



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

January 13, 2015

Commissioner Pam Stewart  
Turlington Building, Suite 1514  
325 West Gaines Street  
Tallahassee, Florida 32399

Dear Commissioner Stewart:

Thank you for your presentations to the Senate Appropriations Subcommittee on Education and the Education Pre-K-12 Committee on January 7, 2014, regarding Florida's K-12 state assessment requirements, purposes, policies, and implementation status.

We appreciate your willingness to discuss these issues fully and candidly and to engage senators on a very specific level. While our questions may be probing and detailed, our committees' inquiries are inspired by an abiding commitment to accountability and a concern that thoughtful, effective, timely and valid implementation is the best way to ensure that Florida districts, schools, students, and educators are motivated and measured by the highest standards of performance.

As you could likely discern from your testimony and the resulting discussion, the Senate would be informed by your guidance and insights through responses to the following series of questions:

### Follow-up Questions to Senate Committee Testimony

As a follow-up to your appearances before the Senate committees, please provide, **by February 6, 2015**, itemized responses to the following questions:

- 1) How much total time will students spend during the 2014-15 school year on state-required assessments, including statewide, standardized and state-required local assessments administered by school districts? How much time will students spend on additional district-mandated assessments administered solely at the discretion of the school districts, and what is the purpose of these district-mandated assessments? You testified that districts have a wide and varying interpretation of these mandates ("Some tests could be 15 minutes, some could be three hours.") so in the absence of precision please provide your best estimates.
- 2) How much total funding will be expended (state and local dollars) on state-required assessments, including statewide, standardized assessments; state-required local

assessments; and additional district mandated assessments? Please itemize and identify the criteria used to determine each assessment's costs. Again, where precision yields to what you have testified as widely-varying district interpretations, please provide your best estimates. Our objective is to identify the total annual cost for providing all state-required assessments.

- 3) What costs does the department incur (e.g., internal and contract) from the administration of statewide, standardized assessments? What costs does the department incur from the development and ongoing implementation of statewide assessments not required to be administered by the state, such as the FAIR grades 1-12? In total, how much has the department contracted to pay selected vendors for these assessments, and what revenue sources are used for those contracts? How much has the department expended to date, and from what revenue sources (including federal and Race to the Top funds), to pay for the costs of these contracts? Please certify to the extent you feel the department, the contractors, and the school districts are on course to successfully satisfy and implement all required statewide, standardized assessments.
- 4) Please certify to what extent you believe, after having already approved school district digital classrooms plans and the authorized assessment component, that each school district is ready, with appropriate technology already in place, to successfully administer all statewide, standardized and state-required assessments this spring. Please attest to the extent that you believe students have the appropriate computer and keyboarding skills to successfully navigate computer-based assessments. To what degree do computer-based assessments cause a loss of instructional time or related student disruptions?
- 5) To the extent that you believe some school districts, the state, or testing vendors may experience technological difficulties in administering all state-required assessments, what alternatives will you have in place as back-up approaches to ensure successful administration (such as paper and pencil versions of the assessments)? Was the Department's 2014-2015 budget request and resulting appropriation sufficient to ensure all districts are prepared to successfully administer all state-required assessments this spring? Do you anticipate additional funding requests for 2015-2016 for this purpose over and above the 2014-2015 appropriated amounts?
- 6) Please describe what the department has done, or is doing to assure the Legislature, educators, and parents of the reliability, validity, and quality of state-required local assessments administered by school districts. You testified that there is no assurance of quality control in local assessments. How, then, can those assessments be relied upon as valid in light of the consequences of those assessments for student promotion and teacher evaluation and compensation?

- 7) Members of the two Senate committees are concerned about the state's apparent lack of preparedness to administer the new Florida Standards Assessments (FSA), specifically, the department's lack of a contingency plan and what some senators may believe is a lack of sufficient beta-testing or field-testing of the test items and test administration platform. You testified that there was beta-testing. Please describe and certify to us your commitment that the beta-testing and/or field-testing of the assessment items and platform was of sufficient nature to ensure the assessments will be administered this spring, on time and appropriately, across all school districts.

