

EFFECTS OF DISTRICT OPTING OUT OF STATEWIDE ASSESSMENTS

1. Effects on Students

- Students cannot complete graduation requirements, leading to issuance of a standard high school diploma. Section 1003.4282, Florida Statutes, requires passage of the 10th Grade FCAT or ELA Assessment and the Algebra I EOC assessment as prerequisites to graduation. Additionally, the Statute requires that if a student has met all requirements for graduation with the exception of passage of the statewide assessments, the School District is required to provide the student an opportunity to continue attending high school for one (1) more year to receive instruction and preparation to attempt to pass the statewide assessments.
- High school and middle grade students may not be able to obtain credit for completion of courses which require that 30% of their grade be based on the student's performance on the end of course test, Sections 1003.4282 and 1003.4156, Florida Statutes. Additionally, students who do not pass an end of course assessment required to receive a standard high school diploma, must be placed in a segmented remedial online course in order to avoid loss of the FTE for that course and student, Section 1011.61, Florida Statutes.
- Statutory requirements for 3rd Grade retention could not be appropriately administered because the requirement to retain a student, whose reading deficiency is not remedied, is based on performance on the statewide standardized assessment, Section 1008.25, Florida Statutes. Additionally, the District could not comply with the requirement of statute to provide intensive reading instruction to students in Grades K through 3 who have a substantial deficiency in reading based upon statewide assessments because there would not be evidence of performance on a statewide assessment upon which to make this determination.
- The School District could not comply with provisions of the Florida statute concerning Opportunity Scholarships, Section 1002.38, Florida Statutes. The statute requires that a student who attends a school which receives a school grade of an F or three (3) consecutive D's, be given an opportunity to transfer to another public school with a performance grade category of C or better. Without statewide assessments, the school grade would be "incomplete" and therefore students could not be assigned to a school with a grade of C or above.

2. Effects on Employees

- The School District would not be able to comply with provisions of Florida Statute concerning the evaluation of instructional personnel and school administrators. At least 50% of the performance evaluation of classroom teachers and 40% of the evaluation of school administrators is required to be based upon student learning growth assessed annually by statewide assessments, Section 1012.34, Florida Statutes. Section 1012.33, Florida Statutes, requires instructional personnel retention decisions to be based on such evaluation ratings. Additionally, Section 1012.22, Florida Statutes, requires salary adjustments for instructional personnel be based upon the results of such evaluations, which include the required component of student learning growth as evidenced by statewide assessments. It also requires provision of salary supplements to instructional personnel assigned to schools with a grade of F or three (3) consecutive D's, which could not be complied with when a school receives an "incomplete" due to the lack of participation in the statewide assessments.
- Schools would not receive school recognition dollars pursuant to Section 1008.36, Florida Statutes, which requires receipt of a school grade of an A or a one (1) letter grade improvement, to be eligible for receipt of such funds.
- The required performance base salary schedule would fail to be implemented as required. A portion of the statutorily required performance salary schedule must be based on a performance component which is based on student growth on statewide assessments. 1012.22(1)(c)5., Florida Statutes.
- School principals would be ineligible for performance pay under 1012.28, Florida Statutes, as principals are required to faithfully and effectively apply the personnel evaluation system approved pursuant to 1012.34, Florida Statutes, which includes data from student performance on statewide assessments.
- School principals would be ineligible for performance pay under 1012.28, Florida Statutes, as principals are required to assist teachers in the use of student assessment data, as measured by student learning gains pursuant to 1008.22, Florida Statutes.

3. Effects on Schools

- Section 1011.62, Florida Statutes, requires Supplemental Academic Instruction and Research Based Reading Instruction categoricals be used to fund an additional hour of instruction beyond the normal school day for students attending schools in the 300 lowest performing elementary schools, based on the state reading assessment. Presumably, if elementary students at Lee County

School District did not take the state reading assessment, all of the elementary schools would be in the 300 lowest performing, therefore requiring additional instruction.

- Schools would receive a school grade of “incomplete” as a result of not meeting the requirement that 95% of students participated in statewide assessments, Section 1008.34, Florida Statutes. Section 1008.33, Florida Statutes, requires implementation of turn around options at schools receiving a grade of F. The section does not directly address the required actions for schools that receive a grade of “incomplete”.
- If charter schools were required to participate in the opt out as schools of the District, certain effects would be experienced. The School District would not be complying with the services it is required to provide to the charter schools, which include test administration services and payment of the cost of the state required student assessments, Section 1002.33, Florida Statutes. Additionally, charter schools could not become high performing charter schools, pursuant to Section 1002.331, Florida Statutes, with the attendant benefits, because they would not have the school grades required to establish eligibility. Charter schools could not receive capital outlay funds, pursuant to Section 1013.62, Florida Statutes, because one of the eligibility requirements is to have satisfactory student achievement based on Florida accountability standards.

4. Effects on the School District

- The School District could not be an academically high performing School District, pursuant to Section 1003.621, Florida Statutes, with the attendant benefits, such as the ability to start school earlier than two (2) weeks before Labor Day, in that part of the criteria for the status includes a grade of A for two (2) years in a three (3) year period.
- Many Rules and Policies of the School Board, such as the Student Progression Plan and ESE Special Programs and Procedures, would have to be revised to remove provisions concerning student participation in student assessment. The collective bargaining agreement for instructional staff would have to be renegotiated with respect to evaluation and compensation.

5. Effects on Funding

- The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities participate in assessments in compliance with state plans. Failure to participate in such assessments would put the District at risk of loss of IDEA funds.

- Title I of the Elementary and Secondary Education Act requires that states submit a plan to seek grant funding. One component of this plan is a procedure for statewide assessment. Failure to take part in the statewide assessment, which is part of the state plan, may result in a loss of Title I funding for the School District.
- Section 1008.22, Florida Statutes, states “participation in the assessment program is mandatory for all school districts and all students attending public schools.” Additionally, Section 1008.34, Florida Statutes, states; “each school must assess at least 95% of its eligible students”. Section 1008.32, Florida Statutes, states that the Commissioner of Education may investigate allegations of non-compliance with law by school districts. If the District School Board cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified time frame. If the School Board is found to be unwilling or unable to comply with law within the specified time, the State Board has the authority to initiate certain actions. These actions include:
 - 1) Report to the Legislature that the School District is unwilling or unable to comply with law and recommend action be taken by the Legislature; 2) Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds or any other funds specified by the Legislature until the School District complies with the law; and 3) Declare the School District ineligible for competitive grants. In the event the School District fails to comply with the law requiring participation in statewide assessments, the State Board of Education would have authority under this statute to withhold funding and make the School District ineligible for competitive grants.