

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability.

(1) No change.

(2) School Accountability for Student Performance. All schools shall be accountable for performance relative to the Student Performance Goal stated in Section 1008.345, F.S. Each school is accountable for the performance of its entire student population. Student achievement data from the FCAT shall be used to measure a school's student performance for the subject areas of reading, mathematics, and writing. The FCAT levels in the performance criteria in subsection (5) of this rule are those specified in Rule 6A-1.09422, F.A.C., for the year in which achievement data are used for accountability. In addition, the FCAT assessment shall include a norm-referenced subtest that shall be used to report student achievement as compared to national norms. Schools shall report student achievement scores on these subtests to parents. Student achievement data on norm-referenced subtests shall not represent progress toward the Sunshine State Standards and shall not be used in designating school performance grades, but may be used to validate the reasonableness of the improvements demonstrated for the purpose of designating a school performance grade as described in this rule.

(3) through (a) No change.

(b) All students, regardless of disability or limited English proficiency classification, with valid FCAT assessment scores in reading and math in both the current year and the previous year are included in paragraphs (6)(d), (e), and (f) of this rule, regarding the determination of student learning gains. In addition, the inclusion of these students shall will be applied to subparagraph (1)(a)4. of this rule, regarding the percent tested. Beginning in 2009-10, current and prior-year reading and math scores for students with disabilities assessed on the Florida Alternate Assessment shall be included in the determination of learning gains components addressed in paragraphs (6)(d) and (e) of this rule.

(c) through (e) No change.

(4) School Performance Grades. The measure of school accountability shall be the school performance grade. The Commissioner is authorized to designate a school performance grade for each school that:

(a) Has at least thirty (30) eligible students with valid FCAT assessment scores in reading in both the current and the previous years, and

(b) Has at least thirty (30) eligible students with valid FCAT assessment scores in math in the current and previous years.

School performance grade designations shall be made in the summer of each school year. Performance designations shall be made using School Performance Grades A, B, C, D, and F, as specified in Section 1008.34(2), F.S. School performance grades shall be based on the assessments and criteria as specified in subsection (5) of this rule. The Commissioner is authorized to establish appropriate achievement level criteria in newly assessed grade levels for submission to the State

Board for final approval.

(5) Criteria for Designating School Performance Grades.

School performance grades shall be designated in the summer of each year and shall be based on a combination of the following three components, as specified in Section 1008.34(3), F.S.:

(a) No change.

(b) Annual learning gains, aggregated for each school, which indicate the percent of eligible students who have:

1. Improved their FCAT Achievement Level or Florida Alternate Assessment Performance Level, as applicable, from one (1) year to the next, or
2. Maintained their proficient Achievement Level on FCAT or the Florida Alternate Assessment, as applicable, Levels within levels 3, 4, or 5 from one (1) year to the next, or
3. Remained within FCAT Achievement Levels 1 or 2, but who demonstrated more than one (1) year's growth on the FCAT developmental scale. This method of determining gains is not applicable to students who are tested in FCAT at the same grade level as in the previous year, at a lower grade level than in the previous year, or at a grade level more than one grade higher than in the previous year. However, these students may still demonstrate gains as indicated in subparagraphs (5)(b)1. and 2. of this rule. The Department of Education has identified the scores in the following table as representing one (1) year's growth.

Students whose FCAT Achievement Level declines from one (1) year to the next shall not be deemed to have made annual learning gains. The annual learning gains calculation shall be based on students who have a valid FCAT reading and/or math score in both the current and previous year, and who take a higher grade level test in the current year than in the previous year.

(c) through (6)(b) No change.

Grade	Grade	Grade	Grade	Grade	Grade	Grade	Grade
3-4	4-5	5-6	6-7	7-8	8-9	9-10	
Reading	230	166	133	110	92	77	77
Math	162	119	95	78	64	54	48

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(c) One (1) point for each percent of students who score "3.5" or higher on the FCAT writing assessment. Beginning in 2009-10, in order to accommodate changes in scoring procedures for grades 4 and 8, this percentage shall be determined for schools serving grades 4 and 8 by averaging the percentage of students scoring "3.0" or higher and the percentage of students scoring "4.0" or higher;

(d) through (e) No change.

(f) One (1) point for each percent of students in the lowest twenty-five (25) percent in reading in the school as defined in paragraph (5)(c) of this rule who make learning gains as defined in paragraph (5)(b) of this rule.

The percent of students reflected in each of the six (6) school grade point elements defined in paragraphs (6)(a) through (f) of this rule shall be expressed to the nearest whole number. The corresponding points assigned for each grade point element shall also be expressed to the nearest whole number. In the

event that a school does not have at least ten (10) thirty (30) eligible students tested in writing, the district average in writing as defined in paragraph (6)(c) of this rule shall be substituted. In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in reading as defined in paragraph (5)(c) of this rule, the lowest performing thirty (30) students at or below proficiency, defined as FCAT Achievement Levels 1, 2, and 3, shall will be used. In the event there are still not thirty (30) qualified students in the lowest achieving group, the grade point element defined in paragraph (6)(d) of this rule shall be substituted for the grade point element defined in paragraph (6)(f) of this rule.