#### "Opt out" Questions

In addition, as mentioned in both committee meetings, senators are being approached by educators and parents about "opting out" of statewide, standardized or state-required local assessments, or both. In fact, there are multiple websites that purport to interpret legal requirements and subsequently provide parents and students with guidance and documentation as to how to "opt out." If we correctly understand your testimony, you stated that student participation in statewide, standardized and state-required local assessments is mandatory for all students unless specifically exempted by statute. To clarify "opt out" questions and concerns, please provide, **by January 26, 2015**, itemized responses to the following questions:

- 1) Under what circumstances is it lawful for students to be exempted from either statewide, standardized assessments or state-required local assessments? Under what circumstances it is lawful for students to be exempted from district-mandated, district-selected assessments?
- 2) What differences, if any, exist in lawful, allowable exemptions between those exemptions pertaining to statewide, standardized assessments, state-required local assessments, and any exemptions from district-mandated, district-selected assessments which are not in response to state mandates? Please explain.
- 3) What pupil progression or other consequences, if any, will apply to students if they or their parents "opt out" of statewide, standardized assessments or state-required local assessments? For example, could choosing not to participate in required assessments impact a student's promotion to the next grade level, affect the student's ability to earn course credit or graduate with a standard diploma, impede the student's access to accelerated course or school choice options, affect the student's access to extracurricular activities, or impact the student's grade point average calculations? If so, how would those consequences compare between students that "opt out" and their colleagues that participate in the assessments?
- 4) What professional practices or other consequences, if any, may apply to educators (e.g., teachers, administrators, counselors, superintendents) if they encourage, allow,

or fail to report "opt out" practices or instances? What obligations do educators have to inform their district and the department of "opt out" practices or instances about which they are aware?

- 5) What funding, school or district grade, or other consequences, if any, will apply to schools or districts if they encourage, allow, or fail to report "opt out" practices or instances? What obligations do schools and districts have to inform the department of "opt out" practices or instances about which they are aware? To what extent does the department consider allowing or failing to report "opt out" practices or instances to be a test integrity or security issue?
- 6) What written, formal guidance is the department providing, or has the department provided, to school boards, superintendents, principals, teachers, parents, and students of all consequences associated with assessment "opt out" or non-participation practices or instances?

#### Additional Questions regarding the December 1 Letter

Thank you for responding to my letter dated December 1, 2014, regarding the implementation actions of the department and the State Board of Education regarding statutory requirements and legally-authorized K-12 assessment, course, and credit flexibilities. We have reviewed your response in detail and as we wait on the results of your investigation we would like you to address some additional questions. Please provide, **by February 2, 2015**, itemized responses to the following questions:

- 1) State law requires the Commissioner to identify (and the State Board of Education to adopt in rule) SAT and ACT concordant scores "upon implementation" of the new FSA English Language Arts assessment, and authorizes the Commissioner to identify scores for assessments other than the SAT and ACT, for students to satisfy the grade 10 English Language Arts (ELA) requirement for high school graduation. You testified, and your letter states, that the State Board of Education adopted concordant ACT and SAT scores, as required by law, however those concordant scores relate to FCAT 2.0 Grade 10 Reading assessment and not the new FSA ELA assessment. You also testified that you have yet to identify scores for other assessments that students can use to satisfy requirements. When will the board adopt concordant ACT and SAT scores for the new FSA ELA assessment that will be administered this spring? What process do you use and what are you doing to actively identify, and when will the board adopt, concordant scores on other assessments? Please identify how and when you will communicate the department's compliance with these statutory requirements to the public, students, districts, parents, and teachers.
- 2) State law requires the Commissioner to identify "one or more" comparative scores for the Algebra I EOC assessment required for high school graduation and requires the

State Board of Education to adopt comparative scores in rule. You testified, and your letter states, that the board only adopted comparative scores for the PERT and thus, there are no other assessments a student may use to satisfy Algebra I requirements. Why did you only identify the PERT, what process do you use, what are you doing to actively identify, and when will the board adopt, comparative scores for other assessments, and how and when will this information be communicated to those affected?

