) in native languages.</p>	<p>s. 1008.34, F.S. Rule 6A-1.09981, F.A.C. Likely assessment statutes and rules, though not sure</p>	<p>Possibly; there is no mandate for, or restriction on, the use of assessments in native language in state statute. More specificity is needed on implementation of the recommendation to opine more definitively. Use of CELLA would require legislative change</p>	<p>Requires statutory change and USDOE agreement</p>	<p>USDOE indicated it would approve the use of CELLA but not as a substitute for proficiency. It would also approve the use of proficiency assessments in the student’s native language.</p>	<p>Not recommended for rule revision. CELLA will only be administered in Florida for two more years before being replaced by a new language acquisition proficiency assessment.</p>
<p>14. Focus on learning gains</p> <p>(5 Taskforce members indicated agreement)</p>	<p>Until an ELL is proficient in the English language, the focus should be on learning gains on both FCAT and CELLA.</p>	<p>Rule 6A-1.09981, F.A.C.</p>	<p>Yes. Section 1008.34(3)(b) sets forth the tests to be used in school grades and CELLA is not one of them. Also, Section 1008.34(3)(b) sets forth the components of school grades and includes achievement or proficiency.</p>	<p>Requires statutory change and USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation, it would require treating some students differently than others.</p>	<p>Not recommended for rule revision. Not recommended for rule adoption due to USDOE concern about treating one subgroup differently than others.</p>
<p>15. In School Grades, use CELLA to show increased proficiency instead of FCAT for at least two years</p> <p>(4 Taskforce members indicated agreement)</p>	<p>Similar to Recommendation 3. There was discussion on whether this recommendation should be to use CELLA <u>instead of</u> FCAT in School Grades for ELLs in the program for 2 years or less, or whether this recommendation was to use CELLA <u>or</u> FCAT in School Grades for this subset of</p>	<p>s. 1008.34, F.S. Rule 6A-1.09981, F.A.C.</p>	<p>Yes. See comment to recommendation 3.</p>	<p>Requires statutory change and USDOE agreement</p>	<p>USDOE indicated it would not approve the use of this recommendation, it would require</p>	<p>Not recommended for rule revision. Not recommended for rule adoption due to USDOE concern about treating one subgroup differently than others.</p>

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agreement)	ELLs. Some subcommittee members noted that in their district some ELLs actually achieve an FCAT Level 3 prior to language proficiency on CELLA, and they do not want to lose credit for that.				treating some students differently than others.	
16. Bonus for achievement gap reductions	Provide a school grade incentive for achievement gap reduction (measured by the percent scoring at or above grade level, by subject area) for Students with Disabilities and English language learners. Performance for these subgroups would be compared with the state-level (or district-level?) performance of all students, and the gap measure would compare data from the prior year with the current year. If the gap goes down, the school qualifies for bonus points (amount by subject area TBD). – or a variation on this theme	s. 1008.34(3)(b), F.S. Rule 6A-1.09981, F.A.C.	No. Recommendation appears to fit under the discretion afforded DOE under the learning gains component of the grading statute as long as the bonus does not alter the 50/50 split between performance and participation under 1008.34(3)(b)2	Requires USDOE agreement	The USDOE was open to this measure as long as it was not in lieu of proficiency and it was not enough points to dilute the focus on proficiency.	Not recommended for rule revision. “Bonus” points should be used sparingly in the school grades model.