

Tab 1	CS/SB 758 by ED, Diaz; (Similar to CS/H 00865) Education					
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836202	A	S	RCS	AED, Diaz	btw L.70 - 71:	01/28 04:20 PM
664592	A	S	WD	AED, Cruz	btw L.360 - 361:	01/28 04:20 PM

Tab 2	SB 802 by Gruters (CO-INTRODUCERS) Perry, Polsky, Rodrigues; (Similar to CS/H 01421) School Safety					
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Tab 3	SB 1048 by Diaz (CO-INTRODUCERS) Rodrigues; (Compare to H 01193) Student Assessments					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Senator Broxson, Chair

Senator Diaz, Vice Chair

MEETING DATE: Wednesday, January 26, 2022

TIME: 3:30—5:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Broxson, Chair; Senator Diaz, Vice Chair; Senators Cruz, Gibson, Gruters, Hutson, Passidomo, and Polsky

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 758 Education / Diaz (Similar H 865)	Education; Establishing the Charter School Review Commission within the Department of Education; requiring the Commissioner of Education to appoint members; authorizing the commission to solicit and review charter school applications; requiring that the district school board that oversees the school district where a charter school approved by the commission will be located shall serve as the charter school's sponsor; requiring the Office of Program Policy Analysis and Government Accountability to conduct an analysis of charter school capital outlay and submit a report to the Governor and the Legislature by a specified date, etc. ED 11/30/2021 Fav/CS AED 01/26/2022 Fav/CS AP	Fav/CS Yeas 6 Nays 2
2	SB 802 Gruters (Similar CS/H 1421)	School Safety; Requiring the FortifyFL reporting tool to notify reporting parties that submitting false information may subject them to criminal penalties; requiring the Commissioner of Education to oversee and enforce compliance with requirements relating to school safety and security; requiring certain law enforcement officers to be physically present and directly involved in active assailant emergency drills; authorizing school safety officers to make arrests on property owned or leased by a charter school under a charter contract, etc. ED 01/11/2022 Favorable AED 01/26/2022 Temporarily Postponed AP	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education
Wednesday, January 26, 2022, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 1048 Diaz (Compare H 1193)	Student Assessments; Revising the grade levels for which the coordinated screening and monitoring program measures student progress in the Voluntary Prekindergarten Education Program; revising requirements for the statewide, standardized comprehensive assessments program, beginning with a specified school year; requiring that progress monitoring include both a web-based and mobile device-compatible option; requiring 2022-2023 school and school district grades to serve as an informal baseline for schools and school districts; providing that school improvement ratings will not be calculated for a certain school year, etc. ED 01/11/2022 Favorable AED 01/26/2022 Favorable AP	Favorable Yeas 8 Nays 0

Other Related Meeting Documents

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 Appropriations Subcommittee on Education

BILL: PCS/CS/SB 758 (254294)

INTRODUCER: Appropriations Subcommittee on Education; Education Committee; and Senator Diaz

SUBJECT: Education

DATE: January 28, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazes</u>	<u>Bouck</u>	<u>ED</u>	Fav/CS
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 758 creates the Charter School Review Commission (CSRC) within the Florida Department of Education. Under the bill, the CSRC:

- Consists of seven members, selected by the Commissioner of Education, and subject to confirmation by the Senate.
- Is provided the same powers as a sponsor in regard to reviewing and approving charter schools. If a charter school is approved, the district school board of the school district where the proposed charter school will be located must be the sponsor and supervisor of the proposed charter school.
- Decisions may be appealed to the State Board of Education.

The bill revises the terms for charter renewal and the procedures and causes of nonrenewal or termination of a charter. The bill removes the requirement that any facility used as a charter school obtain a special exemption from existing zoning and land use designations. Finally, the bill requires the Office of Program Policy and Governmental Accountability to conduct an analysis of the distribution of capital outlay funds to charter schools.

The bill does not have an impact on state revenues or expenditures.

The bill takes effect on July 1, 2022.

II. Present Situation:

Charter Schools

Charter schools are public schools that operate under a performance contract, or a “charter” which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results. The charter contract between the charter school governing board and the sponsor details the school’s mission, program, goals, students served, methods of assessment, and ways to measure success.¹

As of the 2018-2019 school year, over 3.3 million students attend charter schools in over 44 states, representing 6.5 percent of all public school students in the United States.² Forty-four states have enacted laws that govern the operation of charter schools, authorizers, and sponsors.³ Twenty of the 44 states, enacted laws that provided for more than one charter school authorizer in the state, examples of authorizers include but are not limited to, local school districts, the state department of education, an independent chartering board, and higher education institutions.⁴

Charter Schools in Florida

All charter schools in Florida are public schools and are part of the state’s program of public education. In the 2020-21 school year, 341,926 students were enrolled in 687 charter schools in 47 of Florida’s school districts. Approximately 70 percent of the students served by charter schools were minorities. Hispanic students comprised 45 percent of Florida’s charter school enrollment and 19 percent were African-American students.⁵

Charter School Sponsors

Under Florida law, the following entities may approve and sponsor a charter school:

- A district school board may approve a charter school in the county over which the district school board has jurisdiction.
- A state university may sponsor a charter developmental research school (charter lab school).
- A state university may, upon approval by the Florida Department of Education (DOE), solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.
- A Florida College System (FCS) institution may, upon approval by the DOE, solicit applications and sponsor a charter school in any county within its service area to meet

¹ Florida Department of Education, *FAQ, What are charter schools?* <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Nov 23, 2021).

² National Alliance for Public Charter Schools, *FAQ, How many charter schools and students are there?* <https://data.publiccharters.org/digest/charter-school-data-digest/how-many-charter-schools-and-students-are-there/> (last visited Nov. 23, 2021).

³ Education Commission of the States, *50-State Comparison Charter School Policies* <http://ecs.force.com/mbdata/mbquestNB2C?rep=CS1708> (last visited Nov. 23, 2021).

⁴ National Association of Charter School Authorizers, *Charter School Authorizers by State*, <https://www.qualitycharters.org/state-policy/multiple-authorizers/list-of-charter-school-authorizers-by-state/> (last visited Nov. 23, 2021).

⁵ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet, Florida’s Charter Schools*, (2021) available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2021.pdf>.

workforce demands and may offer postsecondary programs leading to industry certifications to eligible charter school students.

- A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation who are seeking enrollment.
- A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment.

A charter school sponsor has several responsibilities, including:

- Approving or denying charter school applications.
- Overseeing each sponsored school's progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.
- Ensuring that the school participates in the state's education accountability system.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

A sponsor must provide administrative and educational services and may withhold a fee of up to five percent of each charter school's total operating funds.

Charter School Application Process

Any person or entity that is seeking to open a charter school must prepare and submit an application on the Model Florida Charter Application, prepared by the DOE, to the intended sponsor. The charter school application must:

- Demonstrate how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provide a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contain goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
- Describe the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- Contain an annual financial plan for each year requested by the charter for operation of the school for up to five years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
- Disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter

schools, which the sponsor shall consider in deciding whether to approve or deny the application.

- Contain additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.

Upon receipt of the application the sponsor must review and evaluate the application using the standard Model Charter School Application Evaluation Instrument, and must within 90 calendar days approve or deny the application by majority vote. If the sponsor denies a charter school application or fails to act on an application, the charter school applicant may appeal to the State Board of Education (SBE) and must notify the sponsor of the appeal. Upon the SBE receipt of the appeal, the Commissioner of Education (commissioner) must convene a meeting of the Charter School Appeal Commission. The SBE must, by a majority vote, accept or reject the appeal submission no later than 90 calendar days after the appeal is filed. The SBE's decision is a final action subject to judicial review in the District Court of Appeal.⁶

In 2020, 60 percent of the approximately 60 charter school applications were approved. This is an increase from the 45.7 percent approval rate for approximately 90 applications in 2019.⁷

Charter School Appeal Commission

The Charter School Appeal Commission (commission) was established to assist the commissioner and the SBE with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors. The commissioner appoints the members of the commission, of which one-half of the must represent sponsors and one-half must represent charter schools who are currently operating in Florida. The commission provides a written recommendation to the SBE as to whether the appeal should be upheld or denied.

The Charter Agreement

The terms and conditions for the operation of a charter school are set forth by the sponsor and the charter school applicant in a contractual agreement called the charter. The initial term of the charter is for 5 years, excluding two planning years. The charter may be renewed under a 15-year charter if the charter school(s) have been operating for a minimum of 3 years and is demonstrating exemplary academic programming and fiscal management. The 15-year charter must be granted to a charter school that has received a school grade of "A" or "B" in 3 of the past 4 years and is not in a state of financial emergency.

A sponsor may choose not to renew or terminate the charter if the sponsor finds that one of the following exists:

- Failure to participate in the state's education accountability system created in s. 1008.31, F.S. as required in this section, or failure to meet the requirements for student performance stated in the charter.
- Failure to meet generally accepted standards of fiscal management.

⁶ Section 1002.33, F.S.

⁷ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet, Florida's Charter Schools*, (2021) available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2021.pdf>.

- Material violation of law.
- Other good cause shown.

Charter School Facilities

Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37, F.S. A library, community service, museum, performing arts, theatre, cinema, church, FCS institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.⁸ If a charter school is housed in a facility that is not one of the eight facilities specified in statute the charter school facility would be required to obtain a special exception, have the facility rezoned, or receive a land use change.

District School Tax – Charter School Capital Outlay

In order to receive funds under the Florida Education Finance Program for the operation of schools, a district school board must levy the millage⁹ set for its required local effort from property taxes. A school district's millage rate may not exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year.¹⁰ In addition to the required local effort millage levy, each district school board may levy a nonvoted operating discretionary millage. The Legislature annually prescribes in the General Appropriations Act the maximum amount of operating discretionary millage a district may levy.¹¹

In addition to the maximum millage levy for the required local effort and the nonvoted operating discretionary millage, each school board may levy not more than 1.5 mills against the taxable value for school purposes for charter schools and for district schools to fund, in part:

- New construction, and remodeling, renovation, maintenance, and repair of existing school plants or leased facilities.
- The purchase, lease-purchase, or lease of school buses.
- The purchase, lease-purchase, or lease of new and replacement equipment, including computer hardware and software for instructional purposes.
- Lease and lease-purchase agreements for educational facilities.
- Costs directly related to compliance with state and federal environmental regulations.
- The cost of the opening day collection for the library media center of a new school.¹²

⁸ Section 1002.33, F.S.

⁹ Section 200.001, (3)(a)-(e), F.S. defines school millage rates in five categories: nonvoted required school operating millage, nonvoted discretionary school operating millage, voted district school operating millage, nonvoted district school capital improvement millage and voted district school debt service millage.

¹⁰ Section 1011.71(1), F.S. The state average millage was set at 3.606; for the 67 school districts the approved millage varied from 3.734 (Suwannee) to 1.486 mills (Monroe). Florida Department of Education, *2021-22 Funding for Florida School Districts (2021)*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 4.

¹¹ Section 1011.71(1), F.S. The maximum nonvoted discretionary millage which may be levied pursuant to s. 1011.71(1), F.S., by district school boards in Fiscal Year 2021-2022 is 0.748 mills. Specific Appropriation 90, ch. 2021-36, L.O.F.

¹² Section 1011.71(2), F.S.

For the 2021-2022 fiscal year, charter school capital outlay funding consists of state funds appropriated in the 2021-2022 General Appropriations Act. Beginning in fiscal year 2022-2023, if funds appropriated through the Charter School Capital Outlay Allocation are less than the average charter school capital outlay funds per unweighted full-time equivalent (FTE) student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year and adjusted by changes in the Consumer Price Index, charter schools must also receive a portion of the revenue from the 1.5 discretionary millage levied by the school district.¹³ For fiscal year 2021-2022, school districts are not required to share revenue from the 1.5 discretionary millage levy because the Legislature appropriated \$182,864,353 in the Charter School Capital Outlay Allocation,¹⁴ which meets the funding requirement for charter schools in Florida law. School districts are not prohibited from sharing any 1.5 discretionary millage revenue with charter schools, but the amount appropriated in fiscal year 2021-2022 does not require a school district to do so.¹⁵

The Office of Program Policy Analysis and Government Accountability

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is a research arm of the Florida Legislature. OPPAGA was created by the Legislature in 1994 to help improve the performance and accountability of state government. OPPAGA provides data, evaluative research, and objective analyses to assist legislative budget and policy deliberations. OPPAGA conducts research as directed by state law, the presiding officers, or the Joint Legislative Auditing Committee.¹⁶

III. Effect of Proposed Changes:

This bill establishes the Charter School Review Commission (CSRC) and modifies provisions relating to charter school sponsors and facilities. The bill also directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an analysis of the distribution of capital outlay funds to charter schools.

Charter School Review Commission

The bill creates s. 1002.3301, F.S., to establish the CSRC within the Florida Department of Education, which may solicit, review, and approve applications for charter schools that are overseen by district school boards. The Commissioner of Education is required to select seven members for the CRSC who have charter school experience, subject to confirmation by the Senate. The CRSC members must be appointed to four year terms. However, for the purpose of achieving staggered terms, the bill requires that for initial appointments to the CSRC 3 members must be appointed to 2-year terms and 4 members must be appointed to 4-year terms.

¹³ Section 1013.62, F.S.

¹⁴ Specific Appropriation 19, s. 2, ch. 2021-036 L.O.F.

¹⁵ Florida Department of Education, *2021-22 Funding for Florida School Districts (2021)*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 4.

¹⁶ The Office of Program Policy Analysis and Government Accountability, *About OPPAGA*, <https://oppaga.fl.gov/About> (last visited Nov. 30, 2021).

The bill provides the CSRC with the same powers and duties that charter school sponsors currently have in Florida law with regards to reviewing and approving charter schools.¹⁷ However, the bill requires the district school board to serve as the sponsor of and supervisor for the new charter school.¹⁸ The charter school applicant is required to submit the application to the school district where the proposed charter school will be located within 3 days after submitting the application to the Charter School Revision Commission. School districts are allowed to provide feedback, in a format prescribed by the department, to the commission on the proposed charter school application. Further, the school district is required to contract with the new charter school within 30 calendar days after the CSRC's decision. The bill specifies that decisions of the CRSC are subject to the current appeals process provided in law.

Charter School Sponsors

The bill amends s. 1002.33, F.S., to modify requirements relating to charter school sponsor duties. The bill:

- Specifies that a charter school sponsor may impose additional reporting requirements only if a charter school has been identified as having a deteriorating financial condition or financial emergency.¹⁹
- Modifies the criteria for nonrenewal or termination of a charter to:
 - Specify that a charter school must be under a deteriorating financial condition or financial emergency in order for a sponsor to not renew or terminate a charter for fiscal management.
 - Remove “other good cause shown” as a ground for the termination or nonrenewal of a charter school.
- Specifies requirements relating to charter school renewal terms, specifically the bill:
 - Requires that the charter of a charter school must be renewed for no less than a five-year term if it meets the existing requirements for renewal and has received a school grade lower than a “B” in the most recent graded school year, except as provided in law for grades of “F.”²⁰
 - Requires that a 15-year charter renewal be granted if a charter school has received a school grade of “A” or “B” in the most recent graded school year, rather than in 3 of the past 4 years, and is not in a state of financial emergency.

Charter School Facilities

The bill provides that any facility, rather than those specified in law, that houses a charter school may provide space under its current zoning and land use designations.

¹⁷ Section 1002.33, F.S. delineates the powers and duties of sponsors in regards to the charter school application process.

¹⁸ *Duval County School Bd. v. State, Bd. of Educ.*, 998 So.2d 641 (Fla. 2d DCA 2008). In 2006, the Florida legislature enacted s. 1002.335, F.S., which established the “Florida Schools of Excellence Commission” as an independent, state-level entity with the power to approve and act as sponsor for charter schools throughout the State of Florida. The court found that the “Florida Schools of Excellence Commission” conflicted with article IX section 4 of the Florida Constitution.

¹⁹ Section 1002.345, F.S.

²⁰ Section 1002.33, F.S.

Capital Outlay Funds for Charter Schools

The bill requires OPPAGA to conduct an analysis of the current methodologies for the distribution of the capital outlay funds to charter schools and make recommendations that provides for a more equitable allocation of capital outlay funding for all public schools. The analysis must include:

- An analysis of the calculation methodology for the allocation of state funds appropriated in the General Appropriations Act under s. 1013.62(2), F.S.
- An analysis of the calculation methodology to determine the amount of revenue that a school district must distribute to a charter school under s. 1013.62(2), F.S.
- A comparison, for the most recent three years, of the charter school capital outlay amounts between the allocation of state funds and revenue that would result from the discretionary millage authorized under s. 1011.71(2) F.S.
- Other state policies and methodologies for the distribution of charter school outlay funds.

The bill requires that OPPAGA submit its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023.

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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 1002.33 of the Florida Statutes.

This bill creates section 1002.3301 of the Florida Statutes.

The bill creates an undesignated section of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

Recommended CS/CS by Appropriations Subcommittee on Education on January 26, 2022:

The committee substitute requires the charter school applicant to also submit the application to the school district where the proposed charter school will be located within 3 days after submitting the application to the Charter School Revision Commission. It also allows for the school district to provide feedback, in a format prescribed by the department, to the commission on the proposed charter school application.

CS by Education on November 30, 2021:

The committee substitute removed from the bill the provision that required the additional discretionary 1.5 millage to be part of a school district's operating discretionary millage levy.

The committee substitute requires the Office Program Policy Analysis Government Accountability (OPPAGA) to conduct an analysis of the current methodologies for the distribution of the capital outlay funds and recommend any changes to provide more equitable funding allocations of capital outlay funds for traditional and charter public schools. Specifically the bill requires that the analysis must include at a minimum:

- An analysis of the calculation methodology for the allocation of state funds appropriated in the General Appropriations Act under section 1013.62(2), F.S.

- An analysis of the calculation methodology to determine the amount of revenue that a school district must distribute to a charter school under section 1013.62(2), F.S.
- A comparison, for the most recent three years, of the charter school capital outlay amounts between the allocation of state funds and revenue that would result from the discretionary millage authorized under section 1011.71(2) F.S.
- Other state policies and methodologies for the distribution of charter school outlay funds.

The committee substitute requires that OPPAGA submit its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023.

B. Amendments:

None.



836202

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/28/2022	.	
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Appropriations Subcommittee on Education (Diaz) recommended the following:

Senate Amendment (with title amendment)

Between lines 70 and 71

insert:

(4) Within 3 calendar days after an applicant submits an application for a charter school to the commission, the applicant shall also provide the application to the school district where the proposed charter school will be located. Within 30 calendar days after receiving a copy of the application, the school district may provide input to the



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11 commission on a form prescribed by the department. The
12 commission must consider such input in reviewing the
13 application.

14

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

16 And the title is amended as follows:

17 Between lines 17 and 18

18 insert:

19 requiring a charter school applicant to provide a
20 school district with a copy of the application within
21 a specified timeframe; authorizing the school district
22 to provide input to the commission within a specified
23 timeframe; requiring the commission to consider such
24 input;



664592

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/28/2022	.	
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Appropriations Subcommittee on Education (Cruz) recommended the following:

Senate Amendment (with title amendment)

Between lines 360 and 361

insert:

Section 3. Paragraph (k) is added to subsection (2) of section 1011.71, Florida Statutes, to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for charter



664592

11 schools pursuant to s. 1013.62(1) and (3) and for district
12 schools to fund:

13 (k) Payment of salaries and benefits to employees whose job
14 duties support activities funded by this subsection.

