

Tab 1	SB 442 by Flores (CO-INTRODUCERS) Garcia; (Identical to H 0119) Educational Facilities
255048	A S WD ED, Brandes btw L.61 - 62: 01/27 10:40 AM

Tab 2	SB 834 by Detert; (Compare to CS/CS/H 7029) Minimum Term School Funding
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Tab 3	SB 1068 by Legg; (Similar to CS/CS/H 7021) Education
450948	A S L WD ED, Brandes btw L.267 - 268: 01/27 10:40 AM

Tab 4	SB 1078 by Legg; Education
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Tab 5	SB 1088 by Stargel (CO-INTRODUCERS) Garcia; (Identical to H 0837) John M. McKay Scholarships for Students with Disabilities Program
348174	A S RCS ED, Galvano Delete L.211: 01/27 10:40 AM

Tab 6	SB 1360 by Gaetz (CO-INTRODUCERS) Bradley, Detert, Ring, Negron, Montford, Sobel; Student Assessments
102586	A S RCS ED, Gaetz btw L.680 - 681: 01/27 10:40 AM

Tab 7	SB 1418 by Simmons (CO-INTRODUCERS) Garcia; Supplemental Academic Instruction
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Tab 8	SB 1440 by Montford; Florida Educator Hall of Fame
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Legg, Chair
Senator Detert, Vice Chair

MEETING DATE: Wednesday, January 27, 2016
TIME: 9:00—11:00 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Legg, Chair; Senator Detert, Vice Chair; Senators Benacquisto, Brandes, Bullard, Clemens, Gaetz, Galvano, Garcia, Montford, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 442 Flores (Identical H 119)	Educational Facilities; Providing for school district construction flexibility; authorizing exceptions to educational facilities construction requirements under certain circumstances, etc. ED 01/27/2016 Favorable AED AP	Favorable Yeas 11 Nays 0
2	SB 834 Detert (Compare CS/CS/H 7029, S 1136)	Minimum Term School Funding; Revising the term "full-time student" to delete references to membership in a double-session school or a school that uses a specified experimental calendar; clarifying how "full time equivalency" is calculated for students in schools that operate for less than the minimum term, etc. ED 01/27/2016 Favorable AED AP	Favorable Yeas 11 Nays 0
3	SB 1068 Legg (Similar CS/H 7021)	Education; Revising the duties of the Just Read, Florida! Office; revising requirements for school improvement plans and early warning systems; revising core curricula requirements for certain teacher preparation programs to include certain reading instruction and interventions; requiring candidates for an educator certificate in certain areas to demonstrate competence in specified areas, etc. ED 01/27/2016 Favorable AED AP	Favorable Yeas 11 Nays 0
4	SB 1078 Legg	Education; Revising the exams each public high school is required to administer to all enrolled 10th grade students to include ACT Aspire, etc. ED 01/27/2016 Favorable AED AP	Favorable Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Wednesday, January 27, 2016, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1088 Stargel (Identical H 837)	John M. McKay Scholarships for Students with Disabilities Program; Exempting a foster child from specified eligibility provisions; creating a transition-to-work program for specific students enrolled in the John M. McKay Scholarships for Students with Disabilities Program; exempting a John M. McKay Scholarship award from a specified funding calculation for purposes of the Florida Education Finance Program, etc. ED 01/27/2016 Fav/CS AED AP	Fav/CS Yeas 11 Nays 0
6	SB 1360 Gaetz	Student Assessments; Authorizing a district school board to choose to implement certain rigorous alternative assessment options by a certain school year; requiring each school district to annually notify students and parents of standard high school diploma requirements by a specified date; requiring a classroom teacher's performance evaluation to be based on the performance of certain students, etc. ED 01/27/2016 Fav/CS AED AP	Fav/CS Yeas 11 Nays 0
7	SB 1418 Simmons	Supplemental Academic Instruction; Requiring supplemental academic instruction categorical funds and research-based reading instruction allocation funds to be used by a school district that has one or more of the lowest-performing elementary schools for additional intensive reading instruction at the school during the summer program in addition to instruction during the school year, etc. ED 01/27/2016 Favorable AED AP	Favorable Yeas 11 Nays 0
8	SB 1440 Montford	Florida Educator Hall of Fame; Establishing the Florida Educator Hall of Fame; providing procedures for the nomination, selection, and induction of members by the Florida Education Foundation and the Commissioner of Education, etc. ED 01/27/2016 Favorable AGG FP	Favorable Yeas 11 Nays 0
Other Related Meeting Documents			

By Senator Flores

37-00516-16

2016442__

A bill to be entitled

An act relating to educational facilities; creating s. 1013.385, F.S.; providing for school district construction flexibility; authorizing exceptions to educational facilities construction requirements under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1013.385, Florida Statutes, is created to read:

1013.385 School district construction flexibility.-

(1) A district school board may, with a supermajority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one or more of the exceptions to the educational facilities construction requirements provided in this section. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board achieves cost savings, improves the efficient use of school district resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

37-00516-16

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the resolution will be voted upon.

(2) A resolution adopted under this section may propose implementation of exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(a) Interior nonload-bearing walls, by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.

(b) Walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.

(c) Standards for relocatables used as classroom space, as specified in s. 1013.20, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

(d) Site lighting, by approving construction specifications regarding site lighting that:

1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.

2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.

3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only

Page 2 of 3

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37-00516-16

2016442__

59 during periods in which the building is occupied. The minimum
60 illumination level at single-door exits may be reduced to no
61 less than 1 footcandle.

62 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27

Meeting Date

442

Bill Number (if applicable)

Topic Educational Facilities

Amendment Barcode (if applicable)

Name Jen Gaviria

Job Title Gov't consultant

Address 101 East College Ave, Suite 502

Phone (954) 648-9977

Street

Tallahassee FL 32308

City

State

Zip

Email jjgaviria@capacity

consult.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Dlum Creek Timber Company

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

SB 472
Bill Number (if applicable)

Topic Educational facilities

Amendment Barcode (if applicable)

Name Tom Cerra

Job Title Consultant

Address 9777 NW 41st # 354

Phone _____

Street MIAMI State FL Zip 33178

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing GREATER FL. CONSORTIUM OF SCHOOL BOARDS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

SB442
Bill Number (if applicable)

Topic SB442

Amendment Barcode (if applicable)

Name Traida Mendez-Car taya

Job Title Assoc. Superintendent

Address 1450 NE 2nd Ave 931

Phone (3) 995-1497

Street Miami FL 33132
City State Zip

Email tmendez@badesch.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Miami Dade County Public Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 442

INTRODUCER: Senator Flores

SUBJECT: Educational Facilities

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 442 authorizes a district school board to adopt, by supermajority vote, a resolution to implement exceptions to the State Requirements for Educational Facilities (SREF). The bill requires that the district school board adopt the resolution at a public meeting that begins no earlier than 5 p.m., and conduct a cost-benefit analysis using a professionally accepted methodology for each exception selected by the district school board.

Specifically, the bill authorizes implementation of the following exceptions to the SREF:

- Interior nonload-bearing walls.
- Walkways, roadways, driveways, and parking areas.
- Standards for relocatables used as classroom space.
- Site lighting.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

State Requirements for Educational Facilities

The Florida Building Commission (commission) adopts the State Requirements for Educational Facilities (SREF) within the Florida Building Code (FBC), which governs the planning and construction of public educational and ancillary plants.¹ The State Fire Marshal adopts standards for public school fire safety within the Florida Fire Prevention Code (FFPC).²

¹ Sections 553.73 and 1013.37(1), F.S.; Rule 6A-2.0010, F.A.C.; Section 423, FBC. The 2014 *State Requirements for Educational Facilities* (effective Nov. 4, 2014) are available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>.

² Sections 381.006(16), 1013.03(6), and 1013.37(1) and (4), F.S.; Section 443, FBC.

The construction of public educational facilities³ and ancillary plants by a district school board must conform to the FBC, FFPC, and the Florida Accessibility Code for Building Construction⁴ (FACBC).⁵ Collectively, the FBC, FFPC, and FACBC form the uniform building code for public educational facilities construction and ensure that such facilities are a safe, secure, sanitary, and accessible learning environment for all students, and that the structures will perform efficiently over their expected life cycles.⁶ The requirements preempt local codes and local amendments to the FBC.⁷

The SREF specifies standards including, but not limited to:⁸

- Interior walls;⁹
- Walks, roads, drives, and parking areas;¹⁰
- Covered walks;¹¹ and
- Site lighting.¹²

Proposed Construction, Renovation, or Remodeling Plans

Review by the District School Board

Before the commencement of the construction, renovation, or remodeling of any educational or ancillary plants, a district school board must review the construction plans, including any related

³ “Educational facilities” is defined as the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards. Section 1013.01(6), F.S.

⁴ The federal Americans with Disabilities Act Standards for Accessible Design, and related regulations in 28 C.F.R. parts 35 and 36 and 49 C.F.R. part 37, are adopted by the Florida Building Commission. Sections 553.503 and 553.73(1)(b), F.S.

⁵ The ancillary plants are exempt from other state building codes; county, municipal, or other local amendments to the FBC and local amendments to the FFPC; building permits, and assessments of fees for building permits; ordinances; road closures; and impact fees or service availability fees. Section 1013.371(1)(a), F.S.

⁶ Florida Department of Education, *2016 Agency Legislative Bill Analysis* (Oct. 12, 2015), at 2 (on file with the staff of the Senate Committee on Education Pre-K – 12).

⁷ The enforcement of construction regulations governing public school districts is conducted by personnel and contract providers who are certified to perform plan reviews and inspections. Section 553.80(1)(e) and (6), F.S.

⁸ Section 423 of the FBC contains the State Requirements for Educational Facilities (SREF). However, the Florida Building Code has been redrafted and section 423 will be renumbered as section 453. *The Florida Building Code, Draft Building Chapters*, 5th Edition (2014) is available at http://ecodes.biz/ecodes_support/free_resources/14FloridaDraft/Building/14FL_Building_Draft.html (last visited January 23, 2016).

⁹ Interior nonload-bearing wood studs or partitions may not be used in permanent educational and auxiliary facilities or relocatable buildings. Section 423.8.3.1.1, FBC.

¹⁰ Walks, roads, drives, and parking areas on educational and ancillary sites must be paved. Roads, drives, and parking areas shall be in compliance with Department of Transportation (DOT) road specifications and striped in compliance with DOT paint specifications. All paved areas must have positive drainage. Section 423.10.2, FBC.

¹¹ All buildings in K-12 educational facilities must be connected by paved walks and accessible under continuous roof cover. New relocatable classroom buildings must be connected to permanent buildings by paved covered walks where applicable. Section 423.10.2.1, FBC.

¹² Design, construction, and installation of exterior security lighting for educational and ancillary facilities must be provided for auto, bus, and service drives and loading areas; parking areas; building perimeter; and covered and connector walks between buildings and between buildings and parking. Section 423.10.3, FBC.

documents.¹³ In reviewing the plans, the district school board must consider, among other things:¹⁴

- The need for the new facility.
- The energy efficiency and conservation of design.
- Life-cycle cost considerations.
- The proposed construction cost per gross square foot.
- Plans for future expansion.
- The type of construction.
- Sanitary provisions.
- The design to accommodate physically handicapped persons.
- Conformity with the FBC and FFPC standards.

Approval by the District School Board

Before approving any construction plans, a district school board must ensure that the plans comply with the applicable standards of the FBC and the FFPC.¹⁵ For each proposed new facility and each proposed new addition, exceeding 2,500 square feet, the district school board must submit a copy of the plans¹⁶ to the county, municipality, or independent special fire control district providing fire protection services to the facility for review at no charge.¹⁷ Upon determining that the construction plans comply with the applicable standards, the district school board may approve the plans and construction may begin on the facilities.¹⁸

Waivers or Variances

The State Constitution prohibits the enactment of any special act or general law of local application that proposes to amend, alter, or contravene the provisions of the SREF.¹⁹ Legislative intent is that building officials, local enforcement agencies, and the commission interpret the FBC in a manner that protects the public safety, health, and welfare at the most reasonable cost.²⁰

¹³ Section 1013.37(2)(a) and (b), F.S.

¹⁴ Section 1013.37(2)(b), F.S.

¹⁵ Sections 1013.37(2), 1013.371(1)(c), and 1013.38(4)(a), F.S.

¹⁶ Such site plans are exempt from all other state building codes; local amendments to the FBC and FFPC; local ordinances; building permits, including related fees; road closures; and impact fees or service availability fees. Sections 1013.371(1)(a) and 1013.38(1)(b), F.S.

¹⁷ Section 1013.38(1)(a) and (b), F.S.

¹⁸ Sections 1013.37(2)(a) and 1013.38(4)(a), F.S.

¹⁹ Section 1013.37(5), F.S. The enactment of a special law or general law of local application is prohibited if pertaining to a subject prohibited by general law. Art. III, s. 11(a)(21), Fla. Const.

²⁰ Section 553.775(1), F.S.

The Florida Building Commission (commission) is not authorized to accept a petition for and may not grant any waiver²¹ or variance²² from the requirements of the FBC.²³ However, the commission is required to adopt criteria and procedures for granting alternative means of compliance with the FBC standards, or local amendments to the FBC, for enforcement by local governments, local enforcement districts, or other entities authorized by law to enforce the FBC.²⁴

Upon a determination by the commission of unnecessary, unreasonable, or extreme economic hardship, provided the waiver does not violate federal accessibility laws and regulations, the commission must grant an applicant's request for waiver.²⁵

If planned or actual construction of a facility deviates from the standards, a district school board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the FBC, and explain the reason for the proposed deviations.²⁶

III. Effect of Proposed Changes:

SB 442 authorizes a district school board to adopt, by supermajority vote, a resolution to implement exceptions to the State Requirements for Educational Facilities (SREF). The bill requires that the district school board adopt the resolution at a public meeting that begins no earlier than 5 p.m., and conduct a cost-benefit analysis using a professionally accepted methodology for each exception selected by the district school board.

The bill authorizes implementation of the following exceptions to the SREF relating to:

- Interior nonload-bearing walls, by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.
- Walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- Standards for relocatables used as classroom space, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

²¹ "Waiver" means a decision by an agency to apply all or part of a rule to a person who is subject to the rule. Any waiver must conform to the standards for waivers outlined in the Administrative Procedure Act and in the uniform rulemaking procedures. Section 120.52(22), F.S. (definition of "waiver"); Section 120.54, F.S. (rulemaking procedure).

²² "Variance" means a decision by an agency to grant a modification to all or part of the literal requirements of an agency rule to a person who is subject to the rule. Any variance must conform to the standards for variances outlined in the Administrative Procedure Act and in the uniform rulemaking procedures. Section 120.52(21), F.S. (definition of "variance"); Section 120.54, F.S. (rulemaking procedure).

²³ Sections 120.80(16)(a) and (b) and 553.512(1), F.S.

²⁴ Section 120.80(16)(b), F.S. Each local government and each code enforcement agency with statutory authority must regulate building construction and enforce the FBC standards. Section 553.513, F.S.

²⁵ Section 553.512(1), F.S. Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area. 28 C.F.R. s. 36.403(f)(1).

²⁶ Section 1013.371(2), F.S.

- Site lighting, by approving construction specifications regarding site lighting that:
 - Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
 - Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
 - Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 footcandle.²⁷

Before voting on a resolution, the district school board must conduct a cost-benefit analysis using a professionally accepted methodology that describes how each proposed exception:

- Achieves cost savings;
- Improves the efficient use of school district resources;
- Impacts the life-cycle costs and life span for each educational facility to be constructed; and
- Demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction.

The bill requires that the district school board hold at least one public workshop, beginning no earlier than 5 p.m., to discuss and receive public comment on the proposed resolution and cost-benefit analysis, and authorizes the district school board to vote on the resolution at the same meeting. Otherwise, the vote on the resolution must be made during a public meeting beginning no earlier than 5 p.m.

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁷ A “footcandle” is defined as a unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot. *See Merriam-Webster Dictionary available at <http://www.merriam-webster.com/dictionary/foot-candle>* (last visited January 23, 2016).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

If a district school board elects to use one of the exceptions authorized in the bill, the fiscal impact to the district school board would be insignificant.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 1013.385 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁸ Florida Department of Education, *2016 Agency Legislative Bill Analysis* (Oct. 12, 2015), at 5-6 (on file with the staff of the Senate Committee on Education Pre-K – 12).



255048

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 61 and 62

insert:

Section 2. Section 1013.395, Florida Statutes, is created to read:

1013.395 Capacity.—For the purposes of educational facility capacity, as determined by the Florida Inventory of School Houses, K-8 schools shall be considered elementary schools.



255048

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete line 6

14 and insert:

15 certain circumstances; creating s. 1013.395, F.S.;

16 providing that certain schools may be considered

17 elementary schools in determining educational facility

18 capacity; providing an effective date.

By Senator Detert

28-00640-16

2016834__

1 A bill to be entitled
 2 An act relating to minimum term school funding;
 3 amending s. 1011.61, F.S.; revising the term "full-
 4 time student" to delete references to membership in a
 5 double-session school or a school that uses a
 6 specified experimental calendar; clarifying how "full
 7 time equivalency" is calculated for students in
 8 schools that operate for less than the minimum term;
 9 providing an effective date.

10 Be It Enacted by the Legislature of the State of Florida:

11 Section 1. Subsection (1) of section 1011.61, Florida
 12 Statutes, is amended to read:

13 1011.61 Definitions.—Notwithstanding the provisions of s.
 14 1000.21, the following terms are defined as follows for the
 15 purposes of the Florida Education Finance Program:

16 (1) A "full-time equivalent student" in each program of the
 17 district is defined in terms of full-time students and part-time
 18 students as follows:

19 (a) A "full-time student" is one student on the membership
 20 roll of one school program or a combination of school programs
 21 listed in s. 1011.62(1)(c) for the school year or the equivalent
 22 for:

23 1. Instruction in a standard school, comprising not less
 24 than 900 net hours for a student in or at the grade level of 4
 25 through 12, or not less than 720 net hours for a student in or
 26 at the grade level of kindergarten through grade 3 or in an
 27 authorized prekindergarten exceptional program; or

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30 ~~2. Instruction in a double-session school or a school~~
 31 ~~utilizing an experimental school calendar approved by the~~
 32 ~~Department of Education, comprising not less than the equivalent~~
 33 ~~of 810 net hours in grades 4 through 12 or not less than 630 net~~
 34 ~~hours in kindergarten through grade 3; or~~

35 2.3. Instruction comprising the appropriate number of net
 36 hours set forth in subparagraph 1. ~~or subparagraph 2.~~ for
 37 students who, within the past year, have moved with their
 38 parents for the purpose of engaging in the farm labor or fish
 39 industries, if a plan furnishing such an extended school day or
 40 week, or a combination thereof, has been approved by the
 41 commissioner. Such plan may be approved to accommodate the needs
 42 of migrant students only or may serve all students in schools
 43 having a high percentage of migrant students. The plan described
 44 in this subparagraph is optional for any school district and is
 45 not mandated by the state.

46 (b) A "part-time student" is a student on the active
 47 membership roll of a school program or combination of school
 48 programs listed in s. 1011.62(1)(c) who is less than a full-time
 49 student. A student who receives instruction in a school that
 50 operates for less than the minimum term shall generate a full-
 51 time equivalent student proportional to the amount of
 52 instructional hours provided by the school divided by the
 53 minimum term requirement as defined in s. 1011.60.

54 (c)1. A "full-time equivalent student" is:

55 a. A full-time student in any one of the programs listed in
 56 s. 1011.62(1)(c); or

57 b. A combination of full-time or part-time students in any
 58 one of the programs listed in s. 1011.62(1)(c) which is the

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59 equivalent of one full-time student based on the following
60 calculations:

61 (I) A full-time student in a combination of programs listed
62 in s. 1011.62(1)(c) shall be a fraction of a full-time
63 equivalent membership in each special program equal to the
64 number of net hours per school year for which he or she is a
65 member, divided by the appropriate number of hours set forth in
66 subparagraph (a)1. ~~or subparagraph (a)2.~~ The difference between
67 that fraction or sum of fractions and the maximum value as set
68 forth in subsection (4) for each full-time student is presumed
69 to be the balance of the student's time not spent in a special
70 program and shall be recorded as time in the appropriate basic
71 program.

72 (II) A prekindergarten student with a disability shall meet
73 the requirements specified for kindergarten students.

74 (III) A full-time equivalent student for students in
75 kindergarten through grade 12 in a full-time virtual instruction
76 program under s. 1002.45 or a virtual charter school under s.
77 1002.33 shall consist of six full-credit completions or the
78 prescribed level of content that counts toward promotion to the
79 next grade in programs listed in s. 1011.62(1)(c). Credit
80 completions may be a combination of full-credit courses or half-
81 credit courses. Beginning in the 2016-2017 fiscal year, the
82 reported full-time equivalent students and associated funding of
83 students enrolled in courses requiring passage of an end-of-
84 course assessment under s. 1003.4282 to earn a standard high
85 school diploma shall be adjusted if the student does not pass
86 the end-of-course assessment. However, no adjustment shall be
87 made for a student who enrolls in a segmented remedial course

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88 delivered online.

89 (IV) A full-time equivalent student for students in
90 kindergarten through grade 12 in a part-time virtual instruction
91 program under s. 1002.45 shall consist of six full-credit
92 completions in programs listed in s. 1011.62(1)(c)1. and 3.
93 Credit completions may be a combination of full-credit courses
94 or half-credit courses. Beginning in the 2016-2017 fiscal year,
95 the reported full-time equivalent students and associated
96 funding of students enrolled in courses requiring passage of an
97 end-of-course assessment under s. 1003.4282 to earn a standard
98 high school diploma shall be adjusted if the student does not
99 pass the end-of-course assessment. However, no adjustment shall
100 be made for a student who enrolls in a segmented remedial course
101 delivered online.

102 (V) A Florida Virtual School full-time equivalent student
103 shall consist of six full-credit completions or the prescribed
104 level of content that counts toward promotion to the next grade
105 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
106 participating in kindergarten through grade 12 part-time virtual
107 instruction and the programs listed in s. 1011.62(1)(c) for
108 students participating in kindergarten through grade 12 full-
109 time virtual instruction. Credit completions may be a
110 combination of full-credit courses or half-credit courses.
111 Beginning in the 2016-2017 fiscal year, the reported full-time
112 equivalent students and associated funding of students enrolled
113 in courses requiring passage of an end-of-course assessment
114 under s. 1003.4282 to earn a standard high school diploma shall
115 be adjusted if the student does not pass the end-of-course
116 assessment. However, no adjustment shall be made for a student

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117 who enrolls in a segmented remedial course delivered online.

118 (VI) Each successfully completed full-credit course earned
119 through an online course delivered by a district other than the
120 one in which the student resides shall be calculated as 1/6 FTE.

121 (VII) A full-time equivalent student for courses requiring
122 passage of a statewide, standardized end-of-course assessment
123 under s. 1003.4282 to earn a standard high school diploma shall
124 be defined and reported based on the number of instructional
125 hours as provided in this subsection until the 2016-2017 fiscal
126 year. Beginning in the 2016-2017 fiscal year, the FTE for the
127 course shall be assessment-based and shall be equal to 1/6 FTE.
128 The reported FTE shall be adjusted if the student does not pass
129 the end-of-course assessment. However, no adjustment shall be
130 made for a student who enrolls in a segmented remedial course
131 delivered online.

132 (VIII) For students enrolled in a school district as a
133 full-time student, the district may report 1/6 FTE for each
134 student who passes a statewide, standardized end-of-course
135 assessment without being enrolled in the corresponding course.

136 2. A student in membership in a program scheduled for more
137 or less than 180 school days or the equivalent on an hourly
138 basis as specified by rules of the State Board of Education is a
139 fraction of a full-time equivalent membership equal to the
140 number of instructional hours in membership divided by the
141 appropriate number of hours set forth in subparagraph (a)1.;
142 however, for the purposes of this subparagraph, membership in
143 programs scheduled for more than 180 days is limited to students
144 enrolled in:

145 a. Juvenile justice education programs.

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146 b. The Florida Virtual School.

147 c. Virtual instruction programs and virtual charter schools
148 for the purpose of course completion and credit recovery
149 pursuant to ss. 1002.45 and 1003.498. Course completion applies
150 only to a student who is reported during the second or third
151 membership surveys and who does not complete a virtual education
152 course by the end of the regular school year. The course must be
153 completed no later than the deadline for amending the final
154 student enrollment survey for that year. Credit recovery applies
155 only to a student who has unsuccessfully completed a traditional
156 or virtual education course during the regular school year and
157 must re-take the course in order to be eligible to graduate with
158 the student's class.

159
160 The full-time equivalent student enrollment calculated under
161 this subsection is subject to the requirements in subsection
162 (4).

163
164 The department shall determine and implement an equitable method
165 of equivalent funding for ~~experimental schools and for~~ schools
166 operating under emergency conditions, which schools have been
167 approved by the department to operate for less than the minimum
168 term requirement as provided in s. 1011.60 school day.

169 Section 2. This act shall take effect upon becoming a law.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16

Meeting Date

SB 834

Bill Number (if applicable)

Topic SB 834- Minimum Term Funding

Amendment Barcode (if applicable)

Name Linda Champion

Job Title Deputy Commissioner

Address 325 W-Ganus Street

Phone 850-245-0507

Tallahassee FL 32399
City State Zip

Email Linda.Champion@flda.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DOE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/27/2016

Meeting Date

SB 834

Bill Number (if applicable)

Topic SB 834 Minimum Term Funding

Amendment Barcode (if applicable)

Name Tanya Cooper

Job Title Director, Governmental Relations

Address 325 W. Gaines St.

Phone 850-245-0507

Street

Tallahassee

Fl

32399

Email Tanya.cooper@fldoe.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16

Meeting Date

834

Bill Number (if applicable)

Topic SB 834

Amendment Barcode (if applicable)

Name Cody Vildostegui U. "I-do-say."

Job Title Policy Chief

850-717-9507

Address 400 S Monroe St.

Phone ~~XXXXXXXXXXXX~~

Street

Tallahassee

State

FL

Zip

Email codyv@iaspbs.state.fl.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Governor's Office

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

1-27-16
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

834
Bill Number (if applicable)

Topic Min Term Sch Funding

Amendment Barcode (if applicable)

Name Andrew Messina

Job Title Exec Dir

Address 203 S Monroes St
Street

Phone 850 414 2578

Tally 32301
City State Zip

Email messina@fsba.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida School Boards

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 834

INTRODUCER: Senator Detert

SUBJECT: Minimum Term School Funding

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Favorable
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

SB 834 revises minimum school term requirements and associated funding provisions for public school students and schools. Specifically, the bill:

- Provides that schools (including double-session schools and schools utilizing an experimental calendar) that operate for less than the minimum term will generate proportionally fewer full-time equivalent (FTE).
- Repeals alternative minimum term provisions for double-session schools and schools utilizing an experimental calendar.
- Repeals the requirement for the Department of Education (DOE) to approve an experimental school calendar.
- Clarifies minimum term requirement by which DOE may approve the operation of schools under emergency conditions.

The bill takes effect upon becoming a law.

II. Present Situation:

The present situation for the relevant portions of SB 834 is discussed in the Effect of Proposed Changes Section of this analysis.

III. Effect of Proposed Changes:

SB 834 revises minimum school term requirements and associated funding provisions for students and schools. Provisions of the bill affect statutory requirements related to traditional public schools, double-session schools, schools operating on an experimental calendar, and schools operating under emergency conditions.

Traditional Public Schools

Present Situation

Each school district is required to annually operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis as specified in SBE rules.¹ The SBE has provided that the hourly equivalent to the 180-day school year is determined as prescribed below:²

- Grades 4 through 12: Not less than 900 net instructional hours.
- Kindergarten through grade 3 or in an authorized prekindergarten exceptional program: Not less than 720 net instructional hours.

For the purposes of the Florida Education Finance Program (FEFP), a “full time equivalent student” (FTE) in each program of the district is defined in terms of full-time students and part time students, as follows:³

- A full-time student is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school comprising no less than the hourly equivalent prescribed by the SBE.⁴
- A part-time student is a student on the active membership roll of a school program or combination of school program who is less than a full time student. Part time students are funded based on their proportional share of hours of instruction.⁵

Effect of Proposed Changes

The bill clarifies that a “part time student,” generates FTE proportional to the amount of instructional hours provided by the school divided by the minimum term requirements. In effect, a student who attends a school that operates for less than the minimum term will continue to generate proportionally fewer FTE,⁶ and the school will continue to receive proportionally less funding.

Double-Session Schools

Present Situation

Double-session schools are not defined in statute or rule.⁷ Schools operating on a double-session calendar must operate for a term of 180 actual teaching days, or the hourly equivalent as prescribed below:⁸

- Grades 4 through 12: Not less than 810 net instructional hours.

¹ Section 1011.60(2), F.S.

² Rule 6A-1.045111(1), F.A.C.

³ Section 1011.61(1), F.S.

⁴ See the previous paragraph. Exceptions exist for double-session schools or a school utilizing an experimental calendar approved by the Department of Education (discussed further herein) and for students who moved with their parents for the purpose of engaging in the farm labor or fish industries. *Id.*

⁵ E-mail, Department of Education, January 23, 2016.

⁶ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

⁷ Differing interpretations of “double-session schools” may exist. *Compare*, a DOE statement that in Florida, double-session schools have historically existed in instances where districts held two sessions per day at one school location due to school construction delay or storm damage. *Id.*; *But see*, Statutory maximum class size implementation options direct district school boards to consider operating more than one session of school during the day in order to meet constitutional class size requirements. Section 1003.03(3)(i), F.S.

⁸ Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C. The DOE is not required to approve double-session schools. Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students in double-sessions schools that meet the hourly equivalent are considered full-time students⁹ Thus, a student in grade 9 at a double-session school who is provided 810 instructional hours generates 1.0 FTE (810/810=1.0).¹⁰

There are currently 13 double-session schools operating in Florida in the 2015-2016 fiscal year.¹¹ Several charter schools are operating with double-session or multiple sessions for which 810 instructional hours are provided.¹²

Effect of Proposed Changes

The bill eliminates the ability for a student at a double-session school to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

In effect, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.¹³ Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE (810/900=0.9),¹⁴ and the school would receive proportionally less funding.

Schools Operating on an Experimental Calendar

Present Situation

Schools utilizing an experimental calendar that is approved by the Department of Education, must operate for a term of 180 actual teaching days or the hourly equivalent as prescribed below.¹⁵

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students at a school utilizing an experimental school calendar approved by the Department of Education are considered full-time students if the instruction meets the minimum term requirements.¹⁶ Thus, a student in grade 9 at such a school who is provided 810 instructional hours generates 1.0 FTE (810/810=1.0).¹⁷

⁹ Section 1011.61(1)(a)2., F.S.

¹⁰ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C.

¹⁶ Section 1011.61(1)(a)2., F.S.

¹⁷ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

Additionally, the Department is required to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day.¹⁸

Effect of Proposed Changes

The bill eliminates the ability for a student at a school utilizing an experimental school calendar to meet the definition of a “full-time student” if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

The bill eliminates statutory language requiring the DOE to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day.¹⁹

In effect, a student who attends a school operating on an experimental calendar that operates for less than the minimum term will generate proportionally fewer FTE.²⁰ Thus, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.²¹ Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ($810/900=0.9$),²² and the school would receive proportionally less funding.

The bill also deletes statutory language requiring the DOE to approve experimental school calendars. In effect, the bill treats schools operating on an experimental calendar in the same manner as double-session schools are currently treated (i.e., no DOE approval is required).

Emergency Conditions

Present Situation

Upon written application, the SBE is authorized to alter the 180 day minimum term requirement during a national, state, or local emergency if the SBE determines that is not feasible to make up lost days or hours.²³

At the discretion of the Commissioner of Education, and if the SBE determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, the apportionment may be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.²⁴

¹⁸ Section 1011.61(1), F.S. (Flush left provisions)

¹⁹ Section 1011.61(1), F.S. (Flush left provisions)

²⁰ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

²¹ *Id.*

²² *Id.*

²³ Section 1011.60(2), F.S. The SBE is authorized to prescribe procedures for altering this requirement. *Id.*

²⁴ Section 1011.60(2), F.S. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency. *Id.*

The Department is required to determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which have been approved by the DOE to operate for less than the minimum school day.²⁵

Effect of Proposed Changes

The bill clarifies schools approved by the DOE to operate for less than the minimum school day means the minimum term as provided in s. 1011.60, F.S.²⁶

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Not determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁵ Section 1011.61(1), F.S. (Flush left provisions)

²⁶ Section 1011.61(1), F.S. (Flush left provisions) This section identifies minimum requirements of the FEFP. *Id.*

VIII. Statutes Affected:

This bill substantially amends section 1011.61 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Legg

17-01274B-16

20161068__

1 A bill to be entitled
 2 An act relating to education; amending s. 1001.215,
 3 F.S.; revising the duties of the Just Read, Florida!
 4 Office; amending s. 1001.42, F.S.; revising
 5 requirements for school improvement plans and early
 6 warning systems; authorizing a school-based team to
 7 include a psychologist; amending s. 1002.20, F.S.;
 8 revising requirements for notifying a parent of a
 9 student with a substantial reading deficiency;
 10 amending s. 1002.59, F.S.; revising the emergent
 11 literacy and performance standards training course
 12 requirements; amending s. 1002.67, F.S.; requiring the
 13 Office of Early Learning, rather than the State Board
 14 of Education, to approve specific Voluntary
 15 Prekindergarten Education Program assessments and
 16 establish requirements for individuals administering
 17 the assessments; requiring certain prekindergarten
 18 students to receive specific reading instruction;
 19 amending s. 1002.69, F.S.; conforming provisions to
 20 changes made by the act; requiring data from the
 21 statewide kindergarten screening to be used to
 22 identify certain students; amending s. 1004.04, F.S.;
 23 revising core curricula requirements for certain
 24 teacher preparation programs to include certain
 25 reading instruction and interventions; amending s.
 26 1004.85, F.S.; requiring certain educator preparation
 27 institutes to provide evidence of specified reading
 28 instruction as a condition of program approval;
 29 amending s. 1008.25, F.S.; revising the priority of
 30 the remedial and supplemental instruction resources
 31 allocations; revising the required plans for certain
 32 students deficient in reading; revising criteria and

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33 requiring the State Board of Education to identify
 34 guidelines for determining whether certain students
 35 have a substantial deficiency in reading; revising the
 36 parental notification requirements for students with a
 37 substantial deficiency in reading; requiring a school
 38 to provide updates to parents of students who receive
 39 certain services; requiring the Department of
 40 Education to develop a handbook containing specific
 41 information for parents of students with a substantial
 42 reading deficiency; requiring schools to provide
 43 certain instruction and intervention to students who
 44 received a good cause exemption from retention;
 45 revising grounds for such good cause exemption;
 46 revising intervention requirements for certain
 47 retained students; revising requirements relating to
 48 the intensive interventions for retained students in
 49 certain grades; revising a school district's duties;
 50 revising student progress evaluation requirements;
 51 amending s. 1008.345, F.S.; revising reporting
 52 requirements of the Commissioner of Education relating
 53 to the state system of school improvement and
 54 education accountability; amending s. 1011.67, F.S.;
 55 revising the contents of a comprehensive staff
 56 development plan required for each school district;
 57 requiring certain information to be included in a
 58 certification provided by each district school
 59 superintendent to the commissioner; creating s.
 60 1012.567, F.S.; requiring candidates for an educator
 61 certificate in certain areas to demonstrate competence

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62 in specified areas; requiring the State Board of
 63 Education to adopt by rule certain requirements;
 64 providing that a teacher certification from another
 65 state does not meet competency requirements; requiring
 66 the state board to identify teacher certification
 67 areas in which candidates must demonstrate competence;
 68 requiring certain teacher preparation courses to
 69 provide specific instruction in order to receive
 70 approval; providing requirements for an endorsement in
 71 reading instruction; providing for review of
 72 specialization and coverage area requirements for
 73 certain education area certifications by a specified
 74 date; providing for rulemaking; amending s. 1012.585,
 75 F.S.; revising requirements for renewal of
 76 professional teaching certificates; amending s.
 77 1012.586, F.S.; authorizing the department to
 78 recommend consolidation of endorsement areas and
 79 requirements for endorsements for teacher
 80 certificates; amending s. 1012.98, F.S.; revising
 81 duties and requirements for implementation of the
 82 School Community Professional Development Act;
 83 providing an effective date.

