

# Document #3 -A

## Recommendations Requiring Statutory Changes

Subcommittee Work	Description	Statutory and Rule Reference	Statutory Change Needed	Timeline	Commissioner Recommendation/ Rationale
<b>Recommendations Requiring Statutory Changes</b>					
<p>1. For the 2011-12 school grades, no school shall drop more than one letter grade.</p> <p>(16 Taskforce members indicated agreement)</p>	<p>The subcommittee discussed concerns that schools would not have had time to address needs related to changes to the school grade formula, since they were made aware of changes well after the school year started. They recommended that school grades drop no more than one letter grade, for one year only, to mitigate the effects of the changes.</p>	<p>Rule 6A-1.09981</p>	<p>Yes. Statutory change is necessary where it has the effect of nullifying the overall statutory methodology and the components to be included in the grading methodology as set forth in 1008.34(3)(b)1 - 3. This is unlike changes to the components of grading (performance, gains and improvement of low 25%), where there is considerable discretion afforded to DOE.</p>	<p>Requires statutory changes</p>	<p><b>Not recommended for rule revision as proposed.</b> An alternate measure is provided in Document 1 A to accomplish this purpose. See Document 1A number 8.</p>
<p>2. Define "ESE Center and Cluster schools"</p> <p>(15 Taskforce members indicated agreement)</p>	<p>A clear definition is needed, whether in statute, rule, or technical assistance documentation, in order to apply accountability calculations for school grades and/or alternative school ratings. If separate policy changes are needed for cluster schools, a clear definition will be needed.</p>	<p>S. 1008.34, F.S. (if applicable) S. 1008.341, F.S. (if applicable) 6A-1.09981 6A-1.099822</p>	<p>Yes. The parameters of ESE Centers should have legislative input. Yes, for cluster sites. While there may be some changes DOE could implement though school numbering (MSID), this is not ideal given the lack of legislative input and that categorizing ESE Centers as alternative schools may not be an ideal fit.</p>	<p>Requires statutory changes Could develop a working definition in April 2012. For implementation it would be very difficult to include cluster sites as "schools" in 2012 school grades as many students would need to be reassigned to</p>	<p><b>Recommended in part for practice change.</b> ESE center schools will be treated under the statutory accountability provisions for alternative schools and will have the option to choose either a school grade or a school improvement rating. The Department is using Federal reporting criteria to define ESE Center schools. For treatment of ESE cluster sites (schools within a school) the Department will solicit input from stakeholders on the definition of cluster sites and their treatment for accountability purposes. After obtaining that input the department will propose recommended legislative or rule action to the State Board.</p>

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				different "schools" at the end of the year for accountability purposes. 2013 school grades would be a feasible timeline	
<p>3. The state should establish the minimum level or hours of training required for all teachers and principals who have a student with disabilities in their classroom. This minimum should be incorporated in all teacher preparation programs and educational leadership programs.</p> <p>(15 Taskforce members indicated agreement)</p>	<p>The recommendation would require all teachers and principals who teach students with disabilities or have students with disabilities in their school to have a certain number of professional development hours to help general education teachers better serve students with disabilities. Taskforce members indicated a concern that some general education teachers were not equipped with the strategies necessary to be successful with students with disabilities. This recommendation would also ensure that these strategies are taught in all teacher preparation programs so that new general education teachers are prepared to work with the students with disabilities in their classrooms. The taskforce members discussed that these strategies translate well into the general education classroom and would help teachers be successful with all students.</p>	<p>s. 1004.04 F.S. s. 1012.582 s. 1012.585 s. 1012.98</p>	<p>Yes</p>	<p>Requires statutory changes</p>	<p><b>Not recommended for rule revision.</b> This is not a subject for the school grading rule. Addressing this recommendation requires input from groups such as postsecondary education providers who would be affected by the change. The Department will gather stakeholder input and then propose rule changes or legislative priorities to the State Board as needed.</p>
<p>4. Look at growth/learning gains over a longer period of time (2+ years)</p> <p>(12 Taskforce members indicated agreement)</p>	<p>Learning gains would be calculated for students taking the FAA -- or, on a more limited basis for students who scored at emergent levels (1, 2, 3) -- by measuring gains over a two-year period instead of a single year. For the school improvement rating four years of scores would be needed instead of three years of scores. The practice could be applied in the SIR calculations for alternative schools. A possible drawback to this practice would be that some students would not be included if they did not have four years of scores. Or, the change could be drawn up to allow for learning gains to be calculated the regular way for students who did not have four years of scores. The rationale for the recommendation is that students taking the FAA, and especially students at the emergent levels, take longer than non-disabled students to be able to show progress.</p>	<p>Sections 1008.341, F.S., Rule 6A- 6A-1.099822 (alternative school ratings).</p>	<p>Yes for improvement ratings for alternative schools under s. 1008.341. This is because the alternative school statute provides that improvement is based upon comparing the current year with the previous year. See 1008.341(2)</p>	<p>Requires statutory changes</p>	<p><b>Not recommended for rule revision.</b> The Commissioner addressed learning gains for emergent level FAA students in Commissioner's Recommendation #5.</p>