(7) No change.

(8) Planned System Enhancements. As indicated in this subsection, planned enhancements will occur in Florida's System of School Improvement and Accountability. The Commissioner of Education will periodically recommend additional changes to the system to the State Board of Education as necessary to ensure that continuous improvements are made in the educational programs of the state.

(a) Science will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students who score at or above Achievement Level 3, proficient, as established as will be recommended by committees of educators and approved by the State Board of Education during 2005-06. In the event that a school does not have at least ten (10) eligible students tested in science, the district average for percent proficient in science shall be substituted.

(b) Math lowest twenty-five (25) percent will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students in the lowest twenty-five (25) percent in mathematics in the school who make learning gains as defined in paragraph (5)(b) of this rule. Improvement of the lowest twenty-five (25) percent of students in mathematics in each grade, as defined in paragraph (5)(b) of this rule, shall be aggregated for each school, unless the students so designated are performing above proficiency, defined as FCAT Achievement Levels 4 and 5.

1. Schools designated as Performance Grade "C" or above shall be required to demonstrate that adequate progress in mathematics, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year's FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the percent of such students making learning gains is below fifty (50) percent in the current year, adequate progress can be met if:

a. Schools demonstrate a one (1) percentage point improvement in the percent of such students making learning

gains over the prior year, if the percent of such students making learning gains is at least forty (40) percent in the current year;  
or

b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year.

If the minimum requirement for adequate progress in mathematics among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade "B" or "C" does not meet the minimum requirement for make adequate progress by having at least fifty (50) percent of its lowest performing students making learning gains in reading and in math, as defined above, in at least one (1) of two (2) consecutive years, or demonstrate improvement as defined in sub-subparagraphs (8)(b)1.a. and b. of this rule, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade "A" unless the adequate progress criterion in mathematics is met each year.

2. In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in mathematics as defined in paragraph (8)(b) of this rule, the lowest performing thirty (30) students at or below proficiency, defined as FCAT Achievement Levels 1, 2, and 3, will be used. In the event there are still not thirty (30) qualified students in the lowest achieving group, the grade point element defined in paragraph (6)(e) of this rule shall be substituted for the grade point element defined in paragraph (8)(b) of this rule.

(c) through (d) No change.

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(e) School performance grades for high schools (schools that include grades 9 through 12 among grades taught) shall be evaluated on a revised scale beginning with school grading for the 2009-10 school year. Beginning in 2009-10, fifty (50) percent of the performance grade for high schools shall be based on the following components in addition to the components previously described in paragraphs (6)(a) through (f) and (8)(a) through (b) of this rule:

1. Four-year high school graduation rate. For the 2009-10 and 2010-11 School Years, the graduation rate will be calculated using criteria for modified No Child Left Behind (NCLB) graduation rate. The procedures used to calculate this rate can be found in the 2008-09 Guide to Calculations for the NCLB School Public Accountability Reports, April 2009, <http://www.fldoe.org/eias/eiaspubs/word/nclbguide.doc>. For this component, two (2) grade points shall be awarded for each percent of students counted as on-time graduates in the graduation rate. The total possible points awarded for this component is 200 points.

2. Four-year high school graduation rate for academically at-risk students. For purposes of this component, students shall

be identified as academically at risk if they have scored at FCAT Achievement Level 2 or lower on both the mathematics and reading subtests of the FCAT in grade 8. The cohort of academically at-risk students is a sub-population of the adjusted cohort for the graduation rate described in subparagraph (8)(e)1. of this rule. The method of rate calculation and the criteria for inclusion in the numerator and denominator are the same as for the graduation rate described in subparagraph (8)(e)1. of this rule. For this component, one (1) grade point shall be awarded for each percent of students counted as on-time graduates in the graduation rate. The total possible points awarded for this component is 100 points.

