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April 1, 2005

The Honorable Margaret Spellings
Secretary of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Spellings:

Within the next few months, Florida will be releasing the 2005 scores on the Florida Comprehensive Assessment Test (FCAT) and the 2005 school grades. It is with great excitement and anticipation that we prepare for these releases because we know that Florida is making great progress. Last year, Governor Jeb Bush had the pleasure of announcing that more than two-thirds of Florida public schools were graded as "high performing." Under the A+ Plan for education, 68 percent of Florida public schools received an 'A' or 'B' in 2004, compared to 21 percent in 1999. Similarly, under the federal No Child Left Behind (NCLB) Act, nearly 64 percent of schools met at least 9 out of 10 criteria for "adequate yearly progress" (AYP), with 23 percent meeting all criteria. We have seen these successes despite the fact that Florida has raised standards under the A+ Plan.

FLORIDA LEADS THE WAY

Florida is clearly a leader in measuring student achievement. For example, through the A+ Plan we have moved beyond a status model of accountability where school results are compared year to year to one that is based on the academic growth of individual students and is capable of setting individual proficiency goals. Florida does this through our learning gains measure—a calculation unique to Florida. This measure arose from the vision to make sure that every child gains a year's worth of learning in a year's time. This vision is designed to truly leave no child behind.

In addition to the use of learning gains in our A+ system, Florida is leading the way in other areas as well. Florida has data resources that make it possible for us to aggregate and disaggregate all of the student performance and other data required by NCLB, and, in many instances (i.e., learning gains), we have the capacity to exceed the requirements of NCLB. Florida also institutes school choice options when a school has failed to meet state standards for two out of four years. We also have two statewide voucher programs; one for students with disabilities and another for students from low-income families. These three programs combine for the largest vouchers programs in the nation. The NCLB requirements only implement public school choice as a sanction for Title I schools and only when the school has failed to make adequate yearly progress for two consecutive years.

FLORIDA'S RECORD

All measures of academic achievement are showing that Florida is moving in the right direction. In addition to improving student achievement on our state assessment, Florida's commitment to rising student achievement is being demonstrated through improvement on the NAEP, high school graduation rates, and participation and success in Advanced Placement coursework. Some of our greatest student achievement gains are being made by our minority students – narrowing the achievement gap in Florida.

- Last year, more than half of the Florida students who took the FCAT (grades 3-10) in reading scored at or above grade level for the first time in the state's history. From 2001 to 2004, Florida students have shown significant progress in both reading and mathematics. Minority students continued to narrow the achievement gap, with both Hispanic and African American students improving nearly twice as fast in reading and three times as fast in mathematics as their white counterparts.
- According to the most recent results from NAEP, Florida is the only state to show significant improvement in fourth grade reading and has posted improvement in both reading and math for nearly all student groups. Florida surpassed the national average in fourth grade reading and is at the national average in fourth grade math for the first time. While eighth grade achievement is consistent with national trends, Florida's mathematics scores improved more than the national average.
- Florida's high school graduation rate rose to 71.6 percent in 2003-04 – up from 69 percent the previous year and 60.2 percent in 1998-99. Florida has been able to graduate more students even though we have higher standards than most states. Our standards include 24 credits, a 2.0 grade point average, and the passage of our statewide assessment.
- According to the College Board's Advanced Placement Report to the Nation 2005, Florida is making the most progress of any state in students excelling on high school Advanced Placement (AP) exams. The study also showed, among the class of 2004, nearly one in five Florida public high school students proved mastery of a college-level AP exam by scoring a Level 3 or higher. AP participation and performance rose most dramatically among minority students. Nearly 22 percent of AP test takers in Florida were Hispanic, compared to less than 13 percent of national AP test takers.

FLORIDA’S CHALLENGES

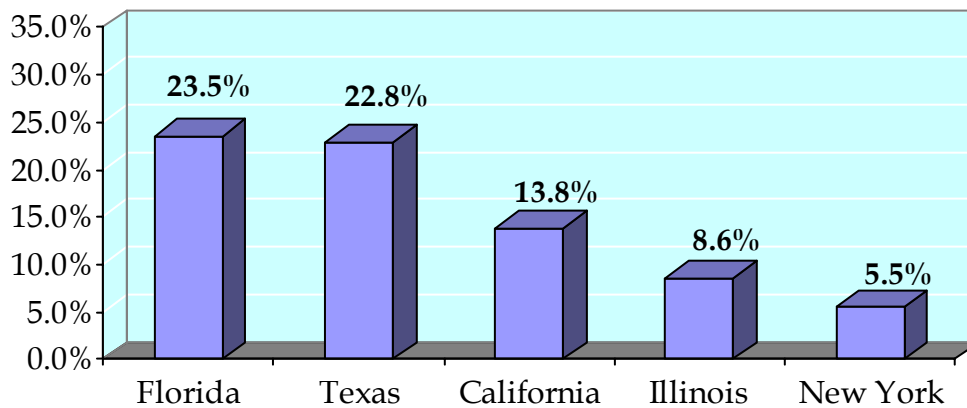
Last year only 23 percent of Florida’s schools made AYP. The low percentage of schools making AYP is less about student achievement and more about:

- the size and diversity of Florida’s schools,
- the growth of special populations, and
- the exposure to one criterion affecting the AYP status of schools.

