



# The Florida Senate

Interim Project Report 2001-010

October 2000

Committee on Education

Senator Anna Cowin, Chairman

## SCHOOL GRADING AND OPPORTUNITY SCHOLARSHIPS

### SUMMARY

The 1999 Legislature enacted education accountability legislation (Ch. 99-398, L.O.F.) popularly known as the "A+ Plan". The law extended the statewide assessment system to cover every year in grades 3 through 10, required schools to be graded according to the performance of their students, and provided opportunity scholarships to allow students in failing schools to attend a higher performing public school or a private school that met the criteria for program participation.

When school grades were announced for 1999, two elementary schools in Escambia County were designated as failing schools under the criteria established in the statute, and students at those schools were eligible for Opportunity Scholarships to attend another public school or a private school. A lawsuit (*Holmes v. Bush*, 7 Fla. L. Weekly Supp. 447 (Fla. 20<sup>th</sup> Cir. Ct. 2000)) challenged the constitutionality of the scholarships and the court found them to be unconstitutional. Upon appeal, the First District Court of Appeal found the scholarships to be constitutional (*Bush v. Holmes*, No. 1D00-1121 (1<sup>st</sup> DCA, Oct. 3, 2000)). The 51 students who currently hold scholarships have been permitted to keep them.

In 2000, school grades improved. The only students eligible for Opportunity Scholarships were those in the original group in Escambia County.

This report recommends that the state continue to implement the reforms in the "A+ Plan" and does not recommend statutory changes for the 2001 Session.

for teachers and administrators. As the term is used in this report, "failing school", means a school that receives a grade of "F" for two years in a four-year period. The law prohibits the promotion of students based on age or other factors that constitute social promotion. The State Board of Education must intervene in a school district when one or more schools in the district have failed to make adequate progress for 2 years in a 4-year period.

At the request of school districts, the 2000 Legislature changed the law to eliminate attendance and discipline as criteria in the determination of school grades. Reporting of disciplinary actions is essential for school safety, and the data is still being reported. School administrators argued persuasively that making the data a factor in the school grade could discourage full reporting of incidents.

### METHODOLOGY

Staff interviewed Department of Education personnel responsible for implementation of the statewide assessment program, the school grading process, and Opportunity Scholarships. A limited number of school district personnel were interviewed as well. The report gives an overview of the first year of implementation of school grading and Opportunity Scholarships to provide Senators essential background information for their consideration of related issues in the 2001 Session.

### FINDINGS

#### *Implementation of the A+ Plan*

The statewide assessment system, originally established for grades 4, 5, 8, and 10, is being expanded to provide testing of student performance every year in grades 3 through 10. In school year 2000-2001, scores from the administration of the test in each grade, 3 through 10, will set the baseline for measuring student gains in the following year. Beginning in 2003, science will be added to the statewide assessment system.

### BACKGROUND

Chapter 99-398, Laws of Florida, popularly known as the "A+ Plan", enacted broad education reforms. The law expanded the statewide assessment program to cover grades 3 through 10, required the use of test scores in the establishment of performance grades for schools, provided scholarships to enable students in failing schools to attend a different public school or a private school, and required performance-based pay

School grades for the 1998-99 school year were announced in the summer of 1999. On the basis of the criteria set forth in the law, two schools in Escambia County—A.A. Dixon Elementary and Spencer Bibbs Elementary—were designated as failing schools. Students at those two schools were eligible for Opportunity Scholarships to attend a higher performing public school or a private school.

When the A+ Plan became law, a group of individuals and organizations sued the Governor and other state officials claiming that the Opportunity Scholarships are unconstitutional. The Second Judicial Circuit Court (Holmes v. Bush, 7 Fla. L. Weekly Supp. 447 (Fla. 20<sup>th</sup> Cir. Ct. 2000)) ruled that the Opportunity Scholarships are unconstitutional. The judge looked only at the question of constitutionality of the scholarships and ruled on that question alone. Upon appeal, the First District Court of Appeal found the scholarships to be constitutional (Bush v. Holmes, No. 1D00-1121 (1<sup>st</sup> DCA, Oct. 3, 2000)).

Students who had been awarded scholarships were permitted to keep them. Under the law, the duration of the scholarship extends potentially through the eighth grade, and perhaps longer if the student is assigned to a high school with a grade of “D” or “F”. If a student attends a private school the highest grade of which is eight, the scholarship remains in force until the student matriculates to high school and the public high school to which he is assigned is an accredited school with a performance grade of at least “C.”

In 1999-2000, student scores improved and no schools reached the threshold of two failing grades in a four-year period. Thus, no new Opportunity Scholarships were awarded this year.

### ***Funds to Implement the A+ Plan***

The A+ Plan is the work plan for the K-12 system of public schools. Thus, the \$7 billion FEFP and Major Categorical Programs budget supports the implementation of the reforms. Specific appropriations target aspects of the implementation. For the school year 2000-2001, the Legislature appropriated \$60 million for the School Recognition Program to provide up to \$100 per student to schools that sustain high performance or substantially improve their performance. Subsequent to that appropriation, \$24 million in Lottery funds was added to the School Recognition Program through the budget amendment process. Approximately \$38 million in lottery funds and general revenue support improvement efforts in schools that received a grade of “D” or “F”. The

recruitment and retention of outstanding teachers in “D” and “F” schools is supported by a \$12,250,000 appropriation. Other funds to provide extra time and special focus on academic tasks include a \$662 million appropriation for Supplemental Academic Instruction and an \$11 million appropriation for an extended school year.