3. Participation in accelerated coursework, defined as Advanced Placement (AP), International Baccalaureate (IB), dual enrollment, Advanced International Certificate of Education (AICE), and industry certification courses. Participation shall be calculated for the school year by dividing a weighted count of accelerated coursework participants in grades 9 through 12 (numerator) by the count of all students enrolled in grades 11 and 12 (denominator). For AP, IB, and AICE participation, a student shall be counted in the numerator if he or she has taken the applicable subject area examination (i.e., the AP, IB, or AICE subject area examination). For dual enrollment courses, a student must earn a grade in the course in order to be counted as a participant. For industry certification, a student must be enrolled in a career and technical education course and have taken an industry certification examination on the Industry Certification Funding List approved by the State Board of Education in Rule 6A-6.0573, F.A.C., in order to be counted as a participant.

a. Weighting of counts for individual participants. For each student counted as a participant in accelerated coursework, the weighted count that is credited to the student is established at 1.0 for a student who has taken one course/examination in accelerated coursework and is increased incrementally by 0.1 for each additional course/examination taken. The weighted counts for all participants are summed to produce the numerator described in subparagraph (8)(e)3. of this rule.

b. Grade points assigned. For this component, in 2009-10, two (2) grade points shall be awarded for each percentage point produced by the weighted calculation of participation in accelerated coursework described in subparagraph (8)(e)3. and sub-subparagraph (8)(e)3.a. of this rule. The total possible points awarded for this component is 200 points.

4. Performance in accelerated coursework, defined as Advanced Placement (AP), International Baccalaureate (IB), dual enrollment, Advanced International Certificate of Education (AICE), and industry certification courses. Performance shall be calculated for the school by dividing the weighted number of grade 9-12 students with successful completions in accelerated coursework (numerator) by the count of all students in grades 9 through 12 who took an accelerated course or subject area examination during the academic year (denominator). For AP, IB, and AICE successful completion is defined as earning a passing score and being

awarded credit for specific postsecondary course(s) as determined by the 2008 Articulation Coordinating Committee's Credit by Exam Equivalencies list. Schools can earn additional successful completions for students who achieve industry certifications that result in credit for more than one (1) college course through statewide articulation agreements. Those agreements can be accessed at [http://www.fldoe.org/workforce/dwdframe/artic\\_frame.asp](http://www.fldoe.org/workforce/dwdframe/artic_frame.asp).

a. Weighting of counts for students with successful completions. For each student identified as having successfully completed accelerated coursework, the weighted count that is assigned to the student is established at 1.0 for a student with one successful completion in accelerated coursework and is increased incrementally by 0.1 for each additional successful completion credited to the student. The weighted counts for all successful completers are summed to produce the numerator described in subparagraph (8)(e)4. of this rule.

b. Grade points assigned. For this component, one (1) grade point shall be awarded for each percentage point produced by the weighted calculation of performance in accelerated coursework described in subparagraph (8)(e)4. and sub-subparagraph (8)(e)4.a. of this rule. The total possible points awarded for this component is 100 points.

5. Postsecondary readiness. This measure consists of two separate components, one for reading and one for mathematics. For each subject area component, postsecondary readiness shall be calculated by dividing the count of on-time high

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school graduates scoring "ready" on the SAT, ACT, and/or the Common Placement Test (CPT) at any time during their high school careers by the count of on-time high school graduates who scored at Level 3 or higher on the grade 10 FCAT in the applicable subject. Readiness cutoff scores by subject area on the ACT, SAT, and CPT are established in Rule 6A-10.0315, F.A.C. For students who have taken multiple tests among the ACT, SAT, and CPT, the student's highest score by subtest shall be used to determine postsecondary readiness for the applicable subject area component. For each of the subject area components, one (1) grade point is awarded for each percentage point outcome of the postsecondary readiness calculation. The total possible points that may be awarded to a school for each component is 100 points.

6. Annual growth or decline in the components described in subparagraphs (8)(e)1. through 5. of this rule. For each component described in subparagraphs (8)(e)1. through 5., additional points are awarded based on the percentage point improvement over the prior year. Schools shall earn one additional point for each percentage point improved over the prior year. Schools shall earn no more than twenty (20) additional points on each component described in subparagraphs (8)(e)1. through 5. of this rule. Schools that show no improvement in results, or show declining results, shall receive no additional points.

7. Adequate progress requirement for at-risk students as criterion for a school grade of "A." A high school that would

otherwise earn a grade of “A” based on earned grading points must meet an additional requirement for adequate progress of at-risk students in order to be assigned a grade of “A” rather than one letter grade lower (“B”). For such schools, the graduation rate for academically at-risk students, as described in subparagraph (8)(e)2. of this rule, must meet one or more of the following criteria to satisfy this requirement:

- a. be no lower than seventy-five (75) percent; or
- b. show improvement of at least one (1) percentage point over the prior year’s rate, if the current year rate is at least sixty-five (65) percent; or
- c. show improvement of at least five (5) percentage points over the prior year’s rate, if the current year rate is below sixty-five (65) percent.

8. The school grading measures and requirements described in subparagraphs (8)(e)1. through 7. of this rule, shall be applied to high schools for which there are at least ten (10) students included in the denominator of each component described in subparagraphs (8)(e)1. and 3. through 5. of this rule. For high schools in which there are fewer than ten (10) students in the denominator of any one of these components, the school grade shall be determined using the same FCAT-based components that are applied in determining the grades of schools serving grades 8 and lower, and shall not include any of the components described in subparagraphs (8)(e)1. through 7. of this rule. For high schools in which their are fewer than ten (10) students in the denominator of the four-year high school graduation rate for academically at-risk students component (subparagraph (8)(e)2.), the grade point component defined in subparagraph (8)(e)1. of this rule shall be substituted for the grade point component defined in subparagraph (8)(e)2. of this rule.