15

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

17 And the title is amended as follows:

18 Between lines 37 and 38

19 insert:

20 amending s. 1011.71, F.S.; authorizing school boards
21 to levy a specified amount to be used by charter
22 schools and district schools to fund payment of
23 salaries and benefits to certain employees;

By the Committee on Education; and Senator Diaz

581-01343-22

2022758c1

1 A bill to be entitled
 2 An act relating to education; creating s. 1002.3301,
 3 F.S.; establishing the Charter School Review
 4 Commission within the Department of Education;
 5 providing the purpose of the commission; specifying
 6 membership of the commission and the duration of
 7 members' terms; requiring the Commissioner of
 8 Education to appoint members; providing that a
 9 majority of the commission members constitutes a
 10 quorum; providing that the commission has the same
 11 powers and duties as sponsors do in reviewing and
 12 approving charter schools; designating the district
 13 school board where a proposed charter school will be
 14 located as the school's sponsor and supervisor;
 15 requiring a district school board to take specified
 16 actions within a certain timeframe regarding the
 17 commission's granting of a charter school application;
 18 providing for the appeal of commission decisions;
 19 amending s. 1002.33, F.S.; providing legislative
 20 intent; authorizing the commission to solicit and
 21 review charter school applications; requiring that the
 22 district school board that oversees the school
 23 district where a charter school approved by the
 24 commission will be located shall serve as the charter
 25 school's sponsor; prohibiting sponsors from imposing
 26 additional reporting requirements on a charter school
 27 so long as the charter school meets specified
 28 requirements; revising the terms and conditions for
 29 charter renewal; revising the procedure and causes for

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

581-01343-22

2022758c1

30 nonrenewal or termination of a charter; providing that
 31 any facility may provide space to charter schools
 32 under its existing zoning and land use designations
 33 without obtaining a special exception, rezoning, or a
 34 land use change; requiring that educational impact
 35 fees required to be paid in connection with new
 36 residential dwelling units be designated instead for
 37 the construction of charter school facilities;
 38 requiring the Office of Program Policy Analysis and
 39 Government Accountability to conduct an analysis of
 40 charter school capital outlay and submit a report to
 41 the Governor and the Legislature by a specified date;
 42 providing an effective date.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Section 1002.3301, Florida Statutes, is created
 47 to read:

48 1002.3301 Charter School Review Commission.—The Charter
 49 School Review Commission is created within the Department of
 50 Education to review and approve applications for charter schools
 51 overseen by district school boards.

52 (1) The commission shall consist of seven members who have
 53 charter school experience, selected by the Commissioner of
 54 Education and subject to confirmation by the Senate. The
 55 commissioner shall designate one member as the chair. Each
 56 member shall be appointed to a 4-year term. However, for the
 57 purpose of achieving staggered terms, of the initial
 58 appointments, three members shall be appointed to 2-year terms

Page 2 of 14

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

581-01343-22 2022758c1

59 and four members shall be appointed to 4-year terms. All
 60 subsequent appointments shall be for 4-year terms. A majority of
 61 the members of the commission constitutes a quorum.

62 (2) The commission has the same powers and duties as
 63 sponsors pursuant to s. 1002.33 in regard to reviewing and
 64 approving charter schools.

65 (3) The district school board of the school district where
 66 the proposed charter school will be located shall be the sponsor
 67 of and supervisor for the new charter school and shall provide
 68 an initial proposed charter contract to the charter school
 69 pursuant to s. 1002.33(7)(b) within 30 calendar days after the
 70 commission's decision granting an application.

71 (4) The decisions of the commission may be appealed in
 72 accordance with s. 1002.33(6)(c).

73 Section 2. Subsection (2), paragraphs (a) and (b) of
 74 subsection (5), paragraph (c) of subsection (7), paragraph (a)
 75 of subsection (8), and paragraphs (c) and (f) of subsection (18)
 76 of section 1002.33, Florida Statutes, are amended, to read:

77 1002.33 Charter schools.—

78 (2) GUIDING PRINCIPLES; PURPOSE; LEGISLATIVE INTENT.—

79 (a) Charter schools in Florida shall be guided by the
 80 following principles:

81 1. Meet high standards of student achievement while
 82 providing parents flexibility to choose among diverse
 83 educational opportunities within this the state's public school
 84 system.

85 2. Promote enhanced academic success and financial
 86 efficiency by aligning responsibility with accountability.

87 3. Provide parents with sufficient information on whether

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88 their child is reading at grade level and whether the child
 89 gains at least a year's worth of learning for every year spent
 90 in the charter school.

91 (b) Charter schools shall fulfill the following purposes:

92 1. Improve student learning and academic achievement.

93 2. Increase learning opportunities for all students, with
 94 special emphasis on low-performing students and reading.

95 3. Encourage the use of innovative learning methods.

96 4. Require the measurement of learning outcomes.

97 (c) Charter schools may fulfill the following purposes:

98 1. Create innovative measurement tools.

99 2. Provide rigorous competition within the public school
 100 system to stimulate continual improvement in all public schools.

101 3. Expand the capacity of the public school system.

102 4. Mitigate the educational impact created by the
 103 development of new residential dwelling units.

104 5. Create new professional opportunities for teachers,
 105 including ownership of the learning program at the school site.

106 (d) It is the intent of the Legislature that charter school
 107 students be considered as important as all other students in
 108 this state and, to that end, comparable funding levels from
 109 existing and future sources should be maintained for charter
 110 school students.

111 (5) SPONSOR; DUTIES.—

112 (a) *Sponsoring entities.*—

113 1. A district school board may sponsor a charter school in
 114 the county over which the district school board has
 115 jurisdiction.

116 2. A state university may grant a charter to a lab school

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117 created under s. 1002.32 and shall be considered to be the
118 school's sponsor. Such school shall be considered a charter lab
119 school.

120 3. Because needs relating to educational capacity,
121 workforce qualifications, and career education opportunities are
122 constantly changing and extend beyond school district
123 boundaries:

124 a. A state university may, upon approval by the Department
125 of Education, solicit applications and sponsor a charter school
126 to meet regional education or workforce demands by serving
127 students from multiple school districts.

128 b. A Florida College System institution may, upon approval
129 by the Department of Education, solicit applications and sponsor
130 a charter school in any county within its service area to meet
131 workforce demands and may offer postsecondary programs leading
132 to industry certifications to eligible charter school students.
133 A charter school established under subparagraph (b)4. may not be
134 sponsored by a Florida College System institution until its
135 existing charter with the school district expires as provided
136 under subsection (7).

137 c. Notwithstanding paragraph (6)(b), a state university or
138 Florida College System institution may, at its discretion, deny
139 an application for a charter school.

140 d. The Charter School Review Commission, as authorized
141 under s. 1002.3301, may solicit and review applications for
142 charter schools overseen by district school boards, and upon the
143 commission approving an application, the district school board
144 that oversees the school district where the charter school will
145 be located shall serve as sponsor.

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146 (b) *Sponsor duties.*—

147 1.a. The sponsor shall monitor and review the charter
148 school in its progress toward the goals established in the
149 charter.

150 b. The sponsor shall monitor the revenues and expenditures
151 of the charter school and perform the duties provided in s.
152 1002.345.

153 c. The sponsor may approve a charter for a charter school
154 before the applicant has identified space, equipment, or
155 personnel, if the applicant indicates approval is necessary for
156 it to raise working funds.

157 d. The sponsor ~~may shall~~ not apply its policies to a
158 charter school unless mutually agreed to by both the sponsor and
159 the charter school. If the sponsor subsequently amends any
160 agreed-upon sponsor policy, the version of the policy in effect
161 at the time of the execution of the charter, or any subsequent
162 modification thereof, shall remain in effect and the sponsor may
163 not hold the charter school responsible for any provision of a
164 newly revised policy until the revised policy is mutually agreed
165 upon.

166 e. The sponsor shall ensure that the charter is innovative
167 and consistent with the state education goals established by s.
168 1000.03(5).

169 f. The sponsor shall ensure that the charter school
170 participates in the state's education accountability system. If
171 a charter school falls short of performance measures included in
172 the approved charter, the sponsor shall report such shortcomings
173 to the Department of Education.

174 g. The sponsor ~~is shall~~ not be liable for civil damages

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175 under state law for personal injury, property damage, or death
 176 resulting from an act or omission of an officer, employee,
 177 agent, or governing body of the charter school.

178 h. The sponsor ~~is shall~~ not be liable for civil damages
 179 under state law for any employment actions taken by an officer,
 180 employee, agent, or governing body of the charter school.

181 i. The sponsor's duties to monitor the charter school do
 182 ~~shall~~ not constitute the basis for a private cause of action.

183 j. The sponsor may shall not impose additional reporting
 184 requirements on a charter school as long as the charter school
 185 has not been identified as having a deteriorating financial
 186 condition or financial emergency pursuant to s. 1002.345 without
 187 providing reasonable and specific justification in writing to
 188 the charter school.

189 k. The sponsor shall submit an annual report to the
 190 Department of Education in a web-based format to be determined
 191 by the department.

192 (I) The report shall include the following information:

193 (A) The number of applications received during the school
 194 year and up to August 1 and each applicant's contact
 195 information.

196 (B) The date each application was approved, denied, or
 197 withdrawn.

198 (C) The date each final contract was executed.

199 (II) Annually, by November 1, the sponsor shall submit to
 200 the department the information for the applications submitted
 201 the previous year.

202 (III) The department shall compile an annual report, by
 203 sponsor, and post the report on its website by January 15 of

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204 each year.

205 2. Immunity for the sponsor of a charter school under
 206 subparagraph 1. applies only with respect to acts or omissions
 207 not under the sponsor's direct authority as described in this
 208 section.

209 3. This paragraph does not waive a sponsor's sovereign
 210 immunity.

211 4. A Florida College System institution may work with the
 212 school district or school districts in its designated service
 213 area to develop charter schools that offer secondary education.
 214 These charter schools must include an option for students to
 215 receive an associate degree upon high school graduation. If a
 216 Florida College System institution operates an approved teacher
 217 preparation program under s. 1004.04 or s. 1004.85, the
 218 institution may operate charter schools that serve students in
 219 kindergarten through grade 12 in any school district within the
 220 service area of the institution. District school boards shall
 221 cooperate with and assist the Florida College System institution
 222 on the charter application. Florida College System institution
 223 applications for charter schools are not subject to the time
 224 deadlines outlined in subsection (6) and may be approved by the
 225 district school board at any time during the year. Florida
 226 College System institutions may not report FTE for any students
 227 participating under this subparagraph who receive FTE funding
 228 through the Florida Education Finance Program.

229 5. For purposes of assisting the development of a charter
 230 school, a school district may enter into nonexclusive interlocal
 231 agreements with federal and state agencies, counties,
 232 municipalities, and other governmental entities that operate

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 233 within the geographical borders of the school district to act on
 234 behalf of such governmental entities in the inspection,
 235 issuance, and other necessary activities for all necessary
 236 permits, licenses, and other permissions that a charter school
 237 needs in order for development, construction, or operation. A
 238 charter school may use, but may not be required to use, a school
 239 district for these services. The interlocal agreement must
 240 include, but need not be limited to, the identification of fees
 241 that charter schools will be charged for such services. The fees
 242 must consist of the governmental entity's fees plus a fee for
 243 the school district to recover no more than actual costs for
 244 providing such services. These services and fees are not
 245 included within the services to be provided pursuant to
 246 subsection (20). Notwithstanding any other provision of law, an
 247 interlocal agreement between a school district and a federal or
 248 state agency, county, municipality, or other governmental entity
 249 which prohibits or limits the creation of a charter school
 250 within the geographic borders of the school district is void and
 251 unenforceable.

252 6. The board of trustees of a sponsoring state university
 253 or Florida College System institution under paragraph (a) is the
 254 local educational agency for all charter schools it sponsors for
 255 purposes of receiving federal funds and accepts full
 256 responsibility for all local educational agency requirements and
 257 the schools for which it will perform local educational agency
 258 responsibilities. A student enrolled in a charter school that is
 259 sponsored by a state university or Florida College System
 260 institution may not be included in the calculation of the school
 261 district's grade under s. 1008.34(5) for the school district in

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 262 which he or she resides.
 263 (7) CHARTER.—The terms and conditions for the operation of
 264 a charter school shall be set forth by the sponsor and the
 265 applicant in a written contractual agreement, called a charter.
 266 The sponsor and the governing board of the charter school shall
 267 use the standard charter contract pursuant to subsection (21),
 268 which shall incorporate the approved application and any addenda
 269 approved with the application. Any term or condition of a
 270 proposed charter contract that differs from the standard charter
 271 contract adopted by rule of the State Board of Education shall
 272 be presumed a limitation on charter school flexibility. The
 273 sponsor may not impose unreasonable rules or regulations that
 274 violate the intent of giving charter schools greater flexibility
 275 to meet educational goals. The charter shall be signed by the
 276 governing board of the charter school and the sponsor, following
 277 a public hearing to ensure community input.
 278 (c)1. A charter may be renewed provided that a program
 279 review demonstrates that the criteria in paragraph (a) have been
 280 successfully accomplished and that none of the grounds for
 281 nonrenewal established by paragraph (8) (a) has been expressly
 282 found documented. The charter of a charter school that meets
 283 these requirements and has received a school grade lower than a
 284 "B" pursuant to s. 1008.34 in the most recently graded school
 285 year must be renewed for no less than a 5-year term except as
 286 provided in paragraph (9) (n). In order to facilitate long-term
 287 financing for charter school construction, charter schools
 288 operating for a minimum of 3 years and demonstrating exemplary
 289 academic programming and fiscal management are eligible for a
 290 15-year charter renewal. Such long-term charter is subject to

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291 annual review and may be terminated during the term of the
292 charter.

293 2. The 15-year charter renewal that may be granted pursuant
294 to subparagraph 1. ~~must shall~~ be granted to a charter school
295 that has received a school grade of "A" or "B" pursuant to s.
296 1008.34 in the most recently graded school year 3 of the past 4
297 ~~years~~ and that is not in a state of financial emergency or
298 deficit position as defined by this section. Such long-term
299 charter is subject to annual review and may be terminated during
300 the term of the charter pursuant to subsection (8).

301 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

302 (a) The sponsor shall make student academic achievement for
303 all students the most important factor when determining whether
304 to renew or terminate the charter. The sponsor may ~~also~~ choose
305 not to renew or may terminate the charter only if the sponsor
306 expressly finds that one of the grounds set forth below exists
307 by clear and convincing evidence:

308 1. Failure to participate in the state's education
309 accountability system created in s. 1008.31, as required in this
310 section, or failure to meet the requirements for student
311 performance stated in the charter.

312 2. Failure to meet generally accepted standards of fiscal
313 management due to deteriorating financial conditions or
314 financial emergencies determined pursuant to s. 1002.345.

315 3. Material violation of law.

316 ~~4. Other good cause shown.~~

317 (18) FACILITIES.—

318 (c) Any facility, or portion thereof, used to house a
319 charter school whose charter has been approved by the sponsor

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320 and the governing board, pursuant to subsection (7), ~~is shall be~~
321 exempt from ad valorem taxes pursuant to s. 196.1983 ~~and-~~
322 ~~library, community service, museum, performing arts, theatre,~~
323 ~~cinema, church, Florida College System institution, college, and~~
324 ~~university facilities~~ may provide space to charter schools
325 ~~within their facilities~~ under the facility's existing their
326 ~~preexisting~~ zoning and land use designations without obtaining a
327 special exception, rezoning, or a land use change.

328 (f) To the extent that charter school facilities are
329 specifically created to mitigate the educational impact created
330 by the development of new residential dwelling units, pursuant
331 to subparagraph (2)(c)4., ~~some of or~~ all of the educational
332 impact fees required to be paid in connection with the new
333 residential dwelling units must may be designated instead for
334 the construction of the charter school facilities that will
335 mitigate the student station impact. Such facilities shall be
336 built to the State Requirements for Educational Facilities and
337 shall be owned by a public or nonprofit entity. The local school
338 district retains the right to monitor and inspect such
339 facilities to ensure compliance with the State Requirements for
340 Educational Facilities. If a facility ceases to be used for
341 public educational purposes, either the facility shall revert to
342 the school district subject to any debt owed on the facility, or
343 the owner of the facility shall have the option to refund all
344 educational impact fees utilized for the facility to the school
345 district. The district and the owner of the facility may
346 contractually agree to another arrangement for the facilities if
347 the facilities cease to be used for educational purposes. The
348 owner of property planned or approved for new residential

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349 dwelling units and the entity levying educational impact fees
 350 shall enter into an agreement that designates the educational
 351 impact fees that will be allocated for the charter school
 352 student stations and that ensures the timely construction of the
 353 charter school student stations concurrent with the expected
 354 occupancy of the residential units. The application for use of
 355 educational impact fees shall include an approved charter school
 356 application. To assist the school district in forecasting
 357 student station needs, the entity levying the impact fees shall
 358 notify the affected district of any agreements it has approved
 359 for the purpose of mitigating student station impact from the
 360 new residential dwelling units.

361 Section 3. (1) The Office of Program Policy Analysis and
 362 Government Accountability shall conduct an analysis of the
 363 current methodologies for the distribution of capital outlay
 364 funds to charter schools. Based on its analysis, the office
 365 shall recommend any changes to provide an equitable allocation
 366 of capital outlay funds for all public schools. The analysis
 367 must include, at a minimum:

368 (a) An analysis of the calculation methodology for the
 369 allocation of state funds appropriated in the General
 370 Appropriations Act under s. 1013.62(2), Florida Statutes.

371 (b) An analysis of the calculation methodology to determine
 372 the amount of revenue that a school district must distribute to
 373 a charter school under s. 1013.62(3), Florida Statutes.

374 (c) For the most recent three years, a comparison of the
 375 charter school capital outlay amounts between the allocation of
 376 state funds and revenue that would result from the discretionary
 377 millage authorized under s. 1011.71(2), Florida Statutes.

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

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378 (d) Other state policies and methodologies for the
 379 distribution of charter school capital outlay funds.

380 (2) The office shall submit a report of its findings and
 381 recommendations to the Governor, the President of the Senate,
 382 and the Speaker of the House of Representatives by January 1,
 383 2023.

384 Section 4. This act shall take effect July 1, 2022.

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



SENATOR MANNY DIAZ, JR.
36th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy Chair
Appropriations Subcommittee on
Education Vice Chair
Appropriations
Appropriations Subcommittee on Health
and Human Services
Education
Commerce and Tourism
Rules

December 6, 2021

Honorable Senator Doug Broxson
Chair
Appropriations Subcommittee on Education

Honorable Chair Broxson,

I respectfully request Senate Bill Number 758 Education be placed on the next committee agenda.

This bill aims to establish the Charter School Review Commission within the Department of Education; requiring the Commissioner of Education to appoint members; authorizing the commission to solicit and review charter school applications; requiring that the district school board that oversees the school district where a charter school approved by the commission will be located shall serve as the charter school's sponsor; requiring the Office of Program Policy Analysis and Government Accountability to conduct an analysis of charter school capital outlay and submit a report to the Governor and the Legislature by a specified date, etc.

Sincerely appreciate your support.

A handwritten signature in blue ink, appearing to read "M. Diaz", written over a horizontal line.

Senator Manny Diaz, Jr.
Florida Senate, District 36

CC: Tim Elwell, Staff Director
JoAnne Bennett, Committee Administrative Assistant
Hal George, Legislative Assistant

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

Wilton Simpson
President of the Senate

Aaron Bean
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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1/26/22

Meeting Date

758

Bill Number or Topic

Senate Ed Approps

Committee

Amendment Barcode (if applicable)

Name David Strubbs

Phone 850 766 5851

Address 215 S. Monroe St

Street

Email david@adfloridapromise.org

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Foundation For Florida's Future

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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1/26/22

Meeting Date

758

Bill Number or Topic

Approps Sub. On Education
Committee

Amendment Barcode (if applicable)

Name Philip Suderman

Phone _____

Address _____
Street

Email _____

City _____ State _____ Zip _____

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Americans for Prosperity

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S-001 (08/10/2021)

1/26/2022

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 758

Bill Number or Topic

EDUCATION APPROPRIATIONS

Committee

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Amendment Barcode (if applicable)

Name

CHRISTIAN CAMARA

Phone

Address

PO Box 122

Street

Email

CHRISTIAN@CHARTERCONSULTANTSFL.COM

TALLAHASSEE, FL 32302

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA CHARTER SCHOOL ALLIANCE

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The Florida Senate

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CS 758

Bill Number or Topic

664592

Amendment Barcode (if applicable)

1/26/22

Meeting Date

Sub ED

Committee

Name

J.D. White

Phone

727313 2241

Address

3808 W. Barcelona St

Email

Street

Tampa

City

FL

State

33629

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Hillsborough County Public Schools

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 758 - Education

1/26/22

Meeting Date

Bill Number or Topic

Appropriations Subcommittee on Education

Committee

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Amendment Barcode (if applicable)

Name "Breeta" Brita Lincoln

Phone 813 541-6256

Address 1747 Orlando Central Pkwy

Street

Email legislation@florida.pta.org

Orlando, FL 32809

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[x] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA (parent teacher assoc.)

