

**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.)

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Prepared By: The Professional Staff of the Budget Subcommittee on Education Pre-K-12 Appropriations

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BILL: CS/SB 1696

INTRODUCER: Education Pre-K – 12 Committee and Senator Wise

SUBJECT: Public School Accountability

DATE: March 30, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	Matthews	ED	<b>Fav/CS</b>
2.	Armstrong	Hamon	BEA	<b>Pre-meeting</b>
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |  |   |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>                   | Technical amendments were recommended   |
|                              | <input type="checkbox"/>                   | Amendments were recommended             |
|                              | <input type="checkbox"/>                   | Significant amendments were recommended |

**I. Summary:**

This bill is a comprehensive public school accountability package which will implement reforms in the following areas:

- Virtual Education—The bill enables the Florida Virtual School to provide courses and be funded for students in Grades 4 and 5 and career education in Grades 9 through 12. In addition, it clarifies that for students in grades 6 through 8 in district virtual programs and the Florida Virtual School (FLVS), funding is based on successful course completions rather than on credit completions.
- Gift Ban—The bill prohibits school board members and their relatives from soliciting or accepting any gift from any person, vendor, potential vendor, or other entity doing business with the school district.
- Voluntary Prekindergarten Program (VPK) and kindergarten screening—The bill requires a VPK provider that is on probation to administer the statewide VPK enrollment screening, which the Department of Education (DOE) must adopt, to newly admitted VPK students. The provider must pay for the screening. The bill also repeals a numeric limitation on providers who fail to meet the kindergarten readiness rate.

- Career and Professional Academies—The bill specifies criteria for middle school career and professional academies relating to alignment to high school career and professional academies, an opportunity to earn an industry certification and partnerships with the business community. The State Board of Education must adopt rules to establish program weights for industry certification based on rigor and demand.
- Student Assessment and School Accountability—The bill:
  - Repeals the requirement for certain middle school students to take the Algebra I end-of-course assessment (EOC) in 2010-2011;
  - Revises the middle school grading formula to add the performance of students in high school courses with statewide standardized assessments;
  - Requires passage of civics for middle school promotion;
  - Provides that a school shall receive a school grade of “F” if it does not meet specified minimum proficiency standards in reading;
  - Provides that a determination of school grades for the Opportunity Scholarship Program (OSP) will be based on statewide assessments alone;
  - Provides that for purposes of calculating the performance category under differentiated accountability, the statewide assessments’ portion of a school grade would be used in determining the appropriate performance category, and revises category criteria;
  - Provides for the assignment of scores from hospital/homebound students to be assigned to their home school; and
  - Authorizes the Commissioner of Education to revise statewide testing dates.
- Supplemental Education Services (SES)—The bill provides that a school board may include in its district contract with a provider a requirement to use a uniform standardized assessment if the Department of Education is notified of its intent before services are provided to the student.
- Students with Disabilities—The bill:
- Authorizes the waiver of certain EOC assessment requirements for students with disabilities; and
- Codifies existing rule that a McKay scholarship student who enters a Department of Juvenile Justice detention center for less than 21 days would not lose the scholarship.
- Budget Transparency—The bill requires school districts to post each proposed, tentative, and official budget on their websites and encourages school districts to provide additional information on their websites.

The bill substantially amends sections 1001.20, 1001.42, 1002.37, 1002.38, 1002.39, 1002.45, 1002.67, 1002.69, 1002.71, 1002.73, 1003.4156, 1003.428, 1003.491, 1003.492, 1003.493, 1003.575, 1008.22, 1008.33, 1008.331, 1008.34, 1011.01, 1011.03, 1011.61, 1011.62, and 1012.39 of the Florida Statutes.

This bill creates sections 1001.421, 1003.4935, and 1011.035 of the Florida Statutes.

## II. Present Situation:

### *Virtual Education*

The Florida Virtual School (FLVS) offers individual course enrollments to all Florida students in grades 6 through 12, including public school, private school, and home education students.<sup>1</sup> School districts are required to provide students with access to enroll in courses available through the FLVS during or after the normal school day and through summer school enrollment.