85 Be It Enacted by the Legislature of the State of Florida:

86
 87 Section 1. Section 1001.215, Florida Statutes, is amended
 88 to read:

89 1001.215 Just Read, Florida! Office.—There is created in
 90 the Department of Education the Just Read, Florida! Office. The

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91 office ~~is shall be~~ fully accountable to the Commissioner of
 92 Education and shall:

- 93 (1) Train ~~highly effective~~ reading coaches.
 94 (2) Create multiple designations of effective reading
 95 instruction, with accompanying credentials, to enable which
 96 ~~encourage~~ all teachers to integrate reading instruction into
 97 their content areas.
 98 (3) Provide training to Train K-12 teachers, reading
 99 coaches, and school principals on effective content-area-
 100 specific reading strategies; the integration of content-rich,
 101 nonfiction texts from other core subject areas into reading
 102 instruction; and explicit, systematic, and multisensory
 103 approaches to reading instruction that are proven to improve the
 104 reading performance of all students. For secondary teachers,
 105 emphasis shall be on technical text. These strategies must be
 106 developed for all content areas in the K-12 curriculum.
 107 (4) Provide parents with information and strategies for
 108 assisting their children in reading, including reading in the
 109 content areas area.
 110 (5) Provide technical assistance to school districts in the
 111 development and implementation of district plans for use of the
 112 research-based reading instruction allocation provided in s.
 113 1011.62(9) and annually review and approve such plans.
 114 (6) Review, evaluate, and provide technical assistance to
 115 school districts' implementation of the K-12 comprehensive
 116 reading plan required in s. 1011.62(9).
 117 (7) Work with the Florida Center for Reading Research to
 118 identify effective research-based and evidence-based reading
 119 instructional and intervention ~~provide information on research-~~

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120 ~~based reading programs and effective reading in the content area~~
 121 ~~strategies. Reading intervention strategies are evidence-based~~
 122 ~~strategies frequently used to remediate reading deficiencies and~~
 123 ~~include individual instruction, tutoring, or mentoring that~~
 124 ~~targets specific reading skills and abilities.~~

125 (8) Periodically review the Next Generation Sunshine State
 126 Standards for English Language Arts to determine their
 127 appropriateness at each grade level ~~reading at all grade levels.~~

128 (9) Periodically review teacher certification requirements
 129 and examinations, including alternative certification
 130 requirements and examinations ~~exams~~, to ascertain whether the
 131 examinations measure the skills needed for evidence-based
 132 ~~research-based~~ reading instruction and instructional strategies
 133 for teaching reading, including reading in the content areas.

134 (10) Work with teacher preparation programs approved
 135 pursuant to ss. 1004.04 and 1004.85 ~~ss. 1004.04~~ to integrate
 136 effective research-based and evidence-based reading
 137 instructional and intervention strategies; ~~and~~ reading in ~~the~~
 138 content area instructional strategies; and explicit, systematic,
 139 and multisensory reading instructional strategies into teacher
 140 preparation programs.

141 (11) Post on its website a list of core reading materials
 142 and supplemental intervention reading materials for kindergarten
 143 through grade 5 that meet, at a minimum, all of the following
 144 criteria:

145 (a) Use of an explicit, systematic, sequential, and
 146 multisensory approach to teaching phonemic awareness, phonics,
 147 vocabulary, fluency, and text comprehension.

148 (b) Incorporation of cooperative learning strategies.

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149 (c) Incorporation of one-to-one or small group
 150 instructional strategies.

151 (d) Incorporation of decodable or phonetic text
 152 instructional strategies.

153 (e) Provision of teacher training on well-specified
 154 teaching methods and instructional processes designed to
 155 implement the materials.

156 ~~(12)(11)~~ Administer grants and perform other functions as
 157 necessary to help meet the goal that all students read at their
 158 highest potential grade level.

159 Section 2. Paragraphs (a) and (b) of subsection (18) of
 160 section 1001.42, Florida Statutes, are amended to read:

161 1001.42 Powers and duties of district school board.—The
 162 district school board, acting as a board, shall exercise all
 163 powers and perform all duties listed below:

164 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 165 Maintain a system of school improvement and education
 166 accountability as provided by statute and State Board of
 167 Education rule. This system of school improvement and education
 168 accountability shall be consistent with, and implemented
 169 through, the district's continuing system of planning and
 170 budgeting required by this section and ss. 1008.385, 1010.01,
 171 and 1011.01. This system of school improvement and education
 172 accountability shall comply with the provisions of ss. 1008.33,
 173 1008.34, 1008.345, and 1008.385 and include the following:

174 (a) School improvement plans.—

175 1. The district school board shall annually approve and
 176 require implementation of a new, amended, or continuation school
 177 improvement plan for each school in the district. If a school

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178 has a significant gap in achievement on statewide, standardized
 179 assessments administered pursuant to s. 1008.22 by one or more
 180 student subgroups, as defined in the federal Elementary and
 181 Secondary Education Act (ESEA), 20 U.S.C. s.
 182 6311(b)(2)(C)(v)(II); has not significantly increased the
 183 percentage of students passing statewide, standardized
 184 assessments; has not significantly increased the percentage of
 185 students demonstrating Learning Gains, as defined in s. 1008.34
 186 and as calculated under s. 1008.34(3)(b), who passed statewide,
 187 standardized assessments; or has significantly lower graduation
 188 rates for a subgroup when compared to the state's graduation
 189 rate, that school's improvement plan shall include strategies
 190 for improving these results. The state board shall adopt rules
 191 establishing thresholds and for determining compliance with this
 192 subparagraph.

193 2. A school that serves any students in kindergarten
 194 through grade includes any of grades 6, 7, or 8 shall include
 195 annually in its school improvement plan information and data on
 196 the school's early warning system required under paragraph (b),
 197 including a list of the early warning indicators used in the
 198 system, the number of students identified by the system as
 199 exhibiting two or more early warning indicators, the number of
 200 students by grade level that exhibit each early warning
 201 indicator, and a description of all intervention strategies
 202 employed by the school to improve the academic performance of
 203 students identified by the early warning system. The plan must
 204 also ~~In addition, a school that includes any of grades 6, 7, or~~
 205 ~~8 shall describe in its school improvement plan the strategies~~
 206 used by the school to implement and evaluate the instructional

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207 practices ~~for middle grades~~ emphasized by the district's
 208 professional development system pursuant to s. 1012.98(4)(b)9.
 209 and 10.

210 (b) *Early warning system.*-

211 1. A school that serves any students in kindergarten
 212 through grade includes any of grades 6, 7, or 8 shall implement
 213 an early warning system to identify students in these grades ~~6,~~
 214 ~~7, and 8~~ who need additional support to improve academic
 215 performance and stay engaged in school. The early warning system
 216 must include the following early warning indicators:

217 a. Attendance below 90 percent, regardless of whether
 218 absence is excused or a result of out-of-school suspension.

219 b. One or more suspensions, whether in school or out of
 220 school.

221 c. Course failure in English Language Arts or mathematics
 222 during any grading period.

223 d. A Level 1 score on the statewide, standardized
 224 assessments in English Language Arts or mathematics or, for
 225 students in kindergarten through grade 3, a substantial reading
 226 deficiency as provided in s. 1008.25(5)(a).

227
 228 A school district may identify additional early warning
 229 indicators for use in a school's early warning system.

230 2. A school-based team responsible for implementing the
 231 requirements of this paragraph shall monitor the data from the
 232 early warning system in subparagraph (a)2. The team may include
 233 a school psychologist. When a student exhibits two or more early
 234 warning indicators, the team shall ~~school's child study team~~
 235 ~~under s. 1003.02 or a school-based team formed for the purpose~~

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236 ~~of implementing the requirements of this paragraph shall convene~~
 237 ~~to determine, in consultation with the student's parent,~~
 238 ~~appropriate intervention strategies for the student unless the~~
 239 ~~student is already being served by an intervention program at~~
 240 ~~the direction of a school-based, multidisciplinary team. Data~~
 241 ~~and information relating to a student's early warning indicators~~
 242 ~~must be used to inform any intervention strategies provided to~~
 243 ~~the student. The school shall provide at least 10 days' written~~
 244 ~~notice of the meeting to the student's parent, indicating the~~
 245 ~~meeting's purpose, time, and location, and provide the parent~~
 246 ~~the opportunity to participate.~~

247 Section 3. Subsection (1) of section 1002.20, Florida
 248 Statutes, is amended to read:

249 1002.20 K-12 student and parent rights.—Parents of public
 250 school students must receive accurate and timely information
 251 regarding their child's academic progress and must be informed
 252 of ways they can help their child to succeed in school. K-12
 253 students and their parents are afforded numerous statutory
 254 rights including, but not limited to, the following:

255 (1) STUDENTS WITH READING DEFICIENCIES.—The parent of any
 256 K-3 student who exhibits a substantial reading deficiency shall
 257 be immediately notified of the student's deficiency pursuant to
 258 s. 1008.25(5) and with a description and explanation, in terms
 259 understandable to the parent, of the exact nature of the
 260 student's difficulty in learning and lack of achievement in
 261 reading, shall be consulted in the development of a plan, as
 262 described in s. 1008.25(4) (b), ~~and shall be informed that the~~
 263 ~~student will be given intensive reading instruction until the~~
 264 ~~deficiency is corrected. This subsection operates in addition to~~

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265 ~~the remediation and notification provisions contained in s.~~
 266 ~~1008.25 and in no way reduces the rights of a parent or the~~
 267 ~~responsibilities of a school district under that section.~~

268 Section 4. Subsection (1) of section 1002.59, Florida
 269 Statutes, is amended to read:

270 1002.59 Emergent literacy and performance standards
 271 training courses.—

272 (1) The office shall adopt minimum standards for one or
 273 more training courses in emergent literacy for prekindergarten
 274 instructors. Each course must comprise 5 clock hours and provide
 275 instruction in explicit, systematic, and multisensory
 276 instruction strategies and techniques to address the age-
 277 appropriate progress of prekindergarten students in developing
 278 emergent literacy skills, including oral communication,
 279 knowledge of print and letters, phonemic and phonological
 280 awareness, and vocabulary and comprehension development. Each
 281 course must address early identification of and intervention for
 282 students experiencing difficulties with emergent literacy skills
 283 and also provide resources containing strategies that allow
 284 students with disabilities and other special needs to derive
 285 maximum benefit from the Voluntary Prekindergarten Education
 286 Program. Successful completion of an emergent literacy training
 287 course approved under this section satisfies requirements for
 288 approved training in early literacy and language development
 289 under ss. 402.305(2) (d)5., 402.313(6), and 402.3131(5).

290 Section 5. Paragraphs (a) and (c) of subsection (3) of
 291 section 1002.67, Florida Statutes, are amended, and paragraph
 292 (d) is added to that subsection, to read:

293 1002.67 Performance standards; curricula and

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294 accountability.-

295 (3) (a) Contingent upon legislative appropriation, each
296 private prekindergarten provider and public school in the
297 Voluntary Prekindergarten Education Program must implement an
298 evidence-based pre- and post-assessment that has been approved
299 by the office ~~rule of the State Board of Education~~.

300 (c) The pre- and post-assessment must be administered by
301 individuals meeting requirements established by the office ~~rule~~
302 ~~of the State Board of Education~~.

303 (d) Students who exhibit a deficiency in emergent literacy
304 skills, including oral communication, knowledge of print and
305 letters, phonemic and phonological awareness, and vocabulary and
306 comprehension development, must be provided intensive, explicit,
307 and systematic instruction.

308 Section 6. Subsections (1) and (2) of section 1002.69,
309 Florida Statutes, are amended to read:

310 1002.69 Statewide kindergarten screening; kindergarten
311 readiness rates; state-approved prekindergarten enrollment
312 screening; good cause exemption.-

313 (1) The department shall adopt a statewide kindergarten
314 screening that assesses the readiness of each student for
315 kindergarten based upon the performance standards adopted by the
316 ~~office department~~ under s. 1002.67(1) for the Voluntary
317 Prekindergarten Education Program. The department shall require
318 that each school district administer the statewide kindergarten
319 screening to each kindergarten student in the school district
320 within the first 30 school days of each school year. Nonpublic
321 schools may administer the statewide kindergarten screening to
322 each kindergarten student in a nonpublic school who was enrolled

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323 in the Voluntary Prekindergarten Education Program.

324 (2) The statewide kindergarten screening shall provide
325 objective data concerning each student's readiness for
326 kindergarten and progress in attaining the performance standards
327 adopted by the office under s. 1002.67(1). Data from the
328 screening, along with other available data, must be used to
329 identify students in need of intervention and support pursuant
330 to s. 1008.25(5).

331 Section 7. Paragraphs (b) and (c) of subsection (2) of
332 section 1004.04, Florida Statutes, are amended to read:

333 1004.04 Public accountability and state approval for
334 teacher preparation programs.-

335 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.-

336 (b) The rules to establish uniform core curricula for each
337 state-approved teacher preparation program must include, but are
338 not limited to, the following:

339 1. The Florida Educator Accomplished Practices.

340 2. The state-adopted content standards.

341 3. Scientifically researched reading instruction, including
342 explicit, systematic, and multisensory approaches to reading
343 instruction and intervention that are proven to improve reading
344 performance for all students.

345 4. Content literacy and mathematics practices.

346 5. Strategies appropriate for the instruction of English
347 language learners.

348 6. Strategies appropriate for the instruction of students
349 with disabilities.

350 7. School safety.

351 (c) Each candidate must receive instruction and be assessed

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 352 on the uniform core curricula in the candidate's area or areas
 353 of program concentration, including reading instruction under s.
 354 1012.567, as applicable, during course work and field
 355 experiences.

Section 8. Paragraphs (a) and (b) of subsection (3) of
 section 1004.85, Florida Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to
 this section may offer competency-based certification programs
 specifically designed for noneducation major baccalaureate
 degree holders to enable program participants to meet the
 educator certification requirements of s. 1012.56. An educator
 preparation institute choosing to offer a competency-based
 certification program pursuant to the provisions of this section
 must implement a program previously approved by the Department
 of Education for this purpose or a program developed by the
 institute and approved by the department for this purpose.
 Approved programs shall be available for use by other approved
 educator preparation institutes.

(a) Within 90 days after receipt of a request for approval,
 the Department of Education shall approve a preparation program
 pursuant to the requirements of this subsection or issue a
 statement of the deficiencies in the request for approval. The
 department shall approve a certification program if the
 institute provides evidence of the institute's capacity to
 implement a competency-based program that includes each of the
 following:

1.a. Participant instruction and assessment in the Florida
 Educator Accomplished Practices.

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 381 b. The state-adopted student content standards.
 382 c. Scientifically researched reading instruction, including
 383 explicit, systematic, and multisensory approaches to reading
 384 instruction and intervention that are proven to improve reading
 385 performance for all students.

d. Content literacy and mathematical practices.

e. Strategies appropriate for instruction of English
 language learners.

f. Strategies appropriate for instruction of students with
 disabilities.

g. School safety.

2. An educational plan for each participant to meet
 certification requirements and demonstrate his or her ability to
 teach the subject area for which the participant is seeking
 certification, which is based on an assessment of his or her
 competency in the areas listed in subparagraph 1.

3. Field experiences appropriate to the certification
 subject area specified in the educational plan with a diverse
 population of students in a variety of settings under the
 supervision of qualified educators.

4. A certification ombudsman to facilitate the process and
 procedures required for participants who complete the program to
 meet any requirements related to the background screening
 pursuant to s. 1012.32 and educator professional or temporary
 certification pursuant to s. 1012.56.

(b) Each program participant must:

1. Meet certification requirements pursuant to s.
 1012.56(1) by obtaining a statement of status of eligibility in
 the certification subject area of the educational plan and meet

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410 the requirements of s. 1012.56(2) (a)-(f).

411 2. Participate in coursework and field experiences that are
412 appropriate to his or her educational plan prepared under
413 paragraph (a), including reading instruction under s. 1012.567,
414 as applicable.

415 3. Before completion of the program, fully demonstrate his
416 or her ability to teach the subject area for which he or she is
417 seeking certification by documenting a positive impact on
418 student learning growth in a prekindergarten through grade 12
419 setting and achieving a passing score on the professional
420 education competency examination, the basic skills examination,
421 and the subject area examination for the subject area
422 certification which is required by state board rule.

423 Section 9. Subsection (3), paragraph (b) of subsection (4),
424 and paragraphs (a) and (c) of subsection (5) of section 1008.25,
425 Florida Statutes, are amended, paragraph (d) is added to
426 subsection (5) of that section, and paragraph (b) of subsection
427 (6), subsection (7), and paragraph (a) of subsection (8) of that
428 section are amended, to read:

429 1008.25 Public school student progression; student support;
430 reporting requirements.—

431 (3) ALLOCATION OF RESOURCES.—District school boards shall
432 allocate remedial and supplemental instruction resources to
433 students in the following priority:

434 (a) Students in kindergarten through grade 3 who have a
435 substantial deficiency ~~are deficient~~ in reading as determined in
436 paragraph (5) (a) ~~by the end of grade 3.~~

437 (b) Students who fail to meet performance levels required
438 for promotion consistent with the district school board's plan

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439 for student progression required in subsection (2) paragraph
440 ~~(2) (b).~~

441 (4) ASSESSMENT AND SUPPORT.—

442 (b) A student who has a substantial reading deficiency as
443 determined in paragraph (5) (a) ~~or is not meeting the school~~
444 ~~district or~~ state requirements for satisfactory performance in
445 English Language Arts and mathematics must be covered by ~~one of~~
446 ~~the following plans:~~

447 ~~1-~~ a federally required student plan, such as an individual
448 education plan,

449 ~~2-~~ A schoolwide system of progress monitoring for all
450 students, except a student who scores Level 4 or above on the
451 English Language Arts and mathematics assessments may be
452 exempted from participation by the principal, or

453 ~~3-~~ an individualized progress monitoring plan, or both, as
454 necessary.

455 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

456 (a) Any student in kindergarten through grade 3 who
457 exhibits a substantial deficiency in reading, based upon
458 screening, diagnostic, progress monitoring, or assessment data;
459 ~~locally determined or statewide assessments; conducted in~~
460 ~~kindergarten or grade 1, grade 2, or grade 3, or through teacher~~
461 ~~observations,~~ must be provided given intensive, explicit,
462 systematic, and multisensory reading interventions ~~instruction~~
463 immediately following the identification of the reading
464 deficiency. A school may not wait for a student to receive a
465 failing grade at the end of a grading period to identify the
466 student as having a substantial reading deficiency and initiate
467 intensive reading interventions. The student's reading

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468 proficiency must be monitored and the intensive interventions
 469 ~~instruction~~ must continue until the student demonstrates grade
 470 level proficiency in a manner determined by the district, which
 471 may include achieving a Level 3 on the statewide, standardized
 472 English Language Arts assessment. The State Board of Education
 473 shall identify by rule guidelines for determining whether a
 474 student in kindergarten through grade 3 has a substantial
 475 deficiency in reading.

476 (c) The parent of any student who exhibits a substantial
 477 deficiency in reading, as described in paragraph (a), must be
 478 notified in writing of the following:

479 1. That his or her child has been identified as having a
 480 substantial deficiency in reading, including a description and
 481 an explanation, in terms understandable to the parent, of the
 482 exact nature of the student's difficulty in learning and lack of
 483 achievement in reading.

484 2. A description of the current services that are provided
 485 to the child.

486 3. A description of the proposed intensive interventions
 487 ~~supplemental instructional services~~ and supports that will be
 488 provided to the child that are designed to remediate the
 489 identified area of reading deficiency.

490 4. That if the child's reading deficiency is not remediated
 491 by the end of grade 3, the child must be retained unless he or
 492 she is exempt from mandatory retention for good cause.

493 5. Opportunities to observe effective instruction and
 494 intervention strategies in the classroom; receive literacy
 495 instruction from the school or through community adult literacy
 496 initiatives; and receive strategies, including multisensory

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497 strategies, through a read-at-home plan that the parent can ~~for~~
 498 ~~parents to~~ use in helping his or her ~~their~~ child succeed in
 499 reading ~~proficiency~~.

500 6. That the statewide, standardized English Language Arts
 501 assessment is not the sole determiner of promotion and that
 502 additional evaluations, portfolio reviews, and assessments are
 503 available to the child to assist parents and the school district
 504 in knowing when a child is reading at or above grade level and
 505 ready for grade promotion.

506 7. The district's specific criteria and policies for a
 507 portfolio as provided in subparagraph (6)(b)4. and the evidence
 508 required for a student to demonstrate mastery of Florida's
 509 academic standards for English Language Arts. A parent of a
 510 student in grade 3 who is identified anytime during the year as
 511 being at risk of retention may request that the school
 512 immediately begin collecting evidence for a portfolio.

513 8. The district's specific criteria and policies for
 514 midyear promotion. Midyear promotion means promotion of a
 515 retained student at any time during the year of retention once
 516 the student has demonstrated ability to read at grade level.

517 After initial notification, the school shall apprise the parent
 518 of the student's progress in response to the intensive
 519 interventions and supports at least once every 2 weeks. These
 520 communications must be in writing and must explain any
 521 additional interventions or supports that will be used to
 522 accelerate the student's progress if the interventions and
 523 supports already being implemented have not resulted in
 524 improvement.
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526 (d) The Department of Education shall develop a handbook
 527 that schools must provide to the parent of a student who is
 528 identified as having a substantial reading deficiency. The
 529 handbook must be made available in an electronic format that is
 530 accessible online and must include the following information:

531 1. An overview of the requirements for interventions and
 532 supports that districts must provide to students who do not make
 533 adequate academic progress.

534 2. An overview of the procedural requirements for
 535 initiating and conducting evaluations for exceptional education
 536 eligibility. The overview must include an explanation that a
 537 diagnosis of a medical condition alone is not sufficient to
 538 establish exceptional education eligibility but may be used to
 539 document how that condition relates to the student's eligibility
 540 determination and may be disclosed in an eligible student's
 541 individual education plan (IEP) when necessary to inform school
 542 personnel responsible for implementing the IEP.

543 3. Characteristics of conditions associated with learning
 544 disorders, including dyslexia, dysgraphia, dyscalculia, and
 545 developmental aphasia.

546 4. A list of resources that support informed parent
 547 involvement in decisionmaking processes for students who have
 548 difficulty with learning.

549 (6) ELIMINATION OF SOCIAL PROMOTION.—

550 (b) The district school board may only exempt students from
 551 mandatory retention, as provided in paragraph (5) (b), for good
 552 cause. A student who is promoted to grade 4 with a good cause
 553 exemption shall be provided intensive reading instruction and
 554 intervention that include specialized diagnostic information and

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555 specific reading strategies to meet the needs of each student so
 556 promoted. The school district shall assist schools and teachers
 557 with the implementation of explicit, systematic, and
 558 multisensory reading instruction and intervention strategies for
 559 students promoted with a good cause exemption which research has
 560 shown to be successful in improving reading among students who
 561 have reading difficulties. Good cause exemptions are limited to
 562 the following:

563 1. Limited English proficient students who have had less
 564 than 2 years of instruction in an English for Speakers of Other
 565 Languages program based on the initial date of entry into a
 566 school in the United States.

567 2. Students with disabilities whose individual education
 568 plan indicates that participation in the statewide assessment
 569 program is not appropriate, consistent with the requirements of
 570 s. 1008.212.

571 3. Students who demonstrate an acceptable level of
 572 performance on an alternative standardized reading or English
 573 Language Arts assessment approved by the State Board of
 574 Education.

575 4. A student who demonstrates through a student portfolio
 576 that he or she is performing at least at Level 2 on the
 577 statewide, standardized English Language Arts assessment.

578 5. Students with disabilities who take the statewide,
 579 standardized English Language Arts assessment and who have an
 580 individual education plan or a Section 504 plan that reflects
 581 that the student has received intensive instruction in reading
 582 or English Language Arts for more than 2 years but still
 583 demonstrates a deficiency and was previously retained in

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584 kindergarten, grade 1, grade 2, or grade 3.

585 6. Students who have received intensive reading
586 intervention for 2 or more years but still demonstrate a
587 deficiency in reading and who were previously retained in
588 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
589 years. A student may not be retained more than once in grade 3.

590 ~~7. Students who have received intensive remediation in
591 reading or English Language Arts for 2 or more years but still
592 demonstrate a deficiency and who were previously retained in
593 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
594 years. Intensive instruction for students so promoted must
595 include an altered instructional day that includes specialized
596 diagnostic information and specific reading strategies for each
597 student. The district school board shall assist schools and
598 teachers to implement reading strategies that research has shown
599 to be successful in improving reading among low-performing
600 readers.~~

601 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
602 STUDENTS.—

603 (a) Students retained under ~~the provisions of~~ paragraph
604 (5) (b) must be provided intensive interventions in reading to
605 ameliorate the student's specific reading deficiency and prepare
606 the student for promotion to the next grade. These
607 interventions, as identified by a valid and reliable diagnostic
608 assessment. This intensive intervention must include:

609 1. Evidence-based, explicit, systematic, and multisensory
610 reading instruction in phonemic awareness, phonics, fluency,
611 vocabulary, and comprehension and other strategies prescribed by
612 the school district. effective instructional strategies,

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613 2. Participation in the school district's summer reading
614 camp, which must incorporate the instructional and intervention
615 strategies under subparagraph 1, and appropriate teaching
616 methodologies necessary to assist those students in becoming
617 successful readers, able to read at or above grade level, and
618 ready for promotion to the next grade.

619 3. A minimum of 90 minutes of daily, uninterrupted reading
620 instruction incorporating the instructional and intervention
621 strategies under subparagraph 1. This instruction may include:

622 (b) Each school district shall:

623 1. Provide third grade students who are retained under the
624 provisions of paragraph (5) (b) with intensive instructional
625 services and supports to remediate the identified areas of
626 reading deficiency, including participation in the school
627 district's summer reading camp as required under paragraph (a)
628 and a minimum of 90 minutes of daily, uninterrupted,
629 scientifically research-based reading instruction which includes
630 phonemic awareness, phonics, fluency, vocabulary, and
631 comprehension and other strategies prescribed by the school
632 district, which may include, but are not limited to:

- 633 a. Integration of content-rich, nonfiction texts in science
634 and social studies ~~content~~ within the 90-minute block.
- 635 b. Small group instruction.
- 636 c. Reduced teacher-student ratios.
- 637 d. More frequent progress monitoring.
- 638 e. Tutoring or mentoring.
- 639 f. Transition classes containing 3rd and 4th grade
640 students.
- 641 g. Extended school day, week, or year.

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642 (b) Each school district shall:

643 ~~1.2-~~ Provide written notification to the parent of a
644 student who is retained under ~~the provisions of~~ paragraph (5) (b)
645 that his or her child has not met the proficiency level required
646 for promotion and the reasons the child is not eligible for a
647 good cause exemption as provided in paragraph (6) (b). The
648 notification must comply with ~~paragraph (5) (c) the provisions of~~
649 ~~s. 1002.20(15)~~ and must include a description of proposed
650 interventions and supports that will be provided to the child to
651 remediate the identified areas of reading deficiency.

652 ~~2.3-~~ Implement a policy for the midyear promotion of a
653 student retained under ~~the provisions of~~ paragraph (5) (b) who
654 can demonstrate that he or she is a successful and independent
655 reader and performing at or above grade level in reading or,
656 upon implementation of English Language Arts assessments,
657 performing at or above grade level in English Language Arts.
658 Tools that school districts may use in reevaluating a student
659 retained may include subsequent assessments, alternative
660 assessments, and portfolio reviews, in accordance with rules of
661 the State Board of Education. Students promoted during the
662 school year after November 1 must demonstrate proficiency levels
663 in reading equivalent to the level necessary for the beginning
664 of grade 4. The rules adopted by the State Board of Education
665 must include standards that provide a reasonable expectation
666 that the student's progress is sufficient to master appropriate
667 grade 4 level reading skills.

668 ~~3.4-~~ Provide students who are retained under ~~the provisions~~
669 ~~of~~ paragraph (5) (b) with a highly effective teacher as
670 determined by the teacher's performance evaluation under s.

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671 1012.34, and, beginning July 1, 2018, the teacher must also be
672 certified or endorsed in reading.

673 ~~4.5-~~ Establish at each school, when applicable, an
674 intensive reading acceleration course ~~Class~~ for any student
675 retained in grade 3 who was previously retained in kindergarten,
676 grade 1, or grade 2 students who subsequently score Level 1 on
677 ~~the required statewide, standardized assessment identified in s.~~
678 ~~1008.22. The focus of the Intensive Acceleration Class shall be~~
679 ~~to increase a child's reading and English Language Arts skill~~
680 ~~level at least two grade levels in 1 school year. The intensive~~
681 reading acceleration course must provide the following Class
682 shall:

683 a. Uninterrupted reading instruction for the majority of
684 student contact time each day and opportunities to master the
685 grade 4 Next Generation Sunshine State Standards in other core
686 subject areas through content-rich, nonfiction texts.

687 b. Small group instruction.

688 c. Reduced teacher-student ratios.

689 d. The use of explicit, systematic, and multisensory
690 reading interventions, including intensive language and
691 vocabulary instruction and use of a speech-language therapist if
692 necessary, that have proven results in accelerating student
693 reading achievement within the same school year.

694 e. A read-at-home plan.

695 ~~a. Be provided to a student in grade 3 who scores Level 1~~
696 ~~on the statewide, standardized English Language Arts assessment~~
697 ~~and who was retained in grade 3 the prior year because of~~
698 ~~scoring Level 1.~~

699 ~~b. Have a reduced teacher-student ratio.~~

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700 ~~e. Provide uninterrupted reading instruction for the~~
 701 ~~majority of student contact time each day and incorporate~~
 702 ~~opportunities to master the grade 4 Next Generation Sunshine~~
 703 ~~State Standards in other core subject areas.~~

704 ~~d. Use a reading program that is scientifically research-~~
 705 ~~based and has proven results in accelerating student reading~~
 706 ~~achievement within the same school year.~~

707 ~~e. Provide intensive language and vocabulary instruction~~
 708 ~~using a scientifically research-based program, including use of~~
 709 ~~a speech-language therapist.~~

710 (8) ANNUAL REPORT.—

711 (a) In addition to the requirements in paragraph (5) (b),
 712 each district school board must annually report to the parent of
 713 each student the progress of the student toward achieving state
 714 and district expectations for proficiency in English Language
 715 Arts, science, social studies, and mathematics. The district
 716 school board must report to the parent the student's results on
 717 each statewide, standardized assessment. The evaluation of each
 718 student's progress must be based upon the student's classroom
 719 work, observations, tests, district and state assessments,
 720 response to intensive interventions provided under paragraph
 721 (5) (a), and other relevant information. Progress reporting must
 722 be provided to the parent in writing in a format adopted by the
 723 district school board.

724 Section 10. Subsection (5) of section 1008.345, Florida
 725 Statutes, is amended to read:

726 1008.345 Implementation of state system of school
 727 improvement and education accountability.—

728 (5) The commissioner shall annually report to the State

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729 Board of Education and the Legislature and recommend changes in
 730 state policy necessary to foster school improvement and
 731 education accountability. The report shall include:

732 (a) For each school district:

733 1. The percentage of students, by school and grade level,
 734 demonstrating learning growth in English Language Arts and
 735 mathematics.

736 2. The percentage of students, by school and grade level,
 737 in both the highest and lowest quartiles demonstrating learning
 738 growth in English Language Arts and mathematics.

739 3. The information contained in the school district's
 740 annual report required under s. 1008.25(8).

741 (b) Intervention and support strategies used by school
 742 districts boards whose students in both the highest and lowest
 743 quartiles exceed the statewide average learning growth for
 744 students in those quartiles.

745 (c) Intervention and support strategies used by school
 746 districts boards whose schools provide educational services to
 747 youth in Department of Juvenile Justice programs that
 748 demonstrate learning growth in English Language Arts and
 749 mathematics that exceeds the statewide average learning growth
 750 for students in those subjects.

751 (d) Based upon a review of each school district's reading
 752 plan submitted pursuant to s. 1011.62(9), intervention and
 753 support strategies used by school districts that were effective
 754 in improving the reading performance of students, as indicated
 755 by student performance data, who are identified as having a
 756 substantial reading deficiency pursuant to s. 1008.25(5) (a).

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758 School reports shall be distributed pursuant to this subsection
 759 and s. 1001.42(18)(c) and according to rules adopted by the
 760 State Board of Education.

761 Section 11. Subsection (2) of section 1011.67, Florida
 762 Statutes, is amended to read:

763 1011.67 Funds for instructional materials.—

764 (2) (a) Annually by July 1 and before prior to the release
 765 of instructional materials funds, each district school
 766 superintendent shall certify to the Commissioner of Education
 767 that the district school board has approved a comprehensive
 768 staff development plan that supports fidelity of implementation
 769 of instructional materials programs, including. The report shall
 770 include verification that training was provided; and that the
 771 materials are being implemented as designed; and, beginning
 772 April 1, 2019, for core reading materials and supplemental
 773 intervention reading materials used in kindergarten through
 774 grade 5, that the materials have been identified by the Just
 775 Read, Florida! Office as meeting the requirements of s.
 776 1001.215(11). This paragraph does not preclude school districts
 777 from purchasing or using other materials to supplement reading
 778 instruction and provide additional skills practice.

779 (b) Each district school superintendent shall, as part of
 780 the certification under paragraph (a), report the number and
 781 percentage of the district's K-5 instructional personnel who
 782 have received training to implement the core and supplemental
 783 intervention reading materials. The district school
 784 superintendent shall also report the process and timeline by
 785 which the remaining K-5 personnel will be provided the training,
 786 including those newly hired by the district.

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787 Section 12. Section 1012.567, Florida Statutes, is created
 788 to read:

789 1012.567 Certification and endorsement of elementary
 790 reading instructors.—

791 (1) CERTIFICATION.—

792 (a) Beginning January 1, 2018, a candidate for an educator
 793 certificate in an area involving reading instruction or
 794 intervention for any students in kindergarten through grade 6
 795 must, as part of the certification process, demonstrate
 796 competence in the following:

797 1. Identifying characteristics of conditions such as
 798 dyslexia and other causes of diminished phonological processing
 799 skills.

800 2. Using explicit, systematic, and multisensory approaches
 801 to reading instruction and intervention that are proven to
 802 improve reading performance for all students.

803 3. Using predictive and other data to make instructional
 804 decisions based on individual student needs.

805

806 The State Board of Education shall adopt by rule the minimum
 807 requirements for instruction provided by teacher preparation
 808 programs and school districts for this purpose.

809 (b) Documentation of a valid professional standard teaching
 810 certificate issued by another state is not sufficient to meet
 811 the requirements of paragraph (a). The State Board of Education
 812 shall establish a procedure by which a candidate who holds a
 813 certificate issued by another state may demonstrate competence
 814 as required in paragraph (a).

815 (c) The State Board of Education shall identify by rule

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816 certification areas in which candidates must demonstrate
 817 competence as provided in paragraph (a) as part of the
 818 certification process.

819 (d) To receive initial or continued approval, a teacher
 820 preparation program under s. 1004.04 or s. 1004.85 must provide
 821 instruction in the skills and strategies listed in paragraph (a)
 822 to candidates for certificates in the areas identified by the
 823 state board pursuant to paragraph (c).

824 (2) ENDORSEMENT.—Beginning January 1, 2018, the
 825 specialization requirements for an endorsement in reading
 826 instruction must include at least 3 semester hours of
 827 instruction in explicit, systematic, and multisensory approaches
 828 to reading instruction and intervention that are proven to
 829 improve reading performance for all students. This instruction
 830 may be incorporated into semester hour requirements established
 831 in State Board of Education rule.

832 (3) REVIEW.—By July 1, 2017, and at least once every 5
 833 years thereafter, the department shall conduct a review of
 834 specialization and coverage area requirements in the elementary,
 835 reading, and exceptional student educational areas. At the
 836 conclusion of each review, the department shall recommend to the
 837 State Board of Education changes to the specialization and
 838 coverage area requirements based upon any identified
 839 instructional or intervention strategy proven to improve student
 840 reading performance.

841 (4) STATE BOARD RULES.—The State Board of Education shall
 842 adopt rules pursuant to ss. 120.536 and 120.54 as necessary to
 843 implement this section.