- 3) State law provides the Commissioner with maximum flexibility to select “one or more” nationally developed comprehensive examinations as equivalent assessment options for students to satisfy state-required EOC assessments. State law further outlines a menu of authorized options that the Legislature feels are of sufficient rigor to serve as equivalent assessment options, yet you testified that the department has deemed only one assessment (i.e., AP U.S. History) to be equivalent to a state-required EOC assessment (i.e., U.S. History). In all of the testing experience and data banks of the 50 states and other sources, we find it difficult to believe that other rigorous options are not available for Florida students to use in place of state-required EOC assessments. Why did you only identify one AP assessment and what have you done or are you doing to identify, in a timely manner for state board adoption, equivalent assessments (including industry certification assessments) that may substitute for EOC assessments?
- 4) Please explain why there are no industry certification assessments that you fully support as appropriate equivalent assessments. What process do you use and what factors do you apply when considering and recommending industry certifications or other national assessments for adoption by the state board? Please describe in detail what industry certifications and other assessments you have reviewed and explain why they do not satisfy you for meeting equivalency standards. Additionally, what is the status of the department’s negotiations of state licenses for materials and testing for industry certifications, as required by law, and when do you expect the results of those negotiations to be completed so that districts and students can benefit from access to industry certification options?
- 5) With regard to local assessments, senators are hearing concerns that the Florida Item Bank and Test Platform can be difficult and sometimes impossible to access by educators and districts attempting to satisfy state requirements. Please certify to us that all authorized school district personnel can easily access the Item Bank. Also please describe what the department has done, or is doing, to vet and confirm the content and construct validity of each test item and respective responses so that educators and districts can rely on the quality of the technical assistance and tools being provided by the department.

- 6) In light of your statement that, "I have been able to implement the laws as they are written with the authority given to me and to the state board," does it remain your contention that you still need specific statutory authority, for example, to require school districts to utilize a uniform calendar of assessments? If so, what specific language or statutory changes do you suggest? Rather than delegating specific statutory authority on a case-by-case basis, is there a broad delegation of authority (to authorize rulemaking for situations such as this) that you can recommend to the Legislature?
- 7) We again ask you to please identify any statutory or regulatory authorities or flexibilities that you need from the Governor or the Legislature that would allow you to explore or implement other valid options leading to fewer, more reliable, more useful assessments.

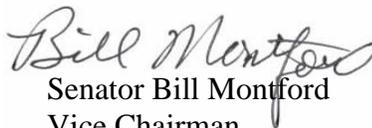
Again, we sincerely thank you for your presentations and willingness to address the issues and policies regarding Florida's assessment and accountability requirements. Since districts are even now preparing for assessments beginning in a matter of weeks, we respectfully request and appreciate your timely responses. We ask that you reserve time the week of February 2 to meet with our Committees to further discuss these matters.

It is our hope that, armed with a complete and accurate picture of the assessment requirements and costs, we can work together to advance Florida's respected accountability system for the betterment of our students, teachers, and state.

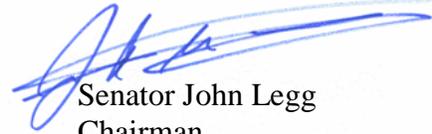
Respectfully,



Senator Don Gaetz  
Chairman  
Education Appropriations



Senator Bill Montford  
Vice Chairman  
Education Appropriations



Senator John Legg  
Chairman  
Pre-K-12 Education Policy

cc: President Gardiner  
Committee Members  
Board of Education Chairman Gary Chartrand