Virtual education is also provided through school district virtual instruction programs.<sup>2</sup> Each school district is required to provide a full-time virtual instruction program for students in kindergarten through grade 12 and a full-time or part-time virtual instruction program for students in grades 9 through 12 enrolled in dropout prevention and academic intervention programs, Department of Juvenile Justice programs, core-curricula courses to meet class size requirements, or community colleges offering a school district virtual instruction program.<sup>3</sup>

According to the DOE, “anytime access” has been inconsistently implemented by school districts. Thus, students in some schools have not been allowed to take courses from FLVS, especially as part of their regular school-day curriculum. In these cases, student choice is limited.

### *Gift Ban*

Public officers, employees of agencies, local government attorneys, and candidates for nomination or election are not allowed to accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney or candidate would be influenced by the gift.<sup>4</sup> School board members, as elected officials, are included in the definition of public officers.<sup>5</sup> In addition, school board members, school superintendents, and any business organization in which a school board member or school superintendent has any financial interest are prohibited from contracting with a school district for materials, supplies, and services needed.<sup>6</sup> School board members<sup>7</sup> must also report any gifts that exceed \$100 in value, for which compensation was not “provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less.”<sup>8</sup>

### *Voluntary Prekindergarten (VPK)*

The 2004 Legislature established the Voluntary Prekindergarten Education (VPK) Program, a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.

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<sup>1</sup> See s. 1002.37, F.S.; see also Florida Department of Education, Florida Public Virtual Schools, *FLVS FAQ*, <http://www.fldoe.org/Schools/virtual-schools/faqs.asp>; last checked March 17, 2011. The FLVS is required to be administratively housed within the Office of Technology and Information Services (OTIS) in the DOE.

<sup>2</sup> s. 1002.45(1)(a), F.S.

<sup>3</sup> s. 1002.45(1)(b)2., F.S.

<sup>4</sup> s. 112.313, F.S.

<sup>5</sup> s. 112.313(1), F.S.

<sup>6</sup> s. 1001.42(12)(i), F.S.

<sup>7</sup> School board members are considered “reporting individuals” for purposes of filing full or limited public disclosure of their financial interests, s. 112.3148(2)(e), F.S.

<sup>8</sup> s. 112.3148(8)(a), F.S.

Within the first 30 days of an academic year, school districts must screen each kindergarten student to determine his or her readiness for kindergarten. From the results of this screening, the kindergarten readiness rate is calculated for each VPK provider.<sup>9</sup> If a provider falls below the minimum readiness rate for two consecutive years, the provider is placed on probation and is required to take certain corrective actions, including the use of a curriculum approved by the DOE.<sup>10</sup> If a provider remains on probation for two consecutive years without receiving a good cause exemption, the provider loses eligibility to deliver the VPK.<sup>11</sup> A good cause exemption may be granted for a provider that meets certain criteria established by the State Board of Education (SBE).<sup>12</sup>

#### *Career and Professional Academies*

The Career and Professional Education (CAPE) Act was enacted by the Florida Legislature to attract and retain targeted, high-value industries and to develop a knowledge-based workforce.<sup>13</sup> Each district school board must develop, in collaboration with the local workforce board and the area postsecondary institutions, a 5-year strategic plan to meet local and regional workforce demands through career academies.<sup>14</sup>

For each student enrolled in a career and professional academy who graduates with a standard high school diploma and who earns a certification included on the “Industry Certification Funding List,” the district of instruction may earn 0.3 full-time equivalent (FTE) student membership for the following year’s funding calculation in the Florida Education Finance Program (FEFP).<sup>15</sup> Industry certifications increased from 803 in 2007-2008 to 8,629 in 2009-2010.<sup>16</sup> Industry Certification bonus FTE funding in the FEFP is roughly \$4 million for 2010-2011.