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S-001 (08/10/2021)

The Florida Senate

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26 JAN 22

Meeting Date

THIS ONE

Bill Number or Topic

ED

Committee

Amendment Barcode (if applicable)

Name

CHRIS PAGER

Phone

(904) 753-0130

Address

3002 RIVERSIDE

Email

chris.pager@floridaea.org

Street

FB

FL

32039

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

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 Appropriations Subcommittee on Education

BILL: SB 802

INTRODUCER: Senator Gruters and others

SUBJECT: School Safety

DATE: January 25, 2022 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 802 provides additional safeguards for Florida’s students and schools. The bill modifies both state-level oversight of school safety requirements and school district-level emergency response procedures. The bill increases school safety oversight and accountability in the event of noncompliance of school safety requirements by a school district by:

- Requiring the Office of the Inspector General within the Department of Education to investigate credible allegations of school safety and security violations if the district school board is unwilling or unable to address the allegations.
- Providing that the Commissioner of Education must require the district school board to withhold further payment of the superintendent’s salary.
- Authorizing the State Board of Education (SBE) to direct the suspension of certain superintendent or school board member salaries.

The bill clarifies requirements for safe-school officers. Specifically, the bill provides that:

- School safety officers may make arrests on charter school property.
- Sworn law enforcement officers serving as school guardians must complete mental health crisis intervention training.
- Only a sheriff may conduct school guardian training.
- Individuals must satisfy screening requirements before participating in guardian training.

The bill expands school safety planning to require:

- The SBE to establish emergency drill policies and procedures.
- Comprehensive participation from all members of a school threat assessment team.
- Law enforcement officers responsible for responding to the school in the event of an emergency to be on campus and directly involved in the execution of emergency drills.
- Each district school board to adopt a family reunification plan to reunite students and employees with their families in the event a school is closed due to an emergency.

The bill does not impact state revenues or state expenditures. *See* Section V. Fiscal Impact Statement.

Except as otherwise specified in the bill, the bill takes effect July 1, 2022.

II. Present Situation:

State-Level Oversight of School Safety Requirements

State Board of Education

The State Board of Education (SBE) is the chief implementing and coordinating body of public education in Florida and is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 public education, except for the state university system. The SBE has authority over the Department of Education (DOE) and is authorized to delegate the SBE's general powers to the Commissioner of Education (commissioner) or the directors of the divisions of the DOE.¹

The SBE may enforce compliance by district school boards and Florida College System (FCS) institution boards of trustees by:

- Reporting to the Legislature that the school district or FCS institution is unwilling or unable to comply with law or state board rule and recommending action to be taken.
- Withholding the transfer of state funds, discretionary grant funds, discretionary lottery funds, or other specified funds until the school district or FCS institution complies with law or rule.
- Declaring the school district or FCS institution ineligible for competitive grants.
- Requiring monthly or periodic reporting related to noncompliance until it is remedied.²

The Commissioner of Education

The commissioner is required to oversee compliance with the safety and security requirements of the Marjory Stoneman Douglas High School Public Safety Act by school districts; district school superintendents; and public schools, including charter schools. The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the SBE, the Governor, or the Legislature enforcement and sanctioning actions.³

Office of Inspector General within the Department of Education

The Inspector General within the DOE is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, and FCS institutions in Florida. If the commissioner determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or an FCS institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, or the FCS institution, the Inspector

¹ Section 1001.02, F.S.

² Section 1008.32, F.S.

³ Section 1001.11, F.S.

General must conduct, coordinate, or request investigations into such substantiated allegations. The Inspector General is required to investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought.⁴

The Office of Safe Schools

The Office of Safe Schools (OSS) is a division of the DOE that serves as a central repository for best practices, training standards, and compliance oversight in matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. OSS responsibilities include:

- The establishment of a school security risk assessment tool for use by school districts.
- Duties related to school safety incident reporting and data.
- The development and implementation of a School Safety Specialist Training Program for school safety specialists, which must be based on national and state best practices on school safety and include active shooter training.
- Provision of a centralized integrated data repository and data analytics resources to improve access to timely, complete, and accurate information integrating data from multiple agencies and sources.
- Provision of ongoing professional development opportunities to district school board personnel.⁵

Safe-School Officer Requirement

Florida law requires each district school board and school district superintendent to partner with law enforcement and security agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district and charter schools. These options include:

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers who must meet specified screening requirements and also complete mental health crisis intervention training.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers with the power of arrest on district school property, who are employed by either a law enforcement agency or by the district school board. School safety officers must undergo the same screening requirements and crisis intervention training as an SRO.
- Participating in the Coach Aaron Feis Guardian Program.
- Contracting with a security agency to employ as a school security guard an individual who holds a Class “D” and Class “G” license and completes the same training and evaluation requirements as a school guardian.

The school district is required to notify the county sheriff and the OSS immediately, no later than 72 hours, after a safe-school officer:

- Is dismissed for misconduct or is otherwise disciplined.

⁴ Section 1001.20, F.S.

⁵ Section 1001.212, F.S.

- Discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

SROs and school safety officers are required to complete mental health crisis intervention training.⁶ Crisis intervention team training is a law enforcement response program designed for first responders who handle crisis calls involving people with mental illness including those with co-occurring substance use disorders. Crisis intervention team training emphasizes a partnership between law enforcement, the mental health and substance abuse treatment system, mental health advocacy groups, and consumers of mental health services and their families.⁷ The Florida Criminal Justice Standards and Training Commission offers to sworn law enforcement officers two free courses in crisis intervention training.⁸ In addition, the Florida Sheriffs Association receives \$800,000 in recurring funds from the Legislature to enhance crisis intervention team training for law enforcement and correctional officers in local sheriff's offices and police departments.⁹

Coach Aaron Feis Guardian Program (Guardian Program)

The guardian program was established in 2018¹⁰ as an option for school districts to meet the safe-school officer requirements in law.¹¹ Persons certified as school guardians have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.

A sheriff is required to provide access to a guardian program to aid in the prevention or abatement of active assailant incidents on school premises. If a district school board has voted by a majority to implement a guardian program, the sheriff in that county must establish a guardian program to provide training to school district or charter school employees, either directly or through a contract with another sheriff's office that has established a guardian program.

The sheriff must certify as school guardians school employees who:

- Hold a valid concealed weapon license.
- Complete a 144-hour training program.
- Pass a psychological evaluation administered by a licensed psychologist.
- Submit to and pass an initial drug test and subsequent random drug tests in accordance with law and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.¹²

⁶ Section 1006.12, F.S.

⁷ Florida Sheriffs Association, *Law Enforcement Programs: Crisis Intervention Team Training*, <https://www.flsheriffs.org/law-enforcement-programs/crisis-intervention-team> (last visited Jan. 3, 2022).

⁸ Florida Department of Law Enforcement, *CJST: Active Courses*, <https://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses.aspx> (last visited Jan. 3, 2022); *see also* Email, Florida Department of Law Enforcement (Jan. 31, 2020).

⁹ Specific Appropriation 1300, s. 4, ch. 2021-36, L.O.F.

¹⁰ Section 26, ch. 2018-3, L.O.F.

¹¹ Section 1006.12, F.S.

¹² Section 30.15, F.S.

The Legislature appropriated \$6.5 million for the 2021-2022 fiscal year for sheriffs to certify and train school guardians.¹³ As of September 2021, 26 school districts were employing school guardians to satisfy safe-school officer requirements, and an additional 19 districts were employing school guardians as reinforcements for sworn law enforcement officers.¹⁴

School District Requirements Related to School Safety

Emergency Response Policies and Procedures

District school boards must formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active assailant and hostage situations, and bomb threats, for all students and faculty at all district K-12 public schools.

Drills for active assailant and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. District school board policies must establish emergency response and emergency preparedness policies and procedures, including emergency notification procedures.¹⁵

The Florida Safe Schools Assessment Tool (FSSAT) is required to be used by school officials at each school district and public school site in the state in conducting security assessments and is intended to help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise. The FSSAT is required to address certain components of school safety, such as school emergency and crisis preparedness planning.¹⁶

Threat Assessment Teams

Each district school board must adopt policies for the establishment of threat assessment teams (TATs) at each school. The purpose of TATs is to coordinate resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students. Each TAT must include persons with expertise in counseling, instruction, school administration, and law enforcement.¹⁷ The OSS developed a behavioral threat assessment instrument, the Comprehensive School Threat Assessment Guidelines (CSTAG)¹⁸ to assist TATs in the threat assessment process. The law provides specific requirements for the CSTAG, including that the CSTAG address training for TATs and school administrators.¹⁹

Each TAT must include persons with expertise in counseling, instruction, school administration, and law enforcement. The TAT must identify members of the school community to whom

¹³ Specific Appropriation 93, s. 2, ch. 2021-36, L.O.F.

¹⁴ Timothy Hay, Director, Office of Safe Schools, Remarks at the Meeting of the Marjory Stoneman Douglas High School Public Safety Commission (Sept. 27, 2021) (transcript available at https://www.fde.state.fl.us/MSDHS/Meetings/2021/September/Documents/09_27_2021-Part-1.aspx, at 15-16).

¹⁵ Section 1006.07(4), F.S.

¹⁶ Section 1006.1493, F.S.

¹⁷ Section 1006.07(7), F.S.

¹⁸ Comprehensive School Threat Assessment Guidelines. Florida Department of Education, *Memo to School District Superintendents and Charter School Administrators Regarding the Standardized Behavioral Threat Assessment Instrument* (Aug. 1, 2019), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8617/DPS-2019-116.pdf>.

¹⁹ Section 1001.212(12)(a)6., F.S.

threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.

If an immediate mental health or substance abuse crisis is suspected, school personnel must follow policies established by the TAT to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and SROs trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel are required to report all such situations and actions taken to the TAT, which must contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary follow-up actions. Upon the student's transfer to a different school, the TAT must verify that any intervention services provided to the student remain in place until the TAT of the receiving school independently determines the need for intervention services.²⁰

Juvenile Diversion Programs

Juvenile diversion programs are alternatives to juvenile arrest. A juvenile arrest may be diverted based on comprehensive knowledge of the juvenile's criminal history, prior contacts with law enforcement, and prior program enrollment.²¹ Florida law directs that a civil citation or similar pre-arrest diversion program for misdemeanor offenses be established in each judicial circuit in the state.²²

Florida school districts are required to incorporate into student codes of conduct criteria for:

- Recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest.
- Assigning to a school-based intervention program a student who commits a petty act of misconduct, as defined by the district school board, which are not a threat to school safety. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web (JJIS).²³

Compliance with the community-based diversion programs includes all reporting requirements, including that criminal diversions be entered into JJIS. School districts may still operate their own "diversion programs" that address non-criminal conduct, such as Student Code of Conduct violations and other misbehavior.²⁴

²⁰ Section 1006.07(7), F.S.

²¹ Marjory Stoneman Douglas High School Public Safety Commission (Commission), *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf> at 131.

²² Section 985.12, F.S.

²³ Section 1006.07(2), F.S.

²⁴ Marjory Stoneman Douglas High School Public Safety Commission (Commission), *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>, at 133.

An audit conducted by the Department of Juvenile Justice in 2019 revealed that 58 school districts were not offering any form of school-based diversion program. Seven school districts were participating in the civil citation or similar prearrest diversion program of the local judicial circuit, and three school districts were operating school-based diversion programs.²⁵

Safety Incident Reporting

Each district school board is required to adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline.²⁶ The School Environmental Safety Incident Reporting System (SESIR) system collects data on incidents related to school safety and discipline that occur on school grounds, school transportation, and off-campus, school-sponsored events.²⁷ The SBE is required to adopt rules establishing the requirements for the SESIR.²⁸

The law requires each school principal to ensure that standardized forms prescribed by SBE rule are used to report data concerning school safety and discipline to the DOE.²⁹ Upon notification by the department that a superintendent has failed to comply with SESIR reporting requirements, the district school board shall withhold further payment of his or her salary and impose other appropriate sanctions that the commissioner or SBE by law may impose.³⁰ A district school board member who is responsible for a violation of the reporting or sanctions requirements applicable to a superintendent is subject to suspension and removal.³¹

Mobile Suspicious Activity Reporting Tool (FortifyFL)

FortifyFL, the mobile suspicious activity reporting tool, is a computer and mobile phone application free to all public and private schools in Florida. District and school-level administrators receive and must respond to tips from FortifyFL. Any tips submitted via FortifyFL are sent to local school district and law enforcement officials until action is taken.³²

The reporting party may provide his or her report anonymously. If the reporting party chooses to disclose his or her identity, it remains confidential and exempt from public records disclosure requirements. Information received through the mobile suspicious activity reporting tool is also exempt.³³

²⁵ Florida Department of Juvenile Justice, *Statewide Audit of School-Based Diversion Programs* (July 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/Meetings/2019/August/August-14-1015am-Report-on-Statewide-Assessment-DJ.aspx>, at 21-23.

²⁶ Section 1006.07(9), F.S.

²⁷ Florida Department of Education, available at [About SESIR – School Environmental Safety Incident Reporting \(fldoe.org\)](http://www.fdoe.org/About/About-SESIR-School-Environmental-Safety-Incident-Reporting)

²⁸ Section 1006.07(9), F.S.

²⁹ Section 1006.09(6), F.S.

³⁰ Section 1001.212(8), F.S.

³¹ Section 1001.42(13)(b), F.S.

³² Florida Department of Education, *FortifyFL School Safety Awareness Program* (Oct. 26, 2018) available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>, at 1-2.

³³ Section 943.082, F.S.

III. Effect of Proposed Changes:

SB 802 provides additional safeguards for Florida's students and schools. The bill modifies both state-level oversight of school safety requirements and school district-level emergency response procedures.

State-Level Oversight of School Safety Requirements

State Board of Education

The bill modifies s. 1008.32, F.S., to provide additional enforcement authority by the State Board of Education (SBE) over district school boards. The bill authorizes the SBE to direct the school district to suspend the salaries of the superintendent, and if the superintendent is appointed, the district school board members, until a school district's noncompliance with school safety requirements that are overseen by the district school board is remedied.

Commissioner of Education

The bill modifies s. 1001.11, F.S., to clarify the Commissioner of Education's (commissioner's) existing authority to oversee compliance with requirements relating to school safety and security by school districts, district school superintendents, and public schools, including charter schools. The bill provides the commissioner with specified enforcement authority. Upon notification from the Office of Safe Schools (OSS) that a district school board has failed to comply with requirements relating to school safety and security, the bill provides that the commissioner must require the district school board to withhold further payment of the superintendent's salary. Upon notification from the OSS that a charter school has failed to comply with requirements relating to school safety, the bill requires the commissioner to facilitate compliance by recommending corrective actions to the district school board.

Office of the Inspector General within the Department of Education

The bill modifies s. 1001.20, F.S., to expand the scope of investigations by the office of the Inspector General (IG) within the Department of Education (DOE). The bill requires the IG to conduct, coordinate, or request investigations into credible allegations made by any person relating to compliance with the requirements relating to school safety and security if the commissioner determines that a district school board is unwilling or unable to address such allegations.

The Office of Safe Schools

The bill modifies s. 1001.212, F.S., to require the OSS develop, in coordination with the Division of Emergency Management and other federal, state, and local law enforcement agencies and first-responder agencies, a model emergency event family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions that are closed or unexpectedly evacuated due to natural or man-made disasters or emergencies. The bill provides that the model plan must be reviewed annually and updated if needed.

The bill also adds requirements for the OSS to:

- Provide ongoing professional development opportunities to charter school personnel in addition to existing requirements to provide training to school district personnel.
- Maintain a current directory of public and private school-based diversion programs and coordinate with the Department of Juvenile Justice and each judicial circuit to monitor and facilitate compliance with the law.

To align the name of the centralized integrated data repository with the functions of the program, the bill renames the centralized integrated data repository as the unified search tool, which is to be known as the “Florida School Safety Portal.”

Safe-School Officer Requirement

The bill modifies s. 1006.12, F.S., relating to safe-school officers, to align requirements among all sworn law enforcement officers serving as safe school officers.

The bill modifies requirements relating to school safety officer authority and training by:

- Clarifying that school safety officers have the power to make arrests on property owned or leased by a charter school in the district.
- Requiring that all safe school officers who are also sworn law enforcement officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer’s knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.
- Clarifying that a district school superintendent or charter school administrator is responsible for notifying the county sheriff and the OSS after certain misconduct committed by a safe-school officer.

Coach Aaron Feis Guardian Program

The bill clarifies requirements related to school guardians. Specifically, the bill clarifies that:

- An individual must satisfy the background screening, psychological evaluation, and drug test requirements and be approved by the sheriff before participating in any school guardian program training.
- Only a sheriff may conduct school guardian program training.

School District Requirements Related to School Safety

Emergency Response Policies and Procedures

The bill modifies s. 1006.07, F.S., to provide for consistent application of emergency drill requirements across all school districts. The Bill requires the SBE to refer to recommendations provided in published reports of the Marjory Stoneman Douglas High School Public Safety Commission (commission), consult with state and local constituencies, and adopt rules establishing minimum requirements for school district policies and procedures related to emergency response and drills. The SBE’s rules must be adopted by August 1, 2023, and must:

- Define, at a minimum, “emergency drill,” “active threat,” and “after-action report.”
- Establish minimum requirements related to the timing, frequency, participation, training, notification, accommodations, and responses to threat situations.

- Specifically address incident type, school level, school type, and student and school characteristics.
- Require all types of emergency drills to be conducted no less frequently than on an annual basis.

The bill requires sheriffs to coordinate with the district school safety specialist to determine the necessary law enforcement officers responsible for responding to a school in the event of an active assailant emergency, and requires the designated law enforcement officers to be physically present on campus and directly involved in the execution of active assailant drills.

To support family reunification following an emergency, the bill requires each district school board and charter school governing board to adopt, in coordination with local law enforcement agencies, a family reunification plan to reunite students and employees with their families in the event that a school is closed or unexpectedly evacuated due to a natural or manmade disaster. This reunification plan must be reviewed annually and updated, as applicable.

The bill also amends s. 1006.1493, F.S., to require that the Florida Safe Schools Assessment Tool (FSSAT) address policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families after a school is closed or unexpectedly evacuated due to such disasters or emergencies.

Threat Assessment Teams

The bill modifies s. 1006.07, F.S., relating to threat assessment teams (TATs). Specifically, the bill requires that all members of the TAT be involved in the threat assessment process from start to finish, including the determination of the final disposition decision. This change may ensure that all members of the TAT are active participants in the entire threat assessment process.

Mobile Suspicious Activity Reporting Tool (FortifyFL)

The bill modifies s. 943.082, F.S., effective October 1, 2022, to support credible reporting through the FortifyFL application. The bill requires notification to parties reporting through FortifyFL that if, following investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies, and the reporting party may be subject to criminal penalties for a false report. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report must remain anonymous.

Except as otherwise specified in the bill, the bill takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

An agency analysis has not been provided by the Florida Department of Education. However, the bill is clarifying currently required statutory mandates therefore a fiscal impact to state revenues or expenditures is unlikely. The analysis received from the Florida Department of Law Enforcement does not indicate a fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.082, 1001.11, 1001.20, 1001.212, 1006.07, 1006.12, 1006.1493, and 1008.32.

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 Gruters

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1 A bill to be entitled
 2 An act relating to school safety; amending s. 943.082,
 3 F.S.; requiring the FortifyFL reporting tool to notify
 4 reporting parties that submitting false information
 5 may subject them to criminal penalties; providing that
 6 certain reports will remain anonymous; amending s.
 7 1001.11, F.S.; requiring the Commissioner of Education
 8 to oversee and enforce compliance with requirements
 9 relating to school safety and security; requiring the
 10 commissioner to take specified actions under certain
 11 circumstances relating to noncompliance; amending s.
 12 1001.20, F.S.; requiring the Department of Education's
 13 Office of Inspector General to investigate certain
 14 allegations if the commissioner determines that a
 15 district school board is unwilling or unable to
 16 address the allegations; amending s. 1001.212, F.S.;
 17 revising the duties of the Office of Safe Schools;
 18 amending s. 1006.07, F.S.; requiring certain law
 19 enforcement officers to be physically present and
 20 directly involved in active assailant emergency
 21 drills; requiring the State Board of Education to
 22 adopt rules; specifying the requirements for the
 23 rules; requiring district school boards and charter
 24 school governing boards to adopt family reunification
 25 plans; providing for the update and review of such
 26 plan; requiring all members of threat assessment teams
 27 to be involved in certain processes and decisions;
 28 amending s. 1006.12, F.S.; making technical changes;
 29 authorizing school safety officers to make arrests on

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30 property owned or leased by a charter school under a
 31 charter contract; requiring district school
 32 superintendents or charter school administrators,
 33 instead of school districts, to notify county sheriffs
 34 and the Office of Safe Schools of certain safe-school
 35 officer-related incidents; specifying training
 36 requirements for certain safe-school officers;
 37 amending s. 1006.1493, F.S.; requiring the Florida
 38 Safe Schools Assessment Tool to address policies and
 39 procedures to prepare for and respond to natural and
 40 manmade disasters; amending s. 1008.32, F.S.;
 41 authorizing the State Board of Education to direct a
 42 school district to suspend the salaries of certain
 43 officials if the state board determines the district
 44 school board is unwilling or unable to comply with law
 45 or state board rule; providing effective dates.