School Size and Diversity

From 1990 to 2000, the year of the last complete U.S. Census, Florida had the highest growth rate among the nation’s five largest states. Florida is projected by the U.S. Census Bureau to rank 1st among the 50 states and the District of Columbia in the number of persons gained through net interstate migration during the next quarter century.

Growth Rates of Five Largest States, 1999-2000



As of 2001-02 Florida’s schools had the largest average enrollment size of any state in the nation.

Average School Enrollment Size, 2001-02, Top Five States

Rank	Primary Schools		Middle Schools		High Schools	
	State	Avg.	State	Avg.	State	Avg.
1	Florida	674	Florida	1,069	Florida	1,565
2	Georgia	607	Nevada	993	Hawaii	1,212
3	California	572	California	904	Maryland	1,194
4	Nevada	571	Georgia	834	Georgia	1,177
5	New York	558	Hawaii	819	Virginia	1,084

Source: U.S. Department of Education, NCES, *Education Statistics Quarterly*, Vol. 5, Issue 2.

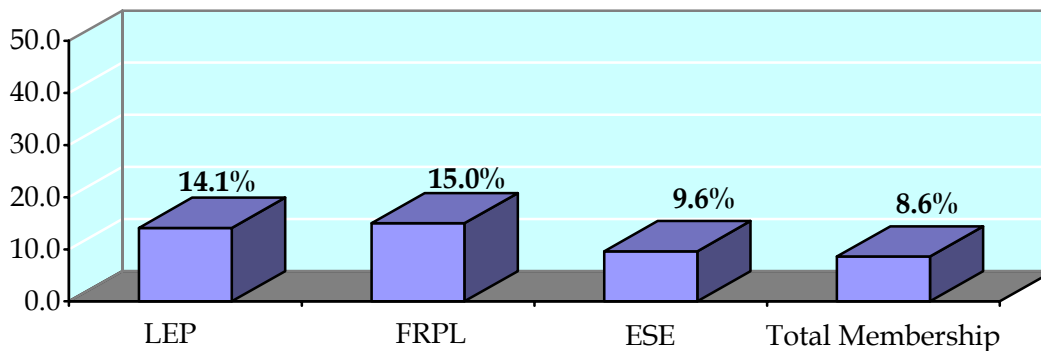
Growth in Special Populations

Not only is Florida growing more rapidly than other states, our growth in special populations has exceeded growth in the total student membership, as shown below.

**Membership Growth for Special Populations in Florida’s Public Schools:
2000-01 to 2004-05**

	2000-01	2004-05	Increase	% Increase
LEP	188,834	215,389	26,555	14.1%
Free/Reduced-Price Lunch	1,068,609	1,229,253	160,644	15.0%
Students with Disabilities	361,811	396,490	34,679	9.6%
Total PK-12 Membership	2,431,521	2,639,696	208,175	8.6%

**Percent Increase in Membership of Selected Populations,
2000-01 to 2004-05**



Data sources: Florida Department of Education, Education Information and Accountability Services (EIAS), selected publications-- *Profiles of Florida School Districts, Student and Staff Data (2000-01)*, DOE Automated Information Data Base reports compiling fall survey data for 2004-05 as of 3/2/05.

Exposure to One Criterion Affecting the AYP Status of Schools

Florida is more exposed to the impact of NCLB AYP calculations than other states because of our cell size, school size and diversity of schools, as well as, our high academic standards. In Florida, schools with over 100 students are evaluated by an average of 20. This represents 71% of our schools and 99% of our student population. With this exposure to a large majority of criteria, Florida’s schools are more likely to face penalties under NCLB.

	More than 100 Students
Median Number of Criteria Required to Meet	20
Number (percent) of schools	2,634 (71%)
Total Number (percent) of students	1,458,715 (99%)

Note: None of Florida schools have enough American Indian students to qualify as a subgroup. Therefore, the maximum number of criteria any Florida school could be required to meet is 27.

FLORIDA’S PROPOSED AMENDMENTS

It is because of the tremendous strides in student achievement resulting from our system of accountability that NCLB has come under scrutiny regarding the disparity in the percent of schools making AYP in Florida compared to other states. As the Commissioner of Education, I have had the opportunity to listen to our educators and learn firsthand how our schools are put at a disadvantage under NCLB. My intent is to fully integrate the best of Florida’s A+ system and NCLB so that only those schools truly in need of improvement are identified and supported with assistance and intervention. The easiest and surest way to have more schools meet AYP would be to lower our standards—something I am not willing to do.