CAPE academy students perform better than other high school students and have higher grade point averages, lower absentee rates, fewer disciplinary actions, lower dropout rates, higher rates of standard diplomas awarded, higher rates of enrollment in advanced courses, and higher eligibility rates for Bright Futures Scholarships.<sup>17</sup> While high school students have the option to earn industry certifications, there is little opportunity for students to earn rigorous industry certifications in the middle grades. Furthermore, middle school grades are determined solely on

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<sup>9</sup> The kindergarten readiness rate is the percentage of students that participated in the provider’s VPK program that are deemed ready for kindergarten. Currently, the readiness rate may not be set higher than a rate below which 15 percent of the VPK providers would fall. See s. 1002.69(6)(b), F.S.

<sup>10</sup> s. 1002.67(3)(c), F.S.

<sup>11</sup> s. 1002.69(7), F.S.

<sup>12</sup> A provider may receive an exemption if it can show learning gains of children served in the VPK program, if the provider has served at least twice the statewide percentage of children with disabilities or children identified as limited English proficient, and if the provider shows that local and state health and safety requirements are met. A provider must still take corrective actions after receiving a good cause exemption. See s. 1002.69(7)(b), F.S.

<sup>13</sup> ss. 1003.491-1003.494, F.S.

<sup>14</sup> ss. 1003.491(2), F.S.

<sup>15</sup> s. 1011.62(1)(p), F.S. Certifications earned through dual enrollment are not eligible for additional FTE. The additional FTE may not exceed 0.3 per student (i.e., no repeat allocations for additional certifications).

<sup>16</sup> DOE presentation to the Senate Pre-K – 12 Education Appropriations Committee, March 15, 2010, on file with the committee.

<sup>17</sup> *The Ninth Grade--A Precarious Time for the Potential Dropout*. ERIC Digest No. 34, available at <http://www.ericdigests.org/pre-926/ninth.htm>. See also <http://www.edweek.org/rc/articles/2007/10/03/sow1003.h27.html>.

the results of statewide assessments without additional incentives to encourage more rigorous and engaging coursework, such as courses offered through a career and professional academy.

#### *School Accountability*

The school grades for public schools in Florida are determined each year based upon a point system of student achievement and annual learning gains.<sup>18</sup> Middle school grades are currently based upon student scores on the FCAT.

Beginning with the 2009-10 school year, the calculation for high school grades incorporated other factors in addition to student achievement and annual learning gains on statewide standardized assessments. These factors include a high school's graduation rate, a high school's graduation rate of certain at-risk students, postsecondary readiness, and student performance and participation in Advanced Placement, International Baccalaureate, dual enrollment, industry certification, and Advanced International Certificate of Education courses.<sup>19</sup>

The school grade is used to determine categories of differentiated accountability and eligibility for the Opportunity Scholarship Program (OSP). Differentiated accountability is a system of categorizing schools based upon student achievement and determining appropriate interventions. Each category is based upon the school's grade, progress towards adequate yearly progress under the federal No Child Left Behind requirements, and changes in student performance. School grades are also used to determine if a child is eligible for an Opportunity Scholarship. The OSP provides parents whose children are assigned to a school that has received an "F" twice in a 4-year period the opportunity to send their children to a higher performing public school.

#### *Supplemental Education Services (SES)*<sup>20</sup>

The No Child Left Behind Act (NCLB) in federal law prescribes that any public school that fails to make Adequate Yearly Progress (AYP) for two consecutive years must provide to students the following year both school choice with transportation and supplemental educational services from state-approved providers.<sup>21</sup> As part of the application process, current law requires SES providers to identify the specific assessment to be administered and to describe the procedures and timelines to be used to evaluate, monitor, and report each student's progress toward meeting the goals as stated on the student learning plan.<sup>22</sup> Providers must describe how diagnostic assessment data will be used to identify the student's knowledge and skills gaps and set measurable goals for the student learning plan. Concerns have been raised that there is not sufficient accountability in the SES provider program because the providers select and score the pre- and post-assessment tool to measure student progress towards the student learning plan.

#### *Student Assessment*

The Commissioner of Education is required to design and implement a statewide program of educational assessment and to establish schedules for the administration of the assessments and

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<sup>18</sup> s. 1008.34(3), F.S.