844 Section 13. Paragraph (a) of subsection (3) of section

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845 1012.585, Florida Statutes, is amended, and paragraph (f) is
 846 added to that subsection, to read:

847 1012.585 Process for renewal of professional certificates.—

848 (3) For the renewal of a professional certificate, the
 849 following requirements must be met:

850 (a) The applicant must earn a minimum of 6 college credits
 851 or 120 inservice points or a combination thereof. For each area
 852 of specialization to be retained on a certificate, the applicant
 853 must earn at least 3 of the required credit hours or equivalent
 854 inservice points in the specialization area. Education in
 855 "clinical educator" training pursuant to s. 1004.04(5)(b) and
 856 credits or points that provide training in the area of
 857 scientifically researched, knowledge-based reading literacy,
 858 including explicit, systematic, and multisensory approaches to
 859 reading instruction and intervention; ~~and~~ computational skills
 860 acquisition; ~~r~~ exceptional student education; ~~r~~ normal child
 861 development; ~~r~~ and the disorders of development may be applied
 862 toward any specialization area. Credits or points that provide
 863 training in the areas of drug abuse, child abuse and neglect,
 864 strategies in teaching students having limited proficiency in
 865 English, or dropout prevention, or training in areas identified
 866 in the educational goals and performance standards adopted
 867 pursuant to ss. 1000.03(5) and 1008.345 may be applied toward
 868 any specialization area, except specialization areas identified
 869 by State Board of Education rule as involving reading
 870 instruction or intervention for any students in kindergarten
 871 through grade 6 under s. 1012.567(1)(c). Credits or points
 872 earned through approved summer institutes may be applied toward
 873 the fulfillment of these requirements. Inservice points may also

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874 be earned by participation in professional growth components
 875 approved by the State Board of Education and specified pursuant
 876 to s. 1012.98 in the district's approved master plan for
 877 inservice educational training; however, such points may not be
 878 used to satisfy the specialization requirements of this
 879 paragraph, including, but not limited to, serving as a trainer
 880 in an approved teacher training activity, serving on an
 881 instructional materials committee or a state board or commission
 882 that deals with educational issues, or serving on an advisory
 883 council created pursuant to s. 1001.452.

884 (f) Beginning January 1, 2018, an applicant for renewal of
 885 a professional certificate in any area of certification
 886 identified by State Board of Education rule pursuant to s.
 887 1012.567(1)(c) must earn a minimum of two college credits or the
 888 equivalent inservice points in the use of explicit, systematic,
 889 and multisensory approaches to reading instruction and
 890 intervention. Such training must be provided by teacher
 891 preparation programs under s. 1004.04 or s. 1004.85 or approved
 892 school district professional development systems under s.
 893 1012.98. The requirements in this paragraph may not add to the
 894 total hours required by the department for continuing education
 895 or inservice training.

896 Section 14. Subsection (1) of section 1012.586, Florida
 897 Statutes, is amended to read:

898 1012.586 Additions or changes to certificates; duplicate
 899 certificates.—A school district may process via a Department of
 900 Education website certificates for the following applications of
 901 public school employees:

902 (1) Addition of a subject coverage or endorsement to a

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903 valid Florida certificate on the basis of the completion of the
 904 appropriate subject area testing requirements of s.
 905 1012.56(5)(a) or the completion of the requirements of an
 906 approved school district program or the inservice components for
 907 an endorsement. To reduce duplication, the department may
 908 recommend the consolidation of endorsement areas and
 909 requirements to the State Board of Education.

910
 911 The employing school district shall charge the employee a fee
 912 not to exceed the amount charged by the Department of Education
 913 for such services. Each district school board shall retain a
 914 portion of the fee as defined in the rules of the State Board of
 915 Education. The portion sent to the department shall be used for
 916 maintenance of the technology system, the web application, and
 917 posting and mailing of the certificate.

918 Section 15. Paragraph (e) is added to subsection (3) of
 919 section 1012.98, Florida Statutes, and paragraph (b) of
 920 subsection (4) of that section is amended, to read:

921 1012.98 School Community Professional Development Act.—

922 (3) The activities designed to implement this section must:

923 (e) Provide all elementary grades instructional personnel
 924 without a reading endorsement with training sufficient to earn
 925 the endorsement before attainment or renewal of a professional
 926 certificate pursuant to s. 1012.56 or s. 1012.585.

927 (4) The Department of Education, school districts, schools,
 928 Florida College System institutions, and state universities
 929 share the responsibilities described in this section. These
 930 responsibilities include the following:

931 (b) Each school district shall develop a professional

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932 development system as specified in subsection (3). The system
 933 shall be developed in consultation with teachers, teacher-
 934 educators of Florida College System institutions and state
 935 universities, business and community representatives, and local
 936 education foundations, consortia, and professional
 937 organizations. The professional development system must:

938 1. Be approved by the department. All substantial revisions
 939 to the system shall be submitted to the department for review
 940 for continued approval.

941 2. Be based on analyses of student achievement data and
 942 instructional strategies and methods that support rigorous,
 943 relevant, and challenging curricula for all students. Schools
 944 and districts, in developing and refining the professional
 945 development system, shall also review and monitor school
 946 discipline data; school environment surveys; assessments of
 947 parental satisfaction; performance appraisal data of teachers,
 948 managers, and administrative personnel; and other performance
 949 indicators to identify school and student needs that can be met
 950 by improved professional performance.

951 3. Provide inservice activities coupled with followup
 952 support appropriate to accomplish district-level and school-
 953 level improvement goals and standards. The inservice activities
 954 for instructional personnel shall focus on analysis of student
 955 achievement data, ongoing formal and informal assessments of
 956 student achievement, identification and use of enhanced and
 957 differentiated instructional strategies that emphasize rigor,
 958 relevance, and reading in the content areas, enhancement of
 959 subject content expertise, integrated use of classroom
 960 technology that enhances teaching and learning, classroom

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961 management, parent involvement, and school safety.

962 4. Include a master plan for inservice activities, pursuant
 963 to rules of the State Board of Education, for all district
 964 employees from all fund sources. The master plan shall be
 965 updated annually by September 1, must be based on input from
 966 teachers and district and school instructional leaders, and must
 967 use the latest available student achievement data and research
 968 to enhance rigor and relevance in the classroom. Each district
 969 inservice plan must be aligned to and support the school-based
 970 inservice plans and school improvement plans pursuant to s.
 971 1001.42(18). Each district inservice plan must provide a
 972 description of the training that middle grades instructional
 973 personnel and school administrators receive on the district's
 974 code of student conduct adopted pursuant to s. 1006.07;
 975 integrated digital instruction and competency-based instruction
 976 and CAPE Digital Tool certificates and CAPE industry
 977 certifications; classroom management; student behavior and
 978 interaction; extended learning opportunities for students; and
 979 instructional leadership. District plans must be approved by the
 980 district school board annually in order to ensure compliance
 981 with subsection (1) and to allow for dissemination of research-
 982 based best practices to other districts. District school boards
 983 must submit verification of their approval to the Commissioner
 984 of Education no later than October 1, annually. Each school
 985 principal may establish and maintain an individual professional
 986 development plan for each instructional employee assigned to the
 987 school as a seamless component to the school improvement plans
 988 developed pursuant to s. 1001.42(18). An individual professional
 989 development plan must be related to specific performance data

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990 for the students to whom the teacher is assigned, define the
991 inservice objectives and specific measurable improvements
992 expected in student performance as a result of the inservice
993 activity, and include an evaluation component that determines
994 the effectiveness of the professional development plan.

995 5. Include inservice activities for school administrative
996 personnel that address updated skills necessary for
997 instructional leadership and effective school management
998 pursuant to s. 1012.986.

999 6. Provide for systematic consultation with regional and
1000 state personnel designated to provide technical assistance and
1001 evaluation of local professional development programs.

1002 7. Provide for delivery of professional development by
1003 distance learning and other technology-based delivery systems to
1004 reach more educators at lower costs.

1005 8. Provide for the continuous evaluation of the quality and
1006 effectiveness of professional development programs in order to
1007 eliminate ineffective programs and strategies and to expand
1008 effective ones. Evaluations must consider the impact of such
1009 activities on the performance of participating educators and
1010 their students' achievement and behavior.

1011 9. For middle grades, emphasize:

1012 a. Interdisciplinary planning, collaboration, and
1013 instruction.

1014 b. Alignment of curriculum and instructional materials to
1015 the state academic standards adopted pursuant to s. 1003.41.

1016 c. Use of small learning communities; problem-solving,
1017 inquiry-driven research and analytical approaches for students;
1018 strategies and tools based on student needs; competency-based

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1019 instruction; integrated digital instruction; and project-based
1020 instruction.

1021
1022 Each school that includes any of grades 6, 7, or 8 must include
1023 in its school improvement plan, required under s. 1001.42(18), a
1024 description of the specific strategies used by the school to
1025 implement each item listed in this subparagraph.

1026 10. Provide training to reading coaches, classroom
1027 teachers, and school administrators in effective methods of
1028 identifying characteristics of conditions such as dyslexia and
1029 other causes of diminished phonological processing skills;
1030 incorporating instructional techniques into the general
1031 education setting that are proven to improve reading performance
1032 for all students; and using predictive and other data to make
1033 instructional decisions based on individual student needs. The
1034 training must help teachers integrate phonemic awareness;
1035 phonics, word study, and spelling; reading fluency; vocabulary,
1036 including academic vocabulary; and text comprehension strategies
1037 into an explicit, systematic, and multisensory approach to
1038 reading instruction and intervention.

1039 Section 16. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

SB 1068
Bill Number (if applicable)

Topic Reading

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Policy Director

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
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1/27/16

Meeting Date

SB 1068

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

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Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 1068

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<u>Favorable</u>
2.	<u> </u>	<u> </u>	<u>AED</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SB 1068 expands public school reading requirements relating to interventions and instructional supports, teacher certification and training, and school improvement and accountability.

Specifically, the bill:

- Expands public school reading provisions by requiring:
 - School districts to implement additional reading interventions, supports, and resources for K-2 students identified as having a substantial reading deficiency;
 - Immediate notification and frequent progress reports to those students' parents;
 - Voluntary Prekindergarten Program providers to provide specialized reading instruction to students who exhibit deficiencies in emergent literacy skills; and
 - The use of data from the statewide kindergarten screening to identify students in need of reading interventions and supports.
- Expands teacher certification and training provisions by requiring:
 - Elementary reading instructors to attain specialized certification or endorsement and receive sufficient training through school district professional development systems; and
 - Educator preparation and certification programs to include, as part of the core curricula, intensive approaches to reading instruction and intervention.
- Expands school improvement and accountability provisions by requiring:
 - Early warning system data to include schools with students in K-5, and specifying a substantial reading deficiency as an early warning indicator;
 - School districts to certify use of approved core and supplemental intervention reading materials as a condition to receiving instructional materials funds; and
 - The Commissioner of Education to report student reading performance data to the Legislature and State Board of Education.

The bill takes effect upon becoming a law.

II. Present Situation:

The present situation for the relevant portions of SB 1068 is discussed in the Effect of Proposed Changes Section of this analysis.

III. Effect of Proposed Changes:

SB 1068 expands public school reading requirements relating to interventions and instructional supports, teacher certification and training, and school improvement and accountability.

Public School Reading Requirements

Present Situation

In 2006, the Legislature created the Just Read, Florida! Office (Office) within the Department of Education to oversee implementation of the statewide public school reading requirements.¹ The Office is responsible for, among other things:²

- Providing technical assistance to school districts in the development and implementation of district plans³.
- Reviewing, evaluating, and providing technical assistance to school districts' implementation of the K-12 comprehensive reading plan.
- Working with the Florida Center for Reading Research⁴ to provide information on research-based reading programs and effective reading in the content area strategies.

Florida law requires each school district to establish a comprehensive plan for student progression which provides for a student's progression from one grade to another based on the student's mastery of standards in English Language Arts (ELA), mathematics, science, and social studies.⁵ Student progression plans must include criteria emphasizing student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in ELA.⁶ District school boards must prioritize allocation of remedial and supplemental instruction resources first to students who are deficient in reading by the end of grade 3, and then to students who fail to meet performance levels required for promotion consistent with the district's student progression plan.⁷

¹ Section 8, ch. 2006-74, L.O.F., *codified as s.* 1001.215, F.S.

² Section 1001.215, F.S.

³ Each school district is required to annually submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation. The reading plans are submitted to and approved by the Just Read, Florida! Office. Section 1011.62(9)(d), F.S. The requirements for the reading plans are set forth in rule by the State Board of Education. Rule 6A-6.053, F.A.C.

⁴ The Florida Center for Reading Research (FCRR) was created at the Florida State University and includes two outreach centers, one at a Florida College System institution in central Florida and one at a south Florida state university. Section 1004.645, F.S. The FCRR conducts basic research on reading, reading growth, reading assessment, and reading instruction; disseminates information about research-based practices related to literacy instruction and assessment; conducts applied research; and provides technical assistance to Florida's schools and the Just Read, Florida! Office. *See* Florida State University, Florida Center for Reading Instruction, *The Center's Four Part Mission*, <http://www.fcrr.org/> (last visited January 22, 2016).

⁵ Section 1008.25(2), F.S.

⁶ *Id.*

⁷ *Id.* at (3).

Schools districts must provide intensive reading instruction to any student who exhibits a substantial deficiency in reading based on assessments conducted in kindergarten through grade 3 or through teacher observations.⁸ A student who does not achieve a Level 3 or above on the statewide, standardized ELA assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.⁹

A student who has been identified as having a substantial reading deficiency must be monitored and receive continued intensive instruction until the student demonstrates grade level proficiency as determined by the school district.¹⁰ If a student's reading deficiency is not remedied¹¹ by the end of grade 3, the student will not be promoted to grade 4.¹² The parent of any student who exhibits a substantial reading deficiency must receive written notification that includes, among other things, a description of the proposed supplemental instructional services and supports that will be provided to the child.¹³

A student who is retained in grade 3 must be provided a teacher rated "highly effective" and intensive interventions in reading to remedy the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment.¹⁴ The school district must provide the student a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.¹⁵

Districts must establish at each school, when applicable, an intensive acceleration class for retained 3rd grade students who subsequently score Level 1 on the statewide, standardized ELA assessment.¹⁶ The class must focus on increasing a child's reading and ELA skill level at least two grade levels in one school year.¹⁷

⁸ *Id.* at (5)(a).

⁹ *Id.* at (4)(a). Students who do not meet school district or state requirements for satisfactory performance in ELA and mathematics must be covered by a federally required plan such as an individual education plan (IEP), a schoolwide system of progress monitoring, or an individualized progress monitoring plan. *Id.* at (4)(b).

¹⁰ *Id.* at (5)(a). Demonstration of grade level proficiency may include achieving a Level 3 on the statewide, standardized English Language Arts (ELA) assessment. *Id.*

¹¹ *Id.* at (5)(b). To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized ELA assessment. *Id.*

¹² *Id.*

¹³ *Id.* at (5)(c).

¹⁴ *Id.* at (7)(b). This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade. *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* The class must be provided to a student in grade 3 who scores Level 1 on the statewide, standardized ELA assessment and who was retained in grade 3 the prior year due to scoring Level 1; have a reduced teacher-student ratio; provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 academic standards in other core subject areas; use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year; and provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist. *Id.*

Each district school board must annually publish on its website and in the local newspaper information relating to student progression and policies and procedures on student retention and promotion, as well as student performance data on the ELA assessment.¹⁸

For students in the Voluntary Prekindergarten (VPK) Program, the Office of Early Learning (OEL) is required to develop and adopt performance standards addressing, among other things, the age-appropriate progress of students in the development of emergent literacy skills.¹⁹ Each school district administers a statewide kindergarten screening to kindergarteners within the first 30 days of the school year.²⁰ The screening must provide objective data concerning each student's readiness for kindergarten and progress based on the VPK program performance standards adopted by the OEL.²¹ Results from the screening are used to inform classroom instruction and to calculate a kindergarten readiness rate for VPK providers.²²

A 2015 study by the Office of Program Policy Analysis and Government Accountability (OPPAGA) identified several barriers to providing instructional interventions and supports to struggling readers.²³ The OPPAGA study found that:²⁴

- Teacher preparation programs do not sufficiently focus on identifying and assisting struggling readers;
- Professional development may not provide the information teachers need to address student reading deficiencies;
- The reading endorsement process does not require that teachers demonstrate knowledge of basic aspects of reading such as phonological awareness; and
- Students do not always receive appropriate intervention programs to meet their individual needs.²⁵

¹⁸ *Id.* at (8)(b).

¹⁹ Section 1002.67(1), F.S. The OEL must periodically review and revise the performance standards for the statewide kindergarten screening and align the standards to those established by the State Board of Education for student performance on statewide, standardized assessments. *Id.*

²⁰ Section 1002.69, F.S.

²¹ *Id.* See also s. 1002.67(1), F.S. The Florida Kindergarten Readiness Screener-Work Sampling System (FLKRS-WSS) is the screener adopted by the DOE. Florida Department of Education, PMRN for Public Schools, <http://www.fldoe.org/academics/standards/just-read-fl/fair/public-school.stml> (last visited January 22, 2016).

²² Section 1002.69(5)-(7), F.S.

²³ OPPAGA, *Research on Programs and Strategies for Struggling Readers*, presentation before the House K-12 Education Subcommittee (Oct. 20, 2015) available at http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting Packets&FileName=kts_10-20-15.pdf. Struggling reader is not a statutorily defined term.

²⁴ *Id.* Other studies have shown that teacher knowledge of reading science is crucial to effective reading instruction. See e.g., National Council on Teacher Quality, *What Education Schools Aren't Teaching about Reading and What Elementary Teachers Aren't Learning* (June 2006), available at http://www.nctq.org/nctq/images/nctq_reading_study_exec_summ.pdf; Cunningham & Ryan O'Donnell, *Teacher Knowledge in Early Literacy* (April 2015), at 450, available at http://www.researchgate.net/publication/275581846_Teachers_Knowledge_about_Beginning_Reading_Development_and_Instruction.

²⁵ According to the OPPAGA research study, many districts may be using the same interventions for students with specific learning disabilities and general struggling readers. OPPAGA, *Research on Programs and Strategies for Struggling Readers*, presentation before the House K-12 Education Subcommittee (Oct. 20, 2015) available at http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting Packets&FileName=kts_10-20-15.pdf. A specific learning disability includes, but is not limited to, dyslexia, dyscalculia, or developmental aphasia. Section 1003.01(3)(a), F.S.

Effect of Proposed Changes

The bill requires district school boards to first allocate remedial and supplemental instruction resources to students in kindergarten through grade 3 who have a substantial reading deficiency. The bill expands existing law to require district school boards to include students in kindergarten through grade 2, not just students in grade 3, as a priority when allocating resources.

The bill requires that students in kindergarten through grade 3 who are identified as having a substantial reading deficiency be provided an individualized progress monitoring plan or a federally required student plan, such as an individual education plan, or both, as necessary. The bill removes the requirement that a student be covered by a schoolwide system of progress monitoring plan, which may encourage schools to develop plans that include instructional strategies and supports based on the individual student's needs.

The bill requires the State Board of Education (State Board) to identify in rule guidelines for determining whether a student has a substantial reading deficiency. In effect, guidelines for determining a substantial reading deficiency may assist school districts and schools in identifying students more effectively and efficiently so as to begin implementing the necessary interventions and strategies.

The bill expands the requirement that students retained for having a substantial reading deficiency be provided a teacher who is evaluated as highly effective to include, beginning July 1, 2018, a teacher who is certified or endorsed in reading.

The bill expands the intensive acceleration course currently provided to retained 3rd grade students to include any student who was previously retained in kindergarten, grade 1, or grade 2, and requires that the course include:

- Uninterrupted reading instruction for the majority of the school contact time each day and opportunity to master the grade 4 Next Generation Sunshine State standards in other core subject areas through content-rich, nonfiction texts.
- Small group instruction.
- Reduced teacher-student ratios.
- The use of explicit, systematic, and multisensory reading interventions, including intensive language and vocabulary instruction and use of a speech-language therapist if necessary, that has proven results in accelerating student reading achievement within the same school year.
- A read-at-home plan.

The bill revises requirements for providing information to parents of a K-3 student who has a substantial reading deficiency. Under the bill, if a K-3 student is identified as having a substantial reading deficiency, the district must inform the parent of opportunities to observe effective instruction and intervention in the classroom and to receive literacy instruction from the school or through community adult literacy initiatives. The school must also provide the parent opportunities to receive strategies through a read-at-home plan to help the parent provide additional reading instruction at home. Once a parent is notified that his or her child has a substantial reading deficiency, the school must update the parent of the student's progress at least once every 2 weeks. The updates must be in writing and must explain any additional

interventions or supports that will be used to accelerate the student's progress if current strategies are not working.

The bill requires the DOE to develop a handbook that schools must provide to parents if their child is identified as having a substantial reading deficiency. The handbook must be made available online and must include the following information:

- An overview of the requirements for interventions and supports that districts must provide to students who do not make adequate academic progress.
- An overview of the procedural requirements for initiating and conducting evaluations to determine eligibility for exceptional education. This must include an explanation that diagnosis of a medical condition, alone, is not sufficient to establish eligibility for exceptional education. However, a diagnosis may be used to document how the condition relates to the student's eligibility determination and may be disclosed in an eligible student's individualized education plan when necessary to inform school personnel responsible for implementing the plan.
- Characteristics of conditions associated with learning disorders, including dyslexia, dysgraphia, dyscalculia, and developmental aphasia.
- A list of resources that support informed parent involvement in decision-making processes for students who have difficulty with learning.

Additionally, the bill requires VPK providers to implement intensive, explicit, and systematic instruction for students who exhibit a deficiency in emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Current law does not require that such interventions be provided to students participating in VPK. Furthermore, the bill requires that data from the statewide kindergarten screening, along with other available data, be used to identify students in need of reading intervention and supports.

Educator Certification, Preparation & Training

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Department of Education (DOE).²⁶ The DOE issues three types of educator certificates: professional (Florida's highest type of full-time educator certification),²⁷ temporary,²⁸ and athletic coaching.²⁹ The professional certificate is valid for 5 years and is renewable.³⁰ An applicant seeking a professional certificate must meet the basic eligibility requirements for

²⁶ Sections 1012.55(1) and 1002.33(12)(f), F.S.

²⁷ Rule 6A-4.004(2), F.A.C.

²⁸ Rule 6A-4.004(1)(a)2., F.A.C.; Rule 6A-4.004(1)(a), F.A.C. The DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; Rule 6A-4.001(1), F.A.C.

²⁹ Section 1012.55(2), F.S.

³⁰ Section 1012.56(7)(a), F.S.; Rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 2-year temporary certificate and a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; Rule 6A-4.004(3), F.A.C.

certification³¹ and demonstrate mastery of general knowledge,³² subject area knowledge;³³ and professional preparation and education competence.³⁴

The specialization requirements for a K-12 reading certification are a master's or higher degree with a graduate major in reading or a bachelor's or higher degree with 30 semester hours in reading.³⁵ The specialization requirements for a reading endorsement are a bachelor's or higher degree with certification in an academic, degreed vocational, administrative, or specialty class coverage and 15 semester hours in reading coursework, based upon scientifically based reading research with a focus on both the prevention and remediation of reading difficulties.³⁶

Teacher preparation programs are state-approved programs offered by postsecondary institutions and public school districts through which candidates may attain an educator certificate.³⁷ The State Board is charged with maintaining a system for development and approval of initial teacher preparation programs.³⁸ The DOE is responsible for approving programs based on evidence of a program's capacity to meet the requirements for continued program approval established in law and State Board rule.³⁹

The DOE must approve an educator preparation institute certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes, but is not limited to, the areas addressed by the uniform core curricula for initial teacher preparation programs and an educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification.⁴⁰ The uniform core curricula for teacher preparation programs must include content in scientifically based reading instruction contained in the reading endorsement competencies adopted by the State Board.⁴¹

Florida law requires a number of entities, including the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development.⁴² The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the

³¹ Section 1012.56(2)(a)-(f), F.S.

³² Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited January 23, 2016).

³³ Section 1012.56(2)(h) and (5), F.S.

³⁴ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited January 23, 2016).

³⁵ Rule 6A-4.0291, F.A.C.

³⁶ Rule 6A-4.0292, F.A.C.

³⁷ Florida Department of Education, *Professional Development in Florida*, <http://www.fldoe.org/profdev/approval.asp> (last visited January 23, 2016). See Rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

³⁸ Section 1004.04(1), F.S.

³⁹ *Id.* at (3)(a), F.S.; Rule 6A-5.066, F.A.C. The requirements for continued program approval are documentation that each candidate has met the admission requirements, documentation that the program and each program completer have met the curriculum requirements; and evidence of performance in other specified areas. Section 1004.04(4), F.S.

⁴⁰ Section 1004.85(3)(a)4., F.S.

⁴¹ Sections 1004.04(2)(b)3. and 1004.85(3)(a)1.c., F.S. See Rules 6A-4.0163 and 6A-5.066(1)(hh)4., F.A.C.

⁴² Section 1012.98(1), F.S.

curriculum, and prepare students for continuing education and the workforce.⁴³ Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.⁴⁴

Effect of Proposed Changes

The bill requires, beginning January 1, 2018, a candidate for a reading certificate or endorsement to demonstrate competence in:

- Identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills.
- Using explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve student reading performance.
- Using predictive and other data to make instructional decisions based on individual student needs.

Also, the bill requires the State Board to adopt in rule the minimum instructional requirements that must be provided by teacher preparation programs and school districts to ensure that candidates for certification in reading instruction and intervention meet the criteria for demonstrating competency. The State Board must also identify in rule the certification areas in which a candidate must demonstrate the requisite competency.

The bill requires the DOE to review, at least once every 5 years, the specialization and coverage area certification requirements in elementary, reading, and exceptional student educational areas, and recommend to the State Board any changes to the requirements. Additionally, the bill requires the DOE to recommend to the State Board the consolidation of endorsement areas and requirements to reduce duplication.

The bill adds the requirement that an applicant for renewal of a professional certificate in any area of certification requiring specialized competency in reading instruction and intervention, as identified by the State Board, must earn a minimum of two college credits or the equivalent inservice points⁴⁵ in the use of explicit, systematic, and multisensory approaches to reading instruction and intervention. The training must be provided by a teacher preparation program or school district professional development system. Beginning January 1, 2018, if a teacher holds a professional certificate that is identified by the State Board as requiring specialized competency in reading instruction and intervention, he or she must earn the minimum college credits or equivalent inservice points for renewal of the certificate.

The bill requires the curricula for each state-approved teacher preparation program and postsecondary educator preparation institute to include explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve student reading performance. Current law requires the curricula for such programs and institutes to include only

⁴³ *Id.*

⁴⁴ *Id.* at (4)(b).

⁴⁵ Two college credits is equivalent to 40 inservice points or 40 hours.

scientifically researched reading instruction. Also, the bill requires that training in reading instruction occur during course work and in field experiences.

Additionally, the bill requires teacher preparation programs to provide specialized instruction in reading strategies and interventions to receive initial or continued approval. The Just Read, Florida! Office (Office) must work with teacher preparation programs and educator preparation institutes to integrate specialized reading instructional and intervention strategies. The Office must also provide such training to teachers, reading coaches, and principals.

The bill adds a requirement that training in emergent literacy for prekindergarten instructors address early identification of and intervention for students experiencing difficulties with emergent literacy skills.

The bill requires school district professional development systems to provide training to all elementary grades instructional personnel without a reading endorsement which is sufficient to earn the endorsement before attainment or renewal of a professional certificate. The bill requires professional development systems to provide training to reading coaches, classroom teachers, and school administrators in effective methods of:

- Identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills;
- Incorporating instructional techniques into the general education setting that are proven to improve reading performance for all students; and
- Using predictive data to make instructional decisions based on individual student needs.

The training may integrate effective approaches to reading instruction and intervention in classrooms having an impact on a greater number of students who are in need of such interventions and strategies.

School Improvement & Accountability

Present Situation

Florida law requires each school that includes any of grades 6, 7, or 8 to implement an early warning system to identify students who are at risk of not graduating from high school.⁴⁶ Early warning systems are used to monitor middle grades students using attendance, behavior, and academic performance indicators shown by research to be reliable indicators of students at risk of dropping out.⁴⁷ The following indicators must be used to monitor middle grades students:⁴⁸

- Attendance below 90 percent.
- Course failure in English language arts or mathematics.
- One or more in-school or out-of-school suspensions.
- Scoring a Level 1 score on the statewide, standardized reading or mathematics assessments.

⁴⁶ Section 1001.42(18)(b), F.S.

⁴⁷ *Id.*

⁴⁸ *Id.* Districts may prescribe additional early warning indicators for schools to use. *Id.*

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,⁴⁹ or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student.⁵⁰ The team may be the student's individual education plan (IEP) team, if applicable, or any other team the school establishes for the purpose of academic intervention.⁵¹ The school must provide the student's parent with at least 10 days' written notice of the meeting.⁵² The notice must indicate the meeting's purpose, time, and location, and the opportunity for the parent to participate in the meeting.⁵³

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan certain information and data on the school's early warning system (e.g., a list of early warning indicators used in the system and the number of students identified as exhibiting two or more indicators).⁵⁴

The DOE is authorized to allocate and distribute to each school district funds, as prescribed by the Legislature, for instructional materials for student membership in basic and special programs in kindergarten through grade 12.⁵⁵ By July 1 each year and before instructional materials funds may be released to the school district, the district's superintendent must certify to the Commissioner of Education (Commissioner) that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs.⁵⁶ The report must verify that training was provided and that the materials are being implemented as designed.⁵⁷

The Commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.⁵⁸ The Commissioner must review each district school board's annual feedback report to determine whether adequate progress is being made toward implementing and maintaining a system of school improvement and accountability.⁵⁹ The Commissioner must submit his or her findings to the State Board, and prepare and implement a corrective action plan if adequate progress is not being made.⁶⁰ The Commissioner must report to the Legislature and recommend necessary changes in state policy.⁶¹

⁴⁹ School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

⁵⁰ Section 1001.42(18)(b)2., F.S.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* at (18)(a)2.

⁵⁵ Section 1011.67(1), F.S.

⁵⁶ *Id.* at (2).

⁵⁷ *Id.*

⁵⁸ Section 1008.345(1), F.S.

⁵⁹ *Id.* at (4).

⁶⁰ *Id.*

⁶¹ *Id.* at (5). The report must contain, among other things: for each school district, the percentage of students, by school and grade level, demonstrating learning growth in ELA and mathematics; and intervention and support strategies used by school boards whose students exceed the statewide average learning growth. *Id.*

Effect of Proposed Changes

The bill revises requirements relating to early warning systems by extending coverage to include students in kindergarten through grade 5 and by clarifying that a school-based team must monitor early warning system data. The bill specifies that a school psychologist may be a part of the team. The bill includes a substantial reading deficiency as an early warning indicator for students in kindergarten through grade 3 and clarifies that course failure constitutes an indicator if it occurs during any grading period. The bill requires that data and information relating to the exhibited indicators be used to inform any intervention strategies provided to a student identified by the early warning system.

To allow for more efficient use of time and resources, the bill requires the team to convene and determine appropriate intervention strategies for a student exhibiting two or more indicators only if the student is not already being served by an intervention program. The bill eliminates the 10-day parental notice requirement, but requires that parents be consulted in the development of any intervention strategies.

The bill requires the Just Read, Florida! Office (Office) to post on its website a list core reading materials and supplemental intervention reading materials for kindergarten through grade 5 that meet criteria relating to specialized approaches and learning strategies in intensive reading instruction. The list may assist school districts in choosing and implementing materials that are uniformly aligned to the new requirements for specialized instruction and intervention strategies in reading.

Also, the bill requires that before the release of instructional materials funds, each school district superintendent certify to the Commissioner that the core reading materials and supplemental intervention reading materials used in kindergarten through grade 5 have been identified by the Office on its list as meeting the specialized requirements. However, the bill does not preclude school districts from purchasing or using other materials to supplement reading instruction and provide additional skills practice. As part of the superintendent's certification, he or she must report the number and percentage of the district's K-5 instructional personnel who have received training to implement the core and supplemental intervention reading materials, as well, as the process and timeline by which the remaining instructional personnel will be provided the training.

The bill requires the Commissioner to annually report and makes recommendations to both the State Board and the Legislature regarding the state's policies on school improvement and education accountability. The bill requires the report to include, in addition to information currently required, the reading performance information each district must annually publish on its website and in the local newspaper. The bill also requires the Commissioner's annual report to include, based upon a review of each district's reading plan, intervention and support strategies that were effective in improving the reading performance of students who are identified as having a substantial reading deficiency.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

SB 1068 substantially amends the following sections of the Florida Statutes:

1001.215, 1001.42, 1002.20, 1002.59, 1002.67, 1002.69, 1004.04, 1004.85, 1008.25, 1008.345, 1011.67, 1012.585, 1012.586, and 1012.98.

Also, the bill creates the following section of the Florida Statutes: 1012.567.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



450948

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 267 and 268

insert:

Section 4. Subsection (2) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(2) ESTABLISHMENT.—There is established a category of public schools to be known as developmental research (laboratory) schools (lab schools). Each lab school shall



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11 provide sequential instruction and shall be affiliated with the
12 college of education within the state university of closest
13 geographic proximity. A lab school to which a charter has been
14 issued under s. 1002.33(5)(a)2. must be affiliated with the
15 college of education within the state university that issued the
16 charter, but is not subject to the requirement that the state
17 university be of closest geographic proximity. For the purpose
18 of state funding, Florida Agricultural and Mechanical
19 University, Florida Atlantic University, Florida State
20 University, the University of Florida, the University of South
21 Florida St. Petersburg, and other universities approved by the
22 State Board of Education and the Legislature are authorized to
23 sponsor a lab school. A state university may also contract with
24 a private entity to build and operate a lab school. The
25 limitation of one lab school per university does ~~shall~~ not apply
26 to the following charter lab schools authorized prior to June 1,
27 2003: Florida State University Charter Lab K-12 School in
28 Broward County, Florida Atlantic University Charter Lab 9-12
29 High School in Palm Beach County, and Florida Atlantic
30 University Charter Lab K-12 School in St. Lucie County.

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Between lines 9 and 10

35 insert:

36 amending s. 1002.32, F.S.; authorizing the University
37 of South Florida St. Petersburg to sponsor a
38 developmental research school (lab school);
39 authorizing a state university to contract with a



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40

private entity to build and operate a lab school;

By Senator Legg

17-01666-16

20161078__

1 A bill to be entitled
2 An act relating to education; amending s. 1007.35,
3 F.S.; revising the exams each public high school is
4 required to administer to all enrolled 10th grade
5 students to include ACT Aspire; providing an effective
6 date.

8 Be It Enacted by the Legislature of the State of Florida:

10 Section 1. Subsection (5), paragraph (j) of subsection (6),
11 and paragraph (a) of subsection (8) of section 1007.35, Florida
12 Statutes, are amended to read:

13 1007.35 Florida Partnership for Minority and
14 Underrepresented Student Achievement.—

15 (5) Each public high school, including, but not limited to,
16 schools and alternative sites and centers of the Department of
17 Juvenile Justice, shall provide for the administration of the
18 Preliminary SAT/National Merit Scholarship Qualifying Test
19 (PSAT/NMSQT), or ACT Aspire ~~Preliminary ACT (PLAN)~~ to all
20 enrolled 10th grade students. However, a written notice shall be
21 provided to each parent that shall include the opportunity to
22 exempt his or her child from taking the PSAT/NMSQT or ACT Aspire
23 ~~PLAN~~.

24 (a) Test results will provide each high school with a
25 database of student assessment data which certified school
26 counselors will use to identify students who are prepared or who
27 need additional work to be prepared to enroll and be successful
28 in AP courses or other advanced high school courses.

29 (b) Funding for the PSAT/NMSQT or ACT Aspire ~~PLAN~~ for all
30 10th grade students shall be contingent upon annual funding in
31 the General Appropriations Act.

32 (c) Public school districts must choose either the

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

17-01666-16

20161078__

33 PSAT/NMSQT or ACT Aspire ~~PLAN~~ for districtwide administration.

34 (6) The partnership shall:

35 (j) Provide information to students, parents, teachers,
36 counselors, administrators, districts, Florida College System
37 institutions, and state universities regarding PSAT/NMSQT or ACT
38 Aspire ~~PLAN~~ administration, including, but not limited to:

39 1. Test administration dates and times.

