

# Florida Association of District School Superintendents

## Draft Legislative Recommendations

### Opening Comments

The 2017 Legislative Platform of the Florida Association of District School Superintendents is still being developed. The final platform will not be adopted until the general membership meets in September or December.

These draft recommendations focus on:

- Implementation of the Every Student Succeeds Act (ESSA)
- Education Accountability – Additional Issues - Third Grade Retention
- Education Accountability – Additional Issues - Additional Pathways to High School Graduation
- Charter Schools
- Controlled Open Enrollment
- Public Education Funding (Operations and Capital)

### Every Student Succeeds Act

Florida's basic framework of the accountability system with A-F grades has been in place for at least 17 years. The passage of the federal Every Student Succeeds Act (ESSA) provides an opportunity to develop a bolder vision of an accountability system that will lead to increased student performance and provide parents and the community with a more comprehensive report on student and school performance.

These draft recommendations are reflective of and aligned with the following major components of ESSA.

#### Maintain Challenging State Academic Standards

ESSA requires the adoption of math, reading or language arts and science standards with at least three achievement levels. Superintendents strongly support the Florida State Standards in English Language Arts and Mathematics.

**ESSA authorizes states to adopt alternate academic achievement standards for students with the most significant cognitive disabilities.**

**Recommendation:** Florida does not have alternate standards for the most significant cognitively disabled students but rather access points to the standards in place for all students. Superintendents recommend the state, in conjunction with stakeholders' review the access points and the corresponding assessment (Florida Alternate Assessment or FAA) in a meaningful, thoughtful and sensitive way that ensures students are challenged to reach their highest potential while recognizing the challenges of students having significant cognitive disabilities. If recommendations are made, any legislative and regulatory changes should also be developed and supported.

## **ESSA requires each state to adopt English Language Proficiency Standards**

**Recommendation:** We must determine how this aligns with Florida law and what changes in law and rule need to be made to implement this provision.

### **Academic Assessments**

#### **Recommendations:**

- **Alternate Assessment** – ESSA authorizes a district to select and administer a nationally-recognized high school assessment (e.g. SAT or ACT) that is approved by the state. The state must establish technical criteria for the selection of a locally-selected assessment. Florida statutes should be amended to authorize this provision.
- **Paper/Pencil Test Administration** - Districts should have the discretion to administer tests using paper and pencil until the technology is available to minimize assessment time. Many districts, particularly rural districts, do not have the capacity to reasonably administer computer-based assessments without continued and major disruption of instructional time in the classroom. Larger districts may have more capacity, but still have schools that struggle to meet the computer-based requirements without substantial instructional disruption. This is particularly critical at the high school level. Authorizing the use of paper and pencil will alleviate some of this disruption. The use of paper and pencil by districts could be explained as part of the Digital Classrooms Plan.
- **Testing Windows** – Testing windows should run concurrently in order to minimize the time used for testing and the disruption in student instruction.
- The state should be responsible for developing the state assessment in languages for which assessments are not available.
- **English Learners** – Today, English Learners must take the assessments in English if he or she has attended school in the US for three or more consecutive years. ESSA authorizes a district to extend for two years (total of 5) the assessment in another language or form as determined on a case-by-case basis. Districts should have this flexibility.
- **Exception for Recently arrived English Learners** - ESSA provides some options and it is recommended that students enrolled in school for less than 12 months be assessed but the results be excluded for the first year. It is also recommended that a measure of student growth in the second year of enrollment and proficiency in the 3<sup>rd</sup> year be included.
- **Middle School Acceleration** - ESSA accommodates those middle school students who take Algebra I in middle school and prevents duplicative testing. However, Florida's accountability system no longer allows "banking" of middle school Algebra I scores for high school accountability purposes. This should be reinstated and requires statutory change.
- **Reports** - ESSA requires districts to produce individual student interpretive, descriptive, and diagnostic reports. In addition, ESSA requires itemized score analyses to be produced and reported. DOE must provide districts and schools itemized score analyses on state assessments.

## **Statewide Accountability System**

ESSA specifies four subgroups of students that should be measured:

- Economically disadvantaged students
- Students from major racial and ethnic groups
- Children with disabilities
- English learners

### **Recommendations:**

- The minimum number of students to be measured within each subgroup must be discussed so as to be statistically sound as well as ensure the grading of the most schools.
- Student growth should be an indicator.
- When defining the economically disadvantaged subgroup, consideration must be given for the extensive use of the Community Eligibility Provision (CEP). Due to CEP, the number in the subgroup could be limited, over-escalated or could end up being all students in the school, even if they are not all economically disadvantaged.
- The English Learners subgroup is substantially different from other subgroups and therefore should be treated differently. English Learners are still acquiring English proficiency and are not yet able to demonstrate their knowledge and skills on content tests in English. The requirement of setting a higher standard for academic achievement for English Learners as for other subgroups is not reasonable due to the transient nature of the subgroup. Goals for English Learners should be based on achieving learning gains rather than reaching proficiency on content state assessments. Weighted indicators could be used to take into account English proficiency and/or number of years in programs including students who have exited.
- Increasing from two to four the number of years that the state may include results of English Learner subgroup after a student ceases to be identified as an English Learner is supported. However, with large mobility among this population, tracking students will be a challenge.
- Similar to English Learners, for students with disabilities, we recommend setting the goals for the ESE subgroups to be based on achieving learning gains as opposed to reaching proficiency on the content state assessments. For many of these students, measuring growth is a more valid measure of performance than a determination of proficiency.
- ESSA allows inclusion of students taking alternative assessments into the calculation of Graduation Rate as part of accountability system. Florida should follow suit.
- ESSA authorizes the use of the four-year cohort graduation rate and, at the state's discretion, the extended year adjusted cohort graduation rate. Florida should take advantage of this flexibility. In addition, the four-year rate should include students graduating in the summer after the "normal" cohort graduation date.