<sup>19</sup> s. 1008.34(3)(b)2., F.S.

<sup>20</sup> See s. 1008.331(2), F.S.

<sup>21</sup> <http://www.fldoe.org/faq/default.asp?ALL=Y&Dept=307&ID=831>, Florida Department of Education, Bureau of Student Assistance.

<sup>22</sup> SES provider application, available at:

[http://www.fldoe.org/board/meetings/2008\\_02\\_19/Item%202%20Form%20SES%20100.pdf](http://www.fldoe.org/board/meetings/2008_02_19/Item%202%20Form%20SES%20100.pdf)

reporting of student test results. The schedule for reporting student test results on the FCAT is no later than the week of June 8 and for end-of-course assessment results no later than a week after the school district completes testing for each course.<sup>23</sup>

Beginning in the 2011-12 school year, entering ninth grade students must take and pass the statewide end-course-assessment (EOC) for Algebra I, to earn course credit.<sup>24</sup> Although students have been required to take and pass Algebra I to earn high school credit, students were not previously required to take and pass an EOC associated with the course.<sup>25</sup>

Beginning in the 2010-11 school year, there will no longer be a ninth grade Mathematics FCAT and beginning in the 2011-12 school year, there will no longer be a tenth grade Mathematics FCAT.<sup>26</sup> Because federal law requires that all public school students be tested in reading and mathematics at least once at the elementary, middle, and high school level,<sup>27</sup> students who earned high school credit for Algebra I while in middle school in the 2007-08 through 2009-10 school years would be required to take the Algebra I EOC, as the tenth grade Mathematics FCAT would no longer be administered.<sup>28</sup> Although students who take high school level courses in the middle grades will, most likely, enroll in sequentially more rigorous courses, some school districts raised concerns that the lapse in time between taking the course in middle school and sitting for the EOC assessment in high school would be unfair. In addition, these students will have already earned their course credit in Algebra I and do not need to pass the EOC assessment to earn course credit or graduate from high school. Accordingly, there were concerns that these students had no reason to perform well, yet their test results would be included in the school's grade. As a result, the Department of Education submitted a request to the U.S. Department of Education for a waiver from the federal law for the specific cohort of students who are affected. The waiver was granted on January 19, 2011.<sup>29</sup>

Students in grades 6 through 12 who score a Level 1 on FCAT Reading must be enrolled in and complete an intensive reading course the following year. The reading needs of a student that scores a Level II on FCAT Reading must be assessed to determine whether the student needs to be placed in an intensive reading course or a content area course in which reading strategies are delivered.

In order for students to be promoted to high school, the student must successfully complete three middle school or higher courses in English, mathematics, science, and social studies, including one semester of civics education, and one course in career and education planning to be completed in grades 7 or 8.<sup>30</sup> Beginning in the 2012-13 school year, the required civics course

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<sup>23</sup> The Commissioner is also required to direct Florida school districts to participate in the administration of the National Assessment of Educational Progress (NAEP), or a similar national assessment program. See s. 1008.22(2), F.S.

<sup>24</sup> s. 1008.22(3)(c) 2.a.(I), F.S.

<sup>25</sup> s. 1008.22(3)(c)2.a.(I), F.S.

<sup>26</sup> s. 1008.22(3)(c)1., F.S.

<sup>27</sup> See s. 1111(b)(3)(C)(v)(I)(cc) of the Elementary and Secondary Education Act (ESEA), available at: <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html>.

<sup>28</sup> s. 1008.22(3)(c)2.a.(I), F.S.

<sup>29</sup> Letter to Commissioner of Education Eric Smith from the Assistant Secretary of the U.S. Department of Education, on file with the committee (Jan. 19, 2011). The DOE estimates that approximately 39,600 students completed Algebra I in the middle grades and will not take the 10th grade Mathematics FCAT.