40 2. That participation in the PSAT/NMSQT or ACT Aspire ~~PLAN~~
41 is open to all 10th grade ~~10~~ students.

42 3. The value of such tests in providing diagnostic feedback
43 on student skills.

44 4. The value of student scores in predicting the
45 probability of success on AP or other advanced course
46 examinations.

47 (8) (a) By September 30 of each year, the partnership shall
48 submit to the department a report that contains an evaluation of
49 the effectiveness of the delivered services and activities.
50 Activities and services must be evaluated on their effectiveness
51 at raising student achievement and increasing the number of AP
52 or other advanced course examinations in low-performing middle
53 and high schools. Other indicators that must be addressed in the
54 evaluation report include the number of middle and high school
55 teachers trained; the effectiveness of the training; measures of
56 postsecondary readiness of the students affected by the program;
57 levels of participation in 10th grade PSAT/NMSQT or ACT Aspire
58 ~~PLAN~~ testing; and measures of student, parent, and teacher
59 awareness of and satisfaction with the services of the
60 partnership.

61 Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 1078

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Graf</u>	<u>Klebacha</u>	<u>ED</u>	<u>Favorable</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1078 updates terminologies to reflect the current ACT test, ACT Aspire, which has replaced the Preliminary ACT (PLAN) test. Accordingly, the bill conforms existing testing, funding, and reporting provisions associated with PLAN to the change.

The bill takes effect July 1, 2016.

II. Present Situation:

Over the years, the Legislature has enacted laws to ensure that all students have access to high quality education and are prepared for success in college and career.

Specifically, in 2004, the Legislature enacted the Florida Partnership for Minority and Underrepresented Students Achievement Act and created the Florida Partnership for Minority and Underrepresented Student Achievement with the mission to “prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education.”¹ Additionally, the law identifies certain tests that public school students in grade 10 must take, and specifies related funding and reporting requirements.

PSAT/NMSQT or ACT PLAN Tests for Students in Grade 10

Each public high school, including not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, must provide for the administration of the Preliminary

¹ Section 1, ch. 2004-63, L.O.F., *codified at* s. 1007.35, F.S.

SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT),² or Preliminary ACT (PLAN)³ to all students enrolled in grade 10.^{4,5} However, a parent has the opportunity to exempt his or her child from taking the PSAT/NMSQT or PLAN.⁶ Student performance on such tests are intended to help high schools assess if students are “prepared to enroll and be successful in AP courses or other advanced high school courses.”⁷

School districts must choose to administer either the PSAT/NMSQT or PLAN districtwide.⁸ Funding for such tests is contingent on annual funding in the General Appropriations Act.⁹

ACT Aspire

The ACT launched a new student readiness assessment system called ACT Aspire on April 1, 2014.¹⁰ ACT Aspire is the first computer-based longitudinal assessment system connecting student progress from elementary grades through high school in the context of college and career readiness,¹¹ and includes summative 3-8 and 9th/10th grade assessments in English, Reading, Math, Science, and Writing.¹²

III. Effect of Proposed Changes:

SB 1078 updates terminologies to reflect the current ACT test, ACT Aspire, which has replaced the Preliminary ACT (PLAN) test.¹³ Accordingly, the bill conforms existing testing, funding, and reporting provisions associated with PLAN to the change.

The bill takes effect July 1, 2016.

² The PSAT/National Merit Scholarship Qualifying Test (NMSQT) and PSAT 10 also measures what students learn in school and what the students need to succeed in college. College Board, *PSAT/NMSQT and PSAT 10: Inside the Test*, <https://professionals.collegeboard.com/testing/sat> (last visited Jan. 24, 2016); see also College Board International, *PSAT/NMSQT*, <http://international.collegeboard.org/programs/psat-nmsqt-psss> (last visited Jan. 24, 2016).

³ PLAN includes four multiple-choice tests in English, Math, Reading, and Science. ACT, *PLAN*, <https://www.act.org/planstudent/tests/index.html> (last visited Jan. 24, 2016). Typically, students take PLAN in grade 10. ACT, *PLAN*, <https://www.act.org/planstudent/tests/epas.html> (last visited Jan. 24, 2016).

⁴ Section 1007.35(5), F.S.

⁵ In 2015, the Legislature placed limits on the amount of time school districts schedule for administering state-required and district required tests to no more than five percent of a student’s total school hours during a school year, with some exceptions. A district must secure written consent from a student’s parent before administering district-required local assessments, that after applicable statewide, standardized assessments are scheduled, exceed the 5 percent limit on test administration for that student. Additionally, the law eliminated the requirement that a school district administer a local assessment for each course offered by the district, which could include but not be limited to nationally recognized standardized assessments. Section 7, ch. 2015-6, L.O.F. *codified at* s. 1008.22, F.S.

⁶ *Id.*

⁷ Section 1007.35(5)(a), F.S.

⁸ Section 1007.35(5)(c), F.S.

⁹ Section 1007.35(5)(b), F.S.

¹⁰ Since April 1, 2014, more than 3 million tests have been administered. ACT, Inc., *ACT & College and Career Readiness*, on file with the Committee on Education Pre-K – 12, at 9.

¹¹ ACT, *ACT Plan: Overview*, <http://www.act.org/products/k-12-act-plan/> (last visited Jan. 24, 2016).

¹² ACT, Inc., *ACT & College and Career Readiness*, on file with the Committee on Education Pre-K – 12, at 9.

¹³ Since June 13, 2014, ACT PLAN has not been available for test administration or scoring. ACT Aspire, *ACT Aspire Migration FAQs*, <http://www.act.org/migrate/faq.html> (last visited Jan. 24, 2016); see also ACT, *ACT Plan: Overview*, <http://www.act.org/products/k-12-act-plan/> (last visited Jan. 24, 2016).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1007.35 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Stargel

15-01073A-16

20161088__

1 A bill to be entitled
 2 An act relating to the John M. McKay Scholarships for
 3 Students with Disabilities Program; amending s.
 4 1002.39, F.S.; exempting a foster child from specified
 5 eligibility provisions; providing that a student
 6 enrolled in a transition-to-work program is eligible
 7 for a John M. McKay Scholarship; creating a
 8 transition-to-work program for specific students
 9 enrolled in the John M. McKay Scholarships for
 10 Students with Disabilities Program; providing program
 11 requirements; providing participation requirements for
 12 schools, students, and businesses; exempting a John M.
 13 McKay Scholarship award from a specified funding
 14 calculation; amending s. 1011.61, F.S.; exempting a
 15 John M. McKay Scholarship award from a specified
 16 funding calculation for purposes of the Florida
 17 Education Finance Program; providing an effective
 18 date.

20 Be It Enacted by the Legislature of the State of Florida:

22 Section 1. Subsections (10) through (13) of section
 23 1002.39, Florida Statutes, are renumbered as subsections (11)
 24 through (14), respectively, paragraph (a) of subsection (2),
 25 paragraph (h) of subsection (3), paragraph (b) of subsection
 26 (8), and paragraph (a) of present subsection (10) are amended,
 27 and a new subsection (10) is added to that section, to read:
 28 1002.39 The John M. McKay Scholarships for Students with
 29 Disabilities Program.—There is established a program that is
 30 separate and distinct from the Opportunity Scholarship Program
 31 and is named the John M. McKay Scholarships for Students with
 32 Disabilities Program.

15-01073A-16

20161088__

33 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
 34 student with a disability may request and receive from the state
 35 a John M. McKay Scholarship for the child to enroll in and
 36 attend a private school in accordance with this section if:

37 (a) The student has:

38 1. Received specialized instructional services under the
 39 Voluntary Prekindergarten Education Program pursuant to s.
 40 1002.66 during the previous school year and the student has a
 41 current individual educational plan developed by the local
 42 school board in accordance with rules of the State Board of
 43 Education for the John M. McKay Scholarships for Students with
 44 Disabilities Program or a 504 accommodation plan has been issued
 45 under s. 504 of the Rehabilitation Act of 1973; or

46 2. Spent the prior school year in attendance at a Florida
 47 public school or the Florida School for the Deaf and the Blind.
 48 For purposes of this subparagraph, prior school year in
 49 attendance means that the student was enrolled and reported by:

50 a. A school district for funding during the preceding
 51 October and February Florida Education Finance Program surveys
 52 in kindergarten through grade 12, which includes time spent in a
 53 Department of Juvenile Justice commitment program if funded
 54 under the Florida Education Finance Program;

55 b. The Florida School for the Deaf and the Blind during the
 56 preceding October and February student membership surveys in
 57 kindergarten through grade 12; or

58 c. A school district for funding during the preceding
 59 October and February Florida Education Finance Program surveys,
 60 was at least 4 years of age when so enrolled and reported, and
 61 was eligible for services under s. 1003.21(1)(e).

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62
63 However, a foster child or a dependent child of a member of the
64 United States Armed Forces who transfers to a school in this
65 state from out of state or from a foreign country due to a
66 parent's permanent change of station orders is exempt from this
67 paragraph but must meet all other eligibility requirements to
68 participate in the program.

69 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
70 not eligible for a John M. McKay Scholarship:

71 (h) While he or she is not having regular and direct
72 contact with his or her private school teachers at the school's
73 physical location unless he or she is enrolled in the private
74 school's transition-to-work program pursuant to subsection (10);
75 or

76 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
77 eligible to participate in the John M. McKay Scholarships for
78 Students with Disabilities Program, a private school may be
79 sectarian or nonsectarian and must:

80 (b) Provide to the department all documentation required
81 for a student's participation, including the private school's
82 and student's fee schedules, at least 30 days before any
83 quarterly scholarship payment is made for the student pursuant
84 to paragraph (11) (e) ~~(10) (e)~~. A student is not eligible to
85 receive a quarterly scholarship payment if the private school
86 fails to meet this deadline.

87
88 The inability of a private school to meet the requirements of
89 this subsection shall constitute a basis for the ineligibility
90 of the private school to participate in the scholarship program

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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91 as determined by the department.

92 (10) TRANSITION-TO-WORK PROGRAM.—A student participating in
93 the John M. McKay Scholarships for Students with Disabilities
94 Program who is at least 17 years, but not older than 22 years,
95 of age and who has not received a high school diploma or
96 certificate of completion is eligible for enrollment in his or
97 her private school's transition-to-work program. A transition-
98 to-work program shall consist of academic instruction, work
99 skills training, and a volunteer or paid work experience.

100 (a) To offer a transition-to-work program, a participating
101 private school must:

102 1. Develop a transition-to-work program plan, which must
103 include a written description of the academic instruction and
104 work skills training students will receive and the goals for
105 students in the program.

106 2. Submit the transition-to-work program plan to the Office
107 of Independent Education and Parental Choice.

108 3. Develop a personalized transition-to-work program plan
109 for each student enrolled in the program. The student's parent,
110 the student, and the school principal must sign the personalized
111 plan. The personalized plan must be submitted to the Office of
112 Independent Education and Parental Choice upon request by the
113 office.

114 4. Provide a release of liability form that must be signed
115 by the student's parent, the student, and a representative of
116 the business offering the volunteer or paid work experience.

117 5. Assign a case manager or job coach to visit the
118 student's job site on a weekly basis to observe the student and,
119 if necessary, provide support and guidance to the student.

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120 6. Provide to the parent and student a quarterly report
 121 that documents and explains the student's progress and
 122 performance in the program.

123 7. Maintain accurate attendance and performance records for
 124 the student.

125 (b) A student enrolled in a transition-to-work program
 126 must, at a minimum:

127 1. Receive 15 instructional hours at the private school's
 128 physical facility, which must include academic instruction and
 129 work skills training.

130 2. Participate in 10 hours of work at the student's
 131 volunteer or paid work experience.

132 (c) To participate in a transition-to-work program, a
 133 business must:

134 1. Maintain an accurate record of the student's performance
 135 and hours worked and provide the information to the private
 136 school.

137 2. Comply with all state and federal child labor laws.

138 ~~(11)-(10)~~ JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.-

139 (a)1. The maximum scholarship granted for an eligible
 140 student with disabilities shall be equivalent to the base
 141 student allocation in the Florida Education Finance Program
 142 multiplied by the appropriate cost factor for the educational
 143 program that would have been provided for the student in the
 144 district school to which he or she was assigned, multiplied by
 145 the district cost differential.

146 2. In addition, a share of the guaranteed allocation for
 147 exceptional students shall be determined and added to the amount
 148 in subparagraph 1. The calculation shall be based on the

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149 methodology and the data used to calculate the guaranteed
 150 allocation for exceptional students for each district in chapter
 151 2000-166, Laws of Florida. Except as provided in subparagraphs
 152 3. and 4., the calculation shall be based on the student's
 153 grade, matrix level of services, and the difference between the
 154 2000-2001 basic program and the appropriate level of services
 155 cost factor, multiplied by the 2000-2001 base student allocation
 156 and the 2000-2001 district cost differential for the sending
 157 district. The calculated amount shall include the per-student
 158 share of supplemental academic instruction funds, instructional
 159 materials funds, technology funds, and other categorical funds
 160 as provided in the General Appropriations Act.

161 3. The scholarship amount for a student who is eligible
 162 under sub-subparagraph (2)(a)2.b. shall be calculated as
 163 provided in subparagraphs 1. and 2. However, the calculation
 164 shall be based on the school district in which the parent
 165 resides at the time of the scholarship request.

166 4. Until the school district completes the matrix required
 167 by paragraph (5)(b), the calculation shall be based on the
 168 matrix that assigns the student to support Level I of service as
 169 it existed prior to the 2000-2001 school year. When the school
 170 district completes the matrix, the amount of the payment shall
 171 be adjusted as needed.

172 5. The scholarship amount for a student eligible under s.
 173 504 of the Rehabilitation Act of 1973 shall be based on the
 174 program cost factor the student currently generates through the
 175 Florida Education Finance Program.

176 6. The scholarship amount granted for an eligible student
 177 with disabilities is not subject to the maximum value for

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178 funding a student under s. 1011.61(4).

179 Section 2. Subsection (4) of section 1011.61, Florida
180 Statutes, is amended to read:

181 1011.61 Definitions.—Notwithstanding the provisions of s.
182 1000.21, the following terms are defined as follows for the
183 purposes of the Florida Education Finance Program:

184 (4) The maximum value for funding a student in kindergarten
185 through grade 12 or in a prekindergarten program for exceptional
186 children as provided in s. 1003.21(1)(e) shall be the sum of the
187 calculations in paragraphs (a), (b), and (c) as calculated by
188 the department.

189 (a) The sum of the student's full-time equivalent student
190 membership value for the school year or the equivalent derived
191 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
192 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
193 subsection (2). If the sum is greater than 1.0, the full-time
194 equivalent student membership value for each program or course
195 shall be reduced by an equal proportion so that the student's
196 total full-time equivalent student membership value is equal to
197 1.0.

198 (b) If the result in paragraph (a) is less than 1.0 full-
199 time equivalent student and the student has full-time equivalent
200 student enrollment pursuant to sub-sub-subparagraph
201 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
202 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
203 1.0 less the value in paragraph (a).

204 (c) The full-time equivalent student enrollment value in
205 sub-subparagraph (1)(c)2.a.

206

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207 A scholarship award provided to a student enrolled in the John
208 M. McKay Scholarships for Students with Disabilities Program
209 pursuant to s. 1002.39 is not subject to the maximum value for
210 funding a student under this subsection.

211 Section 3. This act shall take effect July 1, 2016.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-2016
Meeting Date

1088
Bill Number (if applicable)

Topic McKay Scholarships

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Board Member

Address P.O. Box 1602
Street

Phone _____

Vero Beach FL 32961
City State Zip

Email info@FCDBM.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 27, 2016
Meeting Date

1088
Bill Number (if applicable)

Topic McKey Transition to Work / SB 1088

Amendment Barcode (if applicable)

Name Robyn A Rennick

Job Title Board member

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Street

Phone 850 893 2216

Tallahassee FL 32309
City State Zip

Email drills@talstar.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Coalition of McKey Scholarship Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2016
Meeting Date

1088
Bill Number (if applicable)

Topic McKay Scholarships

Amendment Barcode (if applicable)

Name Deborah Linton

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City State Zip

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Arc of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16
Meeting Date

SB 1088
Bill Number (if applicable)

Topic McKay Scholarships

Amendment Barcode (if applicable)

Name Debbie Mortham

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan. 27, 2016
Meeting Date

1088
Bill Number (if applicable)

Topic John M. McKay Scholarships

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

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Street

Tallahassee FL 32301

Email jherzog@flacsb.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: CS/SB 1088

INTRODUCER: Education Pre-K - 12 Committee and Senators Stargel and Garcia

SUBJECT: Education Programs for Individuals With Disabilities

DATE: January 29, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1088 expands eligibility requirements for students enrolled in education programs for students with disabilities. Specifically, the bill:

- Amends the John M. McKay Scholarship for Students with Disabilities Program (McKay) to:
 - Exempt foster children from the prior school year attendance requirement for determining student eligibility.
 - Authorize a private school to establish a transition-to-work program for McKay students.
 - Enable McKay students to take virtual courses without reducing the scholarship amount.
- Saves from repeal the Adults with Disabilities Workforce Education Pilot Program, and renames the program the “Adults with Disabilities Workforce Education Program.”

The bill provides an effective date of July 1, 2016, except where otherwise expressly provided.

II. Present Situation:

McKay Scholarship For Students With Disabilities Program

The John M. McKay Scholarship Program For Students With Disabilities Program (McKay) provides the option to attend an eligible public or private school for students with disabilities that

have an individual education plan (IEP) or an accommodation plan that has been issued under s. 504 of the Rehabilitation Act of 1973 (504 accommodation plan).¹

Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; and other health impairments; an emotional or behavioral disability; a specific learning disability, including but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.²

Eligibility Requirements

The parent of a student with a disability may request and receive a McKay scholarship for the child to enroll in and attend a private school if:³

- The student has:
 - Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind; or
 - Received specialized instructional services under the Voluntary Prekindergarten Education Program⁴ during the previous school year and has a current IEP or 504 accommodation plan.
- The parent has obtained acceptance for admission of the student to a private school that is eligible for the program, and has requested a McKay scholarship from the Department of Education (DOE) at least 60 days before the date of the first scholarship payment.

Prior School Year Attendance

For purposes of scholarship eligibility, the term “prior school year in attendance” means the student was enrolled and reported by:⁵

- A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the FEFP;
- The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or
- A school district for funding during the preceding October and February FEFP surveys and the student was at least 4 years old when enrolled and reported and eligible for services under the school attendance requirements for prekindergarten aged children with disabilities.

¹ Section 1002.39(1), F.S.

² Section 1002.39(1), F.S.

³ Section 1002.39(2), F.S. The public school option is discussed in the McKay Public School Option portion of this analysis.

⁴ In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the Voluntary Prekindergarten Education (VPK) Program. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK Program and has a current IEP developed by the district school board. Section 1002.66, F.S.; see also s. 1002.53, F.S.

⁵ Section 1002.39(2)(a)2., F.S. Although not required to attend a public school, children with disabilities who have attained the age of 3 years are eligible for admission to public special education programs and related services. Section 1003.21(1)(e), F.S.

The legislature has authorized one exception to the prior school year attendance requirement. A dependent child of a member of the United States Armed Forces who transfers to a Florida school from out of state or from a foreign country due to a parent's permanent change of station orders is exempt from the prior school year attendance requirements, but must meet all other eligibility requirements to participate in the McKay Scholarship Program.⁶

Scholarship Funding and Payments

The amount of a McKay scholarship is a statutorily calculated amount or the amount of the private school's tuition and fees, whichever is less.⁷ Until a school district completes a matrix of services, the calculation must be based on the matrix that assigns the student to support Level I of services.⁸ When the school district completes the matrix, the amount of the payment is adjusted as needed.⁹

State funding per student may not exceed 1.0 FTE, including traditional and virtual courses.¹⁰ If a student's course load exceeds 1.0 FTE, the funding for each course is reduced proportionately to equal 1.0 FTE.¹¹ For example, although McKay students are authorized to take up to two virtual courses,¹² the scholarship amount is reduced in order to comply with the 1.0 FTE requirement.

Public School Transition to Postsecondary Education and Career Opportunities

To ensure quality planning for a successful transition of a student with a disability to postsecondary education and career opportunities, an individual education plan (IEP) team must develop an IEP for identifying the need for transition services.¹³

The plan must:¹⁴

- Be developed by the time the student is 14, in order for the student's postsecondary goals and career goals to be identified and in place when the student turns 16 years old.¹⁵
- Consider the student's need for instruction in the area of self-determination and self-advocacy to assist the student's active and effective participation in an IEP meeting.

⁶ Section 1002.39(2)(a), F.S. (flush left provision at the end of the paragraph).

⁷ Section 1002.39(10)(b), F.S. The McKay scholarship has a maximum cap, which is equivalent to the base student allocation in the Florida Education Finance Program (FEFP) multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which the student was assigned, multiplied by the district cost differential. Section 1002.39(10)(a), F.S.

⁸ Section 1002.39(10)(a)4., F.S.

⁹ *Id.*

¹⁰ Section 1011.61(4)(a), F.S.

¹¹ *Id.*

¹² Section 1002.39(3)(f), F.S., states that a student is not eligible for McKay while participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year.

¹³ Section 1003.5716(1), F.S. Any change in the IEP goals must be approved by the parent is is subject to verification for appropriateness by an independent reviewer selected by the parent. Section 1003.5716(3), F.S.

¹⁴ Section 1003.5716, F.S.

¹⁵ *Id.*

- Prepare the student to graduate from high school with a standard high school diploma with a Scholar designation, unless the parent chooses a Merit designation.
- Include a statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
- Include a statement, when the student turns 16,¹⁶ of:
 - Intent to pursue a standard high school diploma and Scholar or Merit designation, as determined by the parent.
 - Intent of receive a standard high school diploma before the student turns 22. The statement must include a description of how the student will fully meet the requirement for receiving a standard high school diploma, including a portfolio.
 - Outcomes and additional benefits expected by the parent and the IEP team at the time of the student's graduation.

If a participating agency responsible for transition services fails to provide the transition services described in the IEP, the school district must reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student that are specified in the IEP.¹⁷ The participating agency is not relieved of the responsibility to provide for or pay for any transition services that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.¹⁸

Adults with Disabilities Workforce Education Pilot Program

The Adults with Disabilities Workforce Education Pilot Program (Pilot Program) was established by the Legislature in 2012 as a Department of Education (DOE) pilot program in Hardee, DeSoto, Manatee, and Sarasota counties.¹⁹

Student Eligibility

The Pilot Program provides the option of receiving a scholarship for instruction at private schools for up to 30 students who:²⁰

- Have a disability;²¹
- Are 22 years of age;
- Are receiving instruction from an instructor in a private school to meet high school graduation requirements;
- Do not have a standard high school diploma or a special high school diploma; and

¹⁶ Sixteen or younger if determined appropriate by the parent and the IEP team. *Id.* The statement must be updated annually. *Id.*

¹⁷ Section 1003.5716(4), F.S.

¹⁸ *Id.*

¹⁹ Section 12, ch. 2012-134, L.O.F.; Section 1004.935, F.S.

²⁰ Section 1004.395(1), F.S.

²¹ The term "student with a disability" includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including but not limited to dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder. Section 1004.935(1), F.S.

- Receive supported employment services.²²

A student may participate in the Pilot Program until the student graduates from high school or reaches the age of 40 years, whichever occurs first.²³

If the student chooses to participate in the Pilot Program and is accepted by the provider of supported employment services, the student must notify DOE 60 days before the first scholarship payment and before participating in the Pilot Program.²⁴

Private School Eligibility

To be eligible to participate in the Pilot Program, a private school must meet certain requirements.²⁵ The private school must:²⁶

- Be academically accountable for meeting the educational needs of the student by annually providing to the provider of supported employment services a written explanation of the student's progress.
- Comply with federal nondiscrimination requirements.
- Meet state and local health and safety laws and codes.
- Provide the provider of supported employment services all documentation required for a student's participation at least 30 days before any scholarship payment is made for the student.

The Program is scheduled to be repealed June 30, 2016.²⁷

III. Effect of Proposed Changes:

CS/SB 1088 expands eligibility requirements for students enrolled in education programs for students with disabilities. Specifically, the bill:

- Amends the John M. McKay Scholarship for Students with Disabilities Program (McKay) to:
 - Exempt foster children from the prior school year attendance requirement for determining student eligibility.
 - Authorize a private school to establish a transition-to-work program for McKay students.
 - Enable McKay students to take virtual courses without reducing the scholarship amount.
- Saves from repeal the Adults with Disabilities Workforce Education Pilot Program, and renames the program the "Adults with Disabilities Workforce Education Program."

²² Supported employment services means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance. Section 1004.935(1)(e), F.S. These services may be provided at more than one site. S. 1004.935(3), F.S. The provider of these services must be a nonprofit 501(c)(3) corporation which services the respective pilot counties, and must contract with an eligible private school. S. 1004.935(4), F.S.

²³ Section 1004.935(2), F.S.

²⁴ Section 1004.935(6)(a), F.S.

²⁵ Section 1004.935(5), F.S. The private school may be sectarian or nonsectarian. *Id.*

²⁶ *Id.*

²⁷ Section 55, ch. 2014-39, L.O.F.; Section 1004.395(1), F.S.

Foster Children

The bill adds foster children to the existing exemption from the prior school year attendance requirement for determining McKay eligibility.

Transition-To-Work Program

The bill authorizes a private school to establish a transition-to-work program for private school McKay students. The transition-to-work program consists of academic instruction, work skills training, and a volunteer or paid work experience.

To participate in the transition-to-work program, McKay students:

- Must be between 17 and 22 years of age, and have not yet received a high school diploma or certificate of completion.
- Must receive 15 hours of academic instruction and work skills training at a private school.
- Must participate in 10 hours of work at the student's work experience program.
- Is exempted from having regular and direct contact with the teacher at the private school's physical location.

To offer a transition-to-work program, a private school in the McKay Scholarship Program must:

- Develop and submit to DOE a transition-to-work program plan that includes a description of the academic instruction and work skills training the students will receive.
- Develop a personalized transition-to-work program plan for each student in the program, which must be signed by the student, the student's parent, and the school principal. A personalized plan must be submitted to DOE upon request.
- Provide a liability release form signed by the student, the student's parent, and the business offering the work experience.
- Assign a case manager to visit the student's job site on a weekly basis, observe the student, and, provide support.
- Provide to the student and parent a quarterly report documenting the student's progress and performance.
- Maintain accurate attendance and performance records for the student.

To participate in a transition-to work-program, a business must:

- Maintain and provide accurate records of the student's performance and hours worked.
- Comply with all state and federal child labor laws.

As compared to the public school transition to postsecondary education and career opportunities statutory requirements, the McKay transition to work program primarily differs in that it:

- Is agreed to in a signed plan between the parent, student and principal, rather than being included in the student's IEP.
- Contains specific accountability requirements of requiring weekly visits by an assigned case manager or job coach, and requiring quarterly progress reports to be provided to the parent and student.
- Identifies specific instructional and work hour requirements.
- Requires a release of liability that the parent, student, and business must sign.

Scholarship Proportional Reduction for Virtual Courses

The bill provides that the McKay scholarship amount is not subject to the maximum value for funding a student under the FEFP.²⁸ In effect, McKay students taking two virtual courses will not have the scholarship amount is reduced in order to comply with the 1.0 FTE requirement.

Adults with Disabilities Workforce Education Pilot Program

The bill saves from repeal the Adults with Disabilities Workforce Education Pilot Program, and renames the program the “Adults with Disabilities Workforce Education Program.”

The bill takes effect July 1, 2016, except where otherwise expressly provided.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Not determined.

VI. Technical Deficiencies:

None.

²⁸ Sections 1011.62; 1011.61(4), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.39, 1004.935, 1011.61.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Pre-K – 12 Education on January 27, 2016:

The CS includes provisions that:

- Save from repeal the Adults with Disabilities Workforce Education Pilot Program.
- Rename the program the “Adults with Disabilities Workforce Education Program.”

- B. **Amendments:**

None.



348174

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete line 211

and insert:

Section 3. Effective June 29, 2016, section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education ~~Pilot~~ Program.—

(1) The Adults with Disabilities Workforce Education ~~Pilot~~ Program is established in the Department of Education ~~through~~



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11 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
12 to provide the option of receiving a scholarship for instruction
13 at private schools for up to 30 students who:

14 (a) Have a disability;

15 (b) Are 22 years of age;

16 (c) Are receiving instruction from an instructor in a
17 private school to meet the high school graduation requirements
18 in s. 1002.3105(5) or s. 1003.4282;

19 (d) Do not have a standard high school diploma or a special
20 high school diploma; and

21 (e) Receive "supported employment services," which means
22 employment that is located or provided in an integrated work
23 setting with earnings paid on a commensurate wage basis and for
24 which continued support is needed for job maintenance.

25
26 As used in this section, the term "student with a disability"
27 includes a student who is documented as having an intellectual
28 disability; a speech impairment; a language impairment; a
29 hearing impairment, including deafness; a visual impairment,
30 including blindness; a dual sensory impairment; an orthopedic
31 impairment; another health impairment; an emotional or
32 behavioral disability; a specific learning disability,
33 including, but not limited to, dyslexia, dyscalculia, or
34 developmental aphasia; a traumatic brain injury; a developmental
35 delay; or autism spectrum disorder.

36 (2) A student participating in the ~~pilot~~ program may
37 continue to participate in the program until the student
38 graduates from high school or reaches the age of 40 years,
39 whichever occurs first.



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40 (3) Supported employment services may be provided at more
41 than one site.

42 (4) The provider of supported employment services must be a
43 nonprofit corporation under s. 501(c)(3) of the Internal Revenue
44 Code which serves Hardee County, DeSoto County, Manatee County,
45 or Sarasota County and must contract with a private school in
46 this state which meets the requirements in subsection (5).

47 (5) A private school that participates in the ~~pilot~~ program
48 may be sectarian or nonsectarian and must:

49 (a) Be academically accountable for meeting the educational
50 needs of the student by annually providing to the provider of
51 supported employment services a written explanation of the
52 student's progress.

53 (b) Comply with the antidiscrimination provisions of 42
54 U.S.C. s. 2000d.

55 (c) Meet state and local health and safety laws and codes.

56 (d) Provide to the provider of supported employment
57 services all documentation required for a student's
58 participation, including the private school's and student's fee
59 schedules, at least 30 days before any quarterly scholarship
60 payment is made for the student. A student is not eligible to
61 receive a quarterly scholarship payment if the private school
62 fails to meet this deadline.

63
64 The inability of a private school to meet the requirements of
65 this subsection constitutes a basis for the ineligibility of the
66 private school to participate in the ~~pilot~~ program.

67 (6) (a) If the student chooses to participate in the ~~pilot~~
68 program and is accepted by the provider of supported employment



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69 services, the student must notify the Department of Education of
70 his or her acceptance into the program 60 days before the first
71 scholarship payment and before participating in the ~~pilot~~
72 program in order to be eligible for the scholarship.

73 (b) Upon receipt of a scholarship warrant, the student or
74 parent to whom the warrant is made must restrictively endorse
75 the warrant to the provider of supported employment services for
76 deposit into the account of the provider. The student or parent
77 may not designate any entity or individual associated with the
78 participating provider of supported employment services as the
79 student's or parent's attorney in fact to endorse a scholarship
80 warrant. A participant who fails to comply with this paragraph
81 forfeits the scholarship.

82 (7) Funds for the scholarship shall be provided from the
83 appropriation from the school district's Workforce Development
84 Fund in the General Appropriations Act for students who reside
85 in the Hardee County School District, the DeSoto County School
86 District, the Manatee County School District, or the Sarasota
87 County School District. ~~During the pilot program,~~ The
88 scholarship amount granted for an eligible student with a
89 disability shall be equal to the cost per unit of a full-time
90 equivalent adult general education student, multiplied by the
91 adult general education funding factor, and multiplied by the
92 district cost differential pursuant to the formula required by
93 s. 1011.80(6)(a) for the district in which the student resides.

94 (8) Upon notification by the Department of Education that
95 it has received the required documentation, the Chief Financial
96 Officer shall make scholarship payments in four equal amounts no
97 later than September 1, November 1, February 1, and April 1 of



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98 each academic year in which the scholarship is in force. The
99 initial payment shall be made after the Department of Education
100 verifies that the student was accepted into the ~~pilot~~ program,
101 and subsequent payments shall be made upon verification of
102 continued participation in the ~~pilot~~ program. Payment must be by
103 individual warrant made payable to the student or parent and
104 mailed by the Department of Education to the provider of
105 supported employment services, and the student or parent shall
106 restrictively endorse the warrant to the provider of supported
107 employment services for deposit into the account of that
108 provider.

109 (9) Subsequent to each scholarship payment, the Department
110 of Education shall request from the Department of Financial
111 Services a sample of endorsed warrants to review and confirm
112 compliance with endorsement requirements.

113 Section 4. Except as otherwise expressly provided in this
114 act, this act shall take effect July 1, 2016.

115
116 ===== T I T L E A M E N D M E N T =====

117 And the title is amended as follows:

118 Delete lines 2 - 18

119 and insert:

120 An act relating to education programs for individuals
121 with disabilities; amending s. 1002.39, F.S. ;
122 exempting a foster child from specified eligibility
123 provisions; providing that a student enrolled in a
124 transition-to-work program is eligible for a John M.
125 McKay Scholarship; creating a transition-to-work
126 program for specific students enrolled in the John M.



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127 McKay Scholarships for Students with Disabilities
128 Program; providing program requirements; providing
129 participation requirements for schools, students, and
130 businesses; exempting a John M. McKay Scholarship
131 award from a specified funding calculation; amending
132 s. 1011.61, F.S.; exempting a John M. McKay
133 Scholarship award from a specified funding calculation
134 for purposes of the Florida Education Finance Program;
135 amending s. 1004.935, F.S.; deleting the scheduled
136 termination of the Adults with Disabilities Workforce
137 Education Pilot Program; changing the name of the
138 program to the "Adults with Disabilities Workforce
139 Education Program"; providing effective dates.