- Districts need a clear definition of the additional indicator that is selected as well as how to measure it. Attendance and discipline should not be used as “another indicator” due to lack of data reliability.

## **School Support and Improvement**

ESSA requires, beginning with the 2017-2018 school year, and at least once every 3 school years thereafter, one statewide category of schools to receive comprehensive support and improvement.

**Recommendation:** This is an area where meaningful dialogue is needed with the Department of Education. A clear process to identify these low performing schools pursuant to ESSA’s criteria needs to be developed along with exit criteria. In addition, existing programs that target low performing students such as the interventions in the 300 lowest performing elementary schools should be integrated into or adjusted under ESSA. Finally, the School Advisory Council and School Improvement Plan must be integrated into the ESSA framework.

## **Direct Student Services**

ESSA authorizes the state, after meaningful consultation with geographically diverse districts, to reserve not more than three percent of the federal allocation for direct student services. This program is similar to the old Supplemental Educational Services Program which was eliminated due to ineffectiveness and waste. Any effort to reinstate this program is opposed. The potential 3% set aside should be allocated to districts based on the overall funding methodology.

## **Education Accountability – Additional Issues**

### **Third grade retention**

The decision to retain a child in third grade should not rest on a single measure, but should be based on multiple measurements, including assessments, and based on evidence that the student has mastered the required standards. Retention decisions, including third grade retention, should be made at the local level.

### **Additional Pathways to a Standard High School Diploma**

There will always be a group of students who are successful in the classroom but cannot pass the 10<sup>th</sup> Grade FSA (ELA Component) or the Algebra I EOC. These students should have another pathway to a standard high school diploma. Receiving a “Certificate of Completion” does not serve these students well.

## **Charter Schools**

Since its inception in 1996, charter schools were offered as a means to provide students and their parents with programmatic options that were not available in regular public schools. Today, many charter schools are not innovative, but rather duplicate educational programs that are already offered by regular public schools. Districts should be authorized to deny charter applications that either do not meet a need

expressed by the local district and when sufficient student stations are available to meet students' needs in existing public schools. Moreover, additional measures should be put into statute to ensure educational, fiscal, and operational accountability of charter schools and oversight by school districts.

### **Charter School Recommendations**

- Charter school applications should only be approved when the proposed instructional program and growth align with the school district needs.
- The application should be modified to document that the governing board is independent of any management company or cooperative and, at its sole discretion, may terminate a contract with a management company or cooperative at any time.
- Standards of conduct, financial disclosure, and identification of conflicts of interest should be clarified and expanded. Specifically, language should be adopted that prohibits ownership or lease arrangements by a charter school with individuals or entities affiliated with the charter school or management company.
- Student reporting requirements relating to withdrawals, suspensions, expulsions, and other related instances where students are no longer enrolled in a charter school must be the same for all public schools, including charter schools.
- In order to ensure financial stability, school districts must have the authority to require a surety bond or the maintenance of a specific amount in an escrow fund to protect the school district and taxpayer.
- Districts should be able to recover the cost, including interest, of a Tax Anticipation Note (TAN) that is needed to ensure monthly payments to charter schools.

### **Controlled Open Enrollment**

Beginning in the 2017-2018 school year, each school board or charter school must allow a parent from any district in the state to enroll his or her child in any public school, including a charter school that has not reached capacity. Superintendents have serious concerns about the implementation of this provision and the ability to serve and plan for those students who reside in their districts. County taxpayers who choose to impose additional taxes and services on themselves, do not do so to serve students beyond the county line.

### **Public Education Funding**

#### **Recommendations - General Operations**

- Begin a three-year process to restore the purchasing power in the Base Student Allocation (BSA) by increasing the BSA by \$200 at an estimated total cost of \$612 million for the 2017-2018 fiscal year.
- Funding for safe schools is almost \$13 million less than was appropriated by the Legislature in the 2007-2008 fiscal year. The current Safe Schools categorical allocation of \$64.5 million should be doubled to \$129 million for the 2017-2018 school year.

- Continue to increase funding for purchasing and maintaining the infrastructure, devices and software to administer state and locally required assessments and to provide the delivery of instruction through technology.
- Continue funding CPALMs in order for districts to transition to and successfully implement the Florida State Standards.
- Do not expand the curriculum, promotion, or graduation requirements without also expanding the school day and the accompanying funding.

### **Recommendations - Capital Outlay**

- Funding for local capital improvements including maintenance and repair of district operated public schools, school safety improvements, hardware and infrastructure and other capital needs is critical. Authority should be restored to school boards to levy a discretionary millage of up to .5 mills to address these capital needs.
- Public Education Bonds funded by the PECO Trust Fund should be issued as bonding capacity is available in order to support the capital construction and capital technology needs of school districts.
- The Legislature should fully fund the Special Facilities Program including those projects that are underway; unfunded projects for the 2016-2017 fiscal year; and any new projects recommended for funding beginning in the 2017-2018 fiscal year.
- Capital outlay funds for charter schools should only be provided through a separate statewide funding source, and distributed only based on demonstrated need, with provisions made to insure that the taxpayers acquire an asset for their investment and the need for public disaster shelter requirements are met.
- Any local discretionary capital improvement funds provided to charter school facilities and capital equipment must continue to have the consent of the local school board.