

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 13-276 (Florida Plan for Education Accountability)

WHEREAS, the Federal government has no constitutional authority to unilaterally set academic standards for Florida, nor any authority to unilaterally direct local school board decisions on curriculum and instruction; and

WHEREAS, Floridians will not accept Federal government intrusion into the academic standards that are taught to our students in our classrooms and will not tolerate the Federal government using such standards to coerce policy decisions at the state or local level on the issues of assessments, curriculum, and instructional materials, which are within the Constitutional purview of Florida's state and local governments; and

WHEREAS, the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments, as designed today, do not meet the needs of our students or the expectations of state leaders in their cost effectiveness, length of testing time, prescriptive computer-based testing requirements, and excessive involvement by the United States Department of Education; and

WHEREAS, Floridians have raised concerns about the Federal government's interest in using educational standards and assessments to collect data on psychological attitudes, values, and beliefs; and

WHEREAS, section 1002.221(2)(a), Florida Statutes, directs that without the written consent of the student or parent, an agency, public school, center, institution, or any other entity that is part of Florida's education system is prohibited from releasing a student's education records; and

WHEREAS, making changes to the school grades calculation mid-year or during major academic transitions is unfair to students, parents, and teachers; and

WHEREAS, the State Board of Education can offer stability by limiting changes to Florida's school grade accountability system until new state assessments are implemented; and

WHEREAS, the United States Department of Education has unfairly issued policies on achievement measures for English language learners (ELL)/English for speakers of other languages (ESOL) students and has coerced states to enact them; and

WHEREAS, the State has a specific role in ensuring that districts evaluate the performance of their teachers and school administrators in a fair and consistent manner; and

WHEREAS, district evaluation systems are intended to meet state standards for high quality and to include each district's authority for local decision-making so that their evaluation system supports student learning and addresses the needs of their local system.

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by the Constitution and the laws of the State of Florida, do hereby issue the following Executive Order to take immediate effect, in order to ensure a Florida Plan for Education Accountability that best serves the interests of Floridians:

Section 1. State Standards Assessments

- (a) The Commissioner of Education shall recommend to the State Board of Education the establishment of an open process to procure Florida's next assessment by issuing a competitive solicitation that sets forth the following assessment criteria:
 - a. Provides timely and informative reports of results;
 - b. Includes costs that are in line with current assessment costs;
 - c. Ensures that testing time for students is not significantly different from current assessments;
 - d. Provides for summative assessments to occur as close as possible to the end of the school year;
 - e. Measures student mastery of the standards taught, including comparability to other states;
 - f. Includes test quality metrics that are as rigorous as current assessments;
 - g. Provides results that can be used in conjunction with Florida's school accountability system;
 - h. Requires technology parameters that are defined and can be supported, including appropriate accommodations for exceptional students.
- (b) The Commissioner of Education shall recommend to the State Board of Education the termination of Florida's role as the fiscal agent for PARCC no later than December 31, 2013.

Section 2. Student Data Security

- (a) The Commissioner of Education shall immediately conduct a student data security review and issue policies, including internal protocols and operating procedures, for the Department, school districts, and any assessment provider or other entity with access to student data, in order to protect student information and prevent any unintended use or release of such information.
- (b) The Commissioner of Education shall also make recommendations regarding any needed rule or legislative change to safeguard the privacy of our students' data by December 31, 2013.
- (c) The Commissioner of Education shall ensure that adequate protections are in place to ensure that no agency, public school, center, institution, or any other entity that is part of Florida's education system releases a student's education records without the written consent of the student or parent to any individual, agency, or organization, except as specifically provided by Florida law.

Section 3. School Accountability System

- (a) The Commissioner of Education shall recommend to the State Board of Education that only specific changes outlined herein be made to the school accountability system in order to provide stability and clarity to Florida's students, parents, and teachers during the 2013-14 and 2014-15 school years when schools will transition to new state assessments pursuant to the Florida Plan for Education Accountability.

- (b) Changes during this period shall be limited to inclusion of the U.S. History end of course exam, other technical changes directed by statute, and the adoption of State Board of Education emergency rules meant to ensure a stable transition.
- (c) The Commissioner of Education shall immediately recommend the State Board of Education resubmit Florida's Elementary and Secondary Education Act (ESEA) waiver and make it clear that Florida will not comply with terms involving Federal overreach into the handling of ELL and ESOL student achievement measures in the school accountability system.
- (d) The Commissioner of Education and State Board of Education shall continue to make any necessary recommendations to the Governor and Florida Legislature to further ensure that Florida's education accountability system is fair and transparent.

Section 4. Teacher Evaluations

The Commissioner of Education shall review the summit participants' contributions regarding teacher evaluations and provide the Governor, the State Board of Education, and the Legislature with a recommended action plan no later than December 31, 2013, to ensure the successful implementation of teacher evaluations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 23rd day of September, 2013.



RICK SCOTT, GOVERNOR

ATTEST:

SECRETARY OF STATE

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 DEPARTMENT OF STATE
 TALLAHASSEE, FLORIDA