

Tab 1	SB 520 by Brandes ; (Identical to H 00703) Public Records and Public Meetings
--------------	---

Tab 2	SB 802 by Gruters (CO-INTRODUCERS) Perry ; (Similar to H 01421) School Safety
--------------	---

Tab 3	SB 1048 by Diaz ; (Compare to H 01193) Student Assessments
--------------	--

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Gruters, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, January 11, 2022
TIME: 1:30—3:30 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Gruters, Chair; Senator Jones, Vice Chair; Senators Berman, Bradley, Broxson, Diaz, Hutson, Passidomo, Polsky, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 520 Brandes (Identical H 703)	Public Records and Public Meetings; Providing an exemption from public records requirements for any personal identifying information of an applicant for president of a state university or a Florida College System institution held by a state university or a Florida College System institution; providing an exemption from public meeting requirements for any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or a Florida College System institution, including any portion of a meeting which would disclose certain personal identifying information of such applicants; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. ED 01/11/2022 GO RC	
2	SB 802 Gruters	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 AED AP	

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, January 11, 2022, 1:30—3:30 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 AED AP	

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 Committee on Education

BILL: SB 520

INTRODUCER: Senator Brandes

SUBJECT: Public Records and Public Meetings

DATE: January 10, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 520 makes confidential and exempt from public disclosure requirements any personal identifying information of an applicant for the position of president of a state university or Florida College System (FCS) institution held by a state university or an FCS institution.

The bill provides that the personal identifying information of an applicant included in a final group of applicants for president is no longer confidential and exempt from public records requirements beginning at the earlier of the date the final group of applicants to be considered for president is established or at least 21 days before either an interview of an applicant or final action on the offer of employment.

The bill also exempts from public meeting requirements any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or FCS institution, including any portion of a meeting that would disclose personal identifying information of such applicants. However, the meeting exemption does not apply to any portion of a meeting held for the purpose of establishing qualifications for the position or establishing any compensation framework to be offered to an applicant. Additionally, any meeting held after a final group of applicants has been established must be open to the public.

Because this bill creates a public records exemption, it will require a two-thirds vote of both the Senate and the House of Representatives in order to become a law.

The bill provides that the exemption is subject to the Open Government Sunshine Review Act and is repealed on October 2, 2027, unless saved from repeal by the Legislature.

The bill has no significant fiscal impact on state universities and FCS institutions.

The bill takes effect July 1, 2022.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ Art. I, s. 24(a), Fla. Const.

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Meetings Laws

The Florida Constitution provides that the public has a right to access governmental meetings.¹⁶ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Art. I, s. 24(b), Fla. Const.

discussed.¹⁷ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.¹⁸

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., known as the “Government in the Sunshine Law,”¹⁹ or the “Sunshine Law,”²⁰ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.²¹ The board or commission must provide the public reasonable notice of such meetings.²² Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²³ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁴ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²⁵ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁶

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of each house of the Legislature.²⁷ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁸ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁹

¹⁷ Art. I, s. 24(b), Fla. Const.

¹⁸ *Id.* Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁹ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

²⁰ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

²¹ Section 286.011(1)-(2), F.S.

²² *Id.*

²³ Section 286.011(6), F.S.

²⁴ Section 286.011(2), F.S.

²⁵ Section 286.011(1), F.S.

²⁶ Section 286.011(3), F.S.

²⁷ Art. I, s. 24(c), Fla. Const.

²⁸ *Id.*

²⁹ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act³⁰ (the Act), prescribe a legislative review process for newly created or substantially amended³¹ public records or open meetings exemptions, with specified exceptions.³² The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.³³

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁴ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;³⁵
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁶ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁷

The Act also requires specified questions to be considered during the review process.³⁸ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁹ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote

³⁰ Section 119.15, F.S.

³¹ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

³² Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³³ Section 119.15(3), F.S.

³⁴ Section 119.15(6)(b), F.S.

³⁵ Section 119.15(6)(b)1., F.S.

³⁶ Section 119.15(6)(b)2., F.S.

³⁷ Section 119.15(6)(b)3., F.S.

³⁸ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³⁹ See generally s. 119.15, F.S.

for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.⁴⁰

State University System and Florida College System Governance

The State University System is composed of all public state universities.⁴¹ The Board of Governors (BOG) is required to operate, regulate, control, and be fully responsible for the management of the whole university system.⁴² Each state university is governed by a local board of trustees, which is subject to public record and open meetings laws.⁴³ The BOG establishes the powers and duties of the boards of trustees and may delegate its constitutional or statutory powers and duties to the boards of trustees as its designee.⁴⁴ The BOG establishes the personnel system for all state university employees and confirms the selection and reappointment of presidents by state university boards of trustees.⁴⁵

The Florida College System (FCS) is composed of public community and state colleges.⁴⁶ FCS institutions are supervised by the State Board of Education (SBE),⁴⁷ which establishes standards and guidelines for the FCS institutions.⁴⁸ A local board of trustees governs each FCS institution.⁴⁹

