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Office of Governor Rick Scott
State of Florida
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Attention Governor Rick Scott:

Please be advised, I have been retained by "I Am Ready", an organization created and devoted to the education and well-being of Florida's VPK aged children. I further represent the attached pre-school providers in this matter.

The purpose of my representation is to effectuate the removal of the 2016-2017 Florida VPK Provider Kindergarten Readiness Rates (testing scores) from the Department of Education (DOE) website. The rates were published by the Office of Early Learning (OEL) in violation of Fla. Stat. 1002.69(5).

"The Office shall adopt procedures to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The methodology for calculating each provider's kindergarten readiness rate must include student learning gains when available and the percentage of students who meet all state readiness measures. The rates must not include students who are not administered the statewide kindergarten screening. The office shall determine learning gains using a value-added measure based on growth demonstrated by the results of the preassessment and postassessment from at least 2 successive years of administration of the preassessment and postassessment."

The STAR Early Literacy assessment was used as the Florida Kindergarten Readiness Screener (FLKRS) tool for the first time for the 2016-2017 VPK year. The readiness rates published are not accurate as the assessment is only part of the calculation of the readiness rate. Per statute, the rate must include, “student learning gains when available”. These student learning gains are, in fact, readily available. The Florida Voluntary Prekindergarten (VPK) Assessment, which is mandated by OEL to be administered to each enrolled child by the VPK providers at the beginning and the end of the VPK program (AP1 and AP3), provides this information. Providers are further required to input the data from the administration of this assessment into the VPK Assessment Online Reporting System on OEL’s Bright Beginnings website. As such, Bright Beginnings has eight (8) years of statutorily mandated data available. This data is comprised of evaluations and observations made over the course of a VPK year by the teachers of each individual student. In fact, the legislature compelled the incorporation of this data in determining the readiness rate. The VPK Assessment was developed and researched at taxpayer expense by the Florida Center for Reading Research at Florida State University. This data is a critical component in establishing a child’s kindergarten readiness. Unfortunately, the legislature’s foresight is being ignored by the continued non-compliance with Fla. Stat 1002.69(5), by failing to include learning gains as part of the readiness rate. The rates are inherently invalid without the inclusion of the available learning gains. To further violate Florida Statute and frustrate legislative intent, the rates, as published, fail to include any “preassessment.”

Additionally, since the STAR Early Literacy assessment was used as the FLKRS tool for the first time in 2016-2017, publishing the readiness rates prior to two successive years of administration violates the statute. The purpose of requiring at least two (2) successive years is to evaluate the implementation, efficacy, validity, and reliability of the test that has been adopted.

At least two years will be needed for proper vetting, as this assessment as given, failed the students and the VPK providers alike. The test was given to students on a computer using a mouse and keyboard, when so many of the students had no prior experience using these technology tools. It is impossible for a 5-year-old child to be expected to learn this skill and focus on an assessment exam without first being educated and evaluated on the underlying skill of using a mouse and keyboard. Additionally, the test was given within one month of returning from summer break. This doesn’t allow students to overcome the “summer slide.” The test should have been conducted at the end of the VPK year.

Finally, while in previous years the FLKRS included components that were used to assess skills and knowledge across several developmental areas and so aligned with the Florida VPK Education Standards that were then in effect, the items that the current FLKRS tool assessed do not reflect all the standards and goals that have been established for VPK providers, in violation of Fla Stat 1002.67(1)(b) and 1002.69(1)(2).

“The office shall periodically review and revise the performance standards for the statewide kindergarten screening administered under s. 1002.69 and align the standards to the standards established by the state board for student performance on the statewide assessments administered pursuant s. 1008.22”

S. 1002.69(1) “The department shall adopt a statewide kindergarten screening that

assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program.”

(2) “The statewide kindergarten screening shall provide objective data concerning each student’s readiness for kindergarten and progress in attaining the performance standards adopted by the office under s. 1002.67(1).”

There is no alignment currently between the standards established under the statute and the STAR Early Literacy assessment.

VPK is a right guaranteed under the Florida Constitution. VPK was created for the most vital resource Florida has: its youth. While VPK obviously must be regulated, the laws and regulations that have been implemented must be followed by the State. VPK was created to provide free preschool to children and prepare them for Kindergarten. VPK is funded by Florida taxpayers. To maintain accountability by the VPK providers, standards were established that providers were required to follow to receive tax payer funding.

To ensure the standards were maintained, tools were created which required providers to upload data to the Department of Education website. This data included the observations and evaluations of each child by their teachers. Tax payer funding was used to create the software, train providers, and maintain the data.

To ensure the effectiveness of the VPK program, a test was to be developed which would, in combination with teacher evaluation and input (learning gains), establish VPK students’ kindergarten readiness. The development and training of this tool was funded by tax payers. The designated FLKRS tool has changed numerous times since its implementation. In fact, prior to the 2016-2017 testing year, the Florida Voluntary Prekindergarten Readiness Rates were unpublished because of concerns about the reliability of the chosen FLKRS tool.

Thus, when an entirely new FLKRS tool was implemented for the first time to determine kindergarten readiness for the 2016-17 VPK year, implemented in a new manner (on a PC with a keyboard and mouse), the statutorily required action, the fiscally responsible action, was not to blindly accept the results and publish them. Instead, the law requires, and the children are owed, that the test be evaluated. The test, and its results, must be evaluated for a minimum of two years. Publishing the assessment results on the Department of Education website is an admission that the tool, the implementation, and the results have been investigated, evaluated, and approved by the State of Florida. This fundamentally cannot be. How can the State spend taxpayers’ money on creating and implementing VPK programs and then ignore the regulations and laws that are created to implement the programs? Furthermore, the 2017 report published by the Committee for Early Grade Success recommends that accountability of VPK programs, i.e. readiness rates, move to measuring growth during the VPK year in addition to kindergarten readiness. For all the reasons stated above, you are respectfully requested to direct that the 2016-2017 readiness rates be suspended and removed from the Department of Education’s website.

What we are seeking is not without precedent. Approximately four years ago, when the rates were published using a different assessment, they revealed a near 90% passage rate. Those rates were removed from the Department of Education website when the OEL determined the passage rates were too high! We have contacted the OEL on numerous occasions and expressed how the Florida VPK Provider Kindergarten Readiness Assessment process was ineffective in every meaningful way. Thus far, the rates have not been removed.

If the rates are not removed from the Department of Education's website within 10 days from the date of this letter, as required by statute, the only conceivable alternative is judicial intervention in the form of injunctive relief. The negative impact these false results are having on providers, children, parents, and communities, will increase in a "butterfly effect" and this cannot happen.

Sincerely,



Wayne Kramer

Attorney at Law

Cc:

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