By Senator Gaetz

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1 A bill to be entitled
 2 An act relating to student assessments; creating s.
 3 1008.223, F.S.; providing purposes; authorizing a
 4 district school board to choose to implement certain
 5 rigorous alternative assessment options by a certain
 6 school year; providing requirements for the rigorous
 7 alternative assessment options; specifying the types
 8 of exams that may be taken and the corresponding
 9 substitutions or exemptions that may be earned by
 10 certain students; requiring the Commissioner of
 11 Education to collaborate with ACT, Inc.; requiring the
 12 State Board of Education to adopt such scores in rule
 13 by a specified school year; requiring a district
 14 school board that chooses to implement rigorous
 15 alternative assessment options to notify the
 16 commissioner, students, and parents of the decision by
 17 a specified date; requiring a parent to annually
 18 notify the school district in writing by a certain
 19 date if his or her child will take the statewide,
 20 standardized assessments; requiring the state board to
 21 adopt in rule adjustments to certain scores based on
 22 certain recommendations; requiring rigorous
 23 alternative assessment options to be available for
 24 students in high school beginning in the 2016-2017
 25 school year; specifying the types of industry
 26 certifications and assessments that may be taken and
 27 the corresponding exemptions and high school credit
 28 that may be earned by a student in high school;
 29 requiring the commissioner to adopt the schedule for
 30 the administration of the rigorous alternative
 31 assessment options; requiring student performance
 32 results to be made available to district school

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33 superintendents annually by a specified date;
 34 providing requirements for high school credits;
 35 providing proxy values to link student performance on
 36 rigorous alternative assessments to certain
 37 evaluations and grades; requiring the commissioner to
 38 seek legislative approval for any adjustments to the
 39 proxy values by a specified time; requiring the
 40 commissioner to submit certain recommendations to the
 41 Legislature by a specified date; requiring the
 42 rigorous alternative assessment options and proxies to
 43 be included in each district school board-approved
 44 student progression plan and each district school
 45 board-approved educator performance evaluation system
 46 by a specified time; requiring the commissioner to
 47 coordinate with school districts for the
 48 administration of the rigorous alternative
 49 assessments; requiring the Department of Education to
 50 renegotiate the Florida Standards Assessment contract;
 51 specifying that certain requirements do not apply to
 52 the renegotiation; requiring the renegotiated contract
 53 to be executed by a specified date; authorizing the
 54 department to renegotiate other assessment contracts;
 55 requiring the department to negotiate and contract
 56 with certain entities in order to implement the
 57 rigorous alternative assessments; prohibiting the
 58 funding for the assessments from causing an increase
 59 in a certain appropriation in the General
 60 Appropriations Act; requiring each district school
 61 board to publish notification of the rigorous

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62 alternative assessment and student choice options on
 63 its school district website; providing applicability;
 64 providing for rulemaking; providing an implementation
 65 schedule for the 2016-2017 school year; amending s.
 66 1002.3105, F.S.; specifying that a student who attains
 67 a passing score on a rigorous alternative assessment
 68 may meet certain requirements; amending s. 1002.33,
 69 F.S.; revising compliance requirements for charter
 70 schools; amending s. 1003.4282, F.S.; requiring each
 71 school district to annually notify students and
 72 parents of standard high school diploma requirements
 73 by a specified date; conforming provisions to changes
 74 made by the act; amending ss. 1003.4285, 1003.4295,
 75 and 1003.436, F.S.; conforming provisions to changes
 76 made by the act; amending s. 1006.28, F.S.; requiring
 77 instructional materials to be consistent with the
 78 rigorous alternative assessment option; requiring a
 79 district school board to make certain certifications
 80 at a public meeting; amending s. 1007.27, F.S.;
 81 requiring the department to identify the minimum
 82 scores, maximum credit, and courses for which credit
 83 is awarded for certain examinations; amending ss.
 84 1007.271 and 1011.61, F.S.; conforming provisions to
 85 changes made by the act; amending s. 1011.62, F.S.;
 86 deleting certain bonus limits that may be earned for
 87 instructing students who receive specified grades on
 88 certain examinations; amending s. 1012.34, F.S.;
 89 requiring a classroom teacher's performance evaluation
 90 to be based on the performance of certain students;

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91 requiring the commissioner to make certain requests
 92 and submit certain documentation regarding the federal
 93 Elementary and Secondary Education Act by a specified
 94 date; requiring the commissioner to submit a report to
 95 the Governor and the Legislature by a specified date;
 96 providing an effective date.
 97

98 Be It Enacted by the Legislature of the State of Florida:
 99

100 Section 1. Section 1008.223, Florida Statutes, is created
 101 to read:

102 1008.223 Rigorous alternative assessment options.-
 103 (1) PURPOSE.-The purpose of this section is to enable
 104 students to choose to take rigorous alternative assessments, in
 105 lieu of the statewide, standardized assessments established
 106 pursuant to s. 1008.22 to meet subject area, course, credit, and
 107 assessment requirements for student progression and graduation.
 108 It is the intent of the Legislature to preserve the statewide,
 109 standardized assessments as the default common battery of
 110 assessments for all students attending public schools. The
 111 rigorous alternative assessments are intended to supplement the
 112 statewide assessment program with valid, reliable, and respected
 113 assessment options for students to demonstrate subject area and
 114 grade level competency and college and career readiness.
 115 Additionally, the purpose of this section is to:
 116 (a) Expand the availability of rigorous alternative
 117 assessment options that students take to meet requirements for
 118 admission to postsecondary educational institutions or to
 119 generate college credits, often at least three credit hours, so

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120 that such credits also substitute for statewide, standardized
121 assessments.

122 (b) Maximize a performance-based approach that allows
123 students to generate credit based on attaining a concordant,
124 comparative, or passing score on a rigorous alternative
125 assessment without enrolling in the corresponding course to
126 demonstrate satisfactory performance in meeting the requirements
127 to earn a standard high school diploma.

128 (c) Link student performance on rigorous alternative
129 assessments to educator evaluation, school grade, school
130 improvement rating, and school district grade calculations.

131 (d) Leverage the Course Code Directory and the statewide
132 course numbering system to link assessments and courses to award
133 credit and assist the state and school districts with planning
134 and administering rigorous alternative assessments.

135
136 Nothing stated in this section shall be construed to require
137 students to take rigorous alternative assessments in addition to
138 the statewide, standardized assessments or as substitutes for
139 the Florida Alternate Assessment for students with disabilities
140 pursuant to s. 1008.22.

141 (2) DISTRICT OPTIONS FOR STUDENTS.—

142 (a) Beginning in the 2016-2017 school year, a district
143 school board may choose to implement one of the following
144 rigorous alternative assessment options or a combination of such
145 assessments as specified in this paragraph, in lieu of the
146 statewide, standardized assessments:

147 1. ACT Aspire for grades 3 through 8. If a district school
148 board chooses to administer the ACT Aspire assessments for

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149 grades 3 through 8 districtwide, a student enrolled in a public
150 school within that school district must take the ACT Aspire
151 assessments to satisfy the statewide, standardized assessment
152 requirements and demonstrate subject area and grade level
153 competency in English Language Arts (ELA), mathematics, and
154 science, unless the student's parent selects the statewide,
155 standardized assessments pursuant to s. 1008.22 for the student.
156 The commissioner must collaborate with ACT, Inc., to establish
157 ACT Aspire scores that demonstrate grade level and subject area
158 competency in ELA, mathematics, and science for grades 3 through
159 8. Before the beginning of the 2016-2017 school year, the state
160 board must adopt the scores in rule.

161 2. ACT Aspire and ACT for high school. If a district school
162 board chooses to administer the ACT Aspire assessments for
163 grades 9 and 10 and ACT districtwide, a student enrolled in a
164 public school in that school district must take the ACT Aspire
165 and ACT assessments to satisfy the statewide, standardized
166 assessment requirements and demonstrate subject area competency
167 and college and career readiness, unless the student's parent
168 selects the statewide, standardized assessments pursuant to s.
169 1008.22 for the student. A student may take the ACT after taking
170 the ACT Aspire assessments for grades 9 and 10 or after
171 demonstrating his or her readiness to take the ACT, as
172 determined by the district school superintendent, through
173 coursework or scores on the ACT Aspire assessments.

174 a. The ACT Aspire and ACT Performance-Based Student Outcome
175 Worksheet under this sub-subparagraph shall be used to authorize
176 ACT Aspire assessment and ACT substitutions for the grade 9 and
177 grade 10 ELA assessments and the Algebra I EOC assessment. The

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178 scores specified in the worksheet demonstrate grade level and
 179 subject area competency in ELA and mathematics.

180 ACT Aspire and ACT Performance-Based Student Outcome Worksheet
 181 Student Performance

<u>Test</u>	<u>Score</u>	<u>=</u>	<u>Substitution</u>
<u>ACT Aspire or</u>	<u>426 on ACT</u>	<u>=</u>	<u>Grade 9 ELA assessment</u>
<u>ACT English</u>	<u>Aspire or 17</u>		
<u>and Reading</u>	<u>on ACT</u>		
<u>components</u>	<u>(English and</u>		
	<u>Reading</u>		
	<u>Average)</u>		
<u>ACT Aspire or</u>	<u>428 on ACT</u>	<u>=</u>	<u>Grade 9 ELA and Grade 10</u>
<u>ACT English</u>	<u>Aspire or 18</u>		<u>ELA assessments</u>
<u>and Reading</u>	<u>on ACT</u>		
<u>components</u>	<u>(English and</u>		
	<u>Reading</u>		
	<u>Average)</u>		
<u>ACT Aspire or</u>	<u>428 on ACT</u>	<u>=</u>	<u>Algebra I EOC assessment</u>
<u>ACT</u>	<u>Aspire or 18</u>		
<u>Mathematics</u>	<u>on ACT</u>		

185
 186 b. The ACT Aspire and ACT Performance-Based Student Outcome
 187 Worksheet under this sub-subparagraph shall be used to authorize
 188 ACT Aspire and ACT as rigorous alternative assessment options

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189 for granting exemptions from taking the Geometry EOC, Algebra II
 190 EOC, and Biology I EOC assessments. Additionally, the worksheet
 191 shall be used to authorize ACT Aspire and ACT as rigorous
 192 alternative assessment options for granting exemptions from all
 193 assessment requirements in order to earn a standard high school
 194 diploma. The scores specified in the worksheet shall serve as
 195 the basis for granting the exemptions from taking the statewide,
 196 standardized assessments.

197 ACT Aspire and ACT Performance-Based Student Outcome Worksheet
 198 Student Performance

<u>Test</u>	<u>Score</u>	<u>=</u>	<u>Exemption</u>
<u>ACT Aspire or</u>	<u>432 on ACT</u>	<u>=</u>	<u>Geometry EOC assessment</u>
<u>ACT</u>	<u>Aspire or 20</u>		
<u>Mathematics</u>	<u>on ACT</u>		
<u>ACT Aspire or</u>	<u>435 on ACT</u>	<u>=</u>	<u>Geometry EOC and Algebra</u>
<u>ACT</u>	<u>Aspire or 22</u>		<u>II EOC assessments</u>
<u>Mathematics</u>	<u>on ACT</u>		
<u>ACT Aspire or</u>	<u>430 on ACT</u>	<u>=</u>	<u>Biology I EOC assessment</u>
<u>ACT Science</u>	<u>Aspire or 20</u>		
	<u>on ACT</u>		
<u>ACT Aspire or</u>	<u>428 on ACT</u>	<u>=</u>	<u>Grade 9 ELA and Grade 10</u>
<u>ACT</u>	<u>Aspire or 18</u>		<u>ELA, Algebra I EOC,</u>
	<u>on ACT</u>		<u>Geometry EOC, Algebra II</u>

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<p><u>(English and Reading Average); 435 on ACT Aspire or 22 on ACT Mathematics; and 430 on ACT Aspire or 20 on ACT Science</u></p>	<p><u>EOC, Biology I EOC, and United States History EOC assessments</u></p>
---	---

203

204 3. PSAT or NMSQT, and SAT for high school. If a district

205 school board chooses to administer the PSAT or NMSQT, and SAT

206 assessments districtwide, a student enrolled in a public school

207 in that school district must take the PSAT or NMSQT, as

208 applicable, and SAT assessments to satisfy the statewide,

209 standardized assessment requirements and demonstrate subject

210 area competency and college and career readiness, unless the

211 student's parent selects the statewide, standardized assessments

212 pursuant to s. 1008.22 for the student. A student may take the

213 SAT after taking the PSAT or NMSQT assessments or after

214 demonstrating his or her readiness to take the SAT, as

215 determined by the district school superintendent, through

216 coursework or scores on the PSAT or NMSQT assessments.

217 a. The PSAT, NMSQT, and SAT Performance-Based Student

218 Outcome Worksheet under this sub-subparagraph shall be used to

219 authorize PSAT, NMSQT, and SAT substitutions for the grade 9 and

220 grade 10 ELA assessments and the Algebra I EOC assessment. The

221 scores specified in the worksheet demonstrate grade level and

222 subject area competency in ELA and mathematics.

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223 PSAT, NMSQT, and SAT Performance-Based Student Outcome

224 Worksheet

225 Student Performance

<u>Test</u>	<u>Score</u>	<u>=</u>	<u>Substitution</u>
<p>225 <u>PSAT, NMSQT, or SAT Critical Reading and Writing</u></p>	<p><u>64 on PSAT or NMSQT, or 640 on SAT (Critical Reading and Writing Sum)</u></p>	<p><u>=</u></p>	<p><u>Grade 9 ELA assessment</u></p>
<p>226 <u>PSAT, NMSQT, or SAT Critical Reading and Writing</u></p>	<p><u>67 on PSAT or NMSQT, or 670 on SAT (Critical Reading and Writing Sum)</u></p>	<p><u>=</u></p>	<p><u>Grade 9 ELA and Grade 10 ELA assessments</u></p>
<p>227 <u>PSAT, NMSQT, or SAT Mathematics</u></p>	<p><u>42 on PSAT or NMSQT, or 420 on SAT</u></p>	<p><u>=</u></p>	<p><u>Algebra I EOC assessment</u></p>
<p>228 <u>b. The PSAT, NMSQT, and SAT Performance-Based Student</u></p> <p>229 <u>Outcome Worksheet under this sub-subparagraph shall be used to</u></p> <p>230 <u>authorize PSAT, NMSQT, and SAT as rigorous alternative</u></p> <p>231 <u>assessment options for granting exemptions from taking the</u></p> <p>232</p>			

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 233 Geometry EOC and Algebra II EOC assessments. Additionally, the
 234 worksheet shall be used to authorize PSAT, NMSQT, and SAT for
 235 exemption from all assessment requirements in order to earn a
 236 standard high school diploma. The scores specified in the
 237 worksheet shall serve as the basis for granting exemptions from
 238 taking the statewide, standardized assessments.

PSAT, NMSQT, and SAT Performance-Based Student Outcome
Worksheet
Student Performance

<u>Test</u>	<u>Score</u>	<u>=</u>	<u>Exemption</u>
241 <u>PSAT, NMSQT,</u> <u>or SAT</u> <u>Mathematics</u>	<u>45 on PSAT or</u> <u>NMSQT, or 450</u> <u>on SAT</u>	<u>=</u>	<u>Geometry EOC assessment</u>
242 <u>PSAT, NMSQT,</u> <u>or SAT</u> <u>Mathematics</u>	<u>50 on PSAT or</u> <u>NMSQT, or 500</u> <u>on SAT</u>	<u>=</u>	<u>Geometry EOC and Algebra II</u> <u>EOC assessments</u>
243 <u>PSAT, NMSQT,</u> <u>or SAT</u>	<u>120 on PSAT</u> <u>or NMSQT, or</u> <u>1200 on SAT</u> <u>(Critical</u> <u>Reading,</u> <u>Writing, and</u> <u>Mathematics</u> <u>Sum)</u>	<u>=</u>	<u>Grade 9 ELA and Grade 10</u> <u>ELA, Algebra I EOC,</u> <u>Geometry EOC, Algebra II</u> <u>EOC, Biology I EOC, and</u> <u>United States History EOC</u> <u>assessments</u>

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 244
 245 A district school board may, pursuant to this paragraph, choose
 246 any one of the rigorous alternative assessment options specified
 247 under subparagraphs 1., 2., and 3. or a combination of
 248 assessment options specified under subparagraphs 1. and 2. or
 249 subparagraphs 1. and 3.

250 (b) A student who does not attain the score specified under
 251 this subsection for exemption from taking the Geometry EOC,
 252 Algebra II EOC, Biology I EOC, or United States History EOC
 253 assessments must take the applicable EOC assessment after
 254 completing the relevant course during that school year to meet
 255 the requirements of ss. 1003.4282 and 1008.22. A student's
 256 performance on the statewide, standardized EOC assessment
 257 constitutes 30 percent of the student's final course grade
 258 pursuant to s. 1003.4282, and the student must pass the Geometry
 259 EOC, Algebra II EOC, Biology I EOC, and United States History
 260 EOC assessments to earn the Scholar designation on the standard
 261 high school diploma pursuant to s. 1003.4285.

262 (c) By July 8, 2016, for the 2016-2017 school year pursuant
 263 to subsection (12) and by August 1 of each school year
 264 thereafter, a district school board that selects rigorous
 265 alternative assessments must identify and approve such
 266 assessments for districtwide use. Accordingly, the district
 267 school superintendent shall notify the commissioner, inform the
 268 students and parents of the rigorous alternative assessment
 269 options, and coordinate with the commissioner to arrange for the
 270 administration and facilitation of such assessments.

271 (d) Annually, by August 10 of each school year, a parent
 272 must notify the applicable school district, in writing, if the

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 273 parent selects the statewide, standardized assessments for his
 274 or her child. The parent's selection shall apply to the required
 275 statewide, standardized assessments pursuant to s. 1008.22 for
 276 the relevant grade level and subject area which are administered
 277 during that school year. A student may not be required to take
 278 an assessment if the student has satisfied the subject area,
 279 course, credit, or assessment requirements, as applicable,
 280 through rigorous alternative assessment options for student
 281 progression and graduation.

282 (e) The state board shall adopt in rule adjustments, as
 283 necessary, to the scores specified under this subsection before
 284 the beginning of the 2016-2017 school year based on
 285 recommendations from the commissioner; ACT, Inc.; and the
 286 College Board.

287 (3) OPTIONS FOR STUDENTS IN HIGH SCHOOL.—Beginning in the
 288 2016-2017 school year, rigorous alternative assessment options,
 289 adopted pursuant to this subsection, must be available to
 290 students statewide. A student may choose to take rigorous
 291 alternative assessments without enrolling in the corresponding
 292 courses. However, the student must attain a passing score on the
 293 rigorous alternative assessments to meet the subject area,
 294 course, credit, and assessment requirements under ss. 1002.3105,
 295 1003.4282, 1003.4285, 1003.4295(3), and 1008.22. At a minimum,
 296 the rigorous alternative assessment options that a student may
 297 choose to take must include:

298 (a) Passing scores on nationally recognized industry
 299 certifications. A student who attains national industry
 300 certifications by passing industry-approved examinations for
 301 such certifications is exempt from the relevant statewide,

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 302 standardized assessment requirements to earn a standard high
 303 school diploma, as specified under this section. The Industry
 304 Certifications Performance-Based Student Outcome Worksheet under
 305 this paragraph shall be used to exempt a student from the
 306 relevant statewide, standardized assessment based on student
 307 performance on the industry-approved examinations to earn
 308 national industry certifications. Annually, the state board
 309 shall adopt by rule additional industry certifications that, if
 310 attained by a student, shall exempt the student from the
 311 relevant statewide, standardized assessment requirements.

Industry Certifications Performance-Based Student Outcome
Worksheet
Student Performance

313	<u>Industry Certification</u>	=	<u>Exemption</u>
314	<u>Associate Level Certified</u> <u>Electronic Technician</u>	=	<u>Algebra I EOC and</u> <u>Geometry EOC</u> <u>assessments</u>
315	<u>Autodesk Certified Professional -</u> <u>AutoCAD, AutoCAD Civil 3D,</u> <u>Inventor, Revit Architecture</u>	=	<u>Geometry EOC assessment</u>
316	<u>Biotechnician Assistant</u>	=	<u>Biology I EOC</u> <u>assessment</u>
317	<u>Certified Apprentice Drafter -</u>	=	<u>Geometry EOC assessment</u>

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318 Architectural

Chief Architect Certified = Geometry EOC assessment
Apprentice

319 Certified Dental Assistant = Biology I EOC
assessment

320 Cisco Certified Network = Algebra I EOC and
Professional Geometry EOC
assessments

321 ComTIA A+ = Algebra I EOC and
Geometry EOC
assessments

322 Emergency Medical Technician = Biology I EOC
assessment

323 FAA Aviation Mechanic Technician = Algebra I EOC, Geometry
- Airframe EOC, and Algebra II EOC
assessments

324 FAA Aviation Maintenance = Algebra I EOC, Geometry
Technician - Powerplant EOC, and Algebra II EOC
assessments

325 FAA Ground School = Algebra I EOC, Geometry
EOC, and Algebra II EOC

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assessments

326 Global Logistics Associate = Algebra I EOC, Geometry
EOC, and Algebra II EOC
assessments

327 MSSC Certified Production = Algebra I EOC, Geometry
Technician EOC, and Algebra II EOC
assessments

328 Oracle Certified Associate: = Algebra I EOC, Geometry
Database EOC, and Algebra II EOC
assessments

329

330 (b) Passing scores on assessments such as:

331 1. The SAT Subject Test. The SAT Subject Test Performance-
332 Based Student Outcome Worksheet under this subparagraph shall be
333 used to satisfy high school subject area, course, credit, and
334 assessment requirements, based on student performance on the SAT
335 Subject Test, as adopted in rule by the state board.

336

SAT Subject Test Performance-Based Student Outcome Worksheet
Student Performance

337

<u>Test</u>	<u>Score</u>	<u>Exemption</u>
338 <u>SAT Biology-</u>	<u>Passing score</u>	= <u>Enrolling in and</u>
<u>Ecological,</u>	<u>on the</u>	<u>completing the</u>
<u>Biology-</u>	<u>respective SAT</u>	<u>corresponding course and</u>

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Molecular, Subject Test taking the corresponding
U.S. History, EOC assessment, if
World History, applicable, to earn high
Chemistry, or school credit
Physics
Subject Tests

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2. College-Level Examination Program (CLEP), DSST
examination, or another rigorous alternative assessment. The
CLEP and DSST Performance-Based Student Outcome Worksheet under
this subparagraph shall be used to satisfy high school subject
area, course, credit, and assessment requirements, based on
student performance on the CLEP or DSST, as specified.

CLEP and DSST Performance-Based Student Outcome Worksheet
Student Performance

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<u>Examination</u>	<u>Score</u>	<u>Exemption</u>	<u>High School</u>
			<u>Credit Award</u>
<u>CLEP College</u>	<u>Passing</u>	<u>= Enrolling in and</u>	<u>1 Algebra I</u>
<u>Algebra or</u>	<u>score on</u>	<u>completing the</u>	<u>credit for</u>
<u>DSST</u>	<u>CLEP or</u>	<u>corresponding</u>	<u>any</u>
<u>Fundamentals</u>	<u>DSST</u>	<u>course and taking</u>	<u>examination</u>
<u>of College</u>		<u>the Algebra I EOC</u>	
<u>Algebra</u>		<u>assessment</u>	
<u>CLEP College</u>	<u>Passing</u>	<u>= Enrolling in and</u>	<u>1 Algebra II</u>
<u>Algebra-</u>	<u>score</u>	<u>completing the</u>	<u>credit</u>

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Trigonometry corresponding
course and taking
the Algebra II
EOC assessment

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3. Advanced Placement (AP) Examination. The AP Exam
Performance-Based Student Outcome Worksheet under this
subparagraph shall be used to satisfy high school subject area,
course, credit, and assessment requirements, based on student
performance on the AP examinations, as specified. A student who
attains a passing score on the specified examinations must be
awarded one high school credit each toward the corresponding
courses if the student takes the examinations without enrolling
in the corresponding courses.

AP Exam Performance-Based Student Outcome Worksheet
Student Performance

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<u>Examination</u>	<u>Score</u>	<u>= Exemption</u>	<u>High School</u>
			<u>Credit</u>
			<u>Award</u>
<u>AP Calculus</u>	<u>3</u>	<u>= Enrolling in and</u>	<u>1 Mathematics</u>
<u>AB, Calculus</u>		<u>completing the</u>	<u>credit for</u>
<u>BC, or</u>		<u>corresponding</u>	<u>each</u>
<u>Statistics</u>		<u>course</u>	<u>examination</u>
<u>AP Biology</u>	<u>3</u>	<u>= Enrolling in and</u>	<u>1 Biology I</u>
		<u>completing the</u>	<u>credit</u>

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corresponding
course and
taking the
Biology I EOC
assessment

364 AP Physics 1 3 = Enrolling in and 1 Science
or 2, or completing the credit for
Chemistry corresponding each
course examination

365 AP United 3 = Enrolling in and 1 United
States completing the States
History corresponding History
course and credit
taking the
United States
History EOC
assessment

366 AP World 3 = Enrolling in and 1 World
History completing the History
course corresponding credit
course

367 AP United 3 = Enrolling in and 0.5 United
States completing the States
Government corresponding Government
and Politics course credit

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368 AP Macro 3 = Enrolling in and 0.5
Economics or completing the Economics
AP Micro corresponding credit
Economics course

369 4. Dual enrollment course and corresponding assessment. The
370 Dual Enrollment Performance-Based Student Outcome Worksheet
371 under this subparagraph shall be used to satisfy high school
372 subject area, course, credit, and assessment requirements, based
373 on student performance on the statewide, standardized EOC
374 assessment or CLEP examination corresponding to the dual
375 enrollment course, as specified.
376
377 Dual Enrollment Performance-Based Student Outcome Worksheet
Student Performance

378 Course Test Exemption High School
Credit Award

379 Sequence of Take Biology = EOC 1 Biology I
college-credit I EOC assessment credit
dual enrollment assessment performance
courses in Life or CLEP does not
Sciences and General constitute
Biological Biology 30 percent
Sciences or of the final
college-credit course grade
courses in

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General Biology

Sequence of Take United = EOC 1 United
college-credit States assessment States
dual enrollment History EOC performance History
courses in or CLEP does not credit
Introductory History of constitute
Survey to 1877 the United 30 percent
and Introductory States I and of the final
Survey Since 1877 CLEP History course grade
of the
United
States II

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382 If a student attains a passing score on a rigorous alternative
 383 assessment under this subsection, the score must be applied
 384 toward the credit requirements for electives unless the passing
 385 score is applied first to meet the assessment and credit
 386 requirements for ELA, mathematics, science, or social studies
 387 pursuant to this paragraph.

388 (4) ASSESSMENT SCHEDULE AND REPORTING OF RESULTS.—The
 389 commissioner must adopt within the assessment schedule pursuant
 390 to s. 1008.22 the assessment schedule for the administration of
 391 rigorous alternative assessment options. To the extent possible,
 392 the commissioner shall consider the semester calendars of public
 393 colleges and universities in the state to accommodate and
 394 maximize the availability of assessment options for dual
 395 enrollment students. Student performance on rigorous alternative
 396 assessments must be made available to the district school

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397 superintendents by August 1 of each year.

398 (5) CREDIT REQUIREMENTS.—The following authorizations apply
 399 to credit earned through rigorous alternative assessment options
 400 pursuant to this section:

401 (a) The credit earned by a student passing a rigorous
 402 alternative assessment is exempt from the minimum instructional
 403 hour requirements under s. 1003.436.

404 (b) A school district must award one credit, or as
 405 otherwise authorized under this section, for each rigorous
 406 alternative assessment or statewide, standardized assessment
 407 that a student passes, without requiring the student to enroll
 408 in or complete the corresponding coursework, as authorized under
 409 the Credit Acceleration Program pursuant to s. 1003.4295(3).

410 (6) PROXIES.—Before the beginning of the 2016-2017 school
 411 year, the commissioner shall collaborate with ACT, Inc., and the
 412 College Board to establish proxy values for linking student
 413 performance on rigorous alternative assessments to educator
 414 performance evaluation, school grade, school improvement rating,
 415 and school district grade calculations. Such proxy values for
 416 applicability statewide must be approved by the state board. The
 417 commissioner must seek the Legislature’s approval for the state
 418 board-approved proxy values under this subsection during the
 419 2017 regular session. Additionally, by December 31, 2016, the
 420 commissioner shall submit to the President of the Senate and the
 421 Speaker of the House of Representatives statutory
 422 recommendations for improving the implementation of this
 423 section.

424 (7) AVAILABILITY.—

425 (a) Rigorous alternative assessment options specifically

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426 outlined under this section and other options must be adopted by
 427 the state board in rule. Beginning no later than the 2016-2017
 428 school year, a school district must clearly identify the
 429 available rigorous alternative assessment options pursuant to
 430 this section in each district school board-approved student
 431 progression plan, and the proxies established pursuant to
 432 subsection (6) must be included in each district school board-
 433 approved educator performance evaluation system.

434 (b) Pursuant to s. 1008.22, the commissioner shall
 435 coordinate with the school districts to provide for the
 436 administration of rigorous alternative assessments by school
 437 districts or through contracts with private vendors, public
 438 vendors, public agencies, or postsecondary educational
 439 institutions.

440 (8) STATEWIDE ASSESSMENT CONTRACTS.-
 441 (a) The Department of Education shall immediately
 442 renegotiate the Florida Standards Assessment contract with
 443 American Institutes for Research, Contract Number 14-652, to
 444 implement this section, including, but not limited to, reducing
 445 the contract amount to fund the contracts executed pursuant to
 446 paragraph (c). The competitive procurement requirements in s.
 447 287.057 do not apply to contract renegotiations pursuant to this
 448 paragraph.

449 1. The department shall ensure the renegotiated contract
 450 fully implements s. 1008.22 and this section. The department's
 451 priority, for any reductions to the scope of work which are
 452 demanding by American Institutes for Research to implement this
 453 section, is to minimize student disruption.

454 2. The renegotiated contract shall be executed by May 27,

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455 2016.

456 3. The renegotiated contract should not result in an
 457 increase in price per assessment or any other price increases.

458 4. The department may not use any funds to restore the loss
 459 of funds pursuant to this subsection to Contract Number 14-652.

460 (b) The department may also renegotiate other existing
 461 assessment contracts, such as the Florida Comprehensive
 462 Assessment Test retake contract; the Florida Assessments for
 463 Instruction in Reading assessment contract; the statewide end-
 464 of-course assessment contracts; and grants to school districts
 465 for test development, so that funds shall be available for the
 466 administration of the rigorous alternative assessments.

467 (c) The department shall negotiate and contract with
 468 entities such as ACT, Inc., and the College Board to implement
 469 this section. The competitive procurement requirements in s.
 470 287.057 do not apply to contracts executed pursuant to this
 471 paragraph. The department shall ensure that:

472 1. The contracts are executed in sufficient time for this
 473 section to be fully implemented in the 2016-2017 school year.

474 2. All contracts pursuant to this paragraph fully implement
 475 this section.

476 3. It obtains the lowest possible total contract price and
 477 price per assessment. In obtaining the lowest possible price,
 478 the department shall use the lowest pricing offered by the
 479 vendor in this state and in other states that reasonably matches
 480 the contract's scope of work.

481 (d) For 2016-2017, funding for the rigorous alternative
 482 assessments may not cause an increase in the Assessment and
 483 Evaluation appropriation in the General Appropriations Act.

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484 Funds made available as a result of renegotiated statewide,
 485 standardized assessment and other assessment contracts in
 486 paragraphs (a) and (b) shall be used to provide funding for the
 487 alternative assessment contracts in paragraph (c).

488 (9) NOTIFICATION.—By September 1 of each year, as a
 489 component of notification requirements pursuant to s. 1003.4282,
 490 each district school board must notify students and parents, in
 491 writing, after a properly noticed public meeting, of the
 492 rigorous assessment options that students may select to meet the
 493 subject area, course, credit, and assessment requirements, as
 494 applicable, for student progression and graduation. Each
 495 district school board must publish the notification regarding
 496 rigorous alternative assessment and student choice options
 497 prominently on the home page of the school district's website.

498 (10) APPLICABILITY.—The duties assigned to a district
 499 school board pursuant to subsection (2) apply to a charter
 500 school governing board, and the duties assigned to the school
 501 district, superintendent, or district employee apply to a
 502 charter school principal.

503 (11) RULES.—The State Board of Education shall
 504 expeditiously adopt rules to implement this section. The rules
 505 adopted by the board must clearly identify all options for
 506 awarding credit corresponding to the subject area, course, and
 507 assessment, as applicable. The options must be clearly reflected
 508 in the Course Code Directory, statewide course numbering system,
 509 credit-by-examination equivalency list adopted by the state
 510 board in rule, and the list of equivalency of dual enrollment
 511 courses to high school subject areas which is approved by the
 512 department.

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513 (12) IMPLEMENTATION SCHEDULE FOR THE 2016-2017 SCHOOL
 514 YEAR.—Notwithstanding the provisions of this section, the
 515 following actions related to districtwide use of rigorous
 516 alternative assessment options must occur by the following
 517 specified dates:

518 (a) A district school board must file with the department a
 519 nonbinding notice of interest to indicate if the school district
 520 intends to administer a rigorous alternative assessment option
 521 specified in subsection (2) and identify the chosen assessment
 522 option by April 1, 2016.

523 (b) The department shall execute the contracts required
 524 pursuant to subsection (8) by May 27, 2016.

525 (c) The department shall notify the school districts of the
 526 rigorous alternative assessment option pursuant to subsection
 527 (2) by June 1, 2016.

528 (d) Each district school board that chooses to administer a
 529 rigorous alternative assessment option pursuant to subsection
 530 (2) must make the decision by July 1, 2016, and must notify the
 531 commissioner and the student's parents of the board's decision
 532 by July 8, 2016.

533 (e) The parent of a student in a school district that
 534 chooses to administer a rigorous alternative assessment option
 535 pursuant to subsection (2) must notify the district by August
 536 10, 2016, in writing, if he or she selects for his or her child
 537 to take the statewide, standardized assessments pursuant to s.
 538 1008.22 for the relevant grade level and subject area which are
 539 administered during that school year.

540 Section 2. Subsection (5) of section 1002.3105, Florida
 541 Statutes, is amended to read:

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542 1002.3105 Academically Challenging Curriculum to Enhance
543 Learning (ACCEL) options.-

544 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.-A student who
545 meets the applicable grade 9 cohort graduation requirements of
546 s. 1003.4282(3)(a)-(e) or s. 1003.4282(10)(a)1.-5., (b)1.-5.,
547 (c)1.-5., or (d)1.-5., earns three credits in electives, and
548 earns a cumulative grade point average (GPA) of 2.0 on a 4.0
549 scale shall be awarded a standard high school diploma in a form
550 prescribed by the State Board of Education. A student may meet
551 the requirements specified under this subsection by attaining a
552 passing score on a rigorous alternative assessment pursuant to
553 s. 1008.223.

554 Section 3. Paragraph (a) of subsection (16) of section
555 1002.33, Florida Statutes, is amended to read:

556 1002.33 Charter schools.-

557 (16) EXEMPTION FROM STATUTES.-

558 (a) A charter school shall operate in accordance with its
559 charter and shall be exempt from all statutes in chapters 1000-
560 1013. However, a charter school shall be in compliance with the
561 following statutes in chapters 1000-1013:

562 1. Those statutes specifically applying to charter schools,
563 including this section.

564 2. Those statutes pertaining to the student assessment
565 program and school grading system, including, but not limited
566 to, the ability to choose a rigorous alternative assessment
567 option pursuant to s. 1008.223(2) regardless of its sponsor's
568 decision.

569 3. Those statutes pertaining to the provision of services
570 to students with disabilities.

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571 4. Those statutes pertaining to civil rights, including s.
572 1000.05, relating to discrimination.

573 5. Those statutes pertaining to student health, safety, and
574 welfare.

575 Section 4. Subsections (2) and (3) of section 1003.4282,
576 Florida Statutes, are amended to read:

577 1003.4282 Requirements for a standard high school diploma.-

578 (2) NOTIFICATION REQUIREMENTS.-By July 8, 2016, for the
579 2016-2017 school year and by August 1 of each school year
580 thereafter, the school district must notify students and
581 parents, in writing, of the requirements for a standard high
582 school diploma, rigorous alternative assessments pursuant to s.
583 1008.223 which may be taken in lieu of the statewide,
584 standardized assessments, available designations, and the
585 eligibility requirements for state scholarship programs and
586 postsecondary admissions. The Department of Education shall
587 directly and through the school districts notify registered
588 private schools of public high school course credit and
589 assessment requirements. Each private school must make this
590 information available to students and their parents so they are
591 aware of public high school graduation requirements.

592 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
593 REQUIREMENTS.-Unless otherwise specified under s. 1002.3105, s.
594 1003.4295(3), or s. 1008.223, a student must meet the following
595 requirements to earn a standard high school diploma:

596 (a) *Four credits in English Language Arts (ELA).*-The four
597 credits must be in ELA I, II, III, and IV. A student must pass
598 the statewide, standardized grade 10 Reading assessment or, when
599 implemented, the grade 10 ELA assessment, or earn a concordant

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600 score, in order to earn a standard high school diploma.

601 (b) *Four credits in mathematics.*—A student must earn one
602 credit in Algebra I and one credit in Geometry. A student's
603 performance on the statewide, standardized Algebra I end-of-
604 course (EOC) assessment constitutes 30 percent of the student's
605 final course grade. A student must pass the statewide,
606 standardized Algebra I EOC assessment, or earn a comparative
607 score, in order to earn a standard high school diploma. A
608 student's performance on the statewide, standardized Geometry
609 EOC assessment constitutes 30 percent of the student's final
610 course grade. If the state administers a statewide, standardized
611 Algebra II assessment, a student selecting Algebra II must take
612 the assessment, and the student's performance on the assessment
613 constitutes 30 percent of the student's final course grade. An A
614 student who earns an industry certification attained by a
615 student for which there is a statewide college credit
616 articulation agreement approved by the State Board of Education
617 shall may substitute the certification for one mathematics
618 credit. ~~Substitution may occur for up to two mathematics~~
619 ~~credits, except for Algebra I and Geometry.~~

620 (c) *Three credits in science.*—Two of the three required
621 credits must have a laboratory component. A student must earn
622 one credit in Biology I and two credits in equally rigorous
623 courses. The statewide, standardized Biology I EOC assessment
624 constitutes 30 percent of the student's final course grade. An A
625 student who earns an industry certification attained by a
626 student for which there is a statewide college credit
627 articulation agreement approved by the State Board of Education
628 shall may substitute the certification for one science credit,

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629 ~~except for Biology I.~~

630 (d) *Three credits in social studies.*—A student must earn
631 one credit in United States History; one credit in World
632 History; one-half credit in economics, which must include
633 financial literacy; and one-half credit in United States
634 Government. The United States History EOC assessment constitutes
635 30 percent of the student's final course grade.