State University System and Florida College System Presidential Searches

Each state university board of trustees selects its university president, subject to confirmation of the candidate by the BOG and in accordance with BOG regulations. To locate qualified applicants, a presidential search committee is appointed to make recommendations to the full university board of trustees.⁵⁰

BOG regulation specifies criteria to ensure that the search process is transparent, robust, and designed to attract highly qualified individuals.⁵¹ Criteria include requirements that a search firm or consultant a search committee retains must be familiar, or demonstrate its ability to become familiar, with Florida's Sunshine laws,⁵² and that the search committee maintain for purposes of transparency a webpage that includes search committee notices, agendas, and meetings; applicant lists; and means to provide input.⁵³

⁴⁰ Section 119.15(7), F.S.

⁴¹ Art. IX, s. 7(b), Fla. Const. The State University System is made up of 12 state universities, specified in s. 1000.21(6), F.S.

⁴² Art. IX, s. 7(d), Fla. Const. *See also* ss. 20.155(4)(a), 1001.70(3), 1001.705(2), and 1001.706(2)(a), F.S.

⁴³ Art. IX, s. 7(b)-(c), Fla. Const. *See also* s. 1001.71(1), F.S.

⁴⁴ Art. IX, s. 7(c), Fla. Const. *See also* s. 1001.706(2)(b), F.S.

⁴⁵ Sections 1001.705(2)(k) and 1001.706(6)(a), F.S.

⁴⁶ Art. IX, s. 8(b), Fla. Const. The Florida College System is made up of 28 community and state colleges specified in s. 1000.21(3), F.S. Such institutions constitute political subdivisions of the state operated by boards of trustees. *See* s. 1004.67 and ss. 1001.61-1001.64, F.S.

⁴⁷ Art. IX, s. 8(d), Fla. Const.

⁴⁸ Section 20.15(1), (2), and (5); *see also* s. 1001.02(1) and (6), F.S.

⁴⁹ Art. IX, s. 8(b), Fla. Const. *See also* ss. 1001.60(3) and 1001.64(2), F.S.

⁵⁰ Board of Governors (BOG) Regulation 1.001(5)(c).

⁵¹ BOG Regulation 1.002(1).

⁵² BOG Regulation 1.002(1)(b)ii.

⁵³ BOG Regulation 1.002(1)(c)i.

Each FCS institution board of trustees is authorized to appoint the president of the FCS institution.⁵⁴ The board of trustees is authorized to appoint a search committee to assist in the process.⁵⁵ Each board of trustees is required to notify the SBE of the appointment of a president immediately upon such action.⁵⁶

Information obtained by a search committee or consultant, including applications and other information gathered by a committee or consultant regarding applicants, must be made available for copying and inspection upon request. In addition, any meetings associated with the search process are open to the public.⁵⁷

The consultants assist by identifying and recruiting highly-talented individuals, as well as responding to all nominations, applications, and inquiries for the position. The consultants develop selection criteria and conduct preliminary screening interviews with each candidate who meets the stated criteria. The consultants provide the search committee with information gathered during the interviews along with background investigations concluded by the search firm. The search committee will identify semi-finalists and finalists for the position.

III. Effect of Proposed Changes:

Section 1 creates s. 1004.098, F.S., to establish an exemption from public records and public meetings requirements for applicants for president of a state university or a Florida College System (FCS) institution.

The bill specifies that any personal identifying information of an applicant for president of a state university or FCS institution held by a state university or a FCS institution is confidential and exempt from public records requirements.

The bill provides that the personal identifying information of an applicant included in a final group of applicants for president of a state university or FCS institution is no longer confidential and exempt at the earliest date of the following:

- The date the final group of applicants to be considered for president is established; or
- At least 21 days before the date of a meeting at which an interview of an applicant will be conducted, or at which final action or a vote is to be taken on the offer of the employment of an applicant as president.

The bill exempts from public meetings requirements any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or FCS institution, including any portion of a meeting that would disclose personal identifying information of such applicants. The bill provides that a complete recording must be made of any portion of a meeting

⁵⁴ Section 1001.61, F.S.

⁵⁵ Section 1001.64(19), F.S.

⁵⁶ Rule 6A-14.026, F.A.C.

⁵⁷ FCS institutions and state universities are considered state agencies, subject to public records and public meetings laws. See *Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983) (holding that a University of Florida screening committee was subject to Florida's Sunshine Law); *Rhea v. District Bd. Of Trustees of Santa Fe College*, 109 So. 3d 851 at 855, n. 1 (Fla. 1st DCA 2013) (noting that Santa Fe College, as part of the Florida College System, is a state agency having a duty to provide access to public records).

that is closed and any closed portion of such meeting may not be held off the record. The recording of the closed portion of a meeting is exempt from s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution.