9. Grading scale for high schools. Beginning in 2009-10, the following school grading scale shall be applied to high schools:

- a. At least 1,050 school grade points shall be required for a School Performance Grade of A.
- b. At least 990 school grade points shall be required for a School Performance Grade of B.
- c. At least 870 school grade points shall be required for a School Performance Grade of C.
- d. At least 780 school grade points shall be required for a School Performance Grade of D.
- e. If a high school accumulates fewer than 790 school grade points, it shall be assigned a School Performance Grade of F.

10. Adjusted weighting of FCAT-based components and non-FCAT-based components for combination high schools’ grades. For schools in which grades 9 through 12 are taught in addition to other grades below grade 9, the school grade shall be based on a weighting of FCAT-based components and non-FCAT-based components, as described in subparagraphs (8)(e)1. through 8. of this rule, that is proportional to the number and level of non-high-school grades taught at the school at tested grade levels. Whereas the point totals for regular high schools (serving only grades 9 through 12) weight

the FCAT-based components at fifty (50) percent of the grade and the non-FCAT-based components at fifty (50) percent of the grade, the following weightings for FCAT-based and non-FCAT-based components shall be applied to combination high schools:

a. A combination high school serving more than three (3) tested grade levels below grade 9 shall have a school grade point total that weights the FCAT-based components as eighty (80) percent of the grade and the non-FCAT-based components as twenty (20) percent of the grade.

b. A combination high school serving three (3) or fewer tested grade levels below grade 9 shall have a school grade point total that weights the FCAT-based components as seventy (70) percent of the grade and the non-FCAT-based components as thirty (30) percent of the grade.

(9) Accuracy and Representativeness of Performance Data. The Commissioner shall will review all information submitted by school districts to represent the performance of schools receiving a school performance grade.

(a) No change.

(b) The Commissioner shall withhold the designation of a school's performance grade if he or she determines that the performance data does not accurately represent the progress of *Florida Administrative Weekly Volume 35, Number 32, August 14, 2009* Section II - Proposed Rules 3859

the school. Circumstances under which a school's performance data may be considered to not accurately represent the progress of the school include: Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school's performance grade or designate the school in a lower performance grade. If less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade were assessed, the school's performance grade shall be designated incomplete (I) for at least thirty (30) days or until the data are determined by the Commissioner to accurately represent the performance of the school. In the event that the percent tested remains less than ninety (90) percent, the final performance grade will be one letter grade lower than indicated by the points described in subsection (7) of this rule or will be a grade determined by the Commissioner of Education to accurately represent the performance of the school.

1. Less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade was assessed;

2. Circumstances identified before, during, or following the administration of any state assessment where the validity or integrity of the test results are called into question and are subject to an investigation or review as determined by the Department. The school's performance grade shall be designated incomplete (I) until the state, district, and/or local investigation(s) are complete. If, following the completion of investigations, data are determined to accurately represent the performance of the school, a school's performance grade reflecting the data shall be reported.

(c) After the initial issuance of school performance grades, the school district shall have at least thirty (30) days to review the data on which the performance grade was based. If the school district determines that a different performance grade should be assigned because of the omission of student data, a data miscalculation, or special circumstances that might have affected the grade assigned, a request for a state review of the data can be submitted. Changes to the criteria or process described in paragraph (9)(a) shall will not be considered as part of this review and must be addressed as described therein. Appropriate documentation of all elements and data to be reviewed by the Department must be submitted within the time limits specified by the Commissioner.

The Commissioner's determination of a school's performance grade shall be final.

(10) through (11)(a) No change.

(b) The Commissioner is authorized to give preference to schools designated School Performance Grade F and School Performance Grade D in awarding federal and state grants designed to improve student achievement. The Department shall give priority to School Performance Grade F and School Performance Grade D schools in providing school improvement assistance and resources. The Department shall will identify demographically similar, but higher performing, schools in the state for possible assistance.

(c) through (14) No change.

(15) Measures of Student Performance. The Department shall develop statewide assessments designed to measure student performance based on the following four standards to achieve the goal set forth in Section 1001.03(1), F.S., with special emphasis on reading, writing, and mathematics as defined in Rule 6A-1.09401, F.A.C., in the "Sunshine State Standards 1996" as incorporated by reference. Beginning in school year 2002-2003, science will be added as a subject area for special emphasis.

(a) through (d) No change.

Rulemaking Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History--New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06, 6-19-08, 11-26-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jeff Sellers, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

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