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

48
 49 Section 1. Effective October 1, 2022, paragraph (c) is
 50 added to subsection (2) of section 943.082, Florida Statutes, to
 51 read:

52 943.082 School Safety Awareness Program.—

53 (2) The reporting tool must notify the reporting party of
 54 the following information:

55 (c) That if, following an investigation, it is determined
 56 that a person knowingly submitted a false tip through FortifyFL,
 57 the Internet protocol (IP) address of the device on which the
 58 tip was submitted will be provided to law enforcement agencies

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59 for further investigation, and the reporting party may be
 60 subject to criminal penalties under s. 837.05. In all other
 61 circumstances, unless the reporting party has chosen to disclose
 62 his or her identity, the report will remain anonymous.

63 Section 2. Subsection (9) of section 1001.11, Florida
 64 Statutes, is amended to read:

65 1001.11 Commissioner of Education; other duties.—

66 (9) The commissioner shall oversee and enforce compliance
 67 with the requirements relating to school safety and security
 68 requirements of the Marjory Stoneman Douglas High School Public
 69 Safety Act, chapter 2018-3, Laws of Florida, by school
 70 districts; district school superintendents; and public schools,
 71 including charter schools. Upon notification by the Office of
 72 Safe Schools of a school district's substantiated noncompliance
 73 with school safety and security requirements, the commissioner
 74 must require the district school board to withhold further
 75 payment of the salary of the superintendent, as authorized under
 76 s. 1001.42(13)(b). Upon notification by the Office of Safe
 77 Schools that a charter school has failed to comply with the
 78 requirements relating to school safety and security, the
 79 commissioner must facilitate compliance by charter schools by
 80 recommending actions to the district school board pursuant to s.
 81 1002.33. The commissioner must facilitate compliance to the
 82 maximum extent provided under law, identify incidents of
 83 noncompliance, and impose or recommend to the State Board of
 84 Education, the Governor, or the Legislature enforcement and
 85 sanctioning actions pursuant to s. 1008.32 and other authority
 86 granted under law.

87 Section 3. Paragraph (e) of subsection (4) of section

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88 1001.20, Florida Statutes, is amended to read:

89 1001.20 Department under direction of state board.—

90 (4) The Department of Education shall establish the
 91 following offices within the Office of the Commissioner of
 92 Education which shall coordinate their activities with all other
 93 divisions and offices:

94 (e) *Office of Inspector General.*—Organized using existing
 95 resources and funds and responsible for promoting
 96 accountability, efficiency, and effectiveness and detecting
 97 fraud and abuse within school districts, the Florida School for
 98 the Deaf and the Blind, and Florida College System institutions
 99 in Florida. If the Commissioner of Education determines that a
 100 district school board, the Board of Trustees for the Florida
 101 School for the Deaf and the Blind, or a Florida College System
 102 institution board of trustees is unwilling or unable to address
 103 substantiated allegations made by any person relating to waste,
 104 fraud, or financial mismanagement within the school district,
 105 the Florida School for the Deaf and the Blind, or the Florida
 106 College System institution, the office must ~~shall~~ conduct,
 107 coordinate, or request investigations into such substantiated
 108 allegations. If the Commissioner of Education determines that a
 109 district school board is unwilling or unable to address credible
 110 allegations made by any person relating to compliance with the
 111 requirements relating to school safety and security, the office
 112 must conduct, coordinate, or request investigations into such
 113 allegations. The office shall investigate allegations or reports
 114 of possible fraud or abuse against a district school board made
 115 by any member of the Cabinet; the presiding officer of either
 116 house of the Legislature; a chair of a substantive or

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117 appropriations committee with jurisdiction; or a member of the
 118 board for which an investigation is sought. The office shall
 119 have access to all information and personnel necessary to
 120 perform its duties and shall have all of its current powers,
 121 duties, and responsibilities authorized in s. 20.055.

122 Section 4. Present subsections (14) and (15) of section
 123 1001.212, Florida Statutes, are redesignated as subsections (15)
 124 and (16), respectively, a new subsection (14) and subsection
 125 (17) are added to that section, and subsections (2) and (6) of
 126 that section are amended, to read:

127 1001.212 Office of Safe Schools.—There is created in the
 128 Department of Education the Office of Safe Schools. The office
 129 is fully accountable to the Commissioner of Education. The
 130 office shall serve as a central repository for best practices,
 131 training standards, and compliance oversight in all matters
 132 regarding school safety and security, including prevention
 133 efforts, intervention efforts, and emergency preparedness
 134 planning. The office shall:

135 (2) Provide ongoing professional development opportunities
 136 to school district and charter school personnel.

137 (6) Coordinate with the Department of Law Enforcement to
 138 provide a unified search tool, known as the Florida School
 139 Safety Portal, ~~centralized integrated data repository and data~~
 140 ~~analytics resources~~ to improve access to timely, complete, and
 141 accurate information ~~integrating data~~ from, at a minimum, ~~but~~
 142 ~~not limited to~~, the following data sources ~~by August 1, 2019~~:

- 143 (a) Social media Internet posts;
 144 (b) The Department of Children and Families;
 145 (c) The Department of Law Enforcement;

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- 146 (d) The Department of Juvenile Justice;
 147 (e) The mobile suspicious activity reporting tool known as
 148 FortifyFL;
 149 (f) School environmental safety incident reports collected
 150 under subsection (8); and
 151 (g) Local law enforcement.

152
 153 Data that is exempt or confidential and exempt from public
 154 records requirements retains its exempt or confidential and
 155 exempt status when incorporated into the centralized integrated
 156 data repository. To maintain the confidentiality requirements
 157 attached to the information provided to the centralized
 158 integrated data repository by the various state and local
 159 agencies, data governance and security shall ensure compliance
 160 with all applicable state and federal data privacy requirements
 161 through the use of user authorization and role-based security,
 162 data anonymization and aggregation and auditing capabilities. To
 163 maintain the confidentiality requirements attached to the
 164 information provided to the centralized integrated data
 165 repository by the various state and local agencies, each source
 166 agency providing data to the repository shall be the sole
 167 custodian of the data for the purpose of any request for
 168 inspection or copies thereof under chapter 119. The department
 169 shall only allow access to data from the source agencies in
 170 accordance with rules adopted by the respective source agencies
 171 and the requirements of the Federal Bureau of Investigation
 172 Criminal Justice Information Services security policy, where
 173 applicable.

174 (14) Develop, in coordination with the Division of

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175 Emergency Management; other federal, state, and local law
 176 enforcement agencies; fire and rescue agencies; and first
 177 responder agencies, a model family reunification plan for use by
 178 child care facilities, public K-12 schools, and public
 179 postsecondary educational institutions that are closed or
 180 unexpectedly evacuated due to a natural or manmade disaster.
 181 This model plan must be reviewed annually and updated, as
 182 applicable.

183 (17) Maintain a current directory of public and private
 184 school-based diversion programs and cooperate with each judicial
 185 circuit and the Department of Juvenile Justice to facilitate
 186 their efforts to monitor and enforce each governing body's
 187 compliance with s. 985.12.

188 Section 5. Paragraph (a) of subsection (4) and paragraph
 189 (a) of subsection (7) of section 1006.07, Florida Statutes, are
 190 amended, and paragraph (d) is added to subsection (6) of that
 191 section, to read:

192 1006.07 District school board duties relating to student
 193 discipline and school safety.—The district school board shall
 194 provide for the proper accounting for all students, for the
 195 attendance and control of students at school, and for proper
 196 attention to health, safety, and other matters relating to the
 197 welfare of students, including:

198 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

199 (a) Formulate and prescribe policies and procedures, in
 200 consultation with the appropriate public safety agencies, for
 201 emergency drills and for actual emergencies, including, but not
 202 limited to, fires, natural disasters, active assailant and
 203 hostage situations, and bomb threats, for all students and

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204 faculty at all public schools of the district composed ~~comprised~~
 205 of grades K-12, pursuant to State Board of Education rules.
 206 Drills for active assailant and hostage situations ~~shall~~ be
 207 conducted in accordance with developmentally appropriate and
 208 age-appropriate procedures, as specified in State Board of
 209 Education rules at least as often as other emergency drills. Law
 210 enforcement officers responsible for responding to the school in
 211 the event of an active assailant emergency, as determined
 212 necessary by the sheriff in coordination with the district's
 213 school safety specialist, must be physically present on campus
 214 and directly involved in the execution of active assailant
 215 emergency drills. District school board policies ~~must~~ ~~shall~~
 216 include commonly used alarm system responses for specific types
 217 of emergencies and verification by each school that drills have
 218 been provided as required by law, State Board of Education
 219 rules, and fire protection codes and may provide accommodations
 220 for drills conducted by exceptional student education centers.
 221 District school boards shall establish emergency response and
 222 emergency preparedness policies and procedures that include, but
 223 are not limited to, identifying the individuals responsible for
 224 contacting the primary emergency response agency and the
 225 emergency response agency ~~that is~~ responsible for notifying the
 226 school district for each type of emergency. The State Board of
 227 Education shall refer to recommendations provided in reports
 228 published pursuant to s. 943.687 for guidance and, by August 1,
 229 2023, consult with state and local constituencies to adopt rules
 230 applicable to the requirements of this subsection which, at a
 231 minimum, define the terms "emergency drill," "active threat,"
 232 and "after-action report" and establish minimum emergency drill

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233 policies and procedures related to the timing, frequency,
 234 participation, training, notification, accommodations, and
 235 responses to threat situations by incident type, school level,
 236 school type, and student and school characteristics. The rules
 237 must require all types of emergency drills to be conducted no
 238 less frequently than on an annual school year basis.

239 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
 240 school superintendent shall establish policies and procedures
 241 for the prevention of violence on school grounds, including the
 242 assessment of and intervention with individuals whose behavior
 243 poses a threat to the safety of the school community.

244 (d) Each district school board and charter school governing
 245 board shall adopt, in coordination with local law enforcement
 246 agencies, a family reunification plan to reunite students and
 247 employees with their families in the event that a school is
 248 closed or unexpectedly evacuated due to a natural or manmade
 249 disaster. This reunification plan must be reviewed annually and
 250 updated, as applicable.

251 (7) THREAT ASSESSMENT TEAMS.—Each district school board
 252 shall adopt policies for the establishment of threat assessment
 253 teams at each school whose duties include the coordination of
 254 resources and assessment and intervention with individuals whose
 255 behavior may pose a threat to the safety of school staff or
 256 students consistent with the model policies developed by the
 257 Office of Safe Schools. Such policies must include procedures
 258 for referrals to mental health services identified by the school
 259 district pursuant to s. 1012.584(4), when appropriate, and
 260 procedures for behavioral threat assessments in compliance with
 261 the instrument developed pursuant to s. 1001.212(12).

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262 (a) A threat assessment team shall include persons with
 263 expertise in counseling, instruction, school administration, and
 264 law enforcement. All members of the threat assessment team must
 265 be involved in the threat assessment process and final
 266 decisionmaking. The threat assessment teams shall identify
 267 members of the school community to whom threatening behavior
 268 should be reported and provide guidance to students, faculty,
 269 and staff regarding recognition of threatening or aberrant
 270 behavior that may represent a threat to the community, school,
 271 or self. Upon the availability of the behavioral threat
 272 assessment instrument developed pursuant to s. 1001.212(12), the
 273 threat assessment team shall use that instrument.

274 Section 6. Present subsection (6) of section 1006.12,
 275 Florida Statutes, is redesignated as subsection (8), a new
 276 subsection (6) and subsection (7) are added to that section, and
 277 paragraph (c) of subsection (1), paragraphs (a) and (b) of
 278 subsection (2), and subsection (5) of that section are amended,
 279 to read:

280 1006.12 Safe-school officers at each public school.—For the
 281 protection and safety of school personnel, property, students,
 282 and visitors, each district school board and school district
 283 superintendent shall partner with law enforcement agencies or
 284 security agencies to establish or assign one or more safe-school
 285 officers at each school facility within the district, including
 286 charter schools. A district school board must collaborate with
 287 charter school governing boards to facilitate charter school
 288 access to all safe-school officer options available under this
 289 section. The school district may implement any combination of
 290 the options in subsections (1)-(4) to best meet the needs of the

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291 school district and charter schools.

292 (1) SCHOOL RESOURCE OFFICER.—A school district may
293 establish school resource officer programs through a cooperative
294 agreement with law enforcement agencies.

295 ~~(c) Complete mental health crisis intervention training~~
296 ~~using a curriculum developed by a national organization with~~
297 ~~expertise in mental health crisis intervention. The training~~
298 ~~shall improve officers' knowledge and skills as first responders~~
299 ~~to incidents involving students with emotional disturbance or~~
300 ~~mental illness, including de-escalation skills to ensure student~~
301 ~~and officer safety.~~

302 (2) SCHOOL SAFETY OFFICER.—A school district may commission
303 one or more school safety officers for the protection and safety
304 of school personnel, property, and students within the school
305 district. The district school superintendent may recommend, and
306 the district school board may appoint, one or more school safety
307 officers.

308 (a) School safety officers shall undergo criminal
309 background checks, drug testing, and a psychological evaluation
310 and be law enforcement officers, as defined in s. 943.10(1),
311 certified under ~~the provisions of~~ chapter 943 and employed by
312 either a law enforcement agency or by the district school board.
313 If the officer is employed by the district school board, the
314 district school board is the employing agency for purposes of
315 chapter 943, and must comply with ~~the provisions of~~ that
316 chapter.

317 (b) A school safety officer has and shall exercise the
318 power to make arrests for violations of law on district school
319 board property or on property owned or leased by a charter

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320 school under a charter contract, as applicable, and to arrest
321 persons, whether on or off such property, who violate any law on
322 such property under the same conditions that deputy sheriffs are
323 authorized to make arrests. A school safety officer has the
324 authority to carry weapons when performing his or her official
325 duties.

326 (5) NOTIFICATION.—The district school superintendent or
327 charter school administrator ~~school district~~ shall notify the
328 county sheriff and the Office of Safe Schools immediately after,
329 but no later than 72 hours after:

330 (a) A safe-school officer is dismissed for misconduct or is
331 otherwise disciplined.

332 (b) A safe-school officer discharges his or her firearm in
333 the exercise of the safe-school officer's duties, other than for
334 training purposes.

335 (6) CRISIS INTERVENTION TRAINING.—Each safe-school officer
336 who is also a sworn law enforcement officer shall complete
337 mental health crisis intervention training using a curriculum
338 developed by a national organization with expertise in mental
339 health crisis intervention. The training must improve the
340 officer's knowledge and skills as a first responder to incidents
341 involving students with emotional disturbance or mental illness,
342 including de-escalation skills to ensure student and officer
343 safety.

344 (7) LIMITATIONS.—An individual must satisfy the background
345 screening, psychological evaluation, and drug test requirements
346 and be approved by the sheriff before participating in any
347 training required by s. 30.15(1)(k), which may be conducted only
348 by a sheriff.

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349
350 If a district school board, through its adopted policies,
351 procedures, or actions, denies a charter school access to any
352 safe-school officer options pursuant to this section, the school
353 district must assign a school resource officer or school safety
354 officer to the charter school. Under such circumstances, the
355 charter school's share of the costs of the school resource
356 officer or school safety officer may not exceed the safe school
357 allocation funds provided to the charter school pursuant to s.
358 1011.62(13) and shall be retained by the school district.

359 Section 7. Paragraph (a) of subsection (2) of section
360 1006.1493, Florida Statutes, is amended to read:

361 1006.1493 Florida Safe Schools Assessment Tool.—

362 (2) The FSSAT must help school officials identify threats,
363 vulnerabilities, and appropriate safety controls for the schools
364 that they supervise, pursuant to the security risk assessment
365 requirements of s. 1006.07(6).

366 (a) At a minimum, the FSSAT must address all of the
367 following components:

- 368 1. School emergency and crisis preparedness planning;
369 2. Security, crime, and violence prevention policies and
370 procedures;
371 3. Physical security measures;
372 4. Professional development training needs;
373 5. An examination of support service roles in school
374 safety, security, and emergency planning;
375 6. School security and school police staffing, operational
376 practices, and related services;
377 7. School and community collaboration on school safety; ~~and~~

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378 8. Policies and procedures for school officials to prepare
379 for and respond to natural and manmade disasters, including
380 family reunification plans to reunite students and employees
381 with their families after a school is closed or unexpectedly
382 evacuated due to such disasters; and

383 9. A return on investment analysis of the recommended
384 physical security controls.

385 Section 8. Paragraph (e) is added to subsection (4) of
386 section 1008.32, Florida Statutes, to read:

387 1008.32 State Board of Education oversight enforcement
388 authority.—The State Board of Education shall oversee the
389 performance of early learning coalitions, district school
390 boards, and Florida College System institution boards of
391 trustees in enforcement of all laws and rules. District school
392 boards and Florida College System institution boards of trustees
393 shall be primarily responsible for compliance with law and state
394 board rule.

395 (4) If the State Board of Education determines that an
396 early learning coalition, a district school board, or a Florida
397 College System institution board of trustees is unwilling or
398 unable to comply with law or state board rule within the
399 specified time, the state board ~~has shall have~~ the authority to
400 initiate any of the following actions:

401 (e) When the noncompliance is related to school safety
402 overseen by a district school board, direct the school district
403 to suspend the salary of the district school superintendent and,
404 if the superintendent is appointed, the salaries of the district
405 school board members until such time as the noncompliance is
406 remedied.

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407 Section 9. Except as otherwise expressly provided in this
408 act, this act shall take effect July 1, 2022.



The Florida Senate

Committee Agenda Request

To: Senator Doug Broxson, Chair
Appropriations Subcommittee on Education

Subject: Committee Agenda Request

Date: January 12, 2022

I respectfully request that **Senate Bill #802**, relating to School Safety, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

Cc: Tim Elwell, Staff Director
JoAnne Bennett, Committee Administrative Assistant

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 Appropriations Subcommittee on Education

BILL: SB 1048

INTRODUCER: Senator Diaz

SUBJECT: Student Assessments

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1048 substantially modifies Florida’s statewide standardized assessment program to include a computer-based progress monitoring tool and an end-of-year comprehensive assessment in English Language Arts and mathematics. The bill specifies that progress monitoring results must provide teachers and parents with actionable feedback to tailor instruction and develop programs and supports, and the end-of-year assessment must be used for all existing accountability purposes specified in law. The bill provides for a one-year transition period to the new statewide standardized assessments, which will hold students and schools harmless during the transition. The bill also requires the Commissioner of Education to provide recommendations on additional ways to streamline testing.

The bill enumerates a list of rights that a parent possesses in order to be notified of his or her student’s educational progress. The bill further specifies the requirements of school districts in notifying parents of their student’s academic progress.

The bill has an indeterminate fiscal impact. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2022.