The bill specifies that the public meeting exemption does not apply to:

- Any portion of a meeting held for the purpose of establishing qualifications for the position or establishing any compensation framework to be offered to an applicant for president of a state university or FCS institution.
- Any meeting held after a final group of applicants for president of a state university or FCS institution has been established.

The exemption from public records and public meetings established in the bill is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 sets forth the public necessity justifying the exemptions.⁵⁸ The bill asserts that applicants for president who are currently employed could jeopardize their current positions if it were known that they were seeking employment elsewhere. Further, the bill specifies that an exemption is necessary to allow a presidential search committee to access a pool of the most experienced and qualified applicants from which to fill the position of president.

The bill takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for personal identifying information about applicants for the position of president at a state university or Florida College System (FCS) institution and a new exemption for certain portions of meetings that may discuss applicants for the position, thus, the bill requires a two-thirds vote to be enacted.

⁵⁸ Art. I, s. 24(c), Fla. Const.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section two of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption**Public Records Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect personal identifying information of applicants for the position of president of a state university or FCS institution. This bill exempts from inspection and copying only personal identifying information of such individuals unless the applicant is selected for the list of finalists. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

Public Meetings Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. Like the public records exemption, the stated purpose of the law is to protect personal identifying information of applicants for the position of president of a state university or FCS institution prior to the selection of the final group. The bill appears to only exempt the portion of the meeting held for the purpose of identifying or vetting applicants, including any portion of a meeting which would disclose personal identifying information. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The private sector may continue to be subject to the costs associated with an agency making redactions in response to a public records request.

C. Government Sector Impact:

State universities and FCS institutions may incur costs related to the redaction of records in responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1004.098 of the Florida Statutes.

This bill creates an unnumbered section of law.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.

By Senator Brandes

24-00068-22

2022520__

1 A bill to be entitled
 2 An act relating to public records and public meetings;
 3 creating s. 1004.098, F.S.; providing an exemption
 4 from public records requirements for any personal
 5 identifying information of an applicant for president
 6 of a state university or a Florida College System
 7 institution held by a state university or a Florida
 8 College System institution; specifying when the
 9 personal identifying information of applicants who are
 10 in the final group of applicants is no longer
 11 confidential and exempt; providing an exemption from
 12 public meeting requirements for any portion of a
 13 meeting held for the purpose of identifying or vetting
 14 applicants for president of a state university or a
 15 Florida College System institution, including any
 16 portion of a meeting which would disclose certain
 17 personal identifying information of such applicants;
 18 requiring that a recording be made of any portion of a
 19 closed meeting which would disclose personal
 20 identifying information of such applicants; providing
 21 that no portion of a closed meeting may be held off
 22 the record; providing that the recording of any closed
 23 portion of a meeting is exempt from public records
 24 requirements; specifying that certain meetings are not
 25 exempt from public meeting requirements; providing for
 26 future legislative review and repeal of the
 27 exemptions; providing a statement of public necessity;
 28 providing an effective date.
 29

Page 1 of 4

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

24-00068-22

2022520__

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

31
 32 Section 1. Section 1004.098, Florida Statutes, is created
 33 to read:

34 1004.098 Applicants for president of a state university or
 35 Florida College System institution; public records exemption;
 36 public meetings exemption.—

37 (1) (a) Any personal identifying information of an applicant
 38 for president of a state university or a Florida College System
 39 institution held by a state university or a Florida College
 40 System institution is confidential and exempt from s. 119.07(1)
 41 and s. 24(a), Art. I of the State Constitution.

42 (b) Notwithstanding paragraph (a), the personal identifying
 43 information of an applicant included in the final group of
 44 applicants for president of a state university or a Florida
 45 College System institution is no longer confidential and exempt
 46 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 47 beginning at the earlier of the date the final group of
 48 applicants to be considered for president is established or 21
 49 days before the date of a meeting at which an interview of an
 50 applicant will be conducted or at which final action or a vote
 51 is to be taken on the offer of the employment of an applicant as
 52 president.

53 (2) (a) Any portion of a meeting held for the purpose of
 54 identifying or vetting applicants for president of a state
 55 university or a Florida College System institution, including
 56 any portion of a meeting which would disclose personal
 57 identifying information of such applicants which is otherwise
 58 confidential and exempt under subsection (1), is exempt from s.

Page 2 of 4

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

24-00068-22 2022520__

59 286.011 and s. 24(b), Art. I of the State Constitution.

60 (b) A complete recording must be made of any portion of a
 61 meeting which is closed pursuant to paragraph (a), and any
 62 closed portion of such meeting may not be held off the record.
 63 The recording of the closed portion of a meeting is exempt from
 64 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

65 (c) The exemption provided in paragraph (a) does not apply
 66 to:

67 1. Any portion of a meeting held for the purpose of
 68 establishing qualifications for the position or establishing any
 69 compensation framework to be offered to an applicant for
 70 president of a state university or a Florida College System
 71 institution.

