

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 549 Publication of Student Assessments

SPONSOR(S): PreK-12 Appropriations Subcommittee; PreK-12 Quality Subcommittee; Fine and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 906

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	12 Y, 0 N, As CS	Brink	Duncan
2) PreK-12 Appropriations Subcommittee	14 Y, 0 N, As CS	Seifert	Potvin
3) Education Committee		Brink	Hassell

SUMMARY ANALYSIS

Currently, public access to test items under Florida's statewide assessment program is limited to sample questions which are not included in assessments administered under the program. The bill requires the Commissioner of Education, beginning with the 2019-2020 school year and every 3 years thereafter, to publish on the Florida Department of Education's (DOE) website each statewide, standardized assessment and statewide end-of-course (EOC) assessment, thereby providing public access to standardized tests taken by students in Florida.

The bill allows the Commissioner of Education to determine the schedule for publishing assessments during the 3-year period; however, the initial publication must include the grade 3 English language arts (ELA) and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

The bill requires the DOE to provide materials on its website to help the public interpret the published assessment information.

This fiscal impact of this bill is estimated to be \$4,000,000 annually.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's statewide assessment program is used to measure the extent to which students have mastered Florida's academic content standards.¹ It includes comprehensive, grade level assessments, end of course (EOC) assessments, and alternate assessments for students with significant cognitive disabilities.² The grade-level English language arts (ELA) and math assessments and Algebra I, Geometry, and Algebra II EOC assessments are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.³

Results from the assessments are used to calculate school grades and school improvement ratings⁴ and determine student readiness for promotion to 4th grade and high school graduation.⁵ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.⁶

Florida and federal law both require that all public school students annually participate in statewide, standardized ELA and math assessments beginning in the 3rd grade.⁷ Federal law requires that students participate in a standardized science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.⁸ The requirements for students in Florida are as follows:⁹

- ELA
 - Grades 3-10: annual participation in the FSA-ELA
- Math
 - Grades 3-8: annual participation in the math FSA
 - High school:
 - Algebra I EOC and Geometry assessments
 - (If enrolled) Algebra II EOC assessment
- Science
 - Grades 5 and 8: Statewide Science Assessment
 - High school: Biology I EOC assessment
- Social Studies
 - Middle school: Civics EOC assessment
 - High school: U.S. History EOC assessment

In addition, school districts must participate in national and international comparison assessments, such as the National Assessment of Educational Progress (NAEP),¹⁰ Trends in International Mathematics and Science Study, Program for International Student Assessment, Progress in International Reading Literacy Study, and International Computer and Information Literacy Study.¹¹

¹ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf>.

² See s. 1008.22(3), F.S.

³ Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

⁴ See ss. 1008.34 and 1008.341, F.S.

⁵ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

⁶ See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

⁷ See s. 1008.22(3)(a); 20 U.S.C. s. 6311(b)(2)(v)(I).

⁸ See 20 U.S.C. s. 6311(b)(2)(B)(v)(II).

⁹ See s. 1008.22(3)(a) and (b), F.S.

¹⁰ 20 U.S.C. s. 6311(a)(1)(B). Federal Title I funds are contingent upon a state's participation in the NAEP, which is administered through the National Center for Education Statistics, the primary federal entity for collecting and analyzing state related to education in the U.S. National Center for Education Statistics, *About Us*, <https://nces.ed.gov/about/> (last visited Mar. 17, 2017).

¹¹ See s. 1008.22(2), F.S.

All Students with disabilities, except for students with an approved medical complexity or extraordinary exemption waiver, must participate in the statewide, standardized assessments.¹² Students with significant cognitive disabilities may be eligible to take the Florida Standards Alternate Assessment, which measures student academic performance on the state's academic standards using access points.¹³

In order to reduce costs, the Florida Department of Education (DOE) licenses FSA test items from the test developer, American Institutes for Research, and does not have ownership of or copyright authority over the items.¹⁴ This practice is becoming commonplace among states.¹⁵ Some texts used in state assessment questions are taken from the public domain and can be freely published; however, others are copyrighted texts that the DOE does not have authority to publish.¹⁶

All examination and assessment instruments, including work papers and developmental materials, are confidential and exempt from disclosure under Florida's public records laws.¹⁷ Provisions governing access, maintenance, and destruction of such instruments and materials are prescribed in rule by the State Board of Education.¹⁸