636 (e) *One credit in fine or performing arts, speech and*
637 *debate, or practical arts.*—The practical arts course must
638 incorporate artistic content and techniques of creativity,
639 interpretation, and imagination. Eligible practical arts courses
640 are identified in the Course Code Directory.

641 (f) *One credit in physical education.*—Physical education
642 must include the integration of health. Participation in an
643 interscholastic sport at the junior varsity or varsity level for
644 two full seasons shall satisfy the one-credit requirement in
645 physical education if the student passes a competency test on
646 personal fitness with a score of "C" or better. The competency
647 test on personal fitness developed by the Department of
648 Education must be used. A district school board may not require
649 that the one credit in physical education be taken during the
650 9th grade year. Completion of one semester with a grade of "C"
651 or better in a marching band class, in a physical activity class
652 that requires participation in marching band activities as an
653 extracurricular activity, or in a dance class shall satisfy one-
654 half credit in physical education or one-half credit in
655 performing arts. This credit may not be used to satisfy the
656 personal fitness requirement or the requirement for adaptive
657 physical education under an individual education plan (IEP) or

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658 504 plan. Completion of 2 years in a Reserve Officer Training
 659 Corps (R.O.T.C.) class, a significant component of which is
 660 drills, shall satisfy the one-credit requirement in physical
 661 education and the one-credit requirement in performing arts.
 662 This credit may not be used to satisfy the personal fitness
 663 requirement or the requirement for adaptive physical education
 664 under an IEP or 504 plan.

665 (g) *Eight credits in electives.*—School districts must
 666 develop and offer coordinated electives so that a student may
 667 develop knowledge and skills in his or her area of interest,
 668 such as electives with a STEM or liberal arts focus. Such
 669 electives must include opportunities for students to earn
 670 college credit, including industry-certified career education
 671 programs or series of career-themed courses that result in
 672 industry certification or articulate into the award of college
 673 credit, or career education courses for which there is a
 674 statewide or local articulation agreement and which lead to
 675 college credit.

676
 677 Unless otherwise authorized under s. 1008.223, a student must
 678 take the statewide, standardized assessments and pass the grade
 679 10 ELA and Algebra I EOC assessments as specified under this
 680 subsection to earn a standard high school diploma.

681 Section 5. Subsection (1) of section 1003.4285, Florida
 682 Statutes, is amended to read:

683 1003.4285 Standard high school diploma designations.—

684 (1) Each standard high school diploma shall include, as
 685 applicable, the following designations if the student meets the
 686 criteria set forth for the designation:

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687 (a) *Scholar designation.*—In addition to the requirements of
 688 s. 1003.4282, in order to earn the Scholar designation, a
 689 student must satisfy the following requirements through
 690 statewide, standardized assessments or rigorous alternative
 691 assessments as authorized under s. 1008.223:

692 1. Mathematics.—Earn one credit in Algebra II and one
 693 credit in statistics or an equally rigorous course. Beginning
 694 with students entering grade 9 in the 2014–2015 school year,
 695 pass the Algebra II and Geometry statewide, standardized
 696 assessments.

697 2. Science.—Pass the statewide, standardized Biology I EOC
 698 assessment and earn one credit in chemistry or physics and one
 699 credit in a course equally rigorous to chemistry or physics.
 700 However, a student enrolled in an Advanced Placement (AP),
 701 International Baccalaureate (IB), or Advanced International
 702 Certificate of Education (AICE) Biology course who takes the
 703 respective AP, IB, or AICE Biology assessment and earns the
 704 minimum score necessary to earn college credit as identified
 705 pursuant to s. 1007.27(2) meets the requirement of this
 706 subparagraph without having to take the statewide, standardized
 707 Biology I EOC assessment.

708 3. Social studies.—Pass the statewide, standardized United
 709 States History EOC assessment. However, a student enrolled in an
 710 AP, IB, or AICE course that includes United States History
 711 topics who takes the respective AP, IB, or AICE assessment and
 712 earns the minimum score necessary to earn college credit as
 713 identified pursuant to s. 1007.27(2) meets the requirement of
 714 this subparagraph without having to take the statewide,
 715 standardized United States History EOC assessment.

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716 4. Foreign language.—Earn two credits in the same foreign
717 language.

718 5. Electives.—Earn at least one credit in an Advanced
719 Placement, an International Baccalaureate, an Advanced
720 International Certificate of Education, or a dual enrollment
721 course.

722 (b) *Merit designation.*—In addition to the requirements of
723 s. 1003.4282, in order to earn the Merit designation, a student
724 must attain one or more industry certifications from the list
725 established under s. 1003.492.

726 Section 6. Subsection (3) of section 1003.4295, Florida
727 Statutes, is amended to read:

728 1003.4295 Acceleration options.—

729 (3) The Credit Acceleration Program (CAP) is created for
730 the purpose of allowing a student to earn high school credit in
731 Algebra I, Algebra II, geometry, United States history, or
732 biology if the student passes the statewide, standardized
733 assessment administered under s. 1008.22. Notwithstanding s.
734 1003.436, a school district shall award course credit to a
735 student who is not enrolled in the course, or who has not
736 completed the course, if the student attains a passing score on
737 the corresponding statewide, standardized assessment, an
738 examination identified under s. 1007.27(2), or a rigorous
739 alternative assessment under s. 1008.223. The school district
740 shall permit a student who is not enrolled in the course, or who
741 has not completed the course, to take the assessment during the
742 regular administration of the assessment.

743 Section 7. Paragraph (a) of subsection (1) of section
744 1003.436, Florida Statutes, is amended to read:

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745 1003.436 Definition of "credit."—

746 (1) (a) For the purposes of requirements for high school
747 graduation, one full credit means a minimum of 135 hours of bona
748 fide instruction in a designated course of study that contains
749 student performance standards, except as otherwise provided
750 through the Credit Acceleration Program (CAP) under s.
751 1003.4295(3). One full credit means a minimum of 120 hours of
752 bona fide instruction in a designated course of study that
753 contains student performance standards for purposes of meeting
754 high school graduation requirements in a district school that
755 has been authorized to implement block scheduling by the
756 district school board. The State Board of Education shall
757 determine the number of postsecondary credit hours earned
758 through dual enrollment pursuant to s. 1007.271 that satisfy the
759 requirements of a dual enrollment articulation agreement
760 according to s. 1007.271(21) and that equal one full credit of
761 the equivalent high school course identified pursuant to s.
762 1007.271(9). Notwithstanding this paragraph, if a student
763 attains a passing score on an examination or assessment
764 identified under s 1007.27(2) or s. 1008.223, the score must be
765 considered equal to one full credit of an equivalent or equally
766 rigorous high school course, or as authorized under s. 1008.223,
767 and shall apply toward the subject area, course, credit, and
768 assessment requirements for student progression and graduation.

769 Section 8. Paragraph (b) of subsection (1) of section
770 1006.28, Florida Statutes, is amended to read:

771 1006.28 Duties of district school board, district school
772 superintendent; and school principal regarding K-12
773 instructional materials.—

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774 (1) DISTRICT SCHOOL BOARD.—The district school board has
 775 the constitutional duty and responsibility to select and provide
 776 adequate instructional materials for all students in accordance
 777 with the requirements of this part. The term “adequate
 778 instructional materials” means a sufficient number of student or
 779 site licenses or sets of materials that are available in bound,
 780 unbound, kit, or package form and may consist of hardbacked or
 781 softbacked textbooks, electronic content, consumables, learning
 782 laboratories, manipulatives, electronic media, and computer
 783 courseware or software that serve as the basis for instruction
 784 for each student in the core subject areas of mathematics,
 785 language arts, social studies, science, reading, and literature.
 786 The district school board has the following specific duties and
 787 responsibilities:

788 (b) *Instructional materials.*—Provide for proper
 789 requisitioning, distribution, accounting, storage, care, and use
 790 of all instructional materials and furnish such other
 791 instructional materials as may be needed. Instructional
 792 materials used must be consistent with the district goals and
 793 objectives and the course descriptions established in rule of
 794 the State Board of Education, as well as with the applicable
 795 Next Generation Sunshine State Standards provided for in s.
 796 1003.41 or a rigorous alternative assessment option pursuant to
 797 s. 1008.223(2) for students to demonstrate college and career
 798 readiness. A district school board that uses a rigorous
 799 alternative assessment option pursuant to s. 1008.223(2) may
 800 continue to use any of the processes in ss. 1006.28-1006.42 to
 801 obtain instructional materials; however, the district school
 802 board must certify at a public meeting that such instructional

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803 materials are appropriate for students who take the rigorous
 804 alternative assessments in the relevant grades and subject
 805 areas.

806 Section 9. Subsections (2), (3), and (6) of section
 807 1007.27, Florida Statutes, are amended to read:

808 1007.27 Articulated acceleration mechanisms.—

809 (2) The Department of Education shall annually identify and
 810 publish the minimum scores, maximum credit, and course or
 811 courses for which credit is to be awarded for each College Level
 812 Examination Program (CLEP) subject examination, College Board
 813 Advanced Placement Program examination, Advanced International
 814 Certificate of Education examination, ~~and~~ International
 815 Baccalaureate examination, DSST examination, Excelsior College
 816 Examinations, and UExcel examination. The department shall use
 817 student performance data in subsequent postsecondary courses to
 818 determine the appropriate examination scores and courses for
 819 which credit is to be granted. Minimum scores may vary by
 820 subject area based on available performance data. In addition,
 821 the department shall identify such courses in the general
 822 education core curriculum of each state university and Florida
 823 College System institution.

824 (3) Each district school board, Florida College System
 825 institution, and state university must award credit for specific
 826 courses for which competency has been demonstrated by successful
 827 passage of one of the examinations in subsection (2) unless the
 828 award of credit duplicates credit already awarded. District
 829 school boards, Florida College System institutions, and state
 830 universities may not exempt students from courses without the
 831 award of credit if competencies have been so demonstrated.

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832 (6) Credit by examination shall be the program through
 833 which secondary and postsecondary students generate high school
 834 and postsecondary credit based on the receipt of a specified
 835 minimum score on nationally standardized general or subject-area
 836 examinations. For the purpose of statewide application, such
 837 examinations and the corresponding minimum scores required for
 838 an award of high school and postsecondary credit shall be
 839 delineated by the State Board of Education ~~or and~~ the Board of
 840 Governors, as applicable, in the statewide articulation
 841 agreement required by s. 1007.23(1) and the credit-by-
 842 examination equivalency list adopted by the state board in rule
 843 pursuant to s. 1007.27. The maximum credit generated by a
 844 student pursuant to this subsection shall be mitigated by any
 845 related postsecondary credit earned by the student before ~~prior~~
 846 ~~to~~ the administration of the examination. This subsection does
 847 ~~shall~~ not preclude Florida College System institutions and
 848 universities from awarding postsecondary credit by examination
 849 based on student performance on examinations developed within
 850 and recognized by the individual postsecondary institutions.

851 Section 10. Paragraph (a) of subsection (6) and subsection
 852 (18) of section 1007.271, Florida Statutes, are amended to read:
 853 1007.271 Dual enrollment programs.—

854 (6) The following curriculum standards apply to college
 855 credit dual enrollment:

856 (a) Dual enrollment courses taught on the high school
 857 campus must meet the same competencies required for courses
 858 taught on the postsecondary institution campus. To ensure
 859 equivalent rigor with courses taught on the postsecondary
 860 institution campus, the secondary school or the postsecondary

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861 institution that provides the dual enrollment course instruction
 862 ~~offering the course~~ is responsible for providing in a timely
 863 manner a comprehensive, cumulative end-of-course assessment, a
 864 rigorous alternative assessment pursuant to s. 1008.223, or a
 865 series of assessments of all expected learning outcomes to the
 866 faculty member teaching the course. Completed, scored
 867 assessments must be returned to the postsecondary institution
 868 and held for 1 year.

869 (18) School districts and Florida College System
 870 institutions must weigh dual enrollment courses the same as
 871 advanced placement, International Baccalaureate, and Advanced
 872 International Certificate of Education courses when grade point
 873 averages are calculated. Unless otherwise specified in s.
 874 1008.223, alternative grade calculation systems, alternative
 875 grade weighting systems, and information regarding student
 876 education options that discriminate against dual enrollment
 877 courses are prohibited.

878 Section 11. Paragraph (c) of subsection (1) of section
 879 1011.61, Florida Statutes, is amended to read:

880 1011.61 Definitions.—Notwithstanding the provisions of s.
 881 1000.21, the following terms are defined as follows for the
 882 purposes of the Florida Education Finance Program:

883 (1) A "full-time equivalent student" in each program of the
 884 district is defined in terms of full-time students and part-time
 885 students as follows:

886 (c)1. A "full-time equivalent student" is:

887 a. A full-time student in any one of the programs listed in
 888 s. 1011.62(1)(c); or

889 b. A combination of full-time or part-time students in any

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890 one of the programs listed in s. 1011.62(1)(c) which is the
 891 equivalent of one full-time student based on the following
 892 calculations:

893 (I) A full-time student in a combination of programs listed
 894 in s. 1011.62(1)(c) shall be a fraction of a full-time
 895 equivalent membership in each special program equal to the
 896 number of net hours per school year for which he or she is a
 897 member, divided by the appropriate number of hours set forth in
 898 subparagraph (a)1. or subparagraph (a)2. The difference between
 899 that fraction or sum of fractions and the maximum value as set
 900 forth in subsection (4) for each full-time student is presumed
 901 to be the balance of the student's time not spent in a special
 902 program and shall be recorded as time in the appropriate basic
 903 program.

904 (II) A prekindergarten student with a disability shall meet
 905 the requirements specified for kindergarten students.

906 (III) A full-time equivalent student for students in
 907 kindergarten through grade 12 in a full-time virtual instruction
 908 program under s. 1002.45 or a virtual charter school under s.
 909 1002.33 shall consist of six full-credit completions or the
 910 prescribed level of content that counts toward promotion to the
 911 next grade in programs listed in s. 1011.62(1)(c). Credit
 912 completions may be a combination of full-credit courses or half-
 913 credit courses. Beginning in the 2016-2017 fiscal year, the
 914 reported full-time equivalent students and associated funding of
 915 students enrolled in courses requiring passage of an end-of-
 916 course assessment under s. 1003.4282 to earn a standard high
 917 school diploma shall be adjusted if the student does not pass
 918 the end-of-course assessment. However, no adjustment shall be

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919 made for a student who enrolls in a segmented remedial course
 920 delivered online.

921 (IV) A full-time equivalent student for students in
 922 kindergarten through grade 12 in a part-time virtual instruction
 923 program under s. 1002.45 shall consist of six full-credit
 924 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 925 Credit completions may be a combination of full-credit courses
 926 or half-credit courses. Beginning in the 2016-2017 fiscal year,
 927 the reported full-time equivalent students and associated
 928 funding of students enrolled in courses requiring passage of an
 929 end-of-course assessment under s. 1003.4282 to earn a standard
 930 high school diploma shall be adjusted if the student does not
 931 pass the end-of-course assessment. However, no adjustment shall
 932 be made for a student who enrolls in a segmented remedial course
 933 delivered online.

934 (V) A Florida Virtual School full-time equivalent student
 935 shall consist of six full-credit completions or the prescribed
 936 level of content that counts toward promotion to the next grade
 937 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
 938 participating in kindergarten through grade 12 part-time virtual
 939 instruction and the programs listed in s. 1011.62(1)(c) for
 940 students participating in kindergarten through grade 12 full-
 941 time virtual instruction. Credit completions may be a
 942 combination of full-credit courses or half-credit courses.
 943 Beginning in the 2016-2017 fiscal year, the reported full-time
 944 equivalent students and associated funding of students enrolled
 945 in courses requiring passage of an end-of-course assessment
 946 under s. 1003.4282 to earn a standard high school diploma shall
 947 be adjusted if the student does not pass the end-of-course

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948 assessment. However, no adjustment shall be made for a student
 949 who enrolls in a segmented remedial course delivered online.

950 (VI) Each successfully completed full-credit course earned
 951 through an online course delivered by a district other than the
 952 one in which the student resides shall be calculated as 1/6 FTE.

953 (VII) A full-time equivalent student for courses requiring
 954 passage of a statewide, standardized end-of-course assessment
 955 under s. 1003.4282 to earn a standard high school diploma shall
 956 be defined and reported based on the number of instructional
 957 hours as provided in this subsection until the 2016-2017 fiscal
 958 year. Beginning in the 2016-2017 fiscal year, the FTE for the
 959 course shall be assessment-based and shall be equal to 1/6 FTE.
 960 The reported FTE shall be adjusted if the student does not pass
 961 the end-of-course assessment. However, no adjustment shall be
 962 made for a student who enrolls in a segmented remedial course
 963 delivered online.

964 (VIII) For students enrolled in a school district as a
 965 full-time student, the district may report 1/6 FTE for each
 966 student who passes a statewide, standardized end-of-course
 967 assessment or a rigorous alternative assessment pursuant to s.
 968 1008.223 without being enrolled in the corresponding course.

969 2. A student in membership in a program scheduled for more
 970 or less than 180 school days or the equivalent on an hourly
 971 basis as specified by rules of the State Board of Education is a
 972 fraction of a full-time equivalent membership equal to the
 973 number of instructional hours in membership divided by the
 974 appropriate number of hours set forth in subparagraph (a)1.;
 975 however, for the purposes of this subparagraph, membership in
 976 programs scheduled for more than 180 days is limited to students

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977 enrolled in:

978 a. Juvenile justice education programs.
 979 b. The Florida Virtual School.
 980 c. Virtual instruction programs and virtual charter schools
 981 for the purpose of course completion and credit recovery
 982 pursuant to ss. 1002.45 and 1003.498. Course completion applies
 983 only to a student who is reported during the second or third
 984 membership surveys and who does not complete a virtual education
 985 course by the end of the regular school year. The course must be
 986 completed no later than the deadline for amending the final
 987 student enrollment survey for that year. Credit recovery applies
 988 only to a student who has unsuccessfully completed a traditional
 989 or virtual education course during the regular school year and
 990 must re-take the course in order to be eligible to graduate with
 991 the student's class.

992
 993 The full-time equivalent student enrollment calculated under
 994 this subsection is subject to the requirements in subsection
 995 (4).

996
 997 The department shall determine and implement an equitable method
 998 of equivalent funding for experimental schools and for schools
 999 operating under emergency conditions, which schools have been
 1000 approved by the department to operate for less than the minimum
 1001 school day.

1002 Section 12. Paragraphs (l) through (o) of subsection (1) of
 1003 section 1011.62, Florida Statutes, are amended to read:
 1004 1011.62 Funds for operation of schools.—If the annual
 1005 allocation from the Florida Education Finance Program to each

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1006 district for operation of schools is not determined in the
 1007 annual appropriations act or the substantive bill implementing
 1008 the annual appropriations act, it shall be determined as
 1009 follows:

1010 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1011 OPERATION.—The following procedure shall be followed in
 1012 determining the annual allocation to each district for
 1013 operation:

1014 (1) *Calculation of additional full-time equivalent*
 1015 *membership based on International Baccalaureate examination*
 1016 *scores of students.*—A value of 0.16 full-time equivalent student
 1017 membership shall be calculated for each student enrolled in an
 1018 International Baccalaureate course who receives a score of 4 or
 1019 higher on a subject examination. A value of 0.3 full-time
 1020 equivalent student membership shall be calculated for each
 1021 student who receives an International Baccalaureate diploma.
 1022 Such value shall be added to the total full-time equivalent
 1023 student membership in basic programs for grades 9 through 12 in
 1024 the subsequent fiscal year. Each school district shall allocate
 1025 80 percent of the funds received from International
 1026 Baccalaureate bonus FTE funding to the school program whose
 1027 students generate the funds and to school programs that prepare
 1028 prospective students to enroll in International Baccalaureate
 1029 courses. Funds shall be expended solely for the payment of
 1030 allowable costs associated with the International Baccalaureate
 1031 program. Allowable costs include International Baccalaureate
 1032 annual school fees; International Baccalaureate examination
 1033 fees; salary, benefits, and bonuses for teachers and program
 1034 coordinators for the International Baccalaureate program and

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1035 teachers and coordinators who prepare prospective students for
 1036 the International Baccalaureate program; supplemental books;
 1037 instructional supplies; instructional equipment or instructional
 1038 materials for International Baccalaureate courses; other
 1039 activities that identify prospective International Baccalaureate
 1040 students or prepare prospective students to enroll in
 1041 International Baccalaureate courses; and training or
 1042 professional development for International Baccalaureate
 1043 teachers. School districts shall allocate the remaining 20
 1044 percent of the funds received from International Baccalaureate
 1045 bonus FTE funding for programs that assist academically
 1046 disadvantaged students to prepare for more rigorous courses. The
 1047 school district shall distribute to each classroom teacher who
 1048 provided International Baccalaureate instruction:

1049 1. A bonus in the amount of \$50 for each student taught by
 1050 the International Baccalaureate teacher in each International
 1051 Baccalaureate course who receives a score of 4 or higher on the
 1052 International Baccalaureate examination.

1053 2. An additional bonus of \$500 to each International
 1054 Baccalaureate teacher in a school designated with a grade of "D"
 1055 or "F" who has at least one student scoring 4 or higher on the
 1056 International Baccalaureate examination, regardless of the
 1057 number of classes taught or of the number of students scoring a
 1058 4 or higher on the International Baccalaureate examination.

1059 ~~Bonuses awarded to a teacher according to this paragraph may not~~
 1060 ~~exceed \$2,000 in any given school year. However, the maximum~~
 1061 ~~bonus shall be \$3,000 if at least 50 percent of the students~~
 1062 ~~enrolled in a teacher's course earn a score of 4 or higher on~~
 1063

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 1064 ~~the examination in a school designated with a grade of "A," "B,"~~
 1065 ~~or "C"; or if at least 25 percent of the students enrolled in a~~
 1066 ~~teacher's course earn a score of 4 or higher on the examination~~
 1067 ~~in a school designated with a grade of "D" or "F."~~ Bonuses
 1068 awarded under this paragraph shall be in addition to any regular
 1069 wage or other bonus the teacher received or is scheduled to
 1070 receive. For such courses, the teacher shall earn an additional
 1071 bonus of \$50 for each student who has a qualifying score ~~up to~~
 1072 ~~the maximum of \$3,000~~ in any given school year.

(m) *Calculation of additional full-time equivalent*
 1073 *membership based on Advanced International Certificate of*
 1074 *Education examination scores of students.*—A value of 0.16 full-
 1075 time equivalent student membership shall be calculated for each
 1076 student enrolled in a full-credit Advanced International
 1077 Certificate of Education course who receives a score of E or
 1078 higher on a subject examination. A value of 0.08 full-time
 1079 equivalent student membership shall be calculated for each
 1080 student enrolled in a half-credit Advanced International
 1081 Certificate of Education course who receives a score of E or
 1082 higher on a subject examination. A value of 0.3 full-time
 1083 equivalent student membership shall be calculated for each
 1084 student who receives an Advanced International Certificate of
 1085 Education diploma. Such value shall be added to the total full-
 1086 time equivalent student membership in basic programs for grades
 1087 9 through 12 in the subsequent fiscal year. The school district
 1088 shall distribute to each classroom teacher who provided Advanced
 1089 International Certificate of Education instruction:

1090
 1091 1. A bonus in the amount of \$50 for each student taught by
 1092 the Advanced International Certificate of Education teacher in

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 1093 each full-credit Advanced International Certificate of Education
 1094 course who receives a score of E or higher on the Advanced
 1095 International Certificate of Education examination. A bonus in
 1096 the amount of \$25 for each student taught by the Advanced
 1097 International Certificate of Education teacher in each half-
 1098 credit Advanced International Certificate of Education course
 1099 who receives a score of E or higher on the Advanced
 1100 International Certificate of Education examination.

1101 2. An additional bonus of \$500 to each Advanced
 1102 International Certificate of Education teacher in a school
 1103 designated with a grade of "D" or "F" who has at least one
 1104 student scoring E or higher on the full-credit Advanced
 1105 International Certificate of Education examination, regardless
 1106 of the number of classes taught or of the number of students
 1107 scoring an E or higher on the full-credit Advanced International
 1108 Certificate of Education examination.

1109 3. Additional bonuses of \$250 each to teachers of half-
 1110 credit Advanced International Certificate of Education classes
 1111 in a school designated with a grade of "D" or "F" which has at
 1112 least one student scoring an E or higher on the half-credit
 1113 Advanced International Certificate of Education examination in
 1114 that class. The maximum additional bonus for a teacher awarded
 1115 in accordance with this subparagraph ~~may shall~~ not exceed \$500
 1116 in any given school year. Teachers receiving an award under
 1117 subparagraph 2. are not eligible for a bonus under this
 1118 subparagraph.

1119
 1120 Bonuses awarded to a teacher according to this paragraph ~~shall~~
 1121 ~~not exceed \$2,000 in any given school year and shall be in~~

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1122 addition to any regular wage or other bonus the teacher received
1123 or is scheduled to receive.

1124 (n) *Calculation of additional full-time equivalent*
1125 *membership based on college board advanced placement scores of*
1126 *students.*—A value of 0.16 full-time equivalent student
1127 membership shall be calculated for each student in each advanced
1128 placement course who receives a score of 3 or higher on the
1129 College Board Advanced Placement Examination for the prior year
1130 and added to the total full-time equivalent student membership
1131 in basic programs for grades 9 through 12 in the subsequent
1132 fiscal year. Each district must allocate at least 80 percent of
1133 the funds provided to the district for advanced placement
1134 instruction, in accordance with this paragraph, to the high
1135 school that generates the funds. The school district shall
1136 distribute to each classroom teacher who provided advanced
1137 placement instruction:

1138 1. A bonus in the amount of \$50 for each student taught by
1139 the Advanced Placement teacher in each advanced placement course
1140 who receives a score of 3 or higher on the College Board
1141 Advanced Placement Examination.

1142 2. An additional bonus of \$500 to each Advanced Placement
1143 teacher in a school designated with a grade of "D" or "F" who
1144 has at least one student scoring 3 or higher on the College
1145 Board Advanced Placement Examination, regardless of the number
1146 of classes taught or of the number of students scoring a 3 or
1147 higher on the College Board Advanced Placement Examination.

1148 ~~Bonuses awarded to a teacher according to this paragraph shall~~
1149 ~~not exceed \$2,000 in any given school year. However, the maximum~~
1150

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1151 ~~bonus shall be \$3,000 if at least 50 percent of the students~~
1152 ~~enrolled in a teacher's course earn a score of 3 or higher on~~
1153 ~~the examination in a school with a grade of "A," "B," or "C" or~~
1154 ~~if at least 25 percent of the students enrolled in a teacher's~~
1155 ~~course earn a score of 3 or higher on the examination in a~~
1156 ~~school with a grade of "D" or "F."~~ Bonuses awarded under this
1157 paragraph shall be in addition to any regular wage or other
1158 bonus the teacher received or is scheduled to receive. ~~For such~~
1159 ~~courses, the teacher shall earn an additional bonus of \$50 for~~
1160 ~~each student who has a qualifying score up to the maximum of~~
1161 ~~\$3,000 in any given school year.~~

1162 (o) *Calculation of additional full-time equivalent*
1163 *membership based on successful completion of a career-themed*
1164 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
1165 *courses with embedded CAPE industry certifications or CAPE*
1166 *Digital Tool certificates, and issuance of industry*
1167 *certification identified on the CAPE Industry Certification*
1168 *Funding List pursuant to rules adopted by the State Board of*
1169 *Education or CAPE Digital Tool certificates pursuant to s.*
1170 *1003.4203.*—

1171 1.a. A value of 0.025 full-time equivalent student
1172 membership shall be calculated for CAPE Digital Tool
1173 certificates earned by students in elementary and middle school
1174 grades.

1175 b. A value of 0.1 or 0.2 full-time equivalent student
1176 membership shall be calculated for each student who completes a
1177 course as defined in s. 1003.493(1)(b) or courses with embedded
1178 CAPE industry certifications and who is issued an industry
1179 certification identified annually on the CAPE Industry

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1180 Certification Funding List approved under rules adopted by the
 1181 State Board of Education. A value of 0.2 full-time equivalent
 1182 membership shall be calculated for each student who is issued a
 1183 CAPE industry certification that has a statewide articulation
 1184 agreement for college credit approved by the State Board of
 1185 Education. For CAPE industry certifications that do not
 1186 articulate for college credit, the Department of Education shall
 1187 assign a full-time equivalent value of 0.1 for each
 1188 certification. Middle grades students who earn additional FTE
 1189 membership for a CAPE Digital Tool certificate pursuant to sub-
 1190 subparagraph a. may not use the previously funded examination to
 1191 satisfy the requirements for earning an industry certification
 1192 under this sub-subparagraph. Additional FTE membership for an
 1193 elementary or middle grades student may ~~shall~~ not exceed 0.1 for
 1194 certificates or certifications earned within the same fiscal
 1195 year. The State Board of Education shall include the assigned
 1196 values on the CAPE Industry Certification Funding List under
 1197 rules adopted by the state board. Such value shall be added to
 1198 the total full-time equivalent student membership for grades 6
 1199 through 12 in the subsequent year for courses that were not
 1200 provided through dual enrollment. CAPE industry certifications
 1201 earned through dual enrollment must be reported and funded
 1202 pursuant to s. 1011.80.

1203 c. A value of 0.3 full-time equivalent student membership
 1204 shall be calculated for student completion of the courses and
 1205 the embedded certifications identified on the CAPE Industry
 1206 Certification Funding List and approved by the commissioner
 1207 pursuant to ss. 1003.4203(5) (a) and 1008.44.

1208 d. A value of 0.5 full-time equivalent student membership

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1209 shall be calculated for CAPE Acceleration Industry
 1210 Certifications that articulate for 15 to 29 college credit
 1211 hours, and 1.0 full-time equivalent student membership shall be
 1212 calculated for CAPE Acceleration Industry Certifications that
 1213 articulate for 30 or more college credit hours pursuant to CAPE
 1214 Acceleration Industry Certifications approved by the
 1215 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

1216 2. Each district must allocate at least 80 percent of the
 1217 funds provided for CAPE industry certification, in accordance
 1218 with this paragraph, to the program that generated the funds.
 1219 This allocation may not be used to supplant funds provided for
 1220 basic operation of the program.

1221 3. For CAPE industry certifications earned in the 2013-2014
 1222 school year and in subsequent years, the school district shall
 1223 distribute to each classroom teacher who provided direct
 1224 instruction toward the attainment of a CAPE industry
 1225 certification that qualified for additional full-time equivalent
 1226 membership under subparagraph 1.:

1227 a. A bonus in the amount of \$25 for each student taught by
 1228 a teacher who provided instruction in a course that led to the
 1229 attainment of a CAPE industry certification on the CAPE Industry
 1230 Certification Funding List with a weight of 0.1.

1231 b. A bonus in the amount of \$50 for each student taught by
 1232 a teacher who provided instruction in a course that led to the
 1233 attainment of a CAPE industry certification on the CAPE Industry
 1234 Certification Funding List with a weight of 0.2, 0.3, 0.5, and
 1235 1.0.

1236

1237 Bonuses awarded pursuant to this paragraph shall be provided to

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 1238 teachers who are employed by the district in the year in which
 1239 the additional FTE membership calculation is included in the
 1240 calculation. Bonuses shall be calculated based upon the
 1241 associated weight of a CAPE industry certification on the CAPE
 1242 Industry Certification Funding List for the year in which the
 1243 certification is earned by the student. Any bonus awarded to a
 1244 teacher under this paragraph ~~may not exceed \$2,000 in any given~~
 1245 ~~school year and~~ is in addition to any regular wage or other
 1246 bonus the teacher received or is scheduled to receive.

Section 13. Paragraph (e) is added to subsection (3) of
 section 1012.34, Florida Statutes, to read:

1012.34 Personnel evaluation procedures and criteria.—

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
 personnel and school administrator performance evaluations must
 be based upon the performance of students assigned to their
 classrooms or schools, as provided in this section. Pursuant to
 this section, a school district's performance evaluation system
 is not limited to basing unsatisfactory performance of
 instructional personnel and school administrators solely upon
 student performance, but may include other criteria to evaluate
 instructional personnel and school administrators' performance,
 or any combination of student performance and other criteria.
 Evaluation procedures and criteria must comply with, but are not
 limited to, the following:

(e) A classroom teacher's performance evaluation must be
 based on the performance of students with fewer than 25 absences
 within the school year, or for schools with block scheduling,
 fewer than 10 absences within the school year, assigned to their
 classrooms, as provided in this section.

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 1267 Section 14. By July 1, 2016, the Commissioner of Education
 1268 shall amend Florida's request for renewal of flexibility under
 1269 the Elementary and Secondary Education Act of 1965 (ESEA), 20
 1270 U.S.C. ss. 6301 et seq., as necessary to implement s. 1008.223,
 1271 Florida Statutes, and submit any additional documentation to the
 1272 United States Department of Education which may be required to
 1273 maintain compliance with Florida's ESEA flexibility waiver
 1274 approved by the United States Secretary of Education. The
 1275 commissioner shall faithfully and timely execute all other
 1276 duties required of him or her under s. 1008.223, Florida
 1277 Statutes, and the federal ESEA. By August 1, 2016, the
 1278 commissioner shall submit to the Governor, the President of the
 1279 Senate, and the Speaker of the House of Representatives a report
 1280 on the status of implementation of s. 1008.223, Florida
 1281 Statutes, and compliance with the ESEA.

1282 Section 15. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16

Meeting Date

1360

Bill Number (if applicable)

Topic Student Assessments

Amendment Barcode (if applicable)

Name Catherine Baer

Job Title Chair

Address 1421 Woodgate Way

Phone _____

Street

Tallahassee FL 32308

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Tea Party Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1.27.16
Meeting Date

1360
Bill Number (if applicable)

Topic SB 1360

Amendment Barcode (if applicable)

Name KEITH E FLAUGH

Job Title CITIZEN ADVOCATE

Address 1390 Quintana Ct
Street

Phone 239-250-3520

MARCO ISLAND FL 34114
City State Zip

Email 1077

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Citizens Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-14
Meeting Date

SB 1360
Bill Number (if applicable)

Topic SB 1360

Amendment Barcode (if applicable)

Name Kelly Lorbeer

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self, Supporting FL Citizens Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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1-27-16

Meeting Date

1360

Bill Number (if applicable)

Topic SB 1360

Amendment Barcode (if applicable)

Name Judy Stevens

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City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Citizens Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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1/27/16
Meeting Date

SB 1360
Bill Number (if applicable)

Topic Assessments

Amendment Barcode (if applicable)

Name Meredith Mears

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Parents RISE + my children

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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1/27/14
Meeting Date

SB 1360
Bill Number (if applicable)

Topic assessments SB1360

Amendment Barcode (if applicable)

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Job Title Parent

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing my children

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

1360
Bill Number (if applicable)

Topic State Assessment

Amendment Barcode (if applicable)

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City

State

Zip

Email vcrawford@msn.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Charlotte, Collier, Palm Beach, Treasure Coast School Districts

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
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1-27-2016
Meeting Date

1360
Bill Number (if applicable)

Topic Student Assessments

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title School Board Member

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Indian River County School Dist & FL Coalition of School Board members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16
Meeting Date

13605B
Bill Number (if applicable)

Topic Stud Assessments

Amendment Barcode (if applicable)

Name Andrea Messina

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida School Boards Assn

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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1-27-16

Meeting Date

SB 1360

Bill Number (if applicable)

Topic SB 1360

Amendment Barcode (if applicable)

Name CHRISTOPHER KRATZER

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ACT. INC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16
Meeting Date

SB 1360
Bill Number (if applicable)

Topic ~~The Act~~ Senate Bill 1360

Amendment Barcode (if applicable)

Name Jacqueline Twigg

Job Title Lead Account Strategist

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GA

City

State

Zip

Email Jacqueline.Twigg@act.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ACT, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: CS/SB 1360

INTRODUCER: Education Pre-K - 12 Committee and Senator Gaetz and others

SUBJECT: Student Assessments

DATE: January 29, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Fav/CS
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1360 establishes performance-based alternative means for students to demonstrate subject area and grade level competency and college and career readiness. However, the bill maintains the statewide, standardized assessments as the default common battery of assessments for all students attending public schools, and provides parents the option to select, for their child, statewide, standardized assessments in lieu of district-selected rigorous alternative assessments. Specifically, the bill:

- Establishes a process for a district school board to choose to voluntarily implement districtwide, ACT Aspire for grades 3 through 8; ACT Aspire and ACT for high school; PSAT or NMSQT, and SAT for high school; or a combination of options, as specified.
- Identifies several rigorous alternative assessments and industry certifications as options for students to meet high school subject area, course, credit, and assessment requirements.
- Establishes performance-based alternative means to satisfy online course requirement for high school graduation.
- Creates a process for establishing proxy values for linking student performance on rigorous alternative assessments to assess teachers, schools, and school districts.
- Provides for the immediate renegotiation of existing student assessment contracts and negotiation of new contracts to implement the rigorous alternative assessment options.
- Establishes timelines for the implementation of district-selected rigorous alternative assessment options, and specifies notification and reporting requirements.