72 2. Any meeting that is held after a final group of
 73 applicants for president of a state university or a Florida
 74 College System institution has been established.

75 (3) This section is subject to the Open Government Sunset
 76 Review Act in accordance with s. 119.15 and shall stand repealed
 77 on October 2, 2027, unless reviewed and saved from repeal
 78 through reenactment by the Legislature.

79 Section 2. The Legislature finds that it is a public
 80 necessity that any personal identifying information of an
 81 applicant for president of a state university or a Florida
 82 College System institution held by a state university or a
 83 Florida College System institution be made confidential and
 84 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 85 Article I of the State Constitution. The Legislature also finds
 86 that it is a public necessity that any portion of a meeting held
 87 for the purpose of identifying or vetting applicants for

24-00068-22 2022520__

88 president of a state university or a Florida College System
 89 institution, including any portion of a meeting which would
 90 disclose personal identifying information of such applicants, be
 91 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
 92 Article I of the State Constitution, and that the recording of
 93 such meeting be made exempt from s. 119.07(1), Florida Statutes,
 94 and s. 24(a), Article I of the State Constitution. The task of
 95 filling the position of president of a state university or a
 96 Florida College System institution is often conducted by an
 97 executive search committee. Many, if not most, applicants for
 98 such a position are currently employed at another job at the
 99 time they apply and could jeopardize their current positions if
 100 it were to become known that they were seeking employment
 101 elsewhere. These exemptions from public records and public
 102 meetings requirements are needed to ensure that a search
 103 committee can avail itself of a pool of the most experienced and
 104 qualified applicants from which to fill the position. If
 105 potential applicants fear the possibility of losing their
 106 current jobs as a consequence of attempting to progress along
 107 their chosen career path or simply seeking different and more
 108 rewarding employment, failure to have these safeguards in place
 109 could have a chilling effect on the number and quality of
 110 applicants available to fill the position of president of a
 111 state university or a Florida College System institution.

112 Section 3. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 802
 INTRODUCER: Senators Gruters and Perry
 SUBJECT: School Safety
 DATE: January 10, 2022 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Pre-meeting
2.			AED	
3.			AP	

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.

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)¹ 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.²

The SBE may enforce compliance by district school boards and Florida College System (FCS) institution boards of trustees by:³

- 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.

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 Act⁴ by school districts; district school superintendents; and public schools, including charter schools.⁵ 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.⁶

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.⁷ 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

¹ The State Board of Education is established as “a body corporate and [shall] have such supervision of the system of free public education as is provided by law.” Art. IX, s. 2, Fla. Const.

² Section 1001.02, F.S.

³ Section 1001.11, F.S. and s. 1008.32, F.S.

⁴ Section 1, ch. 2018-3, L.O.F.

⁵ Section 1001.11, F.S.

⁶ *Id.*

⁷ Section 1001.20(4)(e), F.S.

district, the Florida School for the Deaf and the Blind, or the FCS institution, the Inspector General must conduct, coordinate, or request investigations into such substantiated allegations.⁸ 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.⁹

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.¹⁰ OSS responsibilities include:¹¹

- 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.¹²
- 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.¹³

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.¹⁴ These options include:¹⁵

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers¹⁶ who must meet specified screening requirements¹⁷ and also complete mental health crisis intervention training.

⁸ Section 1001.20(4)(e), F.S.

⁹ *Id.*

¹⁰ Section 1001.212, F.S. *See also:* Florida Department of Education, *Office of Safe Schools*, <http://www.fldoe.org/safe-schools/> (last visited Jan. 3, 2022).

¹¹ Section 1001.212, F.S.

¹² Section 1006.07(6)(a), F.S., requires each district school superintendent to designate a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office as a school safety specialist for the district.

¹³ The provision does not specify the inclusion of charter school personnel.

¹⁴ Section 1006.12, F.S.

¹⁵ *Id.*

¹⁶ "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. Section 943.10(1), F.S.

¹⁷ SROs must undergo criminal background checks, drug testing, and a psychological evaluation. Section 1006.12(1)(a), F.S.

- 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 agency¹⁸ to employ as a school security guard an individual who holds a Class “D” and Class “G” license¹⁹ 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:²⁰

- Is dismissed for misconduct or is otherwise disciplined.
- 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.²¹ 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.²² 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.²³ The Florida Criminal Justice Standards and Training Commission offers to sworn law enforcement officers two free courses in crisis intervention training.²⁴ 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.²⁵

Coach Aaron Feis Guardian Program (Guardian Program)

The guardian program was established in 2018²⁶ as an option for school districts to meet the safe-school officer requirements in law.²⁷ 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.²⁸

¹⁸ “Security agency” means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners. This includes any person who utilizes dogs and individuals to provide security services. Section 493.6101(18), F.S.

¹⁹ License requirements are specified in chapter 493.

²⁰ Section 1006.12(5), F.S.

²¹ Section 1006.12, F.S.

²² 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).

²³ 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).