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<p>5. Use alternative school rating model (improving, maintaining, declining) <u>without</u> crediting back scores of students at the ESE centers to home schools for inclusion in the home schools' grades.</p> <p>(11 Taskforce members indicated agreement)</p>	<p>This recommendation assumes that ESE centers can be classified under a broad interpretation of s. 1003.53, F.S., as schools that provide academic intervention services, thereby meeting the definition of alternative schools established in Section 1008.341, F.S. and as implemented by Florida Administrative Code (FAC) Rule 6A-1.099822(2)(a). If ESE centers can be classified as alternative schools under existing Florida law, then the current alternative school rating rule (6A-1.099822, Florida Administrative Code) would apply to ESE centers (as alternative schools). For this recommendation, the same calculations for a school improvement rating (SIR) would apply to ESE centers as for alternative schools but, as with alternative <i>charter</i> schools, the test scores of students at the ESE center would not be credited back to home schools for inclusion in the home schools' grades.</p> <p>A policy consideration would be whether the suspension of crediting back scores could lead to unintended consequences -- namely, districts moving students out of optimal, less restrictive environments to center schools without making the student's needs the top priority for the decision. The defined roles of IEP teams and parental choice could be factors in determining whether/how students are enrolled in ESE centers or mainstream settings.</p> <p>Recommendation 5 is inconsistent, in part, with recommendations 6 and 8.</p>	<p>Section 1003.53, F.S.,  Rule 6A-1.099822  s. 1003.53, F.S.  s. 1008.34, F.S.,  s. 1008.341, F.S.,</p>	<p>Yes, for the “credit back of scores provision” found in s, 1008.34(3)(c)3Statutory changes needed to clarify the treatment of ESE Centers and cluster sites under the alternative school umbrella or a similar one. See comment for recommendation 2</p>	<p>Requires statutory changes</p>	<p><b>Not recommended for rule revision.</b> This recommendation is inconsistent with current statute and with recommendations 6 and 8 in this document. Crediting back students achievement scores and learning gains to the home school helps ensure that students are not placed in center schools when they could be served effectively in their home school. It helps prevent “dumping” of students and ensures that the home school has an incentive to ensure that the student gets the best education to suit their needs.</p>
<p>6. Scores for students and center schools and cluster sites should be treated the same. Student scores should be counted in gains and proficiency at the center/cluster site, as well as the home zoned school.</p> <p>(10 Taskforce members indicated agreement)</p>	<p>The committee discussed a need to keep a level of accountability at the alternative setting, as well as the student’s home-zoned school.</p>	<p>s. 1008.341, F.S. Rule 6A-1.09981 s. 1008.341 Rule 6A-1.099822</p>	<p>Yes. Per 1008.34(3)(c)3scores are not attributed to the home school if the alternative school elects to receive a grade. Also see comment for recommendation 2.</p>	<p>Requires statutory changes</p>	<p><b>Recommendation for practice change in modified form.</b> Adopt the recommendation that student performance and learning gains be attributed to the home school if the center chooses a school improvement rating. This would help ensure that districts and schools have an incentive to serve SWD in the least restrictive environment. If the center school chooses a school improvement rating, proficiency will be counted in the home schools grade but not at the center school as the</p>