<sup>30</sup> s. 1003.4156, F.S.

must include an end-of-course assessment. By the 2014-15 school year, all students must pass the civics EOC assessment to pass the course and receive course credit.<sup>31</sup>

#### *Students with Disabilities*

Current law does not provide for an exemption for middle school students with disabilities from end-of-course assessments, however, the law does include a provision to waive end-of-course assessments for high school students with disabilities when the IEP committee determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations.

#### *McKay Scholarship Program*

Current law sets forth the requirements for parental placement of a student with disabilities in an eligible private school or another public school.<sup>32</sup> To be eligible for a McKay scholarship to attend a private school, a K-12 student with a disability<sup>33</sup> must have an individual education plan (IEP) and have spent the prior school year in attendance at a Florida public school.<sup>34</sup> Prior school year in attendance means that the student was enrolled and reported by 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 (DJJ) commitment program, if funded in the FEFP.<sup>35</sup>

For purposes of continuity of educational choice, the scholarship remains in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.<sup>36</sup> Under current administrative rule, a student who enters a DJJ detention center for less than 15 days is not considered to be returning to public school.<sup>37</sup>

#### *Assistive Technology Devices*<sup>38</sup>

Presently, certain agencies are required to enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices in accordance with the student's individualized family support plan, individual support plan, or an IEP.<sup>39</sup> The interagency agreements help the agencies to coordinate services for students with disabilities, including a determination of the need for assistive technology, the content of the transition plan, and the post-school support required to meet the student's transition goals.<sup>40</sup>

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<sup>31</sup> s. 1008.22(3)(c), F.S.

<sup>32</sup> s. 1002.39, F.S.

<sup>33</sup> s. 1002.39(1), F.S.

<sup>34</sup> s. 1002.39(2), F.S. There are two exceptions to the requirement for prior year in attendance.

<sup>35</sup> *Id.*

<sup>36</sup> s. 1002.39(4), F.S.

<sup>37</sup> Rule 6A-6.0970(3), F.A.C.

<sup>38</sup> Assistive technology devices are defined as manual and motorized wheelchairs, motorized scooters, voice-synthesized computer modules, optical scanners, talking software, Braille printers, environmental control devices for use by a person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to, in effect, speak, personal transfer systems, and specialty beds, including a demonstrator, that a consumer purchases or accepts transfer of in this state for use by a person with a disability. See s. 427.802, F.S.

<sup>39</sup> The required agencies include the Department of Health, the Department of Education, and the Agency for Workforce Innovation. See s. 1003.575, F.S.

<sup>40</sup> Florida Department of Education, Technical Assistance Paper, The Transfer of Assistive Technology to Home, Other Districts, Other Schools, and Other Agencies (Dec. 2005), available at: <http://www.fldoe.org/ese/pdf/y2006-6.pdf>.

*Budget Transparency*

District school boards are currently required to post a summary of their tentative budget online and advertise it in a newspaper of general circulation in the district.<sup>41</sup>

**III. Effect of Proposed Changes:***Virtual Education*

The bill requires school districts to provide students access to FLVS courses during and after the normal school day. This change provides uniformity among school districts and increases a student's access to the FLVS.

The bill amends the length of time a virtual instruction provider maintains its approved provider status. The bill changes the date of approval for virtual instruction providers to three school years after the date of approval. Because providers are currently approved in February, changing the length of approved provider status to correlate with the school year will prevent the loss of approved status in the middle of a school year.

The bill also eliminates the requirement that the FLVS be administratively housed within the DOE.

*Gift Ban*

The bill expands the current prohibition to include any gift to a school board member, regardless of whether the gift was accepted to influence a school board member's vote. The bill also expands the gift ban to apply to the relatives of school board members.<sup>42</sup> A gift is defined to include real property, personal property, preferential rate or terms on debt, forgiveness of indebtedness, transportation, food or beverage, membership dues, entrance fees, plants, flowers, or floral arrangements.

The bill prohibits school board members and their relatives from soliciting or accepting, directly or indirectly, any gift from any person, vendor, potential vendor, or other entity doing business with the school district. This change imposes stricter ethics requirements on school board members and their relatives.