²⁴ 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).

²⁵ Specific Appropriation 1300, s. 4, ch. 2021-36, L.O.F.

²⁶ Section 26, ch. 2018-3, L.O.F.

²⁷ Section 1006.12, F.S.

²⁸ Section 30.15(1)(k), F.S.

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.²⁹ 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.³⁰

The sheriff must certify as school guardians school employees who:³¹

- Hold a valid concealed weapon license.³²
- Complete a 144-hour training program.
- Pass a psychological evaluation administered by a licensed psychologist.³³
- Submit to and pass an initial drug test and subsequent random drug tests in accordance with law³⁴ and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

The Legislature appropriated \$6.5 million for the 2021-2022 fiscal year for sheriffs to certify and train school guardians.³⁵ 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.³⁶

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.³⁷

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

²⁹ Section 30.15(1)(k), F.S. A sheriff is required to consult with the Florida Department of Law Enforcement on programmatic guiding principles, practices, and resources in establishing a school guardian program. Section 30.15(1)(k)2., F.S.

³⁰ Section 30.15(1)(k)1.a., F.S. The sheriff conducting the training is reimbursed for screening-related and training-related costs and for providing a one-time stipend of \$500 to each school guardian who participates in the school guardian program. Section 30.15(1)(k)1.c., F.S.

³¹ Section 30.15(1)(k)2., F.S.

³² See section 790.06, F.S.

³³ Chapter 490 of the Florida Statutes governs licensure for psychological services.

³⁴ Section 112.0455, F.S.

³⁵ Specific Appropriation 93, s. 2, ch. 2021-36, L.O.F.

³⁶ 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.fdle.state.fl.us/MSDHS/Meetings/2021/September/Documents/09_27_2021-Part-1.aspx, at 15-16).

³⁷ Section 1006.07(4), F.S.

drills. District school board policies must establish emergency response and emergency preparedness policies and procedures, including emergency notification procedures.³⁸

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.³⁹

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.⁴⁰ The OSS developed a behavioral threat assessment instrument, the Comprehensive School Threat Assessment Guidelines (CSTAG)⁴¹ 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.⁴²

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 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.⁴³

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.⁴⁴ 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.⁴⁵

³⁸ Section 1006.07(4), F.S.

³⁹ Section 1006.1493, F.S.

⁴⁰ Section 1006.07(7), F.S.

⁴¹ 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>.

⁴² Section 1001.212(12)(a)6., F.S.

⁴³ Section 1006.07(7)(a), F.S.

⁴⁴ *Id.*

⁴⁵ Section 1006.07(7)(e), F.S.

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.⁴⁶ 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.⁴⁷

Florida school districts are required to incorporate into student codes of conduct criteria for:⁴⁸

- 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).

Compliance with the community-based diversion programs includes all reporting requirements, including that criminal diversions be entered into JJIS.⁴⁹ School districts may still operate their own "diversion programs" that address non-criminal conduct, such as Student Code of Conduct violations and other misbehavior.⁵⁰

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.⁵¹ 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.⁵²

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.⁵³ The School Environmental Safety

⁴⁶ 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.

⁴⁷ Section 985.12, F.S.

⁴⁸ Section 1006.07(2), F.S.

⁴⁹ Section 1006.13(2), F.S.

⁵⁰ 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.

⁵¹ 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.

⁵² 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. The information that is required to be entered into JJIS Prevention Web varies among school districts who participate in the local judicial circuit diversion programs. Sarasota County School District was participating in the local judicial circuit diversion program but also appears to operate a school-based diversion program. *Id.*

⁵³ Section 1006.07(9), F.S.

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.⁵⁴ The SBE is required to adopt rules establishing the requirements for the SESIR.⁵⁵

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.⁵⁶ 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.⁵⁷ 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.⁵⁸

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.⁵⁹ 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.⁶⁰

The reporting party may provide his or her report anonymously.⁶¹ If the reporting party chooses to disclose his or her identity, it remains confidential and exempt from public records disclosure requirements.⁶² Information received through the mobile suspicious activity reporting tool is also exempt.⁶³

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

⁵⁴ FSU Center of Criminology and Florida Department of Education *The Florida School Environmental Safety and Incident Reporting (SESIR) system* (2006), available at <http://criminology.fsu.edu/wp-content/uploads/The-Florida-School-Environmental-Safety-Incident-Reporting-SESIR-System.pdf>, at 1.

⁵⁵ Section 1006.07(9), F.S.

⁵⁶ Section 1006.09(6), F.S.

⁵⁷ Section 1001.212(8), F.S.

⁵⁸ Section 1001.42(13)(b), F.S.

⁵⁹ 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.

⁶⁰ 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.

⁶¹ Section 943.082(2)(a), F.S.

⁶² Section 943.082(6), F.S.

⁶³ *Id.*

district⁶⁴ 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.⁶⁵

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.