Through much research, analysis, and discussion, Florida has identified three amendments to our current Consolidated State Application Accountability plan approved in January 2003. These amendments uphold high standards of proficiency and defend the intent of NCLB, to bring the state and federal accountability systems more in line. Each amendment is described in detail later in this letter:

1. Revise the annual proficiency targets for reading and mathematics.
2. Maintain a subgroup size of 30, but it must represent 15% of the total school population before the performance of the subgroup will impact the total school rating.
3. Replace the current Safe Harbor measure with individual student improvement (learning gains) to proficiency.

To illustrate the impact of the proposed amendments, I am providing a simulation using 2003-04 data. Although I expect improvement, this simulation makes the assumption that there will be no improvement in student achievement. As you will find, no single change results in more than a 10 percent decrease in schools not making AYP.

**Simulation of Proposed Amendments
Using 2003-04 Data**

Proposed Amendments	AYP Status	
	Yes	No
Current Annual Growth Proficiency Targets: Reading 48, Math 53	331	2723
Proposed Amendment 1: Using the revised proficiency targets – Reading 37, Math 44	541	2513
Proposed Amendments 1 and 2: Using revised proficiency targets and Subgroup >30 and >15%	788	2266
Proposed Amendments 1, 2 and 3: Using revised proficiency targets, subgroup size, and increase in students moving to proficiency in the current year compared to the prior year for the purposes of Safe Harbor (from 2003 to 2004 than last year 2002 to 2003)	981	2073

EXPLANATION OF REQUESTED AMENDMENTS

1. **Revise the annual proficiency targets for reading and mathematics.** The targets currently increase from 31% in reading and 38% in mathematics in 2004 to 48% and 53% respectively in 2005. Florida proposes the annual proficiency targets be revised to reflect an annual increase. The revised proficiency target increases set expectations for growth in student achievement that are continuous and substantial, such that all students are proficient in reading/language arts and mathematics no later than 2013-2014, as required by No Child Left Behind.

NCLB AYP Targets

Year	Reading			Math		
	%Prof Current	%Prof Proposed	Increase	%Prof Current	%Prof Proposed	Increase
2001-02	31	31	Base	38	38	Base
2002-03	31	31	0	38	38	0
2003-04	31	31	0	38	38	0
2004-05	48	37	6	53	44	6
2005-06	48	44	7	53	50	6
2006-07	48	51	7	53	56	6
2007-08	65	58	7	68	62	6
2008-09	65	65	7	68	68	6
2009-10	65	72	7	68	74	6
2010-11	82	79	7	83	80	6
2011-12	82	86	7	83	86	6
2012-13	82	93	7	83	93	7
2013-14	100	100	7	100	100	7

2. **Maintain a subgroup size of 30, but it must represent 15% of the total school population before the performance of the subgroup will impact the total school rating.** We are requesting only that the cell size requirement remove the subgroup from the schools' actual AYP determination calculation. We will continue to report all data for subgroups with more than 30 students on the school report card and the Florida Department of Education website.
3. **Replace the current Safe Harbor measure with individual student improvement (learning gains) to proficiency.** The current safe harbor provision would be replaced with a learning gains calculation to determine if there were more students maintaining or moving to proficiency in the current year compared to the prior year (current year from 2003 to 2004 than prior year 2002 to 2003). For example, School "A" in 2003 had 100 students of which 40 were proficient and 20 moved up to proficient (60% of the students were proficient or moved to proficient in 2003). To make Safe Harbor in 2004 more than 60% of the students in School "A" would have to maintain or move to proficiency. This calculation takes advantage of Florida's ability to track the learning gains of individual students, providing an improved measure of each student's progress. We believe that learning gains will become the national norm within five years, and Florida should lead the way.

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This learning gains model also takes into consideration Florida's high immigration and mobility rates. For example, approximately 88,000 students enter Florida public school system each year from another state or country. Many of these students enter Florida schools as non-proficient students. As a result, the status model utilized for AYP does not account for the progress Florida schools are making because of the influx of the new non-proficient students. This is one of the reasons Florida has implemented a system to track student progress over the years and why I have proposed this amendment.

In closing, Florida has demonstrated rising student achievement since the implementation of Florida's A+ Plan. These proposed amendments uphold Florida's high standards and support the intent of NCLB, keeping us on the path to ensuring that all students are proficient by 2013-14. Thank you for considering these amendments to Florida's NCLB Consolidated State Application Accountability plan. I stand ready to provide additional information or data to support our proposed amendments.

Sincerely,

John L. Winn
Commissioner