II. Present Situation:

Voluntary Prekindergarten through Grade 8 Progress Monitoring Tool

Children who enrolled in a private or public Voluntary Prekindergarten Program (VPK), for the 2021-2022 school year and prior school years, are assessed with the Florida VPK Assessment.¹ The Florida VPK Assessment is a progress monitoring tool that measures a child abilities in print

¹ Rule 6A-1.09433, F.A.C.

knowledge, phonological awareness, mathematics, and oral language/vocabulary area that are aligned with the Early Learning and Developmental standards: 4 Years old to Kindergarten (2017).² The Florida VPK assessment consists of a pre- and post-assessment:

- The Pre-assessment or Assessment Period 1 is administered within the first thirty calendar days of the VPK class schedule.
- The Post-assessment or Assessment Period 3 is administered within the last thirty calendar days of the VPK class schedule.³

Students who enrolled in kindergarten in a public school for the 2021-2022 school year and prior school years, were assessed with the Florida Kindergarten Readiness Screener within the first 30 school days of the 2021-2022 school year.⁴ The Florida Kindergarten Readiness Screener is a computer adaptive assessment, which is completed by students in less than 20 minutes and measures student proficiency in three broad domains:

- Word knowledge and skills;
- Comprehension strategies and constructing meaning; and
- Numbers and operations.⁵

There is not a federal requirement for states to administer a Kindergarten through grade 2 assessment system. As of 2019, Florida was one of 12 states that didn't offer a statewide Kindergarten through grade 2 assessment system or a list of approved Kindergarten through grade 2 assessment systems for school districts.⁶ In 2021, the legislature created a new statewide VPK through grade 8 coordinated screening and progress monitoring program that includes grades Kindergarten through grade 2.⁷

Beginning with the 2022-2023 school year, private and public VPK providers and public schools in Florida will be required to participate in a coordinated screening and progress monitoring system (CSPM) for students in VPK through grade 8. The CSPM tool must be administered three times a year and is required to:

- Measure student progress in VPK-grade 8 in meeting the appropriate expectations in early literacy and mathematic skills and in English Language Arts and mathematic standards.
- Measure student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level.
- Be valid, reliable, and developmentally appropriate computer-adaptive that identifies students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia.

² Office of Early Learning, About Assessments in VPK and Kindergarten Screening, <http://www.floridaearlylearning.com/vpk/vpk-providers/assessments-flkrs>, (last visited 11/16/2021).

³ Rule 6M-8.620, F.A.C

⁴ Section 1002.68(3)(a), F.S.

⁵ Florida Department of Education, *Assessment for reading, language and vocabulary, and numeracy*, <https://www.fldoe.org/core/fileparse.php/18494/urlt/StarEarlyLiteracy.pdf> (last visited 11/16/2021).

⁶ Council of Chief State School Officers, *K-2 Assessments: An Update on State Adoption and Implementation, at 6 (2019)*, available at <https://ccsso.org/sites/default/files/2019-06/K-2%20Assessments%20Paper%20FINAL.pdf>. An analysis of the 2021-22 district assessment calendars that were submitted to the Department of Education showed that 61 school districts intended to use a progress monitoring tool that included grades K-2 for the 2021-22 school year.

⁷ Section 15, ch. 2021-9, L.O.F.

- Provide data that can be used for VPK Program accountability requirements.
- Provide VPK program providers, school districts, schools and teacher with data and resources that enhance instruction and parental communication.
- Provide information to the department to aid in the development of educational programs, policies and supports for VPK providers and school districts.⁸

Beginning with the 2022-2023 program year, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must participate in a program assessment of each voluntary prekindergarten education classroom. The Florida Department of Education (FDOE) must adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which includes program assessment scores and the initial and final CSPM results.⁹

The Council for Early Grades Success

In 2021, the legislature created the Council for Early Grades Success within the FDOE. The council is responsible for reviewing the implementation of, training for, and outcomes from the coordinated screening and progress monitoring (CSPM) program to provide recommendations to the FDOE that support grade 3 students reading at or above grade level.¹⁰

Florida's Statewide Student Assessment Program

Federal Requirements

The Elementary and Secondary Act (ESEA) was signed into law in 1965¹¹ and was reauthorized by the No Child Left behind (NCLB) act in 2002 and the Every Student Succeeds Act (ESSA) in 2015.¹²

The Every Student Succeeds Act provides flexibility for state accountability systems but keeps the assessment requirements of NCLB. Under ESSA, states receiving Title I funding are still required to administer the math and reading or language arts assessments annually to students in grades 3-8 and once in high school. In addition, states are required to measure student proficiency in science at least once in grades 3 through 5; grades 6 through 9; and grades 10 through 12.¹³ However, ESSA amended NCLB to allow for a state or a consortia of states to use multiple statewide interim assessments that results in a single summative score, or a state can use a single summative assessment. In addition, ESSA amended NCLB to allow states to administer a computer adaptive assessments for the purposes of meeting federal requirements.¹⁴

⁸ Section 1008.25, F.S.

⁹ Section 1002.68, F.S.

¹⁰ Section 65, ch. 2021-10, L.O.F.

¹¹ Pub. L 89-10 (April 11, 1965).

¹² U.S. Department of Education, *Every Student Succeeds Act* (<https://www.ed.gov/essa?src=rm>) (last visited Nov. 12, 2021).

¹³ 34 C.F.R. s. 200.5.

¹⁴ 34 C.F.R. s. 200.2.

Florida Standards Assessments and Next Generation Sunshine State Standards Assessments

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff.¹⁵ The Florida Standards Assessments (FSA) and Next Generation Sunshine State Standards (NGSSS) assessments measure student achievement of the standards contained in the Florida Standards and the NGSSS, respectively. Florida's educational standards were developed with the goal of providing all students with an education based on high expectations. The statewide assessments program also provides feedback and accountability indicators to Florida educators, policy makers, students, and other citizens.¹⁶

The Commissioner of Education (commissioner) is required to design and implement a statewide standardized assessment program aligned to the core curricular content established in the NGSSS. The statewide standardized assessment program for students in grades 3 through 10 is as follows:

- Florida Standards Assessments:
 - English Language Arts (ELA): grades 3-10.
 - Mathematics: grades 3–8.
 - End-of-Course (EOC) assessments for students who are enrolled in the corresponding course:
 - Algebra 1.
 - Geometry.
- NGSSS Assessments:
 - Grade 5 and grade 8 science.
 - EOC assessments for students who are enrolled in the corresponding course:
 - Biology I.
 - United States History.
 - Civics.

Florida Standards Assessment and End-of-Course Assessments: Test Administration and Test Schedule

The FSA in ELA and Mathematics for grades 3 through 6 are currently administered in a paper-based format. Statewide EOC assessments,¹⁷ the grade 7 and 8 FSA Mathematics, and grades 7 through 10 FSA ELA assessments are administered in a computer-based format.¹⁸

The grade 3 ELA assessment and the writing portion of the statewide standardized ELA assessment must be administered no earlier than April 1 each year. The spring administration of the FSA ELA in grades 4 through 10, FSA Mathematics grades 3 through 8, and EOC assessments must be administered no earlier than May 1 of each year. The commissioner is required to establish schedules for the administration of statewide, standardized assessments and

¹⁵ Section 1008.22(1), F.S.

¹⁶ Florida Department of Education, *Florida Statewide Assessments: Statewide Assessments Guide 2020-2021*, at 1, (2021), available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/swapig.pdf>.

¹⁷ Section 1008.22, F.S.

¹⁸ Florida Department of Education, *Florida Statewide Assessments: Statewide Assessments Guide 2020-2021*, at 35, (2021), available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/swapig.pdf>.

the reporting of student assessment results.¹⁹ For school year 2021-2022, the FSA and EOC administration schedule is below.²⁰

**FLORIDA STATEWIDE ASSESSMENT PROGRAM
2021–2022 SCHEDULE***

English Language Arts (ELA), Mathematics, and Science	
Dates	Assessment
April 4–15, 2022	Grades 4–10 ELA Writing Grade 3 ELA Reading
May 2–13, 2022	Grades 4–6 ELA Reading Grades 3–6 Mathematics
May 2–27, 2022	Grades 7–10 ELA Reading Grades 7 & 8 Mathematics
May 9–20, 2022	Grades 5 & 8 Science
End-of-Course Assessments	
Dates	Assessment
September 13–October 15, 2021 November 29–December 17, 2021 May 2–27, 2022 July 11–22, 2022	Algebra 1, Biology 1, Civics, Geometry & U.S. History
Florida Standards Assessments (FSA) Retakes	
Dates	Assessment
September 13–October 15, 2021	Grade 10 ELA Reading Retake Grade 10 ELA Writing Retake
February 21–March 11, 2022	Grade 10 ELA Writing Retake Grade 10 ELA Reading Retake Algebra 1 Retake

* School districts establish daily testing schedules within these windows according to state-provided guidance. For more detailed scheduling information for a specific school or district, please visit that organization's website.

The commissioner must also publish on the department’s website a uniform testing calendar that is provided to school districts, so that school districts can populate the calendar with the state- and district-required assessments. School districts are required to publish the uniform testing calendar on their website each school year.

Florida Standards Assessment and End-of-Course Assessments: Reporting of Results and Achievement Levels

Results for the FSA and EOC assessments must be made available no later than June 30, except for the results for the grade 3 statewide standardized ELA assessment which must be available no later than May 31. The results for the FSA and EOC assessments, must be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student’s current teacher of record and teacher of record for the subsequent school year. The school district must provide the assessment results within 1 week after receiving the results from the FDOE.

All statewide, standardized EOC assessments and ELA, Mathematics, and Science assessments must use scaled scores and achievement levels. Achievement levels range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. Passing scores for each statewide, standardized assessment are designated by the State Board of Education (SBE) in rule. If the commissioner seeks to modify performance level scores on a statewide, standardized assessment,

¹⁹ Section 1008.22, F.S.

²⁰ Florida Department of Education, *Florida Statewide Assessment Program 2021-22 Schedule*, <https://info.fldoe.org/docushare/dsweb/Get/Document-8789/dps-2019-197a.pdf>, (last visited Dec. 14, 2021).

the commissioner must provide a copy of the proposed scores and implementation plan to the Speaker of the House of Representatives and the President of the Senate at least 90 days before submission to the SBE for review.²¹

Optional Progress Monitoring Tool

Progress monitoring (PM) tools are a type of formative assessments that allow teachers to continuously evaluate student learning and monitor the effectiveness of their instruction.²²

The FDOE allocated \$20 million from the CARES Act funds for PM and data informed supports.²³ From October 1, 2020, through February 19, 2021, the FDOE made available to all public schools on a voluntary basis a new progress monitoring tool developed by Cambium Assessment, Inc., to serve as a connective support between the foundational skills that students seek to acquire and their progress through early education years and drive informed teaching practices and curriculum decisions. The progress monitoring tool was computer adaptive, made available for multiple administrations and was aligned to the state standards for grades 3 through 10 Reading and grades 3 through 8 Mathematics.²⁴ Public schools participating in the optional progress monitoring tool were recommended to provide students between 45 and 60 minutes to complete each assessment.²⁵

In school year 2020-21, 59 school districts administered the progress monitoring tool. The 59 school districts that used the progress monitoring tool administered 322,030 Reading assessments and 226,122 Mathematics assessments. In school year 2021-22, as of Dec. 13, 2021, 54 school districts have accessed the progress monitoring tool and administered 110,787 Reading assessments and 56,237 Mathematics assessments.²⁶

School District Assessment Programs

The measurement of student performance is the responsibility of school districts, except in those subjects and grade levels measured under the statewide, standardized assessment program. School districts are required to annually, by October 1, post the uniform assessment calendars that delineate which assessments are statewide, standardized assessments and district-required assessments.²⁷ For the 2020-2021 and 2021-2022 school years, the FDOE required that school

²¹ Section 1008.22, F.S.

²² The Iris Center, Peabody College Vanderbilt University, *How can teachers systematically identify when to adjust instruction for struggling students?*, <https://iris.peabody.vanderbilt.edu/module/pmr/cresource/q1/p02/> (last visited Dec. 20, 2021).

²³ Florida Department of Education, *Reopening Florida's Schools and the CARES Act*, available at <http://www.fdoe.org/core/fileparse.php/19861/urlt/FLDOEReopeningCARESAct.pdf>, at 102, (last visited Dec. 20, 2021).

²⁴ Florida Department of Education, *Free Optional Progress Monitoring Tool Available to Public Schools* (Dec. 28, 2021), available at <http://www.fdoe.org/core/fileparse.php/19861/urlt/CambiumProgressMonitoring2020-21.pdf>.

²⁵ Florida Department of Education, *Adaptive Progress Monitoring (APM) Administration Manual, 2021-22*, at 3 (2021), available at <https://fsassessments.org/-/media/project/client-portals/florida/pdf/apm/apm-administration-manual-081921-final.pdf>.

²⁶ Email, Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education (Dec. 17, 2021) (on file with the Senate Committee on Education).

²⁷ Section 1008.22, F.S.

districts submit progress monitoring results to the FDOE for assessments they were administering during the school year.²⁸

For the 2020-2021 school year, only two school districts reported using no PM tool, other school districts reported the following:

- 22 school districts reported use of one PM tool.
- 29 school districts reported use of two PM tools.
- 18 school districts reported use of three PM tools.
- 2 school districts reported use of four PM tools.

For school year 2021-22, school districts reported the following to the FDOE:

- 15 school districts have no PM data reported through the platform.
- 38 school districts reported use of one PM tool.
- 17 school districts reported use of two PM tools.
- 3 school districts reported use of three PM tools.²⁹

K-12 Assessment and Accountability Transitions

When a new assessment is administered, new cut scores must be adopted through a standard setting process, which occurs after the initial administration of the assessment. Setting cut scores is the process whereby FDOE “draw the lines” that separate the test scores into various achievement levels.³⁰ Achievement levels from the statewide standardized assessment are used in calculating school grades,³¹ school improvement ratings,³² third grade retention/promotion,³³ and high school graduation requirements.³⁴

In school year 2014-15, the FDOE transitioned from the FCAT 2.0 to the FSA. To assist in the transition to the FSA in 2014-15, school grades and school improvement ratings for the 2014-15 school year served as an informational baseline for schools to work toward improved performance in future years. In addition, schools were not required to select and implement a turnaround option based on the 2014-15 school grade or school improvement rating. Finally, to ensure students were held harmless, grade 3 retention and assessments required for high school graduation were linked to the 2013-14 student performance expectations.³⁵

Parental Rights and Notifications

School districts are required to notify parents of their student’s academic progress. Specifically, schools districts must:

²⁸ Florida Department of Education Emergency Order 2020-EO-06.

²⁹ Email, Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education (Dec. 17, 2021) (on file with the Senate Committee on Education).

³⁰ Florida Department of Education, *Assessment and Accountability Presentation to the State Board of Education*, at 6 (Oct. 27, 2015) available at <https://www.fldoe.org/core/fileparse.php/13143/urlt/acct.pdf>.

³¹ Section 1008.34(3)(b), F.S.

³² Section 1008.341, F.S.

³³ Section 1008.25, F.S.

³⁴ Section 1003.4282, F.S.

³⁵ Section 1, Ch. 2014-23, L.O.F.

- Provide results of evaluations used to monitor a student’s progress in grades K-12 to parents, in a timely manner.
- Notify parents of the process to request grade promotion³⁶, advise on the Academically Challenging Curriculum to Enhance Learning options³⁷ and options for early high school graduation.³⁸
- Parents must be notified in writing if their student exhibits a substantial deficiency in reading.
- Parents be provided written notification that their grade 3 student who is retained has not met the proficiency level required for promotion and reasons the student is not eligible for a good cause exemption.
- Parents receive an annual report of their child’s progress toward achieving state and district expectations for proficiency in English Language Arts, science, social studies and mathematics.
- Parents receive screening and progress monitoring results in a timely manner.³⁹

III. Effect of Proposed Changes:

SB 1048 substantially changes Florida’s statewide standardized assessment program to include a statewide coordinated screening and progress monitoring (CSPM) tool. The bill specifies that progress monitoring results must provide teachers and parents with actionable feedback to tailor instruction and to develop programs and supports, and the end-of-year assessment must be used for all existing accountability purposes specified in law. The bill provides for a one-year transition period to the new statewide standardized assessments. Further, the bill clarifies a school district’s responsibilities in regards to specified parental rights in accessing their student’s academic performance.

Voluntary Pre-Kindergarten (VPK) through Grade 2 Progress Monitoring

The bill modifies the VPK to grade 3 CSPM system to VPK to grade 2, and accordingly updates oversight of the system by the Council for Early Grades Success. The bill requires the VPK through grade 2 progress monitoring instrument be computer-based and measure grade-level student performance in:

- Oral language development;
- Phonological and phonemic awareness;
- Knowledge of print and letters;
- Decoding and encoding;
- Fluency;
- Vocabulary; and
- Comprehension.

The progress monitoring instrument must identify students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia.

³⁶ Section 1008.25, F.S.

³⁷ Section 1002.3105, F.S.

³⁸ Section 1003.4281, F.S.

³⁹ Section 1008.25, F.S.

The bill authorizes the Florida Department of Education (FDOE) to consider including progress monitoring results from the new grade 3 progress monitoring assessment for the purposes of adopting a methodology for VPK performance metrics.

Statewide Standardized Assessment Program

The bill modifies the statewide standardized assessment program to include a CSPM system. In addition, the bill deletes the requirement that the standardized statewide assessment system offer a paper-based administration, except for students who require such administration as an accommodation.

The bill specifies the implementation of the new statewide standardized assessment and CSPM system in English Language Arts (ELA) and mathematics, beginning in the 2022-2023 school year.

The ELA assessment and progress monitoring in grades 3-10 must include:

- A screening and progress monitoring assessment administered at the beginning and middle of the school year, which must:
 - Measure student progress in meeting ELA standards.
 - Be a computer-based assessment that can identify students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia.
 - Provide results to teachers within 1 week and parents within 2 weeks.
- An end-of-year assessment administered in the spring, the results of the end-of-year assessment will replace the Florida Standards Assessment (FSA) to be used for accountability purposes in grade three retention, high school graduation, school grades, and school improvement ratings.

The mathematics assessment and progress monitoring in grades 3-8, must include:

- A screening and progress monitoring assessment administered at the beginning and middle of the school year, which must:
 - Measure student progress in meeting mathematics standards.
 - Be a computer-based assessment that can identify students who have a substantial deficiency in mathematics.
 - Provide results to teachers within 1 week and parents within 2 weeks.
- An end-of-year assessment administered in the spring, the results of the end-of-year assessment will replace the FSA to be used for accountability purposes in school grades and school improvement ratings.

The bill does not modify the requirement for the statewide standardized science assessment, which must continue to be administered annually at least once at the elementary and middle grade levels, or the requirement for end-of-course (EOC) assessments in Algebra 1, Geometry, Biology I, United States History, and Civics.

The bill requires results for ELA and mathematics to provide actionable feedback that allows for tailored instruction throughout the school year. The results must also provide information to the FDOE to assist in the development of educational programs, policies, and supports. As a result of

a new assessment being administered, the FDOE will need to go through a standard setting process to propose new cut scores for the achievement levels that indicate grade-level performance, to be adopted by the State Board of Education (SBE). The bill reduces the amount of time, from 90 days to 30 days, that the Commissioner of Education (commissioner) must submit the proposed scores and implementation plan to the Speaker of the House of Representatives and the President of the Senate, before SBE review.

The bill requires the SBE to adopt a new assessment schedule for the coordinated screening and progress monitoring that incorporates the beginning and middle of the year administrations, and the comprehensive end-of-year assessment. The SBE will also be required to adopt rules for the development of the uniform assessment calendar that defines and describes various assessment terms, specifically summative assessment, formative assessment, interim assessment and progress monitoring.

The bill streamlines and standardizes progress monitoring tools for school districts. School districts that choose to not offer additional progress monitoring tools, in addition to the statewide coordinated progress monitoring tool, could see a reduction in testing time by not administering additional assessments. Further, the statewide progress monitoring tool will provide standardized assessment results for students who transfer into a different school district in the middle of the year, providing the receiving school district with the most up-to-date data on where that student is in comparison to their peers.

School District Requirements

The bill clarifies requirements for school districts in reporting statewide and district-required local assessment results to students, teachers, parents, and the public. The bill requires school districts to provide results from district-required local assessments to parents and teachers within one week of the administrations. When reporting the results from statewide, standardized assessments, the bill requires the results be easy to comprehend, and allows school districts to include a personalized video to assist parents in understanding the results. Further, the bill requires school districts to provide a written report from the CSPM system that can be accessed in a printed or electronic format. The report must be included in a web-based option and a mobile device compatible portal for parents and students to securely access student assessment data and review their student's individual student reports. Finally, the bill requires school districts to annually report, to the FDOE, the strategies they implemented to comply with the parental reporting requirements outlined in the bill.

Assessment Study and Transition

The bill requires the commissioner to provide recommendations, by January 31, 2025, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on additional way to streamline testing. The report must include an analysis of the correlation between the first two (beginning and mid-year) administrations of the progress monitoring and the end-of-year assessment to determine if results from the first two administrations can be used in lieu of the end-of-year assessment.