⁶⁴ The district school board is responsible for operating, controlling, and supervising the school district. The provision would require a district school board to, in the case of an appointed superintendent, take action to withhold its board member's salaries.

⁶⁵ Absent a specific statutory provision to the contrary, administrative review pursuant to the Administrative Procedures Act applies in all proceedings in which the substantial interests of a party are determined by an agency. *See* s. 120.569(1), F.S. A district school board or superintendent may seek review pursuant to the Administrative Procedures Act of agency actions that determine their substantial interests. *See* ss. 120.52(1)(a), (6), (13), and (14), F.S.

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:

None.

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.

By Senator Gruters

23-00085B-22

2022802__

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

Page 1 of 15

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

23-00085B-22

2022802__

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

Page 2 of 15

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

23-00085B-22

2022802__

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

Page 3 of 15

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

23-00085B-22

2022802__

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

Page 4 of 15

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

23-00085B-22

2022802__

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;

Page 5 of 15

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

23-00085B-22

2022802__

- 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

Page 6 of 15

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

23-00085B-22

2022802__

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

23-00085B-22

2022802__

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 must ~~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

23-00085B-22

2022802__

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).

23-00085B-22

2022802__

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

23-00085B-22

2022802__

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

Page 11 of 15

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

23-00085B-22

2022802__

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.

Page 12 of 15

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

23-00085B-22

2022802__

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~~

23-00085B-22

2022802__

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.

23-00085B-22

2022802__

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1048

INTRODUCER: Senator Diaz

SUBJECT: Student Assessments

DATE: January 10, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	Pre-meeting
2.			AED	
3.			AP	

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.

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:³

- The Pre-assessment or Assessment Period 1 is administered within the first thirty calendar days of the VPK class schedule.⁴
- The Post-assessment or Assessment Period 3 is administered within the last thirty calendar days of the VPK class schedule.⁵

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.⁶ 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:⁷

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

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.⁸ In 2021, the legislature created a new statewide VPK through grade 8 coordinated screening and progress monitoring program that includes grades Kindergarten through grade 2.⁹

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.¹⁰ The system is required to:¹¹

- Measure student progress in VPK¹²-grade 8 in meeting the appropriate expectations in early literacy and mathematic skills and in English Language Arts and mathematic standards.

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. VPK providers can also choose to administer the Middle Assessment (AP2) to provide mid-year information about a child's progress.

⁴ Rule 6M-8.620, F.A.C.

⁵ Rule 6M-8.620, F.A.C.

⁶ Section 1002.68(3)(a), F.S.

⁷ 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).

⁸ 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.

⁹ Section 15, ch. 2021-9, L.O.F.

¹⁰ Section 1008.25(8), F.S.

¹¹ Section 1008.25(8)(a)1.-5., F.S.

¹² Section 1008.2125, (2)(a), F.S., requires that students in VPK and kindergarten be assessed with the coordinated screening and progress monitoring system within the first 30 days after enrollment, midyear, and within the last 30 days of the program or school year.

- 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.
- 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.

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.¹³ 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.¹⁴

The Council for Early Grades Success

In 2021, the legislature created the Council for Early Grades Success (Council) within the FDOE¹⁵. 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.¹⁶

Florida's Statewide Student Assessment Program

Federal Requirements

The Elementary and Secondary Act (ESEA) was signed into law in 1965¹⁷ and was reauthorized by the No Child Left behind (NCLB) act in 2002 and the Every Student Succeeds Act (ESSA) in 2015.¹⁸

The Every Student Succeeds Act provides flexibility in state accountability systems, but kept 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.¹⁹ 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 12.²⁰ However, ESSA amended NCLB to allow for a state or a consortia of states to use

¹³ Section 1002.68(2), F.S.

¹⁴ Section 1002.68(4)(a)1., F.S.

¹⁵ Section 65, ch. 2021-10, L.O.F.

¹⁶ Section 1008.2125(4)(a), F.S.

¹⁷ Pub. L 89-10 (April 11, 1965).

¹⁸ U.S. Department of Education, *Every Student Succeeds Act* (<https://www.ed.gov/essa?src=rm>) (last visited Nov. 12, 2021).

¹⁹ 34 C.F.R. s. 200.5(a)(1)(i).

²⁰ 34 C.F.R. s. 200.5(a)(1)(ii).

multiple statewide interim assessments²¹ that results in a single summative score,²² or a state can use a single summative assessment.²³ In addition, ESSA amended NCLB to allow states to administer a computer adaptive assessments for the purposes of meeting federal requirements.²⁴

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.²⁵ 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.²⁶

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.²⁷ The statewide standardized assessment program for students in grades 3 through 10 is as follows:²⁸

- Florida Standards Assessments:
 - English Language Arts (ELA): grades 3-10.²⁹
 - Mathematics: grades 3–8.
 - End-of-Course (EOC) assessments for students who are enrolled in the corresponding course:
 - Algebra 1.³⁰
 - 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.