*Voluntary Prekindergarten (VPK)*

The bill requires the SBE to periodically review and revise the performance standards for statewide kindergarten screening and to align these standards to the standards for student performance on statewide assessments. The bill authorizes nonpublic schools to administer the kindergarten readiness screening to each kindergarten student in nonpublic school who was enrolled in VPK.

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<sup>41</sup> s. 1011.03, F.S.

<sup>42</sup> Section 112.312(12), F.S., defines "relative" to mean: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the school board member, or any other natural person having the same legal residence as the school board member.



The bill requires a VPK provider to be placed on probation if it fails to meet the minimum kindergarten readiness rate established by the State Board of Education. Previously, a provider had to fail to meet the standards for two consecutive years. This change will require providers to begin corrective actions sooner and will thus improve the quality of VPK providers.

The methodology for calculating each VPK provider's readiness rate must include the percentage of students who meet all state readiness measures, and the DOE must adopt procedures for annually reporting the percentage of students who meet all kindergarten readiness measures. The bill eliminates a restriction placed on increasing the kindergarten readiness rate by removing the requirement that no more than 15 percent of the VPK providers can fall below the minimum readiness rate. Thus, readiness rates would no longer be tied to the number of VPK providers that fail to meet them, and the SBE can set the rate based on its determination of readiness.

The bill requires the DOE to adopt a statewide VPK enrollment screening to assess the readiness of each student for kindergarten upon the student's entry into a VPK program that is on probation. A VPK provider that is on probation must pay for the screening. Each parent enrolling a child in a VPK program must submit the child for the enrollment screening if required to do so by the provider. The department must adopt the fee schedule associated with the VPK enrollment screening and the process for determining learning gains of students who take the VPK enrollment screening and the kindergarten readiness screening.

The bill amends the criteria the SBE may use to grant good cause exemptions for public and private VPK providers by eliminating the exemption for providers serving at least twice the statewide percentage of children with disabilities or those identified as limited English proficient. Instead, good cause will be determined by learning gains through a VPK enrollment screening and the statewide kindergarten screening. This change shifts the emphasis for a good cause exemption from simply the type of students a provider serves (inputs) to the extent of student learning gains (outputs).

#### *Students with Disabilities*

The bill authorizes the individual education plan (IEP) committee to waive the EOC assessment results for students with disabilities, if the IEP committee determines that the EOC assessment cannot accurately measure the student's abilities even after considering all allowable accommodations.<sup>43</sup> This exemption will allow middle grade students with disabilities the opportunity to pass a course and receive course credit without passing the EOC assessment; however, the student is still required to take the assessment. The bill also requires any school with an IEP team to complete an assistive technology assessment within 60 days of receiving a request to determine the most appropriate assistive technology needed to maintain or improve the functional capabilities of the student.

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<sup>43</sup> To be eligible for this waiver, a student must be documented as having an intellectual disability, a hearing impairment, including deafness, a speech or language impairment, a visual impairment, including blindness, an emotional or behavioral disability, an orthopedic or other health impairment, an autism spectrum disorder, a traumatic brain injury, or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.

*McKay Scholarship Program*

The bill provides that a McKay scholarship student who enters a Department of Juvenile Justice detention center for less than 21 days would not lose the scholarship. This provision will prevent a student from losing their McKay scholarship for a temporary stay at a DJJ facility.

*Career and Professional Academies*

In an effort to engage students at an earlier age, prepare them for increasingly demanding coursework, and attain higher level industry certifications, the bill would expand CAPE opportunities to students in middle grades and establish funding for middle school students who earn industry certifications. The strategic 5-year plan developed and approved by school districts, workforce boards and agencies, and postsecondary institutions must include plans to implement career and professional academies at the middle grades.