The bill provides for a 1-year transition period, during which the calculation of school grades and school improvement ratings for the 2022-2023 school year are calculated based on the new statewide, standardized assessments. The 2022-2023 school grades will serve as an informational baseline for schools to work toward improved performance in future years.

The bill modifies s. 1008.34, F.S., to provide hold-harmless provisions during the transition, which specify:

- Schools subject to a turnaround option;
- Virtual schools or approved virtual instruction providers; and
- High performing charter school systems or school districts.

The bill also allows school districts to promote third grade students if the district is able to determine a student's performance based on a good cause exemption or other means calculated to provide reliable evidence of a student's performance.

The bill also modifies s. 1008.341, F.S., to specify that school improvement ratings will not be calculated for the 2022-2023 school year, and requires the SBE to set the ratings scale for the 2023-2024 school year.

Parental Rights

The bill specifies legislative intent for parental rights regarding information about their student's academic progress. The bill restates required parental notifications for academic progress mentioned from other sections of law into a new subsection. Specifically, the bill requires that parents:

- Be provided results, in a timely manner, of evaluations used to monitor a student's progress in grades K-12.
- Be notified of the process to request grade promotion or acceleration⁴⁰, including the Academically Challenging Curriculum to Enhance Learning options,⁴¹ and options for early high school graduation.⁴²
- Be notified in writing if their student exhibits a substantial deficiency in reading.
- Be provided written notification that their grade 3 student who is retained has not met the proficiency level required for promotion and reasons the student is not eligible for a good cause exemption.
- Receive an annual report of their child's progress toward achieving state and district expectations for proficiency in ELA, science, social studies and mathematics.
- Receive screening and progress monitoring results in a timely manner.⁴³
- Receive their student's academic achievement and learning gains.
- Be notified of their student's nonparticipation in the statewide assessment and implications of nonparticipation.

⁴⁰ Section 1008.25, F.S.

⁴¹ Section 1002.3105, F.S.

⁴² Section 1003.4281, F.S.

⁴³ Section 1008.25, F.S.

- Be informed, in writing, and provided if their student with a disability or student with limited English proficiency, is provided with instructional accommodations for statewide standardized assessments.
- Receive analyzed statewide, standardized assessment program performance data.
- Provide consent to the school district if the district required local assessments exceed the five percent test administration limits.

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill could have a significant negative fiscal impact on general revenue funds. There could be an additional cost to school districts to administer progress monitoring assessments three times per year as well as administering the assessments to additional grade levels. School districts may see a cost savings due to the removal of paper-based assessments. There may also be a cost savings to school districts who choose to discontinue using additional progress monitoring assessments, and only utilize the

statewide coordinated progress monitoring tool. The Department of Education has not provided an agency analysis. The fiscal impact to the state is indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1008.2125, 1008.22, 1008.25, 1008.34, 1008.341, 1008.345, 1008.365 and 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.

By Senator Diaz

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1 A bill to be entitled
 2 An act relating to student assessments; amending s.
 3 1008.2125, F.S.; revising the grade levels for which
 4 the coordinated screening and monitoring program
 5 measures student progress in the Voluntary
 6 Prekindergarten Education Program; revising
 7 requirements for the coordinated screening and
 8 progress monitoring program; deleting obsolete
 9 language; amending s. 1008.22, F.S.; revising
 10 requirements for the statewide, standardized
 11 comprehensive assessments program, beginning with a
 12 specified school year; specifying the achievement
 13 level for grade-level performance on an assessment;
 14 providing that passing scores for mathematics and
 15 English Language Assessment statewide, standardized
 16 assessments represent grade-level performance;
 17 revising the date by which standardized end-of-course
 18 assessment results must be made available; deleting a
 19 requirement that certain statewide, standardized
 20 assessments be delivered in a paper-based format be
 21 administered within a specified timeframe; specifying
 22 parental rights to know student academic progress;
 23 requiring school districts to provide a student's
 24 performance results on district-required local
 25 assessments to the student's parents within 1 week
 26 after administering the assessments; authorizing
 27 school districts to report the results of statewide,
 28 standardized assessments in a personalized video
 29 format; requiring school districts to provide a

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30 written report from the coordinated screening and
 31 progress monitoring system in a printed or electronic
 32 format and to include a web-based portal for specified
 33 purposes; requiring school districts to annually
 34 provide an update to the Department of Education on
 35 strategies deployed to comply with certain parental
 36 reporting requirements; requiring the Commissioner of
 37 Education to provide recommendations on additional
 38 ways to streamline testing in a report to the Governor
 39 and the Legislature by a specified date; providing
 40 requirements for the report; amending s. 1008.25,
 41 F.S.; deleting obsolete language; requiring that
 42 progress monitoring include both a web-based and
 43 mobile device-compatible option; deleting a
 44 requirement that district school boards annually
 45 publish certain information in a local newspaper;
 46 amending s. 1008.34, F.S.; requiring 2022-2023 school
 47 and school district grades to serve as an informal
 48 baseline for schools and school districts; requiring
 49 baseline grades to be set so that the percentage of
 50 schools that earn specified letter grades is
 51 statistically equivalent to the 2021-2022 school grade
 52 results; requiring the state board to review the
 53 school grading scale and determine if the scale should
 54 be adjusted after certain data becomes available;
 55 prohibiting a school from being required to select and
 56 implement a turnaround option based on the school's
 57 grades in a specified school year; providing
 58 applicability; providing that certain public schools

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59 and approved providers that receive the same or lower
 60 school grade in a specified school year are not
 61 subject to sanctions; providing that a charter school
 62 system or school district designated as high
 63 performing may not lose the designation based on the
 64 school grades received during a certain school year of
 65 any of the schools within the charter school system or
 66 school district or based on a certain school year's
 67 district grade, as applicable; authorizing students to
 68 be promoted to grade 4 if the district is able to
 69 determine the student's performance based on specified
 70 means; providing for future repeal; amending s.
 71 1008.341, F.S.; providing that school improvement
 72 ratings will not be calculated for a certain school
 73 year; requiring the state board to set the scale for
 74 certain ratings based on state board rule; providing
 75 for future repeal; amending ss. 1008.345, 1008.365,
 76 and 1011.62, F.S.; conforming provisions and cross-
 77 references to changes made by the act; providing an
 78 effective date.

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

81
 82 Section 1. Section 1008.2125, Florida Statutes, is amended
 83 to read:

84 1008.2125 Coordinated screening and progress monitoring
 85 program for students in the Voluntary Prekindergarten Education
 86 Program through grade 2 ~~3~~.—

87 (1) The primary purpose of the coordinated screening and

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88 progress monitoring program for students in the Voluntary
 89 Prekindergarten Education Program through grade 2 ~~3~~ is to
 90 provide information on students' progress in mastering the
 91 appropriate grade-level standards and to provide information on
 92 their progress to parents, teachers, and school and program
 93 administrators. Data shall be used by Voluntary Prekindergarten
 94 Education Program providers and school districts to improve
 95 instruction, by parents and teachers to guide learning
 96 objectives and provide timely and appropriate supports and
 97 interventions to students not meeting grade-level expectations,
 98 and by the public to assess the cost benefit of the expenditure
 99 of taxpayer dollars. The coordinated screening and progress
 100 monitoring program must:

101 (a) Measure student progress in the Voluntary
 102 Prekindergarten Education Program through grade 2 ~~3~~ in meeting
 103 the appropriate expectations in early literacy and math skills
 104 and in English Language Arts and mathematics, as required by ss.
 105 1002.67(1) (a) and 1003.41.

106 (b) Measure student performance in oral language
 107 development, phonological and phonemic awareness, knowledge of
 108 print and letters, decoding, encoding, fluency, vocabulary, and
 109 comprehension, as applicable, by grade level.

110 (c) Be a valid, reliable, and developmentally appropriate
 111 computer-based direct instrument that provides screening and
 112 diagnostic capabilities for monitoring student progress,
 113 identifies students who have a substantial deficiency in
 114 reading, including identifying students with characteristics of
 115 dyslexia, and informs instruction.

116 (d) Provide data for accountability of the Voluntary

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117 Prekindergarten Education Program, as required by s. 1002.68.
 118 ~~(e)~~ Provide baseline data to the department of each
 119 student's readiness for kindergarten, which must be based on
 120 each kindergarten student's progress monitoring results that was
 121 administered no later than the first 30 instructional days in
 122 accordance with paragraph (2) (a). The methodology for
 123 determining a student's readiness for kindergarten shall be
 124 developed by the department and aligned to the methodology
 125 adopted pursuant to s. 1002.68(4). For the purposes of adopting
 126 a methodology for voluntary prekindergarten performance metrics
 127 pursuant to s. 1002.68(4), the department may consider progress
 128 monitoring results of the grade 3 progress monitoring assessment
 129 as conducted in s. 1008.22(3) (a).

130 ~~(f)~~ Identify the educational strengths and needs of
 131 students in the Voluntary Prekindergarten Education Program
 132 through grade 2 ~~3~~.

133 ~~(g)~~ Provide teachers with progress monitoring data to
 134 provide timely interventions and supports pursuant to s.
 135 1008.25(4).

136 (h) Provide Voluntary Prekindergarten Education Program
 137 providers, school districts, schools, and teachers with data and
 138 resources that enhance differentiated instruction and parent
 139 communication.

140 ~~(i)~~ Assess how well educational goals and curricular
 141 standards are met at the provider, school, district, and state
 142 levels.

143 ~~(j)~~ Provide information to the department to aid in the
 144 evaluation and development of educational programs, and
 145 policies, and supports for providers, districts, and schools.

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146 (2) ~~The Commissioner of Education shall design a statewide,~~
 147 ~~standardized coordinated screening and progress monitoring~~
 148 ~~program to assess early literacy and mathematics skills and the~~
 149 ~~English Language Arts and mathematics standards established in~~
 150 ~~ss. 1002.67(1) (a) and 1003.41, respectively. The coordinated~~
 151 ~~screening and progress monitoring program must provide interval~~
 152 ~~level and norm-referenced data that measures equivalent levels~~
 153 ~~of growth; be a developmentally appropriate, valid, and reliable~~
 154 ~~direct assessment; be able to capture data on students who may~~
 155 ~~be performing below grade or developmental level and which may~~
 156 ~~enable the identification of early indicators of dyslexia or~~
 157 ~~other developmental delays; accurately measure the core content~~
 158 ~~in the applicable grade level standards; document learning gains~~
 159 ~~for the achievement of these standards; and provide teachers~~
 160 ~~with progress monitoring supports and materials that enhance~~
 161 ~~differentiated instruction and parent communication.~~
 162 ~~Participation in the coordinated screening and progress~~
 163 ~~monitoring program is mandatory for all students in the~~
 164 ~~Voluntary Prekindergarten Education Program and enrolled in a~~
 165 ~~public school in kindergarten through grade 3. The coordinated~~
 166 ~~screening and progress monitoring program shall be implemented~~
 167 ~~beginning in the 2022-2023 school year for students in the~~
 168 ~~Voluntary Prekindergarten Education Program and kindergarten~~
 169 ~~students, as follows:~~

170 (a) The coordinated screening and progress monitoring
 171 program shall be administered within the first 30 days after
 172 enrollment, midyear, and within the last 30 days of the program
 173 or school year, in accordance with the rules adopted by the
 174 State Board of Education. The state board may adopt alternate

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175 timeframes to address nontraditional school year calendars or
 176 summer programs to ensure the coordinated screening and progress
 177 monitoring program is administered a minimum of three times
 178 within a year or program.

179 (b) The results of the coordinated screening and progress
 180 monitoring program shall be reported to the department, in
 181 accordance with the rules adopted by the state board, and
 182 maintained in the department's educational data warehouse.

183 (3) The Commissioner of Education shall:

184 (a) Develop a plan, in coordination with the Council for
 185 Early Grade Success, for implementing the coordinated screening
 186 and progress monitoring program in consideration of timelines
 187 for implementing new early literacy and mathematics skills and
 188 the English Language Arts and mathematics standards established
 189 in ss. 1002.67(1)(a) and 1003.41, as appropriate.

190 (b) Provide data, reports, and information as requested to
 191 the Council for Early Grade Success.

192 (4) The Council for Early Grade Success, a council as
 193 defined in s. 20.03(7), is created within the Department of
 194 Education to oversee the coordinated screening and progress
 195 monitoring program and, except as otherwise provided in this
 196 section, shall operate consistent with s. 20.052.

197 (a) The council shall be responsible for reviewing the
 198 implementation of, training for, and outcomes from the
 199 coordinated screening and progress monitoring program to provide
 200 recommendations to the department that support grade 3 students
 201 reading at or above grade level. The council, at a minimum,
 202 shall:

203 1. Provide recommendations on the implementation of the

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204 coordinated screening and progress monitoring program, including
 205 reviewing any procurement solicitation documents and criteria
 206 before being published.

207 2. Develop training plans and timelines for such training.

208 3. Identify appropriate personnel, processes, and
 209 procedures required for the administration of the coordinated
 210 screening and progress monitoring program.

211 4. Provide input on the methodology for calculating a
 212 provider's or school's performance metric and designations under
 213 s. 1002.68(4).

214 5. Work with the department to review the methodology for
 215 determining a child's kindergarten readiness.

216 6. Review data on age-appropriate learning gains by grade
 217 level that a student would need to attain in order to
 218 demonstrate proficiency in reading by grade 3.

219 7. Continually review anonymized data from the results of
 220 the coordinated screening and progress monitoring program for
 221 students in the Voluntary Prekindergarten Education Program
 222 through grade 2 ~~3~~ to help inform recommendations to the
 223 department that support practices that will enable grade 3
 224 students to read at or above grade level.

225 (b) The council shall be composed of 17 members who are
 226 residents of the state and appointed as follows:

227 1. Three members appointed by the Governor, as follows:

228 a. One representative from the Department of Education.

229 b. One parent of a child who is 4 to 9 years of age.

230 c. One representative that is an elementary school

231 administrator.

232 2. Seven members appointed by the President of the Senate,

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233 as follows:

234 a. One senator who serves at the pleasure of the President

235 of the Senate.

236 b. One representative of an urban school district.

237 c. One representative of a rural early learning coalition.

238 d. One representative of a faith-based early learning

239 provider who offers the Voluntary Prekindergarten Education

240 Program.

241 e. One representative who is a second grade teacher who has

242 at least 5 years of teaching experience.

243 f. Two representatives with subject matter expertise in

244 early learning, early grade success, or child assessments.

245 3. Seven members appointed by the Speaker of the House of

246 Representatives, as follows:

247 a. One member of the House of Representatives who serves at

248 the pleasure of the Speaker of the House.

249 b. One representative of a rural school district.

250 c. One representative of an urban early learning coalition.

251 d. One representative of an early learning provider who

252 offers the Voluntary Prekindergarten Education Program.

253 e. One member who is a kindergarten teacher who has at

254 least 5 years of teaching experience.

255 f. Two representatives with subject matter expertise in

256 early learning, early grade success, or child assessment.

257 4. The four representatives with subject matter expertise

258 in sub-subparagraphs 2.f. and 3.f. may not be direct

259 stakeholders within the early learning or public school systems.

260 (5) The council shall elect a chair and vice chair, one of

261 whom must be a member who has subject matter expertise in early

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262 learning, early grade success, or child assessments. The vice

263 chair must be a member appointed by the President of the Senate

264 or the Speaker of the House of Representatives who is not one of

265 the four members with subject matter expertise in early

266 learning, early grade success, or child assessments appointed

267 pursuant to sub-subparagraphs (4)(b)2.f. and 3.f. Members of the

268 council shall serve without compensation but are entitled to

269 reimbursement for per diem and travel expenses pursuant to s.

270 112.061.

271 (6) The council must meet at least biannually and may meet

272 by teleconference or other electronic means, if possible, to

273 reduce costs.

274 (7) A majority of the members constitutes a quorum.

275 Section 2. Present subsections (8) through (12) of section

276 1008.22, Florida Statutes, are redesignated as subsections (9)

277 through (13), respectively, present subsection (13) is

278 redesignated as subsection (15), a new subsection (8) and

279 subsection (14) are added to that section, and subsections (3)

280 and (7) of that section are amended, to read:

281 1008.22 Student assessment program for public schools.—

282 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The

283 Commissioner of Education shall design and implement a

284 statewide, standardized assessment program aligned to the core

285 curricular content established in the educational standards

286 under s. 1003.41 ~~Next Generation Sunshine State Standards~~. The

287 commissioner also must develop or select and implement a common

288 battery of assessment tools that will be used in all juvenile

289 justice education programs in this ~~the~~ state. These tools must

290 accurately measure the core curricular content established in

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291 the educational standards under s. 1003.41 ~~Next Generation~~
 292 ~~Sunshine State Standards~~. Participation in the assessment
 293 program is mandatory for all school districts and all students
 294 attending public schools, including adult students seeking a
 295 standard high school diploma under s. 1003.4282 and students in
 296 Department of Juvenile Justice education programs, except as
 297 otherwise provided by law. If a student does not participate in
 298 the assessment program, the school district must notify the
 299 student's parent and provide the parent with information
 300 regarding the implications of such nonparticipation. The
 301 statewide, standardized assessment program shall be designed and
 302 implemented as follows:

303 (a) Statewide, standardized comprehensive assessments and
 304 coordinated screening and progress monitoring system.—Beginning
 305 with the 2022-2023 school year, the statewide, standardized
 306 comprehensive assessments and coordinated screening and progress
 307 monitoring system must include the following:

308 1. Statewide, standardized English Language Arts (ELA)
 309 assessments with screening and progress monitoring administered
 310 to students in grades 3 through 10 three times a year. The
 311 assessments with screening and progress monitoring must be
 312 organized as follows:

313 a. Screening and progress monitoring administered at the
 314 beginning of the school year and the middle of the school year
 315 pursuant to schedules established by the State Board of
 316 Education. To support student performance and academic growth
 317 throughout the school year, the screening and progress
 318 monitoring must:

319 (I) Measure student progress in grades 3 through 10 in

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320 meeting the appropriate expectations in the English Language
 321 Arts standards required by s. 1003.41.

322 (II) Be a valid, reliable, and developmentally appropriate
 323 computer-based direct instrument that provides screening and
 324 diagnostic capabilities for monitoring student progress,
 325 identifies students who have a substantial deficiency in
 326 reading, including identifying students with characteristics of
 327 dyslexia, and informs instruction.

328 (III) Provide results to a student's teacher and parents in
 329 a timely manner, with results provided to the student's teacher
 330 within 1 week and to the student's parents within 2 weeks.

331 (IV) Provide students, teachers, and parents with
 332 actionable feedback during the school year to tailor instruction
 333 aimed at improved student outcomes in ELA.

334 (V) Provide information to the department to aid in the
 335 development of educational programs, policies, and supports for
 336 districts and schools.

337 b. An end-of-year comprehensive assessment of student
 338 progress administered in the spring of the school year pursuant
 339 to the schedule required in paragraph (7)(c). The results of the
 340 end-of-year comprehensive assessment of student progress must be
 341 used for accountability purposes as required by ss. 1008.34,
 342 1008.341, and 1008.3415 and for assessment graduation
 343 requirements pursuant to s. 1003.4282(3)(a). Opportunities must
 344 be provided to retake the grade 10 ELA end-of-year comprehensive
 345 assessment of student progress. Reading passages and writing
 346 prompts must incorporate grade-level core curricula content from
 347 social studies. In order to earn a standard high school diploma,
 348 a student who has not earned a passing score on the grade 10 ELA

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349 end-of-year comprehensive assessment of student progress must
 350 earn a passing score on the assessment retake or earn a
 351 concordant score as authorized under subsection (10).

352 2. Statewide, standardized mathematics assessments with
 353 screening and progress monitoring administered to students in
 354 grades 3 through 8 three times a year. The assessments with
 355 screening and progress monitoring must be administered as
 356 follows:

357 a. Screening and progress monitoring administered at the
 358 beginning of the school year and the middle of the school year
 359 pursuant to a schedule established by the State Board of
 360 Education. To support student performance and academic growth
 361 throughout the school year, the screening and progress
 362 monitoring must:

363 (I) Measure student progress in grades 3 through 8 in
 364 meeting the appropriate expectations in the mathematics
 365 standards required by s. 1003.41.

366 (II) Be a valid, reliable, and developmentally appropriate
 367 computer-based direct instrument that provides screening and
 368 diagnostic capabilities for monitoring student progress,
 369 identifies students who have a substantial deficiency in
 370 mathematics, and informs instruction.