²¹ An interim assessment is used to evaluate students' knowledge and skills relative to a specific set of academic goals.

²² 34 C.F.R. s. 200.2(b)(10)(i)(ii).

²³ A summative assessment is generally administered once, typically at the end of the school year to evaluate performance against a set of content standards.

²⁴ 34 C.F.R. s. 200.2(c)(1).

²⁵ Section 1008.22(1), F.S.

²⁶ 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>.

²⁷ Section 1008.22(3), F.S.

²⁸ Section 1008.22(3)(a)(b), F.S.

²⁹ Section 1008.22 (9), F.S. provides for Grade 10 ELA retakes for students who have not achieved the passing score needed for graduation requirements. Students can earn a concordant score on an ACT or SAT to satisfy the graduation requirement.

³⁰ Section 1008.22 (10), F.S. Required for high school graduation under s. 1002.4282(3)(b), F.S. Students can earn a comparative score on an assessment identified by the Commissioner of Education.

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.³¹ Statewide EOC assessments,³² the grade 7 and 8 FSA Mathematics, and grades 7 through 10 FSA ELA assessments are administered in a computer-based format.³³

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.³⁴ 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.³⁵ The commissioner is required to establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.³⁶ For school year 2021-2022, the FSA and EOC administration schedule is below.³⁷

**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,³⁸ so that school districts can populate the calendar with the state-

³¹ Section 1008.22(3)(a), F.S.

³² Section 1008.22(3)(b)5., F.S.

³³ 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>.

³⁴ Section 1008.22(7)(c)1. F.S. The test administration window can't exceed 2 weeks.

³⁵ Section 1008.22(7)(c)2.-3., F.S. The test administration window for paper-based assessments can't exceed 2 weeks. The test administration for computer-based assessments can't exceed 4 weeks.

³⁶ Section 1008.22(7)(a), F.S.

³⁷ 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).

³⁸ 1008.22(7)(b), F.S.

and district-required assessments.³⁹ School districts are required to publish the uniform testing calendar on their website each school year.⁴⁰

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 31.⁴¹ 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.⁴²

All statewide, standardized EOC assessments and ELA, Mathematics, and Science assessments must use scaled scores and achievement levels.⁴³ 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.⁴⁴ Passing scores for each statewide, standardized assessment are designated by the State Board of Education (SBE) in rule.⁴⁵ If the commissioner seeks to modify performance level scores on a statewide, standardized assessment, 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.⁴⁶

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.⁴⁷

The FDOE allocated \$20 million from the CARES Act⁴⁸ funds for PM and data informed supports.⁴⁹ 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

³⁹ Section 1008.22(7)(d), F.S.

⁴⁰ *Id.*

⁴¹ Section 1008.22(7)(a), F.S.

⁴² Section 1008.22(7)(h), F.S.

⁴³ Section 1008.22(3)(e)1., F.S.

⁴⁴ *Id.*

⁴⁵ Section 1008.22(3)(e)2., F.S.

⁴⁶ Section 1008.22(3)(e)3., F.S.

⁴⁷ 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).

⁴⁸ The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress March 27, 2020. The CARES Act provided funding in four education related categories: Elementary and Secondary School Emergency Relief Fund, Governor's Emergency Education Relief Fund, Higher Education Emergency Relief fund, Child Care Development Block Grant.

⁴⁹ Florida Department of Education, *Reopening Florida's Schools and the CARES Act*, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FLDOEReopeningCARESAct.pdf>, at 102, (last visited Dec. 20, 2021).

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.⁵⁰ 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.⁵¹ Public schools participating in the optional progress monitoring tool were recommended to provide students between 45 and 60 minutes to complete each assessment.⁵²

In school year 2020-21, 59 school districts administered the progress monitoring tool.⁵³ The 59 school districts that accessed 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.⁵⁴

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.⁵⁵ 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.⁵⁶ For the 2020-2021 and 2021-2022 school years, the FDOE required that school districts submit progress monitoring results to the FDOE for assessments they were administering during the school year.⁵⁷

For the 2020-2021 school year, only two school districts reported using no PM tool, other school districts reported the following:⁵⁸

- 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.

⁵⁰ Florida Department of Education, *Free Optional Progress Monitoring Tool Available to Public Schools* (Dec. 28, 2021), available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/CambiumProgressMonitoring2020-21.pdf>.

⁵¹ *Id.*

⁵² 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>.

⁵³ Email, Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education (Dec. 17, 2021) (on file with the Senate Committee on Education).

⁵⁴ *Id.*

⁵⁵ Section 1008.22(6), F.S.

⁵⁶ Section 1008.22(7)(d), F.S.

⁵⁷ Florida Department of Education Emergency Order 2020-EO-06.

⁵⁸ Email, Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education (Dec. 17, 2021) (on file with the Senate Committee on Education). Some school districts use different progress monitoring tools for different grade bands, i.e. K-5, 6-8, and 9-12. Examples of progress monitoring tools that are used by Florida's school districts include: I-Ready, STAR assessments, MAP assessments, Cambium Progress Monitoring tool, and Achieve 3000.