Middle school students who earn industry certifications would generate the additional funding following graduation from high school with a standard diploma. Although there would be a considerable lapse in time before these students would generate bonus funding, these students will most likely be enrolled in higher level courses and be academically engaged, thus less likely to drop out. High school students who begin their career academy exposure in the middle grades would be prepared to earn additional and more demanding certifications at the high school level.<sup>44</sup>

The bill also establishes weights for industry certifications based on the level of rigor for the certification, entry-level earnings, and workforce demand in the industry. The formula used to determine these weights would be established through rulemaking.<sup>45</sup> The bill also specifies that a secondary school must discontinue enrollment for the CAPE academy the following year if the passage rate falls below 50 percent on the academy-related industry certification

*Student Assessment*

The bill authorizes the commissioner to direct school districts to participate in the administration of an international assessment, in addition to the administration of the National Assessment of Educational Progress (NAEP). This will authorize the commissioner to direct school district participation in assessments like the Program for International Student Assessment (PISA) and the Trends in International Mathematics and Science Study (TIMSS) assessment. The bill also provides the commissioner flexibility to adjust the administration of statewide assessments under exigent circumstances.

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<sup>44</sup> School districts that offer industry-certified career and professional academies in the middle grades would receive a prorated portion of the additional bonus weight in the FEFP for students who receive industry certification in middle school and who subsequently earn a standard high school diploma. Funds would be provided in the General Appropriations Act in the year following the student's graduation from high school and attainment of the industry certification. If the middle school student were to earn additional industry certifications at the high school level, the bonus weight associated with the highest industry certification would be prorated and shared with the appropriate middle school.

<sup>45</sup> The DOE and AWI are currently collaborating in establishing the weighting process for inclusion in rule. Factors would include the number of instructional hours, including work experience hours, required to earn the certification, award of college credit for academy courses based on statewide articulation agreements with postsecondary institutions, entry-level wages, growth rate in employment for each occupational category, and average annual openings for the primary occupation linked to the industry certification.

The bill eliminates the requirement that all students who took Algebra I in middle school during the 2007-08 through 2009-10 school years take the EOC assessment in the 2010-11 school year. These students are no longer required to take the EOC assessment because the DOE obtained a waiver from the U.S. Department of Education. Without removing this requirement, approximately 39,600 students will unnecessarily be required to take the Algebra I EOC assessment in May. The bill also authorizes middle school principals to determine whether a student that transfers to the middle school and has already completed a civics education course prior to transfer must take the civics education EOC assessment. The middle school principal must make this determination in accordance with SBE rules.

#### *School Accountability*

The bill requires the school grade for schools comprised of middle school grades 6 through 8 or grades 7 and 8, to include the performance of its students enrolled in Algebra I, geometry, and biology. The determination of middle school grades would also include middle school students' attainment of specific industry certifications, as data becomes available. This provision would encourage middle students to enroll in more challenging content and school districts to provide such offerings.

The bill also requires the achievement score and learning gains of a student designated as hospital or homebound to be assigned to that student's home school. A home school is defined as the school the student would be assigned if the student were not assigned to a hospital or homebound program. This provision would ensure that a school district retains its focus on helping these students succeed.

The bill requires a school to receive a school grade of "F," unless it meets a minimum percentage of students proficient in reading, irrespective of its performance on other indicators in the school grading formula. In addition, the bill allows the DOE to grant an exception if the school made significant gains in reading proficiency from the prior year. The SBE must establish the minimum percentage required to receive an exception.

The bill changes how school grades are determined for purposes of differentiated accountability. The bill requires high school grades to be based solely upon the portion of school's grade derived from statewide assessments, including the FCAT and end-of-course assessments. The formula for calculating high school grades changed in the 2009-10 school year to incorporate other factors, including high school graduation rates and student participation and performance in industry certifications and in certain accelerated courses. Because of the additional factors included in the high school grading formula, the DOE will not be able to appropriately identify intervention options based on the school's performance levels until after the following school year begins. By changing the law to focus on statewide assessment results, which are provided before the end of the school year, a school may be more quickly and appropriately identified. This allows the school districts to more timely provide the necessary type and intensity of intervention for schools in need of improvement.