371 (III) Provide results to a student's teacher and parents in
 372 a timely manner, with results provided to the student's teacher
 373 within 1 week and to the student's parents within 2 weeks.

374 (IV) Provide students, teachers, and parents with
 375 actionable feedback during the school year to tailor instruction
 376 aimed at improved student outcomes in mathematics.

377 (V) Provide information to the department to aid in the

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378 development of educational programs, policies, and supports for
 379 districts and schools.

380 b. An end-of-year comprehensive assessment of student
 381 progress administered in the spring of the school year pursuant
 382 to the schedule required in paragraph (7)(c). The results of the
 383 end-of-year comprehensive assessment must be used for
 384 accountability purposes as required by ss. 1008.34, 1008.341,
 385 and 1008.3415.

386 3. Statewide, standardized science assessments administered
 387 annually at least once at the elementary and middle grades
 388 levels ~~The statewide, standardized English Language Arts (ELA)~~
 389 ~~assessments shall be administered to students in grades 3~~
 390 ~~through 10. Retake opportunities for the grade 10 ELA assessment~~
 391 ~~must be provided. Reading passages and writing prompts for ELA~~
 392 ~~assessments shall incorporate grade-level core curricula content~~
 393 ~~from social studies. The statewide, standardized Mathematics~~
 394 ~~assessments shall be administered annually in grades 3 through~~
 395 ~~8. The statewide, standardized Science assessment shall be~~
 396 ~~administered annually at least once at the elementary and middle~~
 397 ~~grades levels. In order to earn a standard high school diploma,~~
 398 ~~a student who has not earned a passing score on the grade 10 ELA~~
 399 ~~assessment must earn a passing score on the assessment retake or~~
 400 ~~earn a concordant score as authorized under subsection (9).~~
 401 ~~Statewide, standardized ELA and Mathematics assessments in~~
 402 ~~grades 3 through 6 must be delivered in a paper-based format.~~

403 (b) End-of-course (EOC) assessments.—EOC assessments must
 404 be statewide, standardized, and developed or approved by the
 405 Department of Education as follows:

406 1. EOC assessments for Algebra I, Geometry, Biology I,

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407 United States History, and Civics shall be administered to
408 students enrolled in such courses as specified in the course
409 code directory.

410 2. Students enrolled in a course, as specified in the
411 course code directory, with an associated statewide,
412 standardized EOC assessment must take the EOC assessment for
413 such course and may not take the corresponding subject or grade-
414 level statewide, standardized assessment pursuant to paragraph
415 (a). Sections 1003.4156 and 1003.4282 govern the use of
416 statewide, standardized EOC assessment results for students.

417 3. The commissioner may select one or more nationally
418 developed comprehensive examinations, which may include
419 examinations for a College Board Advanced Placement course,
420 International Baccalaureate course, or Advanced International
421 Certificate of Education course, or industry-approved
422 examinations to earn national industry certifications identified
423 in the CAPE Industry Certification Funding List, for use as EOC
424 assessments under this paragraph if the commissioner determines
425 that the content knowledge and skills assessed by the
426 examinations meet or exceed the grade-level expectations for the
427 core curricular content established for the course in the Next
428 Generation Sunshine State Standards. Use of any such examination
429 as an EOC assessment must be approved by the state board in
430 rule.

431 4. Contingent upon funding provided in the General
432 Appropriations Act, including the appropriation of funds
433 received through federal grants, the commissioner may establish
434 an implementation schedule for the development and
435 administration of additional statewide, standardized EOC

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436 assessments that must be approved by the state board in rule. If
437 approved by the state board, student performance on such
438 assessments constitutes 30 percent of a student's final course
439 grade.

440 5. All statewide, standardized EOC assessments must be
441 administered online except as otherwise provided in paragraph
442 (d).

443 6. A student enrolled in an Advanced Placement (AP),
444 International Baccalaureate (IB), or Advanced International
445 Certificate of Education (AICE) course who takes the respective
446 AP, IB, or AICE assessment and earns the minimum score necessary
447 to earn college credit, as identified in s. 1007.27(2), meets
448 the requirements of this paragraph and does not have to take the
449 EOC assessment for the corresponding course.

450 (c) *Nationally recognized high school assessments.*—Each
451 school district shall, by the 2021-2022 school year and subject
452 to appropriation, select either the SAT or ACT for districtwide
453 administration to each public school student in grade 11,
454 including students attending public high schools, alternative
455 schools, and Department of Juvenile Justice education programs.

456 (d) *Students with disabilities; Florida Alternate*
457 *Assessment.*—

458 1. Each district school board must provide instruction to
459 prepare students with disabilities in the core content knowledge
460 and skills necessary for successful grade-to-grade progression
461 and high school graduation.

462 2. A student with a disability, as defined in s. 1007.02,
463 for whom the individual education plan (IEP) team determines
464 that the statewide, standardized assessments under this section

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465 cannot accurately measure the student's abilities, taking into
 466 consideration all allowable accommodations, shall have
 467 assessment results waived for the purpose of receiving a course
 468 grade and a standard high school diploma. Such waiver shall be
 469 designated on the student's transcript. The statement of waiver
 470 shall be limited to a statement that performance on an
 471 assessment was waived for the purpose of receiving a course
 472 grade or a standard high school diploma, as applicable.

473 3. The State Board of Education shall adopt rules, based
 474 upon recommendations of the commissioner, for the provision of
 475 assessment accommodations for students with disabilities and for
 476 students who have limited English proficiency.

477 a. Accommodations that negate the validity of a statewide,
 478 standardized assessment are not allowed during the
 479 administration of the assessment. However, instructional
 480 accommodations are allowed in the classroom if identified in a
 481 student's IEP. Students using instructional accommodations in
 482 the classroom that are not allowed on a statewide, standardized
 483 assessment may have assessment results waived if the IEP team
 484 determines that the assessment cannot accurately measure the
 485 student's abilities.

486 b. If a student is provided with instructional
 487 accommodations in the classroom which ~~that~~ are not allowed as
 488 accommodations for statewide, standardized assessments, the
 489 district must inform the parent in writing and provide the
 490 parent with information regarding the impact on the student's
 491 ability to meet expected performance levels. A parent must
 492 provide signed consent for a student to receive classroom
 493 instructional accommodations that would not be available or

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494 permitted on a statewide, standardized assessment and
 495 acknowledge in writing that he or she understands the
 496 implications of such instructional accommodations.

497 c. If a student's IEP states that online administration of
 498 a statewide, standardized assessment will significantly impair
 499 the student's ability to perform, the assessment shall be
 500 administered in hard copy.

501 4. For students with significant cognitive disabilities,
 502 the Department of Education shall provide for implementation of
 503 the Florida Alternate Assessment to accurately measure the core
 504 curricular content established in the educational standards
 505 pursuant to s. 1003.41 Next Generation Sunshine State Standards.

506 (e) Assessment scores and achievement levels.—

507 1. All statewide, standardized EOC assessments and ELA,
 508 mathematics, and science assessments shall use scaled scores and
 509 achievement levels. Achievement levels shall range from 1
 510 through 5, with level 1 being the lowest achievement level,
 511 level 5 being the highest achievement level, and level 3
 512 indicating grade-level ~~satisfactory~~ performance on an
 513 assessment.

514 2. The state board shall designate by rule a passing score
 515 for each statewide, standardized assessment. Passing scores for
 516 math and ELA statewide, standardized assessments represent
 517 grade-level performance.

518 3. If the commissioner seeks to revise a statewide,
 519 standardized assessment and the revisions require the state
 520 board to modify performance level scores, including the passing
 521 score, the commissioner must ~~shall~~ provide a copy of the
 522 proposed scores and implementation plan to the President of the

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 523 Senate and the Speaker of the House of Representatives at least
 524 30 ~~90~~ days before submission to the state board for review.
 525 Until the state board adopts the modifications by rule, the
 526 commissioner shall use calculations for scoring the assessment
 527 that adjust student scores on the revised assessment for
 528 statistical equivalence to student scores on the former
 529 assessment. The state board shall adopt by rule the passing
 530 score for the revised assessment that is statistically
 531 equivalent to the passing score on the discontinued assessment
 532 for a student ~~who is~~ required to attain a passing score on the
 533 discontinued assessment. The commissioner may, with approval of
 534 the state board, discontinue administration of the former
 535 assessment upon the graduation, based on normal student
 536 progression, of students participating in the final regular
 537 administration of the former assessment. If the commissioner
 538 revises a statewide, standardized assessment and the revisions
 539 require the state board to modify the passing score, only
 540 students taking the assessment for the first time after the rule
 541 is adopted are affected.

542 (f) *Prohibited activities.*—A district school board shall
 543 prohibit each public school from suspending a regular program of
 544 curricula for purposes of administering practice assessments or
 545 engaging in other assessment-preparation activities for a
 546 statewide, standardized assessment. However, a district school
 547 board may authorize a public school to engage in the following
 548 assessment-preparation activities:

- 549 1. Distributing to students sample assessment books and
- 550 answer keys published by the Department of Education.
- 551 2. Providing individualized instruction in assessment-

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 552 taking strategies, without suspending the school's regular
 553 program of curricula, for a student who scores Level 1 or Level
 554 2 on a prior administration of an assessment.
 555 3. Providing individualized instruction in the content
 556 knowledge and skills assessed, without suspending the school's
 557 regular program of curricula, for a student who scores Level 1
 558 or Level 2 on a prior administration of an assessment or a
 559 student who, through a diagnostic assessment administered by the
 560 school district, is identified as having a deficiency in the
 561 content knowledge and skills assessed.
 562 4. Administering a practice assessment or engaging in other
 563 assessment-preparation activities that are determined necessary
 564 to familiarize students with the organization of the assessment,
 565 the format of assessment items, and the assessment directions or
 566 that are otherwise necessary for the valid and reliable
 567 administration of the assessment, as set forth in rules adopted
 568 by the State Board of Education with specific reference to this
 569 paragraph.
 570 (g) *Contracts for assessments.*—The commissioner shall
 571 provide for the assessments to be developed or obtained, as
 572 appropriate, through contracts and project agreements with
 573 private vendors, public vendors, public agencies, postsecondary
 574 educational institutions, or school districts. The commissioner
 575 may enter into contracts for the continued administration of the
 576 assessments authorized and funded by the Legislature. Contracts
 577 may be initiated in 1 fiscal year and continue into the next
 578 fiscal year and may be paid from the appropriations of either or
 579 both fiscal years. The commissioner may negotiate for the sale
 580 or lease of tests, scoring protocols, test scoring services, and

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581 related materials developed pursuant to law.

582 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

583 (a) The Commissioner of Education shall establish schedules

584 for the administration of statewide, standardized assessments

585 and the reporting of student assessment results. The

586 commissioner shall consider the observance of religious and

587 school holidays when developing the schedules. The assessment

588 and reporting schedules must provide the earliest possible

589 reporting of student assessment results to the school districts.

590 Assessment results for the statewide, standardized ELA and

591 mathematics assessments and all statewide, standardized EOC

592 assessments must be made available no later than ~~June 30, except~~

593 ~~for results for the grade 3 statewide, standardized ELA~~

594 ~~assessment, which must be made available no later than~~ May 31.

595 School districts shall administer statewide, standardized

596 assessments in accordance with the schedule established by the

597 commissioner.

598 (b) By January of each year, the commissioner shall publish

599 on the department's website a uniform calendar that includes the

600 assessment and reporting schedules for, at a minimum, the next 2

601 school years. The uniform calendar must be provided to school

602 districts in an electronic format that allows each school

603 district and public school to populate the calendar with, at a

604 minimum, the following information for reporting the district

605 assessment schedules under paragraph (d):

606 1. Whether the assessment is a district-required assessment

607 or a state-required assessment.

608 2. The specific date or dates that each assessment will be

609 administered.

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610 3. The time allotted to administer each assessment.

611 4. Whether the assessment is a computer-based assessment or

612 a paper-based assessment.

613 5. The grade level or subject area associated with the

614 assessment.

615 6. The date that the assessment results are expected to be

616 available to teachers and parents.

617 7. The type of assessment, the purpose of the assessment,

618 and the use of the assessment results.

619 8. A glossary of assessment terminology.

620 9. Estimates of average time for administering state-

621 required and district-required assessments, by grade level.

622 (c) The spring administration of the statewide,

623 standardized assessments in paragraphs (3) (a) and (b), excluding

624 assessment retakes, must be in accordance with the following

625 schedule:

626 1. The grade 3 statewide, standardized ELA assessment and

627 the writing portion of the statewide, standardized ELA

628 assessment must be administered no earlier than April 1 each

629 year within an assessment window not to exceed 2 weeks.

630 2. ~~With the exception of assessments identified in~~

631 ~~subparagraph 1., any statewide, standardized assessment that is~~

632 ~~delivered in a paper-based format must be administered no~~

633 ~~earlier than May 1 each year within an assessment window not to~~

634 ~~exceed 2 weeks.~~

635 ~~3.~~ With the exception of assessments identified in

636 subparagraph 1. ~~subparagraphs 1. and 2.,~~ any statewide,

637 standardized assessment must be administered within a 4-week

638 assessment window that opens no earlier than May 1 each year.

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639 (d) Each school district shall establish schedules for the
 640 administration of any statewide, standardized assessments and
 641 district-required assessments and approve the schedules as an
 642 agenda item at a district school board meeting. Each school
 643 district shall publish the testing schedules on its website
 644 using the uniform calendar, including all information required
 645 under paragraph (b), and submit the schedules to the Department
 646 of Education by October 1 of each year. Each public school shall
 647 publish schedules for statewide, standardized assessments and
 648 district-required assessments on its website using the uniform
 649 calendar, including all information required under paragraph
 650 (b). The uniform calendar must be included in the parent guide
 651 required by s. 1002.23(5).

652 (e) A school district may not schedule more than 5 percent
 653 of a student's total school hours in a school year to administer
 654 statewide, standardized assessments and district-required local
 655 assessments. The district must secure written consent from a
 656 student's parent before administering district-required local
 657 assessments that, after applicable statewide, standardized
 658 assessments are scheduled, exceed the 5 percent test
 659 administration limit for that student under this paragraph. The
 660 5 percent test administration limit for a student under this
 661 paragraph may be exceeded as needed to provide test
 662 accommodations that are required by an IEP or are appropriate
 663 for an English language learner ~~who is~~ currently receiving
 664 services in a program operated in accordance with an approved
 665 English language learner district plan pursuant to s. 1003.56.
 666 Notwithstanding this paragraph, a student may choose within a
 667 school year to take an examination or assessment adopted by

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668 State Board of Education rule pursuant to this section and ss.
 669 1007.27, 1008.30, and 1008.44.

670 (f) A statewide, standardized EOC assessment must be used
 671 as the final cumulative examination for its associated course.
 672 No additional final assessment may be administered in a course
 673 with a statewide, standardized EOC assessment. A district-
 674 required local assessment may be used as the final cumulative
 675 examination for its associated course in accordance with the
 676 school district's policy.

677 (g) The State Board of Education shall adopt rules for the
 678 development of the uniform calendar that, at a minimum, define
 679 terms that must be used in the calendar to describe various
 680 assessments, including the terms "summative assessment,"
 681 "formative assessment," "interim assessment," and "progress
 682 monitoring."

683 (8) PARENTAL RIGHT TO KNOW STUDENT PERFORMANCE.-

684 (a) It is the intent of the Legislature that each student's
 685 parent have certain rights regarding information about that
 686 student's academic progress, including, but not limited to, all
 687 of the following:

688 1. The right, pursuant to s. 1008.25(2)(a), to be provided
 689 the results of evaluations used to monitor a student's progress
 690 in grades K-12 in a timely manner.

691 2. The right, pursuant to s. 1008.25(2)(b)2., to be
 692 notified of the process to request student whole-grade
 693 promotion, midyear promotion, or subject-matter acceleration
 694 which would result in a student attending a different school,
 695 including the right to be advised on the Academically
 696 Challenging Curriculum to Enhance Learning options described in

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697 s. 1002.3105 and the option of early graduation described in s.
 698 1003.4281.

699 3. The right, pursuant to s. 1008.25(5), to be notified of
 700 the information specified in s. 1008.25(5)(d). Upon the request
 701 of a parent, such notice must be provided in writing.

702 4. The right, pursuant to s. 1008.25(7)(b)1., to be
 703 provided written notification that his or her grade 3 student
 704 who is retained has not met the proficiency level required for
 705 promotion and the reasons the child is not eligible for a good
 706 cause exemption.

707 5. The right, pursuant to s. 1008.25(8), to receive an
 708 annual report of his or her student's progress toward achieving
 709 state and district expectations for proficiency in English
 710 Language Arts, science, social studies, and mathematics and
 711 results on each statewide, standardized assessment and the
 712 screening and progress monitoring system. Progress reporting
 713 must be provided to the parent in writing in a format adopted by
 714 the district school board.

715 6. The right, pursuant to s. 1008.25(8), to receive
 716 screening and progress monitoring system results in a timely
 717 manner as required in paragraph (b).

718 7. The right, pursuant to subsection (1), to be provided
 719 his or her student's academic achievement and learning gains
 720 data.

721 8. The right, pursuant to subsection (3), to be notified of
 722 his or her student's nonparticipation in the statewide,
 723 standardized assessment program and the implications of
 724 nonparticipation.

725 9. The right, pursuant to paragraph (3)(d), to be informed

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726 in writing and provided with information if his or her student
 727 with a disability or student with limited English proficiency is
 728 provided with instructional accommodations in the classroom
 729 which are not allowed as accommodations for statewide,
 730 standardized assessments. A parent must provide signed consent
 731 for a student to receive classroom instructional accommodations
 732 and acknowledge in writing that the parent understands the
 733 implications of such instructional accommodations.

734 10. The right, pursuant to subsection (4), to receive
 735 analyzed statewide, standardized assessment program performance
 736 data.

737 11. The right, pursuant to subsection (7), to be required
 738 to consent before a school district administers district-
 739 required local assessments that exceed the 5 percent test
 740 administration limit.

741 (b) A school district must provide a student's performance
 742 results on district-required local assessments to the student's
 743 parents and teachers within 1 week ~~and to the student's parents~~
 744 ~~no later than 30 days~~ after administering such assessments,
 745 unless the superintendent determines in writing that extenuating
 746 circumstances exist and reports the extenuating circumstances to
 747 the district school board.

748 (c) ~~(b)~~ A school district must report the results of
 749 statewide, standardized assessment in ELA and mathematics,
 750 science, and social studies, including assessment retakes, ~~shall~~
 751 ~~be reported~~ in an easy-to-comprehend easy-to-read and
 752 understandable format, which may include a personalized video
 753 format, ~~and~~ delivered in time to provide useful, actionable
 754 information to students, parents, and each student's current

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755 teacher of record and teacher of record for the subsequent
 756 school year; however, in any case, the district shall provide
 757 the results pursuant to this paragraph within 1 week after
 758 receiving the results from the department. A school district
 759 must provide a written report from the coordinated screening and
 760 progress monitoring system which can be accessed in a printed or
 761 electronic format, and must include a web-based portal for
 762 parents to securely access student assessment data and review
 763 their student's individual student reports as the results are
 764 posted following the student's assessment.

765 (d) A school district's report of student assessment
 766 results must, at a minimum, contain:

767 1. A clear explanation of the student's performance on the
 768 applicable statewide, standardized assessments.

769 2. Information identifying the student's areas of strength
 770 and areas in need of improvement.

771 3. Specific actions that may be taken, and the available
 772 resources that may be used, by the student's parent to assist
 773 his or her child based on the student's areas of strength and
 774 areas in need of improvement.

775 4. Longitudinal information, if available, on the student's
 776 progress in each subject area based on previous statewide,
 777 standardized assessment data.

778 5. Comparative information showing the student's score
 779 compared to other students in the school district, in this the
 780 state, or, if available, in other states.

781 6. Predictive information, if available, showing the
 782 linkage between the scores attained by the student on the
 783 statewide, standardized assessments and the scores he or she may

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784 potentially attain on nationally recognized college entrance
 785 examinations.

786 (e) A school district shall annually provide an update to
 787 the Department of Education identifying strategies deployed to
 788 comply with all statutory parental reporting requirements listed
 789 in s. 1008.22(8).