For school year 2021-22, school districts reported the following to the FDOE:⁵⁹

- 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.

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.⁶⁰ Setting cut scores is the process whereby FDOE “draw the lines” that separate the test scores into various achievement levels.⁶¹ Achievement levels from the statewide standardized assessment are used in calculating school grades,⁶² school improvement ratings,⁶³ third grade retention/promotion,⁶⁴ and high school graduation requirements.⁶⁵

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.⁶⁶ In addition, schools were not required to select and implement a turnaround option based on the 2014-15 school grade or school improvement rating.⁶⁷ 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.⁶⁸

Parental Rights and Notifications

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

- Parents be provided results, in a timely manner, of evaluations used to monitor a student’s progress in grades K-12.⁶⁹
- Parents be notified of the process to request grade promotion⁷⁰, advised on the Academically Challenging Curriculum to Enhance Learning options⁷¹ and options for early high school graduation.⁷²

⁵⁹ *Id.* 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 for the 2021-22 school year.

⁶⁰ 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>.

⁶¹ *Id.*

⁶² Section 1008.34(3)(b), F.S.

⁶³ Section 1008.341, F.S.

⁶⁴ Section 1008.25, F.S.

⁶⁵ Section 1003.4284(3), F.S.

⁶⁶ Section 1, Ch. 2014-23, L.O.F.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Section 1008.25(2)(a), F.S.

⁷⁰ Section 1008.25(2)(b)2., F.S.

⁷¹ Section 1002.3105, F.S.

⁷² Section 1003.4281, F.S.

- Parents be notified in writing if their student exhibits a substantial deficiency in reading.⁷³
- 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.⁷⁴
- 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.⁷⁵
- Parents receive screening and progress monitoring results in a timely manner.⁷⁶

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 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.

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.

⁷³ Section 1008.25(5)(d), F.S.

⁷⁴ Section 1008.25(7)(b)1., F.S.

⁷⁵ Section 1008.25(8), F.S.

⁷⁶ *Id.*

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 exemption⁷⁷ 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-12.⁷⁸
- Be notified of the process to request grade promotion or acceleration⁷⁹, including the Academically Challenging Curriculum to Enhance Learning options,⁸⁰ and options for early high school graduation.⁸¹
- Be notified in writing if their student exhibits a substantial deficiency in reading.⁸²
- 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.⁸³
- Receive an annual report of their child's progress toward achieving state and district expectations for proficiency in ELA, science, social studies and mathematics.⁸⁴
- Receive screening and progress monitoring results in a timely manner.⁸⁵
- Receive their student's academic achievement and learning gains.
- Be notified of their student's nonparticipation in the statewide assessment and implications of nonparticipation.

⁷⁷ Section 1008.25(6)(b)1.-5., F.S. delineates the good cause exemptions for promotions to grade 4 for students who did not achieve a level 2 or higher on the statewide Grade 3 English Language Arts assessment.

⁷⁸ Section 1008.25(2)(a), F.S.

⁷⁹ Section 1008.25(2)(b)2., F.S.

⁸⁰ Section 1002.3105, F.S.

⁸¹ Section 1003.4281, F.S.

⁸² Section 1008.25(5)(d), F.S.

⁸³ Section 1008.25(7)(b)1., F.S.

⁸⁴ Section 1008.25(8), F.S.

⁸⁵ *Id.*

- 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:

School districts that choose to not offer additional progress monitoring tools, in addition to the statewide coordinated progress monitoring tool, could see a potential cost savings by not administering additional assessments. The fiscal impact to the state is indeterminate.

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, 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

36-01099A-22

20221048__

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

Page 1 of 37

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

36-01099A-22

20221048__

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

Page 2 of 37

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

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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.

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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,

36-01099A-22 20221048__

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

36-01099A-22 20221048__

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

36-01099A-22 20221048__

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

36-01099A-22 20221048__

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

36-01099A-22 20221048__

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

36-01099A-22 20221048__

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,

36-01099A-22

20221048__

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

Page 15 of 37

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

36-01099A-22

20221048__

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

Page 16 of 37

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

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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

36-01099A-22 20221048__
 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-

36-01099A-22 20221048__
 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

36-01099A-22

20221048__

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.

Page 21 of 37

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

36-01099A-22

20221048__

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.

Page 22 of 37

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

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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

36-01099A-22 20221048__

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

36-01099A-22 20221048__

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

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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~~

36-01099A-22

20221048__

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~~

Page 29 of 37

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

36-01099A-22

20221048__

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

Page 30 of 37

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

36-01099A-22

20221048__

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).

36-01099A-22

20221048__

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

36-01099A-22 20221048__

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

36-01099A-22 20221048__

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

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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

36-01099A-22

20221048__

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

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