The bill changes how school grades are determined for purposes of Opportunity Scholarship Program eligibility by solely using statewide assessments. Because incorporating the additional factors into the high school grading formula takes more time, a parent must wait until as late as November to determine if their child is eligible to participate in the OSP. Changing how the

school grades are calculated for the OSP will allow parents to decide if they want their child to participate in the OSP before the school year begins.<sup>46</sup>

#### *Supplemental Education Services (SES)*

The bill provides that a school board may include in its district contract with a provider a requirement to use a uniform standardized assessment if the Department of Education is notified of such intent before services are provided to the student. This may promote consistency in establishing baseline student achievement information and subsequent learning gains achieved by students being served by SES providers.

#### *Budget Approval*

The bill removes the requirement that the commissioner review the annual operating budgets for district school boards and the Florida College System institutions. Some school districts have attempted to hold the commissioner and the DOE accountable when problems existed with their budgets because the budgets had, in theory, been reviewed and approved. By removing the requirement to review and approve, the school districts will be fully accountable for their budgets.

#### *Budget Transparency*

The bill requires district school boards to post on their websites each proposed, tentative, and official budget in terms that are easily understandable and in a manner that is easily accessible to the public.<sup>47</sup>

School boards are also encouraged to post timely information as to when a budget hearing will be conducted; each contract between the district school board and the teacher's union; contracts between the district school board and noninstructional staff; recommendations of the citizens' budget advisory committee; and current and archived video recordings of each district school board meeting and workshop.<sup>48</sup>

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

<sup>46</sup> According to the DOE, prior to 2010, these grades have been available mid-summer, allowing time for parent notification and student transfers prior to the beginning of the following school year. Opportunity Scholarship Program eligibility for high schools was unclear as of the opening of the 2010-11 school year, since high school grades were not yet available due to changes in s. 1008.34, F.S. Attempts to identify eligible high schools based on statewide assessments led to some confusion among parents and district personnel, since some identified schools anticipated a performance grade category of "D" or above. Additionally, appropriate transfer schools (ones performing higher than the eligible school, but not less than performance grade category "C") could not be confidently identified. By specifying that high school grades will be based on statewide assessments, this language could allow identification of Opportunity Scholarship-eligible high schools to be made early enough to allow districts sufficient time for parent notification and student transfer. See Department of Education legislative bill analysis, on file with the committee.

<sup>47</sup> District school boards are currently required to post a summary of their tentative budget online and advertise it in a newspaper of general circulation in the district.

<sup>48</sup> These items are included to address some of the issues raised by the grand jury regarding the wasteful utilization of resources and contracts made by the Broward County School Board. *Final Report of the 19<sup>th</sup> Statewide Grand Jury in the Supreme Court of the State of Florida*, Case No: SC09-1910, at 3 and 24.

**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:**

The cost of the VPK pre-enrollment screening will be incurred by private providers that are on probation.

**C. Government Sector Impact:**

According to the DOE, changes to school improvement categories under the bill may affect the number of schools that qualify for School Recognition Awards. In 2010-11 each qualifying school was awarded \$75 per student for School Recognition, with total program funding at \$119,824,250.<sup>49</sup>

Middle school students who earn industry certifications will generate the additional bonus funding following graduation from high school with a standard diploma. This impact is not expected to take place until at least the 2014-2015 fiscal year.

In addition, the expansion of FLVS courses for Grades 4 and 5 students and for career education courses for high school students will have a potentially significant fiscal impact if these students take these courses in addition to their home school courses and earn more than one full-time-equivalent for funding in the Florida Education Finance Program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>49</sup> *Id.*

**VIII. Additional Information:**

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

**CS by the Education Pre-K – 12 Committee on March 30, 2011:**

The committee substitute:

- Removes comprehensive changes to the state instructional materials adoption process;
- Removes provisions for Florida College System institutions to offer elementary education in a charter school;
- Removes provisions relating to the class size categorical allocation;
- Removes the requirement for school districts to offer a digital curriculum to students in grades 5-12; and
- Removes the provision to establish a District Oversight Board for school districts with financial management deficiencies.

- B. **Amendments:**

None.