### ***Statewide Assessment System***

The Florida Comprehensive Assessment Test (FCAT) is comprised of two components. A criterion-referenced test measures the student’s achievement of benchmarks in reading, writing, and mathematics in accordance with the Sunshine State Standards. These standards are Florida’s own challenging content standards. The second component is a norm-referenced test that measures the student’s performance against national norms.

For the purpose of determining school grades, there are five levels of achievement on the criterion-referenced portion of the FCAT. This use of the portion of the FCAT that measures student attainment of the Sunshine State Standards leads to the public perception of FCAT as a high-stakes test.

The time of year when the test is administered has been a source of complaint. The test must be given late enough in the year to measure the student’s mastery of information and skills taught that year. On the other hand, the test must be given early enough in the year to permit educators to have the scores back before the end of the school year. The Department of Education must balance these two considerations when selecting a test administration date. In 2001, the writing portion of the FCAT will be administered on February 21, and the reading and mathematics portions will be administered March 12-15.

### ***School Grading***

The test scores that are used in the calculation of a school grade are those of regular students who have a standard curriculum, and who were enrolled in the same school during the October and February enrollment surveys. Ninety-five percent of students are enrolled in both surveys. In general, scores of Limited English Proficient (LEP) and exceptional students are not included in school grades. However, the following students’ grades are included: LEP students who have been served with English for Speakers of Other Languages (ESOL) classes for more than 2 years; students who are speech impaired; those who are hospital/homebound; and gifted

students. The scores of visually impaired and hearing impaired students are not included because of the adaptations required (i.e., they would not be taking the test under the same conditions).

In grade 4 this year, of approximately 184,000 test records, 146,377 were for students who had a standard curriculum and were enrolled in the October and February surveys. Eighty percent of the test records were counted in the school grades. Of the test documents not included in the school grade, approximately 13 percent were for ESE students; 2 percent were for LEP students; and 5 percent did not match enrollment surveys.

No schools were adversely affected by the inclusion of absences or incidents of violence in the calculation of school grades this year. Thus, taking those factors out of the grading formula will not change any school's grade.

School grades for the 1999-00 school year have been announced and there were no failing schools. This means the only public school students eligible for Opportunity Scholarships are those children from the two failing elementary schools in Pensacola who accepted the scholarships for the 1999-00 school year.

Under an appeal procedure, a school can request that the Commissioner of Education review the grade. Some appeals are accompanied by the submission of more complete information than was originally submitted; others include a request that the Commissioner waive a portion of the school grading rule. The Commissioner of Education makes the final decision on the appeals.

### ***Opportunity Scholarships***

A school district must offer the parents of a student assigned to a failing school the opportunity to attend a public school with a performance grade of "C" or higher. School districts are responsible for transportation costs of students whose parents or guardians choose to enroll their child in a higher performing public school within the district. The district may use state categorical transportation funds for this purpose. If a parent or guardian of an eligible child chooses to enroll and transport the student to a higher performing public school that has available space in an adjacent school district, that adjacent district must accept and report the student for purposes of funding in the Florida Education Finance Program (FEFP).

Opportunity Scholarships for attendance at a private school will be available to all students enrolled in failing schools, to students enrolled elsewhere in the public school system who are assigned to a failing school, and to those entering kindergarten or first grade who are assigned to a failing school. The scholarship will be available until the student leaves the private school or until the student reaches eighth grade in a school where the highest grade is grade eight; then, if the student's assigned public high school is grade "C" or higher, the scholarship is discontinued.

In the first year of the program's implementation, two schools in Escambia County were designated as failing, and students assigned to those schools were eligible for Opportunity Scholarships. When the program began, 93 parents wanted a private school scholarship for their children. Available space in participating private schools was limited, and the scholarships were awarded through a lottery. Approximately 58 of the students received Opportunity Scholarships to attend the five private schools that participate in the program. In addition, 85 students chose to attend higher performing public schools, and the district provides transportation for them.

In the school year 2000-2001, 51 students in Escambia County attend five private schools on Opportunity Scholarships. Eighty-five students attend higher performing public schools under the Opportunity Scholarship Program.

### ***Future Issues***

The expansion of the statewide assessment system to all grades 3-10 permits the accountability system to measure gains in student achievement. The current system will be adjusted to accommodate the computation of student gains.

The law requires the use of student learning gains in computing the effects of instruction by teachers, schools, and school districts. This requirement involves numerous questions. Can student progress be attributable to a single teacher when the students are only tested once per year? Will the group tested in one year be measured against the group tested in the next year? How will the state evaluate the performance of teachers in the grades and subjects that are not covered by the assessment system? These questions have been posed before a work group of education research experts that is comparing various methods for measuring the effect of instruction on student learning gains. The Office of Program Policy Analysis and Government Accountability (OPPAGA) will oversee this work.

The former graduation test will be replaced by the tenth-grade FCAT, and the State Board of Education will set the passing score. In setting the passing score, the board must set the score high enough to be a challenge but not so high as to seem so difficult to reach that students become discouraged.

In the first year of implementation of the A+ Plan, student performance has improved. The two failing schools in Escambia county improved their grades from “F” to “D”. Schools that were in danger of receiving a failing grade improved student test scores to a level that kept them from receiving the failing grade this year.

This report does not contain any recommendations for changing the law in the second year of implementation.

**RECOMMENDATIONS**

The accountability measures that include school grading and opportunity scholarships have brought about improved student performance during the first year of implementation. The state should stay the course and give the reforms time to be fully effective. Therefore, this report does not recommend any changes to the current statutes.

**COMMITTEE(S) INVOLVED IN REPORT** *(Contact first committee for more information.)*

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**MEMBER OVERSIGHT**

Senator Diaz de la Portilla