- Removes the annual cap on teacher bonuses for the teachers providing AP, IB, AICE, or industry certification instruction which results in their students earning college credit or attaining industry certifications.
- Provides an exemption for the performance of students with excessive absences from counting against a classroom teacher's performance evaluation.
- Authorizes district school board members to visit schools to promote education and school improvements.

The bill takes effect upon becoming law.

II. Present Situation:

Florida's assessment program consists primarily of statewide, standardized assessments that are selected and administered by the state, and local assessments that are selected and administered by the school districts to measure students' attainment of education expectations.¹

Statewide, Standardized Assessment Program

Purpose

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.²

The Commissioner of Education (commissioner) is required to design and implement a statewide, standardized assessment program that is aligned to the curricular content established in the Next Generation Sunshine State Standards and the Florida Standards.³

Statewide, Standardized Assessment Requirements

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:⁴
 - English Language Arts (ELA) (grades 3 through 10);
 - Mathematics (grades 3-8); and
 - Science (once at the elementary grade level and once at the middle grade level).⁵
- End-of-Course (EOC) assessments:⁶
 - Civics (at the middle grade level);

¹ Section 1008.22, F.S.

² Section 1008.22(1), F.S.

³ Section 1008.22(3), F.S.

⁴ Section 1008.22(3)(a), F.S. Federal law requires students to be tested in reading or language arts and mathematics in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, students must be tested once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. 20 U.S.C. s. 6311(b)(3). The Florida Department of Education posts the Statewide Assessment Schedule on its website. Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

⁵ Rule 6A-1.09422(3)(b), F.A.C., requires all eligible students in grades five and eight to take the FCAT 2.0 Science.

⁶ Section 1008.22(3)(b), F.S.

- U.S. History EOC;
- Algebra I EOC;
- Algebra II EOC;⁷
- Geometry EOC; and
- Biology I EOC.

Students must pass the grade 3 ELA assessment to be promoted to grade 4.⁸ Florida law authorizes seven good cause exemptions from mandatory retention in grade 3.⁹ Additionally, to graduate high school with a standard high school diploma, students must pass the grade 10 ELA and Algebra I EOC assessment,¹⁰ or attain concordant or comparative scores on specified alternative assessments.¹¹ Student performance on the EOC assessments constitute 30 percent of the student's final course grade.¹²

Additionally, the statewide, standardized assessment program also includes the Florida Alternate Assessment (FAA) to assess students with disabilities in the content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.¹³

Contracts for Assessments

The commissioner must provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.¹⁴ The commissioner may enter into contracts for the continued administration of assessments that are authorized and funded by the Legislature.¹⁵ Contracts may be initiated in one fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years.¹⁶ The law authorizes the commissioner to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed in accordance with law.¹⁷

For new contracts and renewal of existing contracts for statewide, standardized assessments, a student's performance on such assessments must be provided to the student's teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education (SBE or state board).¹⁸

⁷ Students are not required to take the Algebra II EOC assessment. However, a student who selects Algebra II must take the Algebra II EOC assessment. Section 1003.4282(3)(b), F.S.

⁸ To be promoted to grade 4, a student must score a level 2 or higher on the grade 3 ELA assessment. A student must be retained in grade 3 if the student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the grade 3 ELA assessment. Section 1008.25(5)(b), F.S.

⁹ Section 1008.25(6)(b), F.S.

¹⁰ Section 1003.4282(3), F.S.

¹¹ Section 1008.22(8)-(9), F.S.

¹² Sections 1003.4282 and 1008.22, F.S.

¹³ Section 1008.22(3)(c)1., F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. Section 1008.22(10), F.S.

¹⁴ Section 1008.22(3)(g)1., F.S.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 1008.22(3)(g)2., F.S.

Use of Assessments

The Florida Legislature has established accountability mechanisms to assess the effectiveness of the of the state's K-20 education delivery system.¹⁹ The law specifies annual educator performance evaluations²⁰ and the evaluation criteria for instructional personnel, which must include student performance, instructional practice, and professional and job responsibilities.²¹ In addition, the Legislature has also established mechanisms to measure school performance by assigning school grades,²² school improvement ratings,²³ and district grades²⁴ based on student performance on statewide, standardized assessments.

Student performance data are analyzed and reported to parents, the community, and the state.²⁵

Authorized Alternatives to Statewide, Standardized Assessments

The Legislature has also authorized several alternative means for students to demonstrate competency and satisfy statewide, standardized assessment and credit requirements.

Concordant and Comparative Scores

For instance, to fulfill statewide, standardized assessment requirements, the state board has adopted:²⁶

- Concordant scores on SAT²⁷ and ACT,²⁸ which if attained by a student satisfies the grade 10 statewide, standardized Reading²⁹ assessment, and
- Comparative scores on the Postsecondary Education Readiness Test (PERT), which if attained by a student satisfies the Algebra I EOC assessment requirement.

The SAT and ACT, and PERT substitutions are authorized for the two tests in high school³⁰ that students must pass to graduate with a standard high school diploma.³¹ The law authorizes the

¹⁹ Section 1008.31, F.S.

²⁰ Section 1012.34, F.S.

²¹ Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S.

²² Section 1008.34, F.S.

²³ Section 1008.341, F.S.

²⁴ Section 1008.34(5), F.S.

²⁵ Section 1008.22(4), F.S.

²⁶ Section 1008.22(9)-(10), F.S.; *see also* Rule 6A-1.094223, F.A.C.

²⁷ The concordant passing scale score for the SAT must be equal to or greater than 430 on the 200 to 800 scale. Rule 6A-1.094223(1), F.A.C.

²⁸ The concordant passing scale score for the ACT must be equal to or greater than 19 on the 1 to 36 scale. Rule 6A-1.094223(1), F.A.C.

²⁹ The English Language Arts (ELA) Florida Standards assessment, which replaced the FCAT Reading assessment, was administered for the first time during the 2014-2015 school year. Florida Department of Education, *Florida Statewide Assessment Program 2014-2015 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7047/dps-2014-81a.pdf>. Pursuant to law, the concordant scores on SAT and ACT will need to be adjusted to correspond to ELA assessment. Section 1008.22(8), F.S. Until such time that the new concordant scores on SAT and ACT are adopted in rule by the state board, students are allowed to use the existing concordant scores to satisfy the requirements for a standard high school diploma. Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 1.

³⁰ To fulfill the requirements for a standard high school diploma, students must pass the grade 10 ELA and Algebra I EOC assessments. Section 1003.4282(3)(a)-(b), F.S.

³¹ Section 1003.4282(3), F.S.

commissioner to also identify concordant scores on assessments other than the SAT and ACT, and one or more comparative scores for the Algebra I EOC assessment.³²

Nationally Developed Comprehensive Assessments for Use as EOC Assessments

Additionally, the commissioner also has the authority to select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement (AP) course, International Baccalaureate (IB) course, or Advanced International Certificate of Education (AICE) course, or industry-approved examinations to earn national industry certifications identified in the CAPE Industry Certification Funding List,³³ for use as EOC assessments if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the curricular content established for the course in the Next Generation Sunshine State Standards.³⁴ The state board must adopt in rule the use of such examinations as EOC assessments.³⁵

The commissioner has identified passing scores on AP, IB, and AICE assessments for students to apply to meet the EOC assessment requirements.³⁶ Such assessments and corresponding passing scores are considered exceeding the grade level expectations for the curricular content.³⁷ Students who take rigorous courses such as AP or IB courses, take the corresponding AP or IB examination in lieu of the statewide, standardized assessment for that subject. For instance, a student who takes the AP Biology course, takes the corresponding AP Biology examination instead of the Biology I EOC assessment.³⁸ Additionally, the commissioner has recommended that “a passing score on the examination for the Agricultural Biotechnology Certification can substitute for the Biology I EOC assessment.”³⁹

The Course Code Directory (CCD),⁴⁰ which is adopted in rule by the state board, identifies courses including, but not limited to, the courses that meet subject-area graduation requirements,

³² Section 1008.22(9)-(10), F.S.

³³ The State Board of Education (SBE or state board) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP). The list is updated annually. Sections 1008.44, F.S. Industry certifications on the “Gold Standard Career Pathways” list are incorporated by reference in the SBE rule, and articulated to Associate in Applied Science and Associate in Science degree programs. Rule 6A-10.0401, F.A.C.; *see also* Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

³⁴ Section 1008.22(3)(b)3., F.S.

³⁵ *Id.*

³⁶ As an example, the Commissioner of Education (commissioner) has proposed that a student may satisfy the Algebra I EOC assessment requirement by attaining a score of 3, 4, or 5 on the AP Calculus AB examination, AP Calculus BC examination, or AP Statistics examination. Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 2.

³⁷ *Id.*

³⁸ Letter, Florida Department of Education (Feb. 2, 2015), on file with the Committee Education Pre-K -12, at 4.

³⁹ Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 2.

⁴⁰ The Course Code Directory (CCD) is the listing of all public preK-12 courses available for use by school districts. Programs and courses which are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides for course information to schools, districts, and the state. Rule 6A-1.09441, F.A.C.

and specifies the course levels for such courses.⁴¹ The CCD includes AP, IB, AICE, and other courses, which students may take and complete to earn credit toward standard high school diploma requirements.⁴² However, the CCD does not identify the assessments (e.g., AP, IB, AICE, and industry certification examinations) that students may take to meet the statewide, standardized assessment requirements.

Award of Credit

Definition of Credit

For the purposes of satisfying high school graduation requirements, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as authorized under the Credit Acceleration Program.⁴³ With regards to a school district that is authorized to implement block scheduling by the district school board, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for fulfilling high school graduation requirements.⁴⁴ The state board must determine the number of postsecondary credit hours earned through dual enrollment and that equal one full credit of the equivalent high school course.⁴⁵

To award credit for high school graduation, each district school board must maintain a one-half credit earned system that includes courses provided on a full-year basis.⁴⁶ A student enrolled in a full-year course must receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to complete the other half of the course.⁴⁷

Credit Requirements to Earn a Standard High School Diploma

In addition to fulfilling the assessment requirements, students in high school must also satisfy certain credit requirements. To graduate from high school with a standard high school diploma, a student must successfully complete 24 credits in the following subject areas:⁴⁸

⁴¹ Florida Department of Education, *2015-2016 Course Directory: Section 1-Narrative Section*, <http://www.fldoe.org/policy/articulation/ccd/2015-2016-course-directory.shtml> (last visited Jan. 21, 2016). Level 1 courses are basic courses for which students may not earn credit towards a standard diploma unless specified otherwise; level 2 courses are regular, mainstreamed courses; and level 3 courses include honors, AP, IB, AICE, advanced college-preparatory courses, and other courses containing rigorous academic curriculum and performance standards. Numerous career and technical education courses are designated as level 3. *Id.*

⁴² *Id.* Dual enrollment courses and credit specifications for such courses are listed in the dual enrollment equivalency list. Florida Department of Education, *2015-2016 Dual Enrollment Course-High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

⁴³ Section 1003.436(1)(a), F.S. A "full-time equivalent student" is a student who receives instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. The definition of a "full-time equivalent student" also includes students who receive instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3. Section 1011.61(1)(a)1.-2., F.S.

⁴⁴ Section 1003.436(1)(a), F.S.

⁴⁵ *Id.*

⁴⁶ Section 1003.436(2), F.S.

⁴⁷ *Id.*

⁴⁸ Section 1003.4282(1)(a) and (3), F.S.

- Four credits in ELA I, II, III, and IV.
- Four credits in mathematics including one credit each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science including one credit in Biology I and two credits in equally rigorous courses.⁴⁹ Industry certifications earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.
- One credit in physical education.
- Eight credits in electives.

Online Course Requirement

At least one of the 24 credits required for earning a standard high school diploma must be completed through online learning.⁵⁰ An online course taken in grades 6, 7, or 8 fulfills the online course requirement and the online course may be a course that is offered by the Florida Virtual School, a virtual education provider approved by the state board, high school, or online dual enrollment.⁵¹ A student enrolled in a full-time or part-time approved virtual instruction program⁵² also meets the online course requirement.⁵³

A school district must not require a student to take the online course outside of the school day or in addition to the courses taken by the student in a given semester.⁵⁴

Authorized Alternatives to Earn High School Credit

The Florida Legislature has enacted alternatives to the specified high school graduation credit requirements, allowing students to earn fewer than 24 credits and generate high school credits through a credit-by-examination mechanism.

Academically Challenging Curriculum to Enhance Learning (ACCEL)

Students may also earn a standard high school diploma after completing 18 credits under the Academically Challenging Curriculum to Enhance Learning (ACCEL) program.⁵⁵ Under the ACCEL program, students need to earn fewer elective credits (i.e., 3 instead of required 8 elective credits under the 24-credit standard high school diploma pathway).⁵⁶ Additionally, students in the ACCEL program do not need to earn one credit in physical education.⁵⁷

⁴⁹ Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

⁵⁰ Section 1003.4282(4), F.S.

⁵¹ *Id.*

⁵² Section 1002.45, F.S.

⁵³ Section 1003.4282(4), F.S.

⁵⁴ *Id.*

⁵⁵ Section 1002.3105(5), F.S.

⁵⁶ *Id.*

⁵⁷ *Id.*

The current mechanism for earning high school credit is contingent on students enrolling in and completing specified courses,⁵⁸ unless otherwise authorized in law.⁵⁹

Credit Acceleration Program (CAP)

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or Biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.⁶⁰

Acceleration Mechanisms to Earn College Credit

Current law identifies certain acceleration mechanism examinations that students may take before graduating from high school to generate college credits.⁶¹ Pursuant to the law, the Department of Education (department) must annually identify and publish the minimum scores, maximum credit, and course or courses for which college credit must be awarded for each:⁶²

- College Level Examination Program (CLEP) subject examination,
- College Board AP Program examination,
- AICE examination, and the
- IB examination.

The department must use student performance data in subsequent postsecondary courses to determine the appropriate examination scores and courses for which credit must be granted.⁶³ Minimum scores may vary by subject area based on available performance data.⁶⁴ The department must identify such courses in the general education core curriculum of each state university and Florida College System (FCS) institution.⁶⁵

Credit-by-Examination Equivalency List

The Articulation Coordinating Committee (ACC)⁶⁶ has established passing scores and course and credit equivalents for the tests that are currently specified in law as well as for tests that are not specified in law (i.e., DANTES, Excelsior College, and UEXCEL examination).⁶⁷ The credit-by-exam equivalencies have been adopted in rule by the state board.⁶⁸ If a student attains a

⁵⁸ Section 1003.436, F.S.

⁵⁹ Section 1003.4295(3), F.S.

⁶⁰ Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

⁶¹ Section 1007.27(2), F.S.

⁶² *Id.*

⁶³ Section 1007.27(2), F.S.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ The Articulation Coordinating Committee (ACC) is established by the commissioner in consultation with the Chancellor of the State University System, to make recommendations related to statewide articulation policies regarding access, quality, and data reporting. The ACC serves as an advisory body to the Higher Education Coordinating Council, the State Board of Education, and the Board of Governors. Section 1007.01(3), F.S.

⁶⁷ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

⁶⁸ Rule 6A-10.024, F.A.C.

passing score on the AP, AICE, IB, or CLEP exam, state universities and FCS institutions must award the minimum credit for the course or courses specified on the credit-by-exam equivalencies list, even if such institutions do not offer the course or courses.⁶⁹

Although a student generates college credits, often at least three credit hours, by attaining a passing score on the assessments specified in the credit-by-examination equivalency list, the student does not concurrently earn high school credit for passing such examinations unless the student completes the specified courses corresponding to such assessments. For instance, if a student attains the maximum score of 5 on AP Biology examination, the student earns a minimum of 8 college credit hours toward the college biology course, BSC X010C or BSC X010/X010L and BSC X011C or BSC X011/X011L, as specified in the credit-by-examination list,⁷⁰ but none toward high school Biology I or other science course, unless the student completes the corresponding AP Biology course.

Similarly, if a student passes CLEP College Algebra examination with a scale score of 50, the student earns a minimum of 3 college credit hours toward the college mathematics course, MAC X105, as specified in the credit-by-examination list,⁷¹ but none toward high school Algebra I or other mathematics course.

Dual Enrollment to Earn High School and College Credit

Dual enrollment is an acceleration mechanism that allows a student, who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private school or who is a home education student, to enroll in a postsecondary course that is creditable toward high school completion as well as a career certificate, an associate degree, or a baccalaureate degree.⁷²

Dual enrollment is different from other acceleration mechanisms such as AP, IB, and AICE in that, students who take a dual enrollment course, which is considered a college-level course, must meet specified eligibility requirements⁷³ to enroll in dual enrollment courses. Additionally, instead of taking a standardized examination corresponding to such courses, dually enrolled students must only complete the dual enrollment course.⁷⁴

Dual Enrollment Equivalency List

The dual enrollment course-to-high school subject area equivalency list (list) specifies postsecondary courses that students may take and complete to earn both high school and college credit.⁷⁵ The list also indicates high school credit (i.e., 0.5 or 1.0) that must be awarded to a student who completes a specified dual enrollment course.⁷⁶ In addition, the list identifies dual

⁶⁹ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>, at 1.

⁷⁰ *Id.*, at 3.

⁷¹ *Id.* at 11.

⁷² Section 1007.271(1)-(2), F.S.

⁷³ Section 1007.271(3), F.S.; see also Rule 6A-14.064, F.A.C.

⁷⁴ Rule 6A-14.064, F.A.C.

⁷⁵ Florida Department of Education, *2015-2016 Dual Enrollment Course-High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

⁷⁶ *Id.*

enrollment courses in biology that students may take to prepare for the Biology I EOC assessment.⁷⁷ Similarly, dual enrollment courses in United States History that students may take to prepare for the United States History EOC assessment are also identified.⁷⁸

Teacher Bonuses for Students Who Earn College Credit

Florida law provides bonus funding to classroom teachers responsible for providing AP, IB, AICE, or industry certification instruction which results in their students scoring at specified levels on examinations (in the case of AP, IB, and AICE) or attaining industry certifications corresponding to such instruction.⁷⁹ For instance, a classroom teacher who provided AP instruction is eligible to receive:⁸⁰

- A bonus in the amount of \$50 for each student taught by him or her who received a score of 3 or higher on the AP examination.
- An additional \$500 if he or she teaches in a school that received a grade of “D” or “F” and at least one of his or her student scored 3 or higher on the AP examination.

The bonuses are capped at \$2,000 in any given school year.⁸¹ However, if at least 50 percent of students enrolled in a teacher’s course earn a score of 3 or higher in a school with a grade of “A,” “B,” or “C” or if at least 25 percent students enrolled in a teacher’s course earn a score of 3 or higher in a school with a grade of “D” or “F,” the maximum bonus is capped at \$3,000 annually.⁸² These bonuses must be in addition to any regular wage or other bonus that the teacher received or is scheduled to receive.⁸³ The law specifies that for AP courses, the teachers, for each student who earns a score of 3 or higher, must earn an additional bonus of \$50 up to the maximum of \$3,000 in any school year.⁸⁴

The teacher bonuses for AICE and industry certifications are capped at \$2,000.⁸⁵

District School Board Powers and Duties

The law specifies the powers and duties of the district school boards including, but not limited to the establishment, organization, and operation of schools, and enforcement of laws and rules.⁸⁶

III. Effect of Proposed Changes:

CS/SB 1360 establishes performance-based alternative means for students to demonstrate subject area and grade level competency and college and career readiness. However, the bill maintains the statewide, standardized assessments as the default common battery of assessments for all students attending public schools, and provides parents the option to select, for their child,

⁷⁷ *Id* at 32.

⁷⁸ *Id* at 42.

⁷⁹ Section 1011.62(1)(l)-(o), F.S.

⁸⁰ Section 1011.62(1)(n), F.S.

⁸¹ *Id*.

⁸² *Id*.

⁸³ Section 1011.62(1)(n), F.S.

⁸⁴ *Id*.

⁸⁵ Section 1011.62(1)(m) and (o), F.S.

⁸⁶ Section 1001.42, F.S.

statewide, standardized assessments in lieu of the district-selected rigorous alternative assessments.

Assessment Requirements

The bill expands current alternatives by creating new rigorous alternative assessment options for school districts and students to choose in lieu of the statewide, standardized assessments to meet student progression, graduation, and education accountability requirements. The intent of the Legislature, as specified in the bill, is to preserve the statewide, standardized assessments as the default common battery of assessments for all students attending public schools. The rigorous alternative assessments are intended to supplement the statewide assessment program with valid, reliable, and respected assessment options for students to demonstrate subject area and grade level competency and college and career readiness. The rigorous alternative assessment options are organized under:

- District options for students and
- Options for students in high school.

District Options for Students

The bill establishes a process for a district school board to choose to voluntarily implement districtwide, one or more of the specified rigorous alternative assessment options in lieu of the statewide, standardized assessments to assess the subject area and grade level competency of students, beginning in the 2016-2017 school year. However, the bill also affords parents the option to select, for their child, statewide, standardized assessments in lieu of the district-selected specified rigorous alternative assessments. In effect, notwithstanding a district school board's decision to implement rigorous alternative assessments, parents will be able to choose, annually, for their child to take the set of required and applicable statewide, standardized assessments instead of the set of rigorous alternative assessments selected by the district school board.

The bill identifies three rigorous alternative assessment options for the districts but specifies that a district school board may choose to implement the alternative assessment option for grades 3-8 only or one of two alternative assessment options for high school only, or a combination of the alternative assessments for grades 3-8 and one of the two alternative assessment options for high school.

The rigorous alternative assessment options include the following:

- ACT Aspire⁸⁷ for grades 3 through 8. The bill authorizes ACT Aspire English and Reading assessments, ACT Aspire Mathematics assessment, and ACT Aspire Science assessment as

⁸⁷ ACT Aspire was launched on April 1, 2014. Since then, more than 3 million tests have been administered. ACT Aspire includes summative 3-8 and 9th/10th grade assessments in English, Reading, Math, Science, and Writing. States that are currently using ACT Aspire assessments statewide include Alabama, South Carolina, and Arkansas. In Spring 2015, ACT Aspire was administered in 1,244 districts in 47 states and 4 territories. The time commitment for ACT Aspire is 60 minutes for the Reading assessment component, ranges between 30-40 minutes for the English and writing assessment components, and ranges between 55-65 minutes for the mathematics and science assessment components. Student performance on the ACT Aspire reports provide information on student performance toward ACT College Readiness Standards. An ACT Readiness Benchmark is provided for each assessment. Students who score at or above these benchmarks are considered on target to meet ACT's College and Career Readiness Benchmarks when they leave high school. ACT Readiness Range shows where a student who has met the ACT Readiness Benchmark on an assessment would typically perform. The predicted path

alternatives to the statewide, standardized assessment requirements for ELA, mathematics, and science, respectively.

- ACT Aspire and ACT for high school.⁸⁸ Contingent on students scoring at specified levels, the bill provides for the following substitutions:
 - ACT Aspire English and Reading assessments or the ACT English and Reading assessments as substitutes for either the grade 9 ELA assessment or the grade 10 ELA assessment, or both.
 - ACT Aspire Mathematics assessment or the ACT Mathematics assessment as a substitute for the Algebra I EOC assessment.

In addition, the bill creates a mechanism for students to be exempted from individual state-required high school tests or all statewide, standardized testing requirements for high school based on students scoring at specified levels on the English and Reading, Mathematics, and Science components of ACT Aspire or the ACT. For instance, for a student who scores 432 on the ACT Aspire Mathematics assessment of 20 on the ACT Mathematics assessment, the bill requires the student to be exempted from the geometry end-of-course (EOC) assessment requirement.

For exemption from all statewide, standardized testing requirements for high school, the bill requires students to attain the score of:

- 428 on the ACT Aspire English and Reading assessments or 18 on the ACT English and Reading assessments,
 - 435 on the ACT Aspire Mathematics assessment or 22 on the ACT Mathematics assessment, and
 - 430 on the ACT Aspire Science assessment or 20 on the ACT Science assessment.
- PSAT or NMSQT,⁸⁹ and SAT⁹⁰ for high school. Contingent on students scoring at specified levels, the bill provides for the following substitutions:

for each assessment is a projection of where scores will fall based on expected growth rates. ACT, Inc., *ACT & College and Career Readiness*, on file with the Committee on Education Pre-K – 12, at 9-11.

⁸⁸ The ACT Test is available in paper and pencil as well as in computer-based format. In 2014-2015, 130,798 (79%) of Florida high school graduates took the ACT. Fifty-four percent of Florida students met the English College Readiness Benchmark. Nationwide, more than 1.9 million students took the ACT in 2015, amounting to nearly 59 percent of all high school graduates. In 2015, the following states administered the ACT statewide: Arkansas (district choice), Alabama, Alaska (district choice), Colorado, Hawaii, Illinois (district choice), Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nevada, North Carolina, North Dakota (student choice), Oklahoma (district choice), South Carolina, Tennessee (district choice), Utah, Wisconsin, and Wyoming. ACT, Inc., *ACT & College and Career Readiness*, on file with the Committee on Education Pre-K – 12, at 7-8.

⁸⁹ The Preliminary SAT (PSAT) 8/9 tests the same skills and knowledge as the SAT, PSAT/NMSQT, and PSAT 10 and helps students and teachers assess the “what the [students] need to work on most” to be ready for college when the students graduate from high school. College Board, *PSAT 8/9*, <https://professionals.collegeboard.com/testing/sat> (last visited Jan. 23, 2016). Similar to the PSAT 8/9, the PSAT/National Merit Scholarship Qualifying Test (NMSQT) and PSAT 10 also measure what students learn in school and what the students need to succeed in college. College Board, *PSAT/NMSQT and PSAT 10: Inside the Test*, <https://professionals.collegeboard.com/testing/sat> (last visited Jan. 23, 2016). College Board International, *PSAT/NMSQT*, <http://international.collegeboard.org/programs/psat-nmsqt-psss> (last visited Jan. 23, 2016).

⁹⁰ “Each year, more than 80 million students take the SAT. Nearly every college in America uses the test as a common and objective scale for evaluating student’s college readiness.” College Board, *The SAT*, <https://professionals.collegeboard.com/testing/sat> (last visited Jan. 23, 2016). Seventy percent of Florida’s public school

- PSAT Critical Reading and Writing assessments, NMSQT Critical Reading and Writing assessments, or the SAT Critical Reading and Writing assessments as substitutes for either the grade 9 ELA assessment or the grade 10 ELA assessment, or both.
- PSAT Mathematics assessment, NMSQT Mathematics assessment, or the SAT Mathematics assessment as a substitute for the Algebra I EOC assessment.

In addition, the bill creates a mechanism for students to be exempted from individual or all high school statewide, standardized testing requirements based on students scoring at specified levels on the Critical Reading and Writing and Mathematics components of the PSAT, NMSQT, or the SAT. For instance, for a student who attains the score of 45 on the PSAT or NMSQT, or 450 on the SAT, the bill requires the student to be exempted from the geometry end-of-course (EOC) assessment requirement.

For exemption from all statewide, standardized testing requirements for high school, the bill requires students to attain the score of 120 on the PSAT or NMSQT, or 1200 on the SAT (including the Critical Reading, Writing, and Mathematics components).

The bill requires a student who does not attain the specified score for exemption from the geometry EOC, Algebra II EOC, Biology I EOC, or United States History EOC assessment to take the applicable EOC assessment after completing the relevant course during that school year to fulfill the statewide, standardized assessment requirements and the conditions for graduating with a standard high school diploma. Consistent with current law, the student's performance on the EOC assessment must constitute 30 percent of the student's final course grade,⁹¹ and the student must pass the required EOCs to earn the scholar designation on the standard high school diploma.⁹²

The bill allows for modifications to the specified rigorous alternative assessment scores (for demonstrating subject area and grade level competency) by requiring the State Board of Education (SBE or state board) to adopt in rule necessary adjustments to the specified scores based on recommendations from the Commissioner of Education (commissioner); ACT, Inc.; and the College Board.

Options for Students in High School

The bill identifies several rigorous alternative assessments (e.g. SAT Subject Tests, College-Level Examination Program, and Advanced Placement) as options for students to take, in lieu of the statewide, standardized assessments, to satisfy high school subject area, course, credit, and assessment requirements, beginning in the 2016-2017 school year. In effect, the bill expands the authority in current law,⁹³ with regards to using ACT and SAT scores to fulfill grade 10 ELA assessment requirement, to also apply to additional assessments to meet other subject area, course, and assessment requirements.

graduates took the SAT in 2015. College Board, *Florida Public Schools 2014-2015*, on file with the Committee Education Pre-K -12.

⁹¹ Section 1003.4282, F.S.

⁹² Section 1003.4285(1)(a), F.S.

⁹³ Section 1008.22(8)-(9), F.S.; *see also* Rule 6A-1.094223, F.A.C.

The bill allows students to take the rigorous alternative assessments without enrolling in the corresponding courses. However, the bill specifies that students must attain a passing score on the rigorous alternative assessment to meet the subject area, course, credit, and assessment requirements specified in law.⁹⁴ This competency-based mechanism provides students with acceleration opportunities in high school, which may help students graduate early from high school or instead, take advanced coursework through dual enrollment⁹⁵ or the Collegiate High School program.⁹⁶

The bill creates several student performance-based worksheets for rigorous alternative assessments that form the basis for granting students exemption from course enrollment and completion obligations, and corresponding EOC assessment requirements. The bill provides a worksheet each for specific SAT Subject Tests, College-Level Examination Program (CLEP), DSST,⁹⁷ and Advanced Placement (AP). With regards to dual enrollment courses in biology and United States History, the performance-based worksheet specifies the EOC or the CLEP assessments that students must take to meet the statewide, standardized assessment requirements for Biology I and United States History.

Additionally, the worksheet for industry certifications lists the exemptions from various EOC assessment requirements for students who earn one or more of the specified national industry certifications. In this case, the bill provides for an alternative mechanism for a student to demonstrate subject area competency by earning an industry certification, which involves completing the required coursework and passing one or more industry-approved examinations.

Criteria for the Award and Application of Credit

The bill expands the competency-based mechanism for earning high school credit, as authorized under the Credit Acceleration Program (CAP),⁹⁸ by identifying in the student performance-based worksheets for CLEP, DSST, and AP, passing scores that, if attained by students, must result in such students receiving high school credit toward specified subject areas. The passing scores on CLEP, DSST, and AP are identified in the credit-by-examination equivalency list, which has been adopted in rule by the state board.⁹⁹ In effect, this provision will allow a student earn both, high school and college credits concurrently, if the student passes one or more of the specified assessments.

⁹⁴ Sections 1002.3105, 1003.4282, 1003.4285, 1003.4295(3), and 1008.22, F.S.

⁹⁵ Section 1007.271, F.S.

⁹⁶ Section 1007.273, F.S.

⁹⁷ Defense Activity for Non-Traditional Education Support (DANTES) is a division of the Department of Defense that provides educational support to military members. In 2004, the exams were acquired and are now owned and administered by Prometric. Prometric owns and administers DSST exams. DSST, *What is DSST?* http://getcollegecredit.com/what_is_dsst/ (last visited Jan. 20, 2016); *see also* DANTES, *DANTES*, <http://www.dantes.doded.mil/#sthash.nYKTxyfV.dpbs> (last visited Jan. 20, 2016). DSST offers a suite of more than 30 exams in college subject areas such as social sciences, math, applied technology, business, physical sciences, and humanities. DSST, *About DSST*, <http://getcollegecredit.com/about> (last visited Jan. 20, 2016).

⁹⁸ Section 1003.4295(3), F.S.; *see also* Rule 6A-10.024, F.A.C.

⁹⁹ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

With regards to dual enrollment courses in biology and United States History, the bill allows a student to earn high school credit in such subject areas by taking either the corresponding EOC assessment or the specified CLEP examination. However, if a student takes the Biology I EOC or the United States History EOC assessment corresponding to a dual enrollment course, which is considered a college-level course, the bill specifies that student performance on such EOC assessments must not constitute 30 percent of the student's final course grade.

Additionally, the bill:

- Exempts credits earned by students passing one or more of the specified rigorous alternative assessments from minimum instructional hour requirements in law¹⁰⁰ and
- Requires a passing score on such assessments to be applied first to meet the assessment and credit requirements for ELA, mathematics, science or social studies before applying the score to meet the required electives credit requirements.

Online Course Requirement

The bill establishes performance-based alternative means for student in public schools, including charter schools, to satisfy the online course requirement for high school graduation by:

- Either completing a course in which a student earns a nationally recognized industry certification, identified on the CAPE industry Certification Funding List, in information technology, or passing the information technology certification examination without enrolling in, or completing, the course or courses corresponding to such certification.
- Passing an online content assessment, without enrolling in or completing the course or courses corresponding to that assessment, demonstrating his or her skills and competency in locating information and applying technology for instructional purposes.

Contracts for Assessments

The bill provides for the immediate renegotiation of existing student assessment contracts and negotiation of new contracts to implement the rigorous alternative assessment options.

Specifically, the bill specifies that the Department of Education (department):

- Must immediately renegotiate the Florida Standards Assessment contract (Contract Number 14-652) with American Institutes for Research (AIR) to implement the rigorous alternative assessment options, and specifies the following requirements:
 - The department must ensure that the renegotiated contract fully implements the student assessment program for public schools, in accordance with the law,¹⁰¹ and the rigorous alternative assessment options. The department must minimize student disruption.
 - The renegotiated contract must be executed by May 27, 2016.
 - The renegotiated contract should not result in an increase in price per assessment or any other price increase.
 - The department may not use any funds to restore the loss of funds pursuant to the rigorous alternative assessment options to Contract Number 14-652.

¹⁰⁰ Section 1003.436, F.S.

¹⁰¹ Section 1008.22, F.S.

- May renegotiate other existing assessment contracts (e.g., the Florida Comprehensive Assessment Test retake contract and the statewide end-of-course assessment contracts) to allow for the availability of funds to implement the rigorous alternative assessments.
- Must negotiate and contract with entities such as ACT, Inc., and the College Board to implement the rigorous alternative assessment options. Additionally, the department must ensure that it obtains the lowest possible total contract price and price per assessment, and that the contracts are executed in sufficient time to fully implement the rigorous alternative assessment options in the 2016-2017 school year.

Additionally, the bill prohibits the funding for rigorous alternative assessments from increasing the budget for assessment and evaluation in the General Appropriations Act. Funds made available as a result of renegotiated statewide, standardized assessment and other assessment contracts must be used to provide funding for the specified rigorous alternative assessment contracts.

Implementation Schedule

The bill establishes the following timelines for the implementation of district-selected rigorous alternative assessment options (e.g., ACT Aspire for grades 3 through 8; ACT Aspire and ACT for high school; PSAT or NMSQT, and SAT for high school; or a combination of options as specified):

- A district school board must, by April 1, 2016:
 - File with the department of the district's nonbinding notice of interest to administer a rigorous alternative assessment option and
 - Identify the assessment option that the district intends to administer.
- The department must:
 - Execute the contracts, as specified in the bill, by May 27, 2016.
 - Notify the school districts of the rigorous alternative assessment option by June 1, 2016.
- The district school board that chooses to administer a rigorous alternative assessment option must:
 - Decide by July 1, 2016 and
 - Notify the commissioner and the students' parents of the board's decision by July 8, 2016.
- The parent of a student in a school district that chooses to administer a rigorous alternative assessment option must notify the district, in writing, by August 10, 2016, the parent's decision for his or her child to take the statewide, standardized assessments for the relevant subject area and grade level which are administered during that school year.