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					<p>school improvement rating does not include a proficiency measure.</p> <p>This recommendation is consistent with recommendation 2 in this document.</p>
<p>7. Parents should have expressed consent on the following actions:</p> <ul style="list-style-type: none"> <li>a. Placement of a student in a school outside the home zone school</li> <li>b. Placement of a student on the Florida Alternative Assessment</li> <li>c. Placement of student on special diploma track</li> </ul> <p>Note: Expressed consent should be a separate form from the annual IEP.</p> <p>(10 Taskforce members indicated agreement)</p>	<p>The recommendation would require parents to give informed, expressed consent in order for the individual education plan (IEP) team decisions described at left to be implemented. Currently parents are invited to be involved in the IEP team meetings and should be included in all placement decision making. The subcommittee expressed concern that parents may not be fully aware of their rights under the Individuals with Disabilities Education Act (IDEA).</p>	<p>Federal-Title 34, Code of Federal Regulations (CFR) Section 300.300</p> <p>s.1003.57 s.1003.43 s. 1003.428 s. 1008.22 Rule 6A-1.0943 6A-1.09961 6A-6.0331 6A-6.03028</p>	<p>Yes</p>	<p>Requires statutory change</p>	<p><b>Not recommended for rule revision.</b></p> <p>This recommendation needs to be reviewed carefully in light of IDEA provisions. The Department will research what practices it can implement or what statutory changes would be possible, given IDEA constraints, to foster greater parental consent.</p>
<p>8. Do not want to have schools shift SWD to centers to keep them from counting in home-zoned school. If home-zoned schools and centers are both accountable less likely to “incentivize” move to center. Need to include parental choice</p> <p>(8 Taskforce members indicated agreement)</p>	<p>This recommendation is consistent with classifying ESE centers as alternative schools for accountability purposes and applying all current rules/requirements for alternative school ratings, including the crediting back of student scores to home-zoned schools.</p> <p>Recommendation 8 is inconsistent with recommendations 5 and 9.</p>	<p>S. 1008.34, F.S. S. 1008.341, F.S. 6A-1.09981 6A-1.099822</p>	<p>Yes. See comments for recommendations 2 and 7.</p>	<p>Requires statutory changes if performance is attributed to the center school when a rating is chosen.</p>	<p><b>Not recommended for rule revision.</b></p> <p>Center schools will be governed by the statutory provisions related to accountability for alternative schools. If the center school chooses to receive a school improvement rating the students’ proficiency scores and learning gains will be included in the home school’s grade. Recommendation 2 and 6 in this document are similar.</p>
<p>9. Develop a process by which the center school can remain</p>	<p>This recommendation is similar to recommendation 1 for Goal 1, although it differs in that ESE Centers would not be classified as alternative schools. If ESE centers are not classified as</p>	<p>s. 1008.341 Rule 6A-1.099822</p>	<p>Yes; will need amendment to s. 1008.341 or a new</p>	<p>Requires statutory changes</p>	<p><b>Not recommended for rule revision.</b></p> <p>See Commissioner’s rational for recommendation 5 in this document.</p>

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<p>designated as a center school but be accountable through the alternative school improvement rating model with scores remaining at the center (not credited back to home schools).</p> <p>(7 Taskforce members indicated agreement)</p>	<p>alternative schools, a separate statute would be required to address the requirements -- mirroring s. 1008.341, F.S., and a separate rule would need to be developed to define the processes.</p> <p>Unintended consequences that may, or may not, be applicable to recommendation 5 would also apply here.</p> <p>Recommendation 9 is inconsistent with recommendations 6 and 8.</p>		<p>statute created for centers. See comment to recommendation 2.</p>		
<p>10. Consider parental and self-advocate rights in IDEA as a floor, not a ceiling.</p> <p>(4 Taskforce members indicated agreement)</p>	<p>The subcommittee recommended that the state go beyond the basic requirements of IDEA when considering policy and procedures related to parent and student rights (see recommendation 7).</p>	<p>Federal-Title 34, Code of Federal Regulations (CFR) Section 300.300</p> <p>s.1003.57 s.1003.43 Rule 6A-1.0943 6A-1.09961</p>	<p>Yes</p>	<p>Requires statutory changes</p>	<p><b>Not recommended for rule revision.</b> See Commissioner's rationale for recommendation 7 in this document.</p>
<p>11. Incentive for increasing the percentage of students exiting ESOL in 3 or less years</p>	<p>Provide a school grade incentive for schools who service more than a defined number of ELL students whereby points are added to the school grade for increasing the percent of ELL students who exit ESOL services in 3 or less years.</p>	<p>s. 1008.34, F.S. Rule 6A-1.09981, F.A.C.</p>	<p>Yes. Injects a new factor in the grading system not found under Section 1008.34</p>	<p>Statutory change required</p>	<p><b>Not recommended for rule revision.</b> "Bonus" points should be used sparingly in the school grade model.</p>