790 ~~(i) The State Board of Education shall adopt rules for the~~
 791 ~~development of the uniform calendar that, at minimum, define~~
 792 ~~terms that must be used in the calendar to describe various~~
 793 ~~assessments, including the terms "summative assessment,"~~
 794 ~~"formative assessment," and "interim assessment."~~

795 (14) STUDY.—By January 31, 2025, the commissioner shall
 796 provide recommendations to the Governor, the President of the
 797 Senate, and the Speaker of the House of Representatives on
 798 additional innovative ways to streamline testing. At a minimum,
 799 the report must include an analysis of the correlation between
 800 the first two administrations of progress monitoring and the
 801 third end-of-year assessment to determine if results from those
 802 administrations may be used in lieu of the end-of-year
 803 assessment.

804 Section 3. Subsections (8) and (9) of section 1008.25,
 805 Florida Statutes, are amended to read:

806 1008.25 Public school student progression; student support;
 807 screening and progress monitoring; reporting requirements.—

808 (8) ~~COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—~~

809 ~~(a) The Department of Education, in collaboration with the~~
 810 ~~Office of Early Learning, shall procure and require the use of a~~
 811 ~~statewide, standardized coordinated screening and progress~~
 812 ~~monitoring system for the Voluntary Prekindergarten Education~~

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813 Program and public schools serving kindergarten through grade 8
 814 students. The system must:

815 1. ~~Measure student progress in the Voluntary~~
 816 ~~Prekindergarten Education Program through grade 8 in meeting the~~
 817 ~~appropriate expectations in early literacy and mathematics~~
 818 ~~skills and in English Language Arts and mathematics standards as~~
 819 ~~required by ss. 1002.67(1)(a) and 1003.41.~~

820 2. ~~Measure student performance in oral language~~
 821 ~~development, phonological and phonemic awareness, knowledge of~~
 822 ~~print and letters, decoding, fluency, vocabulary, and~~
 823 ~~comprehension, as applicable by grade level.~~

824 3. ~~Be a valid, reliable, and developmentally appropriate~~
 825 ~~computer adaptive direct instrument that provides screening and~~
 826 ~~diagnostic capabilities for monitoring student progress,~~
 827 ~~identifies students who have a substantial deficiency in~~
 828 ~~reading, including identifying students with characteristics of~~
 829 ~~dyslexia, and informs instruction.~~

830 4. ~~Provide data for Voluntary Prekindergarten Education~~
 831 ~~Program accountability as required under s. 1002.67.~~

832 5. ~~Provide Voluntary Prekindergarten Education Program~~
 833 ~~providers, school districts, schools, and teachers with data and~~
 834 ~~resources that enhance differentiated instruction and parent~~
 835 ~~communication.~~

836 6. ~~Provide information to the department to aid in the~~
 837 ~~development of educational programs, policies, and supports for~~
 838 ~~providers, districts, and schools.~~

839 ~~(b) Beginning with the 2022-2023 school year, private~~
 840 ~~Voluntary Prekindergarten Education Program providers and public~~
 841 ~~schools must participate in the screening and progress~~

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842 ~~monitoring system. The screening and progress monitoring system~~
 843 ~~must be administered at least three times within a program year~~
 844 ~~or school year, as applicable, with the first administration~~
 845 ~~occurring no later than the first 30 instructional days after~~
 846 ~~the start of the program year or school year pursuant to state~~
 847 ~~board rule.~~

848 ~~(c) A Voluntary Prekindergarten Education Program student~~
 849 ~~who is at risk of being identified as having a substantial~~
 850 ~~deficiency in early literacy skills, based upon results under~~
 851 ~~this subsection, must be referred to the school district in~~
 852 ~~which he or she resides and may be eligible to receive early~~
 853 ~~literacy instruction and interventions after program completion~~
 854 ~~and before participating in kindergarten. Such instruction and~~
 855 ~~interventions may be paid for using funds from the school~~
 856 ~~district's evidence-based reading instruction allocation in~~
 857 ~~accordance with s. 1011.62(9).~~

858 ~~(d) Screening and progress monitoring system results,~~
 859 ~~including the number of students who demonstrate characteristics~~
 860 ~~of dyslexia, shall be reported to the department pursuant to~~
 861 ~~state board rule and maintained in the department's Education~~
 862 ~~Data Warehouse. Results must be provided to a student's teacher~~
 863 ~~and parent in a timely manner as required in s. 1008.22(7)(g).~~

864 ~~(e) The department, in collaboration with the Office of~~
 865 ~~Early Learning, shall provide training and support for effective~~
 866 ~~implementation of the screening and progress monitoring system.~~

867 ~~(9) ANNUAL REPORT.—~~

868 (a) In addition to the requirements in paragraph (5)(c),
 869 each district school board must annually report to the parent of
 870 each student the progress of the student toward achieving state

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871 and district expectations for proficiency in English Language
 872 Arts, science, social studies, and mathematics. The district
 873 school board must report to the parent the student's results on
 874 each statewide, standardized assessment and the screening and
 875 progress monitoring system under subsection (8). The evaluation
 876 of each student's progress must be based upon the student's
 877 classroom work, observations, tests, district and state
 878 assessments, response to intensive interventions provided under
 879 paragraph (5) (a), and other relevant information. Progress
 880 reporting must be provided to the parent in writing in a format
 881 adopted by the district school board, and must include both a
 882 web-based option and a mobile device-compatible option for
 883 parents and students to securely access student progress
 884 monitoring reports as the results are posted following each
 885 assessment.

886 (b) Each district school board must annually publish on the
 887 district website ~~and in the local newspaper~~ the following
 888 information on the prior school year:

889 1. The provisions of this section relating to public school
 890 student progression and the district school board's policies and
 891 procedures on student retention and promotion.

892 2. By grade, the number and percentage of all students in
 893 grades 3 through 10 performing at Levels 1 and 2 on the
 894 statewide, standardized English Language Arts assessment.

895 3. By grade, the number and percentage of all students
 896 retained in kindergarten through grade 10.

897 4. Information on the total number of students who were
 898 promoted for good cause, by each category of good cause as
 899 specified in paragraph (6) (b).

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900 5. Any revisions to the district school board's policies
 901 and procedures on student retention and promotion from the prior
 902 year.

903 Section 4. Subsection (7) is added to section 1008.34,
 904 Florida Statutes, to read:

905 1008.34 School grading system; school report cards;
 906 district grade.—

907 (7) TRANSITION.—To assist in the transition to 2022-2023
 908 school grades and district grades calculated based on new
 909 statewide, standardized assessments administered pursuant to s.
 910 1008.22, the 2022-2023 school grades and district grades shall
 911 serve as an informational baseline for schools and districts to
 912 work toward improved performance in future years. Accordingly,
 913 notwithstanding any other law:

914 (a) Due to the absence of learning gains data in 2022-2023,
 915 the initial school grading scale for the 2022-2023 informational
 916 baseline grades must be set so that the percentage of schools
 917 that earn a grade of "A," "B," "C," "D," and "F" is
 918 statistically equivalent to the 2021-2022 school grade results.
 919 When learning gains data becomes available in the 2023-2024
 920 school year, the State Board of Education shall review the
 921 school grading scale and determine if the scale should be
 922 adjusted.

923 (b) A school may not be required to select and implement a
 924 turnaround option pursuant to s. 1008.33 in the 2023-2024 school
 925 year based on the school's 2022-2023 grade. The benefits of s.
 926 1008.33(4) (c), relating to a school being released from
 927 implementation of the turnaround option, and s. 1008.33(4) (d),
 928 relating to a school implementing strategies identified in its

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929 school improvement plan, apply to a school using turnaround
 930 options pursuant to s. 1008.33 through which the school improves
 931 to a grade of "C" or higher during the 2022-2023 school year.
 932 (c) A school or approved provider under s. 1002.45 which
 933 receives the same or lower school grade for the 2022-2023 school
 934 year compared to the 2021-2022 school year is not subject to
 935 sanctions or penalties that would otherwise occur as a result of
 936 the 2022-2023 school grade or rating. A charter school system or
 937 school district designated as high performing may not lose the
 938 designation based on the 2022-2023 school grades of any of the
 939 schools within the charter school system or school district or
 940 based on the 2022-2023 district grade, as applicable.
 941 (d) Notwithstanding the requirements in s. 1008.25(5), a
 942 student may be promoted to grade 4 in the 2023-2024 school year,
 943 following the 2022-2023 school year's assessment reporting, if
 944 the district is able to determine a student's performance based
 945 on either the good cause exemption process provided in s.
 946 1008.25 or other means reasonably calculated to provide reliable
 947 evidence of a student's performance.
 948 (e) This subsection is repealed July 1, 2025.
 949 Section 5. Subsection (7) is added to section 1008.341,
 950 Florida Statutes, to read:
 951 1008.341 School improvement rating for alternative
 952 schools.—
 953 (7) TRANSITION.—
 954 (a) Due to the absence of learning gains data for the 2022-
 955 2023 school year, school improvement ratings will not be
 956 calculated for that school year. Upon the availability of
 957 learning gains data for the 2023-2024 school year, the State

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958 Board of Education shall set the scale for the "commendable,"
 959 "maintaining," and "unsatisfactory" ratings pursuant to rule.
 960 (b) This subsection is repealed July 1, 2025.
 961 Section 6. Paragraph (a) of subsection (5) of section
 962 1008.345, Florida Statutes, is amended to read:
 963 1008.345 Implementation of state system of school
 964 improvement and education accountability.—
 965 (5) The commissioner shall annually report to the State
 966 Board of Education and the Legislature and recommend changes in
 967 state policy necessary to foster school improvement and
 968 education accountability. The report shall include:
 969 (a) For each school district:
 970 1. The percentage of students, by school and grade level,
 971 demonstrating learning growth in English Language Arts and
 972 mathematics.
 973 2. The percentage of students, by school and grade level,
 974 in both the highest and lowest quartiles demonstrating learning
 975 growth in English Language Arts and mathematics.
 976 3. The information contained in the school district's
 977 annual report required pursuant to s. 1008.25(8) ~~s. 1008.25(9)~~.
 978 School reports ~~must shall~~ be distributed pursuant to this
 979 subsection and s. 1001.42(18)(c) and according to rules adopted
 980 by the State Board of Education.
 981 Section 7. Subsection (4) of section 1008.365, Florida
 982 Statutes, is amended to read:
 983 1008.365 Reading Achievement Initiative for Scholastic
 984 Excellence Act.—
 985 (4) The department may establish criteria to identify
 986

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987 schools that must receive supports from a regional support team.
 988 However, regardless of its school grade designated pursuant to
 989 s. 1008.34, a school serving students in kindergarten through
 990 grade 5 must be identified for supports if 50 percent of its
 991 students who take the statewide, standardized English Language
 992 Arts assessment score below a Level 3 for any grade level, or,
 993 for students in kindergarten through grade 3, if progress
 994 monitoring data ~~collected pursuant to s. 1008.25(8)~~ shows that
 995 50 percent or more of the students are not on track to pass the
 996 statewide, standardized grade 3 English Language Arts
 997 assessment. A school identified for supports under this section
 998 must implement a school improvement plan pursuant to s.
 999 1001.42(18), or, if the school is already implementing a school
 1000 improvement plan, the plan must be amended to explicitly address
 1001 strategies for improving reading performance consistent with
 1002 this section.

1003 Section 8. Paragraph (a) of subsection (8) of section
 1004 1011.62, Florida Statutes, is amended to read:

1005 1011.62 Funds for operation of schools.—If the annual
 1006 allocation from the Florida Education Finance Program to each
 1007 district for operation of schools is not determined in the
 1008 annual appropriations act or the substantive bill implementing
 1009 the annual appropriations act, it shall be determined as
 1010 follows:

1011 (8) EVIDENCE-BASED READING INSTRUCTION ALLOCATION.—

1012 (a) The evidence-based reading instruction allocation is
 1013 created to provide comprehensive reading instruction to students
 1014 in kindergarten through grade 12, including certain students who
 1015 have completed the Voluntary Prekindergarten Education Program

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1016 and who are at risk of being identified as having a substantial
 1017 deficiency in early literacy skills under s. 1008.25(5)(b) ~~or~~
 1018 ~~1008.25(8)(c)~~. Each school district that has one or more of the
 1019 300 lowest-performing elementary schools based on a 3-year
 1020 average of the state reading assessment data must use the
 1021 school's portion of the allocation to provide an additional hour
 1022 per day of intensive reading instruction for the students in
 1023 each school. The additional hour may be provided within the
 1024 school day. Students enrolled in these schools who earned a
 1025 level 4 or level 5 score on the statewide, standardized English
 1026 Language Arts assessment for the previous school year may
 1027 participate in the additional hour of instruction. Exceptional
 1028 student education centers may not be included in the 300
 1029 schools. The intensive reading instruction delivered in this
 1030 additional hour shall include: evidence-based reading
 1031 instruction that has been proven to accelerate progress of
 1032 students exhibiting a reading deficiency; differentiated
 1033 instruction based on screening, diagnostic, progress monitoring,
 1034 or student assessment data to meet students' specific reading
 1035 needs; explicit and systematic reading strategies to develop
 1036 phonemic awareness, phonics, fluency, vocabulary, and
 1037 comprehension, with more extensive opportunities for guided
 1038 practice, error correction, and feedback; and the coordinated
 1039 integration of civic literacy, science, and mathematics-text
 1040 reading, text discussion, and writing in response to reading.

1041
 1042 For purposes of this subsection, the term "evidence-based" means
 1043 demonstrating a statistically significant effect on improving
 1044 student outcomes or other relevant outcomes as provided in 20

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1045 U.S.C. s. 8101(21)(A)(i).

1046 Section 9. This act shall take effect July 1, 2022.



SENATOR MANNY DIAZ, JR.
36th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy Chair
Appropriations Subcommittee on
Education Vice Chair
Appropriations
Appropriations Subcommittee on Health
and Human Services
Education
Commerce and Tourism
Rules

January 12, 2021

Honorable Senator Doug Broxson
Chair
Subcommittee on Education

Honorable Chair Broxson,

I respectfully request Senate Bill 1048 Student Assessment be placed on the next committee agenda.

This bill aims to revise the grade levels for which the coordinated screening and monitoring program measures student progress in the Voluntary Prekindergarten Education Program; revising requirements for the statewide, standardized comprehensive assessments program, beginning with a specified school year; requiring that progress monitoring include both a web-based and mobile device-compatible option; requiring 2022-2023 school and school district grades to serve as an informal baseline for schools and school districts; providing that school improvement ratings will not be calculated for a certain school year, etc.

Sincerely appreciate your support.

A handwritten signature in blue ink, appearing to read "M. Diaz, Jr.", written over a horizontal line.

Senator Manny Diaz, Jr.
Florida Senate, District 36

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

Wilton Simpson
President of the Senate

Aaron Bean
President Pro Tempore

CC: Tim Elwell, Staff Director
JoAnne Bennett, Committee Administrative Assistant
Hal George, Legislative Assistant

The Florida Senate

APPEARANCE RECORD

SB 1048

01/26/22

Meeting Date

Bill Number or Topic

Approps Sub on Ed

Committee

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Amendment Barcode (if applicable)

Name

Anna-Grace Lewis

Phone

(850) 521-1200

Address

136 S. Bronough St.

Email

alewis@flchamber.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Chamber of Commerce

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

1.26.2022

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 1048

Bill Number or Topic

Higher Education Appropriations

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Committee

Amendment Barcode (if applicable)

Name **Allison Hess Sitte**

Phone **245-7827**

Address **325 W. Gaines Street**
Street

Email **allison.hess-sitte@fldoe.org**

Tallahassee
City

FL
State

32399
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Department of Education

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1048

1/26/22
Meeting Date

Bill Number or Topic

Appropriations & Education
Committee

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Amendment Barcode (if applicable)

Name Rev Dr Russell Meyer

Phone 813 763 3610

Address 1308 Winston Peace
Street

Email russellmeyer@att.net

Jax FL 32205
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FL FIRST ADVOCACY OFFICE

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S-001 (08/10/2021)

The Florida Senate

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1/26/22
Meeting Date

Ed Approp
Committee

1048
Bill Number or Topic

Amendment Barcode (if applicable)

Name David Struhls

Phone 850 266 5551

Address 215 S. Monroe St.
Street

Email david@afloridapromise.org

Tallahassee FL 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Foundation For Florida's Future

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/26/22

Meeting Date

1048 Student

Bill Number or Topic

assessments

Approps Sub on Education

Committee

Amendment Barcode (if applicable)

Name ("Breeta") Brita LINCOLN

Phone 813 541-6256

Address 1747 Orlando Central Pkwy

Street

Email legislation@FloridaPTA.org

Orlando

City

FL

State

32809

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA (parent teacher association)

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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SB 1048

Bill Number or Topic

Amendment Barcode (if applicable)

1/26/22

Meeting Date

Appropriation's Subcommittee
on Education

Committee

Name

Rev. Rachel Gunter Shapard

Phone

904-502-5158

Address

9430 Kells Rd.

Street

Email

rguntershapard@cfl.net

Jacksonville FL 32257

City

State

Zip

Reset Form

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Pastors for FC Children

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

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1/26/2022

Meeting Date

SB 1048

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Mary Rivera

Phone (352) 789-2996

Address 14775 NE 112th Ct

Email sing4glory2@gmail.com

Street

Fort McCoy, FL 32134

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

1-26-2022

1048

Meeting Date

Bill Number or Topic

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Appropriations - Education

Committee

Amendment Barcode (if applicable)

Name

Cathy Boehme (Rhymes w/ Fame) (Pronounce Bame)

Phone

850-229-2028

Address

213 S. Adams St,

Street

Email

Cathy.Boehme@floridacs.org

Tallahassee

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412 Case No.: -
Caption: Senate Appropriations Subcommittee on Education

Type:
Judge:

Started: 1/26/2022 3:32:01 PM
Ends: 1/26/2022 4:19:41 PM Length: 00:47:41

3:32:06 PM Sen. Broxson (Chair)
3:32:54 PM S758
3:33:02 PM Sen. Diaz
3:33:41 PM Am. 836202
3:33:49 PM Sen. Diaz
3:34:49 PM Am. 664592
3:34:53 PM Sen. Cruz
3:36:55 PM Sen. Gibson
3:37:27 PM Sen. Diaz
3:38:58 PM Sen. Gibson
3:39:33 PM Sen. Diaz
3:39:51 PM Sen. Cruz
3:40:16 PM Sen. Diaz
3:40:29 PM Sen. Cruz
3:40:46 PM Sen. Diaz
3:41:19 PM Sen. Cruz
3:41:28 PM Sen. Diaz
3:42:28 PM Sen. Gibson
3:43:02 PM Sen. Diaz
3:43:51 PM Brita Lincoln, Florida PTA (waives against)
3:44:00 PM J. D. White, Hillsborough County Public Schools (waives in support)
3:44:15 PM Christian Camara, Florida Charter School Alliance (waives in support)
3:44:24 PM Phillip Suderman, Americans for Prosperity (waives in support)
3:44:32 PM David Struhs, Foundation for Florida's Future (waives in support)
3:44:47 PM Chris Pagel
3:45:50 PM Sen. Diaz
3:47:05 PM S1048
3:47:11 PM Sen. Diaz
3:48:11 PM Sen. Cruz
3:48:23 PM Sen. Diaz
3:49:17 PM Sen. Cruz
3:49:42 PM Sen. Diaz
3:50:06 PM Sen. Cruz
3:50:17 PM Sen. Diaz
3:51:51 PM Sen. Cruz
3:52:01 PM Sen. Diaz
3:52:31 PM Sen. Cruz
3:52:47 PM Sen. Diaz
3:55:24 PM Sen. Gibson
3:55:42 PM Sen. Diaz
3:56:41 PM Allison Hess Sitte, Florida Dept. of Education (waives in support)
3:56:48 PM Anna-Grace Lewis, Florida Chamber of Commerce (waives in support)
3:58:15 PM Rev. Dr. Russell Meyer, Florida Faith Advocacy Office, Florida Council of Churches
4:00:52 PM D. Struhs
4:02:54 PM Sen. Broxson
4:03:19 PM Sen. Passidomo (Chair)
4:03:40 PM B. Lincoln
4:05:33 PM Rev. Rachel Gunter Shepard, Pastors for Florida's Children, Regional VP, Together for Hope
4:08:41 PM Mary Rivera
4:12:43 PM Cathy Boehme
4:14:25 PM Sen. Gibson
4:15:24 PM Sen. Diaz