Use of Assessments and Reporting Requirements

The bill requires student performance on rigorous alternative assessments to be made available to the district school superintendents by August 1 of each year and requires the commissioner to:

- Collaborate with ACT, Inc., and the College Board to establish proxy values for linking student performance on the specified rigorous alternative assessments to educator performance evaluation, school grade, school improvement rating, and school district grade calculations, before the beginning of the 2016-2017 school year. For applicability statewide,

such proxy values must be approved by the state board, and subsequently approved by the Legislature during the 2017 regular session.

- Submit to the Legislature, by December 31, 2016, statutory recommendations for improving the implementation of rigorous alternative assessment options and related provisions.

The commissioner must also indicate the assessment schedule for the specified rigorous alternative assessments within the statewide assessment schedule established in accordance with the law.¹⁰² The department posts the Statewide Assessment Schedule on its website,¹⁰³ which creates public awareness about the required assessments, the testing window for such assessments, and whether the test are computer-based or paper-based. Inclusion of similar information for the rigorous alternative assessments will be helpful to the students and parents.

ESEA waiver

The bill requires the commissioner to amend Florida's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965 (ESEA), as necessary to implement the rigorous alternative assessment options, and submit additional documents to the United States Department of Education (U.S. DOE), as necessary, to maintain compliance with the ESEA waiver flexibility¹⁰⁴ approved by the U.S. DOE.

In addition, the bill requires the commissioner to faithfully and timely implement the rigorous alternative assessment options in accordance with the provisions specified in the bill, and submit by August 1, 2016, a report on the status of such implementation and compliance with the ESEA, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Teacher Bonuses for Students Who Earn College Credit

The bill removes the annual cap on teacher bonuses for the teachers providing AP, IB, AICE, or industry certification instruction which results in their students scoring at specified levels on examinations (in the case of AP, IB, and AICE) or attaining industry certifications corresponding to such instruction. As a result, the bill rewards teachers who prepare students with college and career readiness skills.

Teacher Evaluation

The bill provides an exemption for the performance of students with excessive absences from counting against a classroom teacher's performance evaluation. Specifically, the bill provides that a classroom teacher's performance evaluation must be based on the performance of students who are assigned to their classroom and who have fewer than 25 absences within a school year.

¹⁰² Section 1008.22, F.S.

¹⁰³ Florida Department of Education, *Assessment Schedules*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/assessment-schedules.shtml> (last visited Jan. 23, 2016).

¹⁰⁴ Currently, the United States Department of Education (U.S. DOE) is allowing each SEA an opportunity to seek a 1-year extension of its ESEA flexibility request through the end of the 2015-2016 school year. Florida's *ESEA Flexibility Request*, recently revised July 22, 2015, available at <https://www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/flrenewalreq2015.pdf>. The USDOE has renewed approval of Florida's request through the end of the 2015-2016 school year, subject to certain conditions as identified in USDOE's letter to FLDOE Commissioner Pam Stewart, dated August 21, 2015, available at <https://www2.ed.gov/policy/eseaflex/secretary-letters/flrenewaltr2015.pdf>.

Similarly, for schools with block scheduling, a classroom teacher's performance evaluation must be based on the performance of students who are assigned to their classroom and who have fewer than 10 absences within a school year.

District School Board Powers and Duties

The law adds to the existing powers and duties of the district school boards by allowing district school board members to visit schools to promote education and school improvements.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1002.3105, 1002.33, 1003.4282, 1003.4285, 1003.4295, 1003.436, 1006.28, 1007.27, 1007.271, 1011.61, 1011.62, and 1012.34.

Also, this bill creates the section 1008.223 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K - 12 on January 27, 2016:

The committee substitute includes additional provisions that:

- Establish alternative means to satisfy online course requirement for high school graduation.
- Authorize district school board members to visit schools to promote education and school improvements.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Gaetz) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 680 and 681
insert:

(4) ONLINE COURSE REQUIREMENT.—At least one course within the 24 credits required under this section must be completed through online learning. ~~A school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester.~~

(a) An online course taken in grade 6, grade 7, or grade 8



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11 fulfills the ~~this~~ requirement in this subsection. The ~~This~~
12 requirement is met through an online course offered by the
13 Florida Virtual School, a virtual education provider approved by
14 the State Board of Education, a high school, or an online dual
15 enrollment course. A student who is enrolled in a full-time or
16 part-time virtual instruction program under s. 1002.45 meets the
17 ~~this~~ requirement.

18 (b) A district school board or a charter school governing
19 board, as applicable, may offer students the following options
20 to satisfy the online course requirement in this subsection:

21 1. Completion of a course in which a student earns a
22 nationally recognized industry certification in information
23 technology that is identified on the CAPE Industry Certification
24 Funding List pursuant to s. 1008.44 or passage of the
25 information technology certification examination without
26 enrollment in or completion of the corresponding course or
27 courses, as applicable.

28 2. Passage of an online content assessment, without
29 enrollment in or completion of the corresponding course or
30 courses, as applicable, by which the student demonstrates skills
31 and competency in locating information and applying technology
32 for instructional purposes.

33
34 For purposes of this subsection, a school district may not
35 require a student to take the online course outside the school
36 day or in addition to a student's courses for a given semester.
37 This subsection ~~requirement~~ does not apply to a student who has
38 an individual education plan under s. 1003.57 which indicates
39 that an online course would be inappropriate or to an out-of-



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40 state transfer student who is enrolled in a Florida high school
41 and has 1 academic year or less remaining in high school.

42 Section 5. Present subsection (27) of section 1001.42,
43 Florida Statutes, is redesignated as subsection (28), and a new
44 subsection (27) is added to that section, to read:

45 1001.42 Powers and duties of district school board.—The
46 district school board, acting as a board, shall exercise all
47 powers and perform all duties listed below:

48 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
49 management and instruction, give suggestions for improvement,
50 and advise citizens with the view of promoting interest in
51 education and improving the school.

52
53 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

54 And the directory clause is amended as follows:

55 Delete line 575

56 and insert:

57 Section 20. Subsections (2), (3), and (4) of section
58 1003.4282,

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete lines 73 - 74

63 and insert:

64 by a specified date; creating additional options for
65 satisfying the online course requirement; conforming
66 provisions to changes made by the act; amending s.

67 1001.42, F.S.; revising the duties of a district
68 school board; amending ss. 1003.4285, 1003.4295,

By Senator Simmons

10-01462-16

20161418__

A bill to be entitled

An act relating to supplemental academic instruction; amending s. 1011.62, F.S.; requiring supplemental academic instruction categorical funds and research-based reading instruction allocation funds to be used by a school district that has one or more of the lowest-performing elementary schools for additional intensive reading instruction at the school during the summer program in addition to instruction during the school year; requiring certain school districts to provide additional instruction under certain circumstances; requiring such districts to provide the Department of Education with certain plans; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective July 1, 2016, and upon the expiration of the amendment to section 1011.62, Florida Statutes, made by chapter 2015-222, Laws of Florida, paragraph (f) of subsection (1) and paragraph (a) of subsection (9) of that section are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

10-01462-16

20161418__

(f) *Supplemental academic instruction; categorical fund.*—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. For the 2016-2017 ~~2014-2015~~ fiscal year, each school district that has one or more of the 100 ~~300~~ lowest-performing elementary schools based on the state reading assessment shall use these funds, together with the funds provided in the district's research-based reading instruction allocation and other available funds, to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each such school. Students enrolled in these schools who have Level 5 assessment scores may participate in the additional hour of instruction on an optional basis ~~of these schools. In addition, the 100 lowest-performing elementary schools shall provide at least 40 hours of instruction in a 2017 summer program to students who have Level 1 and Level 2 reading assessment scores.~~ The ~~This~~ additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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62 reading or by a K-5 mentoring reading program that is supervised
 63 by a teacher who is effective in ~~at~~ teaching reading. ~~Students~~
 64 ~~enrolled in these schools who have level 5 assessment scores may~~
 65 ~~participate in the additional hour of instruction on an optional~~
 66 ~~basis. Exceptional student education centers shall not be~~
 67 ~~included in the 300 schools.~~ After this requirement has been
 68 met, supplemental instruction strategies may include, but are
 69 not limited to: use of a modified curriculum, reading
 70 instruction, after-school instruction, tutoring, mentoring, a
 71 reduction in class size ~~reduction~~, an extended school year,
 72 intensive skills development in summer school, and other methods
 73 of ~~for~~ improving student achievement. Supplemental instruction
 74 may be provided to a student in any manner and at any time
 75 during or beyond the regular 180-day term identified by the
 76 school as being the most effective and efficient way to best
 77 help that student progress from grade to grade and to graduate.
 78 For an elementary school that is one of the 300 lowest-
 79 performing in reading, but not one of the 100 lowest-performing
 80 in reading, a school district shall provide additional
 81 instruction through a plan adopted by the local school district.
 82 At a minimum, the plan must include 180 hours of additional
 83 instruction for students who have Level 1 and Level 2 reading
 84 assessment scores. A school district shall provide the
 85 department with a copy of the district-approved plan. For the
 86 2016-2017 fiscal year, the 300 lowest-performing elementary
 87 schools must be the same schools as those identified for the
 88 2015-2016 fiscal year. Exceptional student education centers may
 89 not be included in the 300 schools.

90 3. Effective with the 1999-2000 fiscal year, funding on the

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91 basis of FTE membership beyond the 180-day regular term shall be
 92 provided in the FEFP only for students enrolled in juvenile
 93 justice education programs or in education programs for
 94 juveniles placed in secure facilities or programs under s.
 95 985.19. Funding for instruction beyond the regular 180-day
 96 school year for all other K-12 students shall be provided
 97 through the supplemental academic instruction categorical fund
 98 and other state, federal, and local fund sources with ample
 99 flexibility for schools to provide supplemental instruction to
 100 assist students in progressing from grade to grade and
 101 graduating.

102 4. The Florida State University School, as a lab school, is
 103 authorized to expend from its FEFP or Lottery Enhancement Trust
 104 Fund allocation the cost to the student of remediation in
 105 reading, writing, or mathematics for any graduate who requires
 106 remediation at a postsecondary educational institution.

107 5. Beginning in the 1999-2000 school year, dropout
 108 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
 109 (b), and (c), and 1003.54 shall be included in group 1 programs
 110 under subparagraph (d)3.

111 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—
 112 (a) The research-based reading instruction allocation is
 113 created to provide comprehensive reading instruction to students
 114 in kindergarten through grade 12. For the 2016-2017 ~~2014-2015~~
 115 fiscal year, in each school district that has one or more of the
 116 100 ~~300~~ lowest-performing elementary schools based on the state
 117 reading assessment, priority shall be given to providing an
 118 additional hour per day of intensive reading instruction beyond
 119 the normal school day for each day of the entire school year for

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120 the students in each such school. Students enrolled in these
 121 schools who have Level 5 assessment scores may participate in
 122 the additional hour of instruction on an optional basis. In
 123 addition, the 100 lowest-performing elementary schools shall
 124 provide at least 40 hours of instruction in a 2017 summer
 125 program for students who have Level 1 or Level 2 reading
 126 assessment scores. A school district shall provide the
 127 additional instruction through a plan adopted by the local
 128 school district for an elementary school that is one of the 300
 129 lowest-performing in reading, but not one of the 100 lowest-
 130 performing in reading. At a minimum, the plan must include 180
 131 hours of additional instruction for students who have Level 1
 132 and Level 2 reading assessment scores. A copy of the district-
 133 approved plan must be provided to the department. For the 2016-
 134 2017 fiscal year, the 300 lowest-performing schools must be the
 135 same schools as those identified for the 2015-2016 fiscal year.
 136 Exceptional student education centers ~~may shall~~ not be included
 137 in the 300 schools. The intensive reading instruction delivered
 138 in this additional hour and for other students must shall
 139 include: research-based reading instruction that has been proven
 140 to accelerate the progress of students exhibiting a reading
 141 deficiency; differentiated instruction based on student
 142 assessment data to meet students' specific reading needs;
 143 explicit and systematic reading development in phonemic
 144 awareness, phonics, fluency, vocabulary, and comprehension, with
 145 more extensive opportunities for guided practice, error
 146 correction, and feedback; and the integration of social studies,
 147 science, and mathematics-text reading, text discussion, and
 148 writing in response to reading. ~~For the 2012-2013 and 2013-2014~~

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149 ~~fiscal years, a school district may not hire more reading~~
 150 ~~coaches than were hired during the 2011-2012 fiscal year unless~~
 151 ~~all students in kindergarten through grade 5 who demonstrate a~~
 152 ~~reading deficiency, as determined by district and state~~
 153 ~~assessments, including students scoring Level 1 or Level 2 on~~
 154 ~~the statewide, standardized reading assessment or, upon~~
 155 ~~implementation, the English Language Arts assessment, are~~
 156 ~~provided an additional hour per day of intensive reading~~
 157 ~~instruction beyond the normal school day for each day of the~~
 158 ~~entire school year.~~
 159 Section 2. This act shall take effect July 1, 2016.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 1418

INTRODUCER: Senator Simmons

SUBJECT: Supplemental Academic Instruction

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 1418 modifies and extends the requirement of providing an additional hour of daily intensive reading instruction to students enrolled in elementary schools identified as the lowest-performing.

Specifically, the bill:

- Extends the requirement through the 2016-2017 fiscal year, which is set to expire July 1, 2016.
- Requires the 100 lowest-performing elementary schools to provide at least 40 hours of the instruction in a 2017 summer program to students who have Level 1 or Level 2 reading assessment scores.
- Allows students enrolled in the 100 lowest-performing elementary schools who have Level 5 reading assessment scores to participate in the additional hour of instruction on an optional basis.
- Requires a school district that has one of the 300 lowest-performing to provide 180 hours of additional instruction for students at those schools who have Level 1 or Level 2 reading assessment scores through a district-adopted plan.

The bill provides for an effective date of July 1, 2016.

II. Present Situation:

Intensive Reading Instruction

Supplemental Academic Instruction Categorical Fund

In 1999, the Legislature created the Supplemental Academic Instruction (SAI) Categorical Fund as part of the A+ Education Plan¹ for the purpose of assisting school districts in providing supplemental instruction to students in kindergarten through grade 12.² The SAI fund was created to:³

- Address the school districts' requests for more flexibility; and
- Provide additional resources to districts to help students gain at least a year's worth of knowledge for each year in school.

A school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment is required to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year in those schools.⁴ The additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching reading or by a K-5 mentoring reading program that is supervised by a teacher who is effective in teaching reading.⁵ Students who score Level 5 on the assessment may opt to participate in the additional hour of instruction.⁶

Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.⁷

Supplemental instructional strategies may include, but are not limited to:⁸

- Modified curriculum;
- Reading instruction;
- After-school instruction;
- Tutoring;
- Mentoring;
- Class size reduction;
- Extended school year;
- Intensive skills development in summer school; and

¹ Section 23, ch. 99-398, L.O.F.

² Florida House of Representatives, Council for Lifelong Learning, *Supplemental Academic Instruction Fact Sheet* (Sept. 2001) available at

<http://archive.flsenate.gov/data/publications/2002/house/reports/EdFactSheets/fact%20sheets/supplementalacademicinstruction.pdf>.

³ *Id.* Prior to the SAI fund, school districts were given resources for summer school and supplemental instruction with more restrictive funds. *Id.* The following funding sources were combined to become a portion of the SAI fund: K-8 summer school categorical, 9-12 FTE funds for summer school, and the weighted portion of dropout prevention funds. *Id.*

⁴ Section 1011.62(1)(f), F.S.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

- Other methods for improving student achievement.

The SAI funds are allocated annually in the amount provided in the General Appropriations Act (GAA), and are in addition to funds appropriated on the basis of full-time equivalent (FTE) student membership in the Florida Finance Education Program (FEFP).⁹ For the 2015-2016 fiscal year, school districts with one or more of the 300 lowest-performing elementary schools based on the statewide, standardized English Language Arts (ELA) assessment were required to use at least \$75 million in SAI funds for the required additional hour of intensive reading instruction.¹⁰

Research-Based Reading Instruction Allocation

In addition to the SAI categorical fund, school districts may use funds from the research-based reading instruction allocation to provide comprehensive reading instruction to students in kindergarten through grade 12.¹¹ The funds must be used to provide a system of comprehensive reading instruction to K-12 students which may include providing:¹²

- An additional hour per day of intensive reading instruction to students in the 300 lowest-performing elementary schools¹³ by teachers and reading specialists who are effective in teaching reading.
- Intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency through K-5 reading intervention teachers.
- Highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content area based on student need.
- Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.
- Summer reading camps for all K-2 students who demonstrate a reading deficiency and students in grades 3-5 who score at Level 1 on the statewide, standardized reading assessment or ELA assessment.
- Supplemental instructional materials grounded in scientifically based reading research.
- Intensive interventions for K-12 students who have been identified as having a reading deficiency or who are reading below grade level.

School districts must annually submit a K-12 comprehensive reading plan to the Department of Education (DOE) for the specific use of the allocation.¹⁴ The Just Read, Florida! Office within the DOE reviews and approves the district's plan.¹⁵ School districts have flexibility in developing their plans and are encouraged to offer reading intervention through innovative

⁹ *Id.*

¹⁰ Section 2, ch. 2015-232, L.O.F. The 300 lowest-performing schools were the same schools as identified for the 2014-2015 fiscal year. *Id.* See also s. 7, ch. 2015-222, L.O.F.

¹¹ Section 1011.62(9), F.S.

¹² *Id.* at (9)(c).

¹³ For the 2015-2016 fiscal year, the 300 lowest-performing schools were the same schools identified as such for the 2014-2015 fiscal year. Section 7, ch. 2015-222, L.O.F.

¹⁴ Section 1011.62(9)(d), F.S. See also Rule 6A-6.053, F.A.C.

¹⁵ *Id.*

methods.¹⁶ One hundred percent of the research-based reading instruction allocation must be used to implement a school district's approved plan.¹⁷

For the 2015-2016 fiscal year, school districts with one or more of the 300 lowest-performing elementary schools based on the statewide, standardized ELA assessment were required to use at least \$15 million of the research-based reading instruction allocation¹⁸ for the required additional hour of intensive reading instruction.

III. Effect of Proposed Changes:

SB 1418 modifies and extends the requirement of providing an additional hour of daily intensive reading instruction to students enrolled in elementary schools identified as the lowest-performing.

Specifically, the bill:

- Extends the requirement through the 2016-2017 fiscal year, which is set to expire July 1, 2016.
- Requires the 100 lowest-performing elementary schools to provide at least 40 hours of the instruction in a 2017 summer program to students who have Level 1 or Level 2 reading assessment scores.
- Allows students enrolled in the 100 lowest-performing elementary schools who have Level 5 assessment scores to participate in the additional hour of instruction on an optional basis.
- Requires a school district to provide 180 hours of additional instruction through a district-adopted plan for students who have Level 1 or Level 2 reading assessment scores at any elementary school that is one of the 300 lowest-performing, but not one of the 100 lowest-performing.

The bill extends the requirement of providing an additional hour of daily intensive reading instruction through the 2016-2017 fiscal year. Currently, the requirement applies only for the 2015-2016 fiscal year pursuant to s. 7, ch. 2015-222, L.O.F., which implemented the 2015 General Appropriations Act. The amendments made to s. 1011.62, F.S., in SB 2502-A (2015) are scheduled to expire July 1, 2016.¹⁹

The bill requires that each school district that has one or more of the 100 lowest-performing elementary schools based on the state reading assessment use funds from the Supplemental Academic Instruction and Research-Based Reading Instruction Allocation categoricals to provide an additional hour of instruction beyond the normal school day of the entire school year for intensive reading instruction for students in those schools.

The bill requires the 100 lowest-performing elementary schools to provide at least 40 hours of instruction in a 2017 summer program to students who have Level 1 or Level 2 reading

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Specific Appropriations 7 and 90, s. 2, ch. 2015-232, L.O.F. The amount of \$115,000 was allocated to each district and the remaining balance allocated based on each district's proportion of the total K-12 based funding. *Id.*

¹⁹ Section 9, ch. 2015-222, L.O.F.

assessment scores. Also, the bill provides students enrolled in these schools who have Level 5 assessment scores the option of participating in the additional hour of instruction if they choose.

For elementary schools identified as one of the 300 lowest-performing in reading, but not one of the 100 lowest-performing, the bill requires a school district to provide additional instruction through a plan adopted by the local school district. At a minimum, the plan must include 180 hours of additional instruction for students who have Level 1 or Level 2 reading assessment scores, and must be submitted to the Department of Education.

Additionally, the bill provides that for the 2016-2017 fiscal year, the 300 lowest-performing elementary schools must be the same schools as those identified for the 2015-2016 fiscal year, and must not include exceptional student education centers.

The bill provides for an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 1011.62.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Montford

3-01118-16

20161440__

A bill to be entitled

An act relating to the Florida Educator Hall of Fame; creating s. 265.005, F.S.; establishing the Florida Educator Hall of Fame; designating a location for the display of inductee plaques; providing procedures for the nomination, selection, and induction of members by the Florida Education Foundation and the Commissioner of Education; providing that a person inducted before a certain date remains in the Hall of Fame; authorizing the commissioner to request a specific appropriation related to the Florida Educator Hall of Fame; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 265.005, Florida Statutes, is created to read:

265.005 Florida Educator Hall of Fame.—

(1) The Florida Educator Hall of Fame is established to recognize and honor those persons, living or dead, who have made significant contributions to education in this state.

(2) The Florida Educator Hall of Fame shall be located in an area on the Plaza Level of the Capitol Building set aside by the Department of Management Services.

(a) The Florida Education Foundation shall make a recommendation for the design and theme of the Florida Educator Hall of Fame. The Commissioner of Education, in consultation with the Department of Management Services, shall approve or disapprove the foundation's recommendation.

(b) A plaque must be displayed in the designated area of the Capitol Building for each member of the Florida Educator Hall of Fame. The plaque must indicate the member's particular

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3-01118-16

20161440__

discipline or contribution and any vital information relating to the member. Each member shall also receive a standard memento of his or her induction.

(3) The Florida Education Foundation shall accept nominations annually for membership in the Florida Educator Hall of Fame. Floridians who have made a significant contribution to education in this state, as determined and documented by the Florida Education Foundation, are eligible for membership. The foundation shall recommend to the Commissioner of Education persons to be named as members of the Florida Educator Hall of Fame.

(a) The Commissioner of Education may annually name up to four members to the Florida Educator Hall of Fame.

(b) A person inducted into the Florida Educator Hall of Fame administered by the Florida Education Foundation and the Department of Education before July 1, 2016, shall remain in the Florida Educator Hall of Fame.

(4) The Commissioner of Education and the Florida Education Foundation shall develop and adopt written policies to administer this section, including procedures to accept nominations, make recommendations regarding the selection of members, provide inductees' travel expenses, and provide funding for the Florida Educator Hall of Fame.

(5) The Commissioner of Education may annually request an appropriation from the Legislature sufficient to administer this section. The Florida Education Foundation may also provide funds to cover any or all expenses related to the Florida Educator Hall of Fame.

Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 1440

INTRODUCER: Senator Montford

SUBJECT: Florida Educator Hall of Fame

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Favorable
2.	_____	_____	AGG	_____
3.	_____	_____	FP	_____

I. Summary:

SB 1440 reestablishes the Florida Educator Hall of Fame (Hall of Fame) to recognize and honor those persons who have or had made significant contributions to education in Florida.

Specifically, the bill establishes the Hall of Fame by:

- Requiring the Department of Management Services to set aside an area on the Plaza Level of the Capitol Building for the Hall of Fame;
- Requiring the Commissioner of Education (Commissioner), in collaboration with the Florida Education Foundation (Foundation), to develop and adopt policies to administer the Hall of Fame;
- Requiring the Foundation to annually accept nominations, establish eligibility criteria, and make recommendations to the Commissioner;
- Authorizing the Commissioner to annually name up to four members to the Hall of Fame who will each receive a plaque to be displayed in the designated area; and
- Authorizing the Hall of Fame expenses to be covered by the Foundation, and for the Commissioner to seek funding from the Legislature to administer the Hall of Fame.

The bill takes effect on July 1, 2016.

II. Present Situation:

Florida Educator Hall of Fame

The Florida Educator Hall of Fame (Hall of Fame) was previously established in 1998. However, in 2002, the Florida School Code rewrite repealed the Hall of Fame.¹

¹ s. 1058, ch. 2002-387, L.O.F. SB 20-E repealed Chapter 231, F.S. of the Florida School Code, relating to public education general provisions.

Establishment and Location of the Florida Educator Hall of Fame

The 1998 Legislature enacted a bill to establish the Florida Educator Hall of Fame.² The Hall of Fame was established to recognize and honor those persons, living or dead, who had made significant contributions to education in the state.³

The Hall of Fame was displayed in an area on the Plaza Level of the Capitol Building.⁴ The Commissioner of Education (Commissioner), in consultation with the Secretary of Management Services, approved the Florida Education Foundation's (Foundation) recommended design and theme for the display.⁵

Each individual selected as a member received a plaque which was placed in the Hall of Fame, designated with the member's particular discipline or contribution, and vital information relating to the member.⁶

Membership

The Commissioner and the Florida Education Foundation developed and adopted written policies used to administer the Hall of Fame which included procedures to accept nominations, make recommendations for the selection of members, the recipient's travel expenses, and for funding of the Hall of Fame.⁷

During the first year the Hall of Fame was established, the Commissioner was allowed to name no more than 10 members to the Hall of Fame.⁸ Thereafter, the Commissioner was limited to annually name no more than 4 members.⁹

Funding

The Foundation was permitted to provide funding to cover any or all expenses related to the Hall of Fame.¹⁰ The Commissioner was authorized to annually request an appropriation from the Legislature for the Hall of Fame.¹¹

Florida Halls of Fame

Currently, the Florida Halls of Fame displayed in the Plaza Level of the Capitol Building include the:

- Florida Women's Hall of Fame;¹²

² Section 13, ch. 98-281, L.O.F.; s. 231.63, F.S.

³ *Id.* Section 231.63, F.S. was removed in 2002.

⁴ Section 13, ch. 98-281, L.O.F.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Section 13, ch. 98-281, L.O.F.

⁹ Section 13, ch. 98-281, L.O.F.; Section 56, ch. 2000-31, L.O.F. removed obsolete language and requires the Commissioner of Education to name no more than four members to the Florida Educator Hall of Fame in any 1 year.

¹⁰ *Id.*

¹¹ Section 13, ch. 98-281, L.O.F.

¹² s. 265.001, F.S.

- Florida Veterans' Hall of Fame;¹³
- Florida Tourism Hall of Fame;¹⁴
- Florida Law Enforcement Officers' Hall of Fame;¹⁵
- Florida Artists Hall of Fame;¹⁶ and the
- Florida Civil Rights Hall of Fame.¹⁷

III. Effect of Proposed Changes:

SB 1440 reestablishes the Florida Educator Hall of Fame (Hall of Fame) to recognize and honor those persons, living or dead, who have made significant contributions to education in Florida. In effect, the bill reinstates the Hall of Fame provisions established in 1998.¹⁸

The membership of the Hall of Fame will also include any person inducted into the Hall of Fame before July 1, 2016. Specifically, any individual previously selected as a member will automatically be included as a member in the reestablished Hall of Fame.¹⁹

The bill takes effect on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹³ s. 265.003, F.S.

¹⁴ s. 265.004, F.S.

¹⁵ s. 265.0041, F.S.

¹⁶ s. 265.2865, F.S.

¹⁷ s. 760.065, F.S.

¹⁸ Section 13, ch. 98-281, L.O.F; Section 56, ch. 2000-31, L.O.F.

¹⁹ The list of prior members inducted into the Florida Educator Hall of Fame is not currently available.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 265.005 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Education Pre-K -12 Committee

Judge:

Started: 1/27/2016 9:02:30 AM

Ends: 1/27/2016 10:27:18 AM Length: 01:24:49

9:02:29 AM Meeting Called to order - Roll Call
9:02:42 AM Quorum present
9:02:51 AM Chair
9:03:17 AM Tab 5 - SB 1088 - Sen. Stargel
9:03:54 AM Amendment # 348174 by Sen. Galvano
9:04:49 AM Sen. Clemens
9:04:55 AM Sen. Galvano
9:04:57 AM Chair
9:05:11 AM Amendment #348174 Adopted
9:05:17 AM On bill as amended
9:05:22 AM Shawn Frost, Board member, Fla. Coalition of School Board Members, waives in support
9:05:25 AM Robyn Rennick, Board member, The Coalition of McKay Scholarship Schools, waives in support
9:05:30 AM Deborah Linton, CEO, The ARC of Fla., speaking for the bill
9:06:16 AM Debra Mortham, Legislative Director, Foundation for Fla.'s Future, waives in support
9:06:23 AM Brittany Hunt, Policy Director, Fla. Chamber of Commerce, waives in support
9:06:28 AM Shan Goff, Policy Director, Foundation of Florida's Future, waives in support
9:06:30 AM On Bill as amended
9:06:35 AM
9:06:37 AM CS/SB 1088 Roll Call - Favorable
9:07:02 AM Chair
9:07:09 AM Tab 7 - SB 1418 by Sen. Simmons
9:08:46 AM Chair
9:08:59 AM Sen. Simmons waives to close
9:09:06 AM Roll Call SB 1418 - Favorable
9:09:27 AM Tab 2 - SB 834- Sen. Detert
9:10:35 AM Chair
9:11:17 AM Sen. Brandes
9:11:31 AM Chair
9:11:32 AM Linda Champion, Deputy Commissioner, DOE, in response to Sen. Brandes question
9:12:22 AM Sen. Brandes
9:12:33 AM Linda Champion in response
9:13:00 AM Chair
9:13:06 AM Sen. Detert
9:14:00 AM Sen. Clemens
9:15:00 AM Sen. Detert
9:15:02 AM Sen. Clemens
9:15:06 AM Sen. Detert
9:15:52 AM Chair
9:15:57 AM Cody Vildostegui, Policy Chief, Governor's Office, waives in support
9:15:59 AM Tanya Cooper, Director, Gov. Relations, DOE, waives in support
9:16:19 AM Andre Messin, Exec. Dir., Florida School Boards, waives in support
9:16:25 AM Chair
9:16:31 AM Sen. Benacquisto
9:17:02 AM Sen. Detert
9:17:16 AM Chair
9:17:29 AM Sen. Detert to waives to close
9:17:38 AM Roll Call on SB 834 - Favorable
9:17:58 AM Chair
9:18:07 AM Tab 1 - SB 442 - Sen. Flores
9:19:43 AM Sen., Clemens
9:20:09 AM Chair
9:20:12 AM Sen. Detert

9:20:23 AM Sen. Flores
9:20:48 AM Chair
9:20:53 AM Sen. Flores
9:21:35 AM Chair
9:21:44 AM Amendment #255048 withdrawn
9:21:56 AM Chair
9:22:06 AM Jen Gaviria, Gov't. Consultant, Plum Creek Timber Company, waives in support
9:22:10 AM Tom Cerra, Consultant, Greater Fla. Consortium of School Boards, waives in support
9:22:10 AM Iraidh Mendez-Cartaya, Association Superintendent, Miami Dade County Public Schools, waives in support
9:22:22 AM Chair
9:22:27 AM Sen. Flores waives to close
9:22:32 AM Roll Call SB 442 - Favorable
9:23:11 AM
9:23:36 AM Tab 8 - SB 1440 -by Sen. Montford
9:24:03 AM Chair
9:24:15 AM Sen. Montford waives to close
9:24:20 AM Roll Call SB 1440 - Favorable
9:24:50 AM Gavel to Vice Chair Detert to Chair
9:24:58 AM SB 1078 by Sen. Legg
9:25:14 AM Chair
9:25:22 AM Sen. Legg waives to close
9:25:28 AM Roll Call on SB 1078 - favorable
9:25:58 AM Tab 3 - SB 1068 - by Sen. Legg
9:26:48 AM Chair
9:26:51 AM Sen. Sobel
9:27:11 AM Sen. Legg
9:27:14 AM Chair
9:27:19 AM Late filed Amendment #450948 by Sen. Brandes
9:27:35 AM Sen. Brandes
9:27:44 AM Chair
9:27:56 AM Sen. Legg
9:28:12 AM Sen. Brandes withdraws amendment #450948
9:28:29 AM Chair, on the bill as amended
9:28:32 AM
9:28:38 AM Shan Goff, Policy Director, Foundation for Florida's Future, waives in support
9:28:44 AM Brittany Hunt, Fla Chamber, waives in support
9:28:51 AM Chair
9:28:56 AM Sen. Legg waives to close
9:29:01 AM Roll Call on SB 1068 - Favorable
9:29:33 AM Sen. Legg back in Chair
9:29:40 AM Tab 6- SB 1360 by Sen. Gaetz
9:37:02 AM Chair
9:38:01 AM Amendment #102586 by Sen. Gaetz
9:38:53 AM Chair
9:38:55 AM Amendment #102586 adopted
9:39:18 AM Chair, on bill as amended
9:39:19 AM Sen. Sobel
9:40:06 AM Sen. Gaetz
9:40:13 AM Chair
9:41:06 AM Sen. Bullard
9:41:37 AM Sen. Gaetz
9:43:42 AM Sen. Bullard
9:44:41 AM Sen. Gaetz
9:46:22 AM Chair
9:47:05 AM Christopher Kratzer, Dir. State Government Relations, ACT, Inc., waive against the bill
9:47:10 AM Keith Flaugh, Citizen Advocate, Florida Citizens Alliance, speaking against support bill
9:49:29 AM Sen. Sobel
9:50:34 AM Keith Flaugh in response
9:50:48 AM Chair
9:51:03 AM Kelly Lorbeer, Self, St. John's County, Supporting Fl. Citizens Alliance, Speaking against the bill
9:52:47 AM Judy Stevens, concerned citizen, St. John's County, supports Fla. Citizens Alliance, speaking against

the bill

9:55:03 AM Meredith Mears, Fla. Parents RISE- speaking against the bill
9:56:24 AM Chair
9:56:31 AM Beth Overholt, parent, Tallahassee, FL, speaking against the bill
9:57:14 AM Vern Pick-up Crawford, Legislative Liaison, Charlotte, Collier, Palm Beach, Treasure Coast School Districts
9:57:49 AM Shawn Frost, School Board member, Indian River Co. School Dist., & Fl. Coalition of School Board Members, speaking for the bill
10:00:05 AM Andrea Messina, Exec. Director, Fla. School Boards Association, waives in support
10:00:10 AM Chair
10:00:23 AM Jacqueline Twiggs, Atlanta, GA, Lead Account Strategist, ACT, Inc. speaking for the bill
10:01:45 AM Sen. Sobel
10:02:16 AM Jacqueline in response
10:02:34 AM Sen. Sobel
10:02:38 AM Jacqueline in response
10:02:50 AM Sen. Bullard
10:03:14 AM Jacqueline in response
10:04:33 AM Sen. Bullard
10:05:17 AM Jacqueline in response
10:06:07 AM Sen. Bullard
10:06:42 AM Jacqueline in response
10:07:37 AM Sen. Montford
10:08:04 AM Jacqueline in response
10:08:11 AM Sen. Montford
10:09:06 AM Jacqueline in response
10:09:48 AM Sen. Montford
10:09:54 AM Jacqueline in response
10:10:57 AM Sen. Montford
10:11:17 AM Jacqueline in response
10:11:37 AM Chair
10:11:39 AM Sen. Clemens
10:11:43 AM Jacqueline in response
10:11:51 AM Chair
10:12:17 AM Sen. Clemens for debate
10:13:08 AM Chair
10:13:54 AM Sen. Bullard for debate
10:16:25 AM Chair
10:16:26 AM Sen. Sobel for debate
10:17:40 AM Sen. Montford for debate
10:19:30 AM Chair
10:19:51 AM Sen. Gaetz to close
10:26:02 AM Chair
10:26:06 AM Roll Call for CS/SB 1360 - Favorable
10:26:37 AM Sen. Clemens, SB 1088 and 1418 votes in support of bills
10:26:50 AM Sen. Montford, SB 1088, 1418, votes in support of bills
10:27:05 AM Sen. Benacquisto moves to adjourn