Per general practice, once a test or test item is released, the test items may not be reused in order to maintain assessment validity.¹⁹

From 2005 to 2007, the DOE released FCAT assessments as follows:

- Grades 4, 8, and 10 Reading and Mathematics in 2005;
- Grades 3, 7, 9 and 10 Reading and Mathematics in 2006;
- Grades 5 and 6 Reading and Mathematics, and Grade 8 Science; and
- For the FCAT Writing and FCAT 2.0 Writing assessment, the DOE released the prompts and student responses.²⁰

According to the DOE, budgetary constraints ended the practice beginning in 2008.²¹

Effect of Proposed Changes

The bill requires the Commissioner of Education, beginning with the 2019-2020 school year and every 3 years thereafter, to publish each statewide, standardized assessment and statewide EOC assessment on the DOE's website, excluding retake and alternate assessments, administered in the most recent school year. By publishing the assessments on the website, the DOE would provide public access to view assessments administered during the previous school year.

The bill allows the commissioner to determine the schedule for publishing assessments during the 3-year period; however, the initial publication must occur no later than June 30, 2020, and must include the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

¹² See ss. 1008.212 and 1008.22(10), F.S.

¹³ See s. 1008.22(3)(c)4., F.S.; rule 6A-1.09430(1), F.A.C.; see also Florida Department of Education, Division of Public Schools and Bureau of Exceptional Education and Student Services, *Statewide Assessment for Students with Disabilities*, Technical Assistance Paper 2010-92 (July 15, 2010). Access points provide students with significant cognitive disabilities access to the Florida Standards at reduced levels of complexity.

¹⁴ Florida Department of Education, Agency Analysis of 2016 House Bill 549, p. 3 (Feb. 7, 2017).

¹⁵ *Id.* at 3.

¹⁶ *Id.* at 3.

¹⁷ See s. 1008.23 F.S.

¹⁸ See rule 6A-10.042, F.A.C.

¹⁹ *Id.* at 3.

²⁰ Florida Department of Education, Agency Analysis of 2016 House Bill 549, pp.2- 3 (Feb. 7, 2017).

²¹ Florida Department of Education, Testimony by the Assistant Deputy Commissioner for the Division of Accountability, Research, and Measurement before the House PreK-12 Quality Subcommittee (Mar. 20, 2017).

The bill requires the DOE to publish materials on its website to help the public interpret the published assessment information.

Because test items cannot be repeated for purposes of assessment validity, the DOE would be required to procure additional test items to replace the items it has authority to publish.²² This would require renegotiation of current assessment contracts for the development of test items owned by the DOE. Thereafter, the DOE would be required to purchase sufficient test items to replace assessments that are published in accordance with the bill.

The bill does not authorize or require the publication or release of individual student assessment files.

The bill provides an appropriation of \$4,000,000 in recurring General Revenue for the costs associated with the provisions of the bill.

B. SECTION DIRECTORY:

Section 1. Amends s. 1008.22, F.S.; requiring the Department of Education to publish certain assessments; providing requirements for the publication of such assessments; requiring the department to provide interpretive materials.

Section 2. Provides an appropriation of \$4,000,000 in recurring General Revenue for the costs associated with the provisions of the bill.

Section 3. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The strike-all amendment adopted on March 20, 2017, eliminates several assessments from the publication requirement and provides the commissioner authority to determine the schedule for publishing assessments, which may affect certain fixed costs associated with developing test items. Based on the amendment, the DOE estimates costs of approximately \$4 million annually.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

²² See *id* at 3.

D. FISCAL COMMENTS:

See FISCAL IMPACT ON STATE GOVERNMENT, *supra*.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 20, 2017, the PreK-12 Quality Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- limits the publication of tests to statewide, standardized assessments and statewide end of course (EOC) assessments;
- requires the assessments to be published starting with the 2019-2020 school year and every 3 years thereafter;
- allows the commissioner to determine the schedule for releasing assessments during the 3-year period; however, the initial publication must occur by June 30, 2020, and must include the grade 3 English language arts (ELA) and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment; and
- requires the Department of Education to provide materials on its website to help the public interpret the published assessment information.

The bill analysis is drafted to reflect the committee substitute.

On April 3, 2017, the PreK-12 Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provides an appropriation of \$4,000,000 in recurring General Revenue for the costs associated with the provisions of the bill.

The bill analysis is drafted to reflect the committee substitute passed by the PreK-12 Appropriations Subcommittee.