

20211108e2

1 A bill to be entitled
2 An act relating to education; amending s. 1001.23,
3 F.S.; authorizing the Department of Education to hold
4 patents, copyrights, trademarks, and service marks;
5 authorizing the department to take specified actions
6 to enforce its rights under certain circumstances;
7 requiring the department to notify the Department of
8 State in writing when property rights by patent,
9 copyright, trademark, or service marks are secured by
10 the department; requiring, except for educational
11 materials and products, any proceeds received by the
12 department from the exercise of its rights to be
13 deposited in the department's Operating Trust Fund;
14 creating s. 1002.334, F.S.; establishing the
15 Innovative Blended Learning and Real-Time Student
16 Assessment Pilot Program within the department;
17 providing the purpose of the program; defining the
18 term "innovative blended learning"; specifying program
19 eligibility; requiring program applicants to submit
20 applications to the department in a format prescribed
21 by the department; requiring program applications to
22 include specified information; requiring applications
23 to be considered only for synchronous innovative
24 blended learning programs; requiring the Commissioner
25 of Education to select applicants to participate in
26 the program; providing a start date for the program;
27 providing for funding; authorizing the commissioner to
28 remove an approved applicant from the program under
29 certain circumstances; providing for future

20211108e2

30 expiration; amending s. 1003.42, F.S.; requiring
31 character development curriculum for certain grades to
32 include instruction on voting using specified ballot;
33 amending s. 1003.4282, F.S.; deleting obsolete
34 language; requiring certain students to take a
35 specified assessment relating to civic literacy;
36 providing that such assessment meets certain
37 postsecondary requirements under specified
38 circumstances; conforming a cross-reference; amending
39 s. 1003.433, F.S.; authorizing certain students to
40 meet the grade 10 English Language Arts assessment
41 requirements in a specified manner; amending s.
42 1003.4996, F.S.; extending the timeframe for the
43 Competency-Based Education Pilot Program; amending s.
44 1007.25, F.S.; requiring certain postsecondary
45 students to complete a civic literacy course and pass
46 a specified assessment to demonstrate competency in
47 civic literacy; authorizing students to meet the
48 assessment requirements in high school; providing for
49 rulemaking; authorizing the development of new civic
50 literacy courses; providing requirements for such
51 courses; amending s. 1008.212, F.S.; conforming cross-
52 references; amending s. 1008.22, F.S.; revising the
53 purpose of the assessment program; deleting obsolete
54 language; requiring that certain assessments be given
55 in a paper-based format; requiring school districts to
56 provide the SAT or ACT to grade 11 students beginning
57 in a specified school year; requiring school districts
58 to choose which assessment to administer; deleting

20211108e2

59 specified reporting requirements; deleting a
60 requirement that the Commissioner of Education
61 maintain a specified item bank; deleting specified
62 requirements for the date of the administration of
63 specified assessments; revising a deadline for the
64 publication of certain assessments; conforming
65 provisions to changes made by the act; amending s.
66 1008.24, F.S.; revising the tests that are included
67 under test administration and security rules; amending
68 ss. 1008.34 and 1008.3415, F.S.; conforming cross-
69 references; amending s. 1009.286, F.S.; providing an
70 additional exception to credit hours used when
71 calculating baccalaureate degrees; providing an
72 effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Subsection (5) is added to section 1001.23,
77 Florida Statutes, to read:

78 1001.23 Specific powers and duties of the Department of
79 Education.—In addition to all other duties assigned to it by law
80 or by rule of the State Board of Education, the department
81 shall:

82 (5) Notwithstanding the provisions of chapter 286, have the
83 authority to hold patents, copyrights, trademarks, and service
84 marks. The department may take any action necessary to enforce
85 its rights with respect to such patents, copyrights, trademarks,
86 and service marks or enter into a transaction to sell, lease,
87 license, or transfer such rights for monetary gain or other

20211108e2

88 consideration at the discretion of the department. The
89 department shall notify the Department of State in writing when
90 property rights by patent, copyright, trademark, or service
91 marks are secured by the department. Except for educational
92 materials and products, any proceeds received by the department
93 from the exercise of such rights shall be deposited in the
94 department's Operating Trust Fund.

95 Section 2. Section 1002.334, Florida Statutes, is created
96 to read:

97 1002.334 Innovative Blended Learning and Real-Time Student
98 Assessment Pilot Program.—

99 (1) There is created within the Department of Education the
100 Innovative Blended Learning and Real-Time Student Assessment
101 Pilot Program. The purpose of the program is to develop and
102 measure innovative blended learning and real-time weekly student
103 assessment educational models that improve the educational
104 progress of this state's students and help close achievement
105 gaps for this state's traditionally underserved students.

106 (2) As used in this section, the term "innovative blended
107 learning" means:

108 (a) A mode of learning where in-person and remote students
109 are combined in one classroom environment where the education,
110 instruction, and engagement occurs at the same time with the
111 teacher and other students physically present in the classroom;
112 and

113 (b) For a given course, students learn in part through
114 online delivery of content and instruction with some element of
115 student control over time, place, path, or pace and in part at a
116 traditional supervised classroom location away from home.

20211108e2

117 (3) To be eligible to work with the program, an applicant
118 must be:

119 (a) A high-performing charter school under s. 1002.331;

120 (b) A high-performing charter school system under s.
121 1002.332; or

122 (c) An academically high-performing school district
123 pursuant to s. 1003.621.

124 (4) A program applicant must submit an application to the
125 department in a format prescribed by the department. The
126 application must include all of the following:

127 (a) A plan for the synchronous technological and resource
128 design, curriculum, classroom operation, school or district
129 management, privacy protection and teacher professional
130 development, and at least weekly progress monitoring of real-
131 time student performance in innovative blended learning
132 programs.

133 (b) A plan to reduce achievement gaps through innovative
134 blended learning.

135 (c) A requirement that distance learning will always be at
136 the choosing of the student or the student's parent or guardian
137 and that a family will never be coerced to choose distance
138 learning.

139 (d) A requirement that a participating classroom may not be
140 fully virtual such that at least two-thirds of the students in a
141 class must be present for in-person learning on any regularly
142 scheduled school day.

143 (e) A requirement that any struggling student who is
144 participating in this program and who, according to progress
145 monitoring data, is on pace to learn less than a year's content

20211108e2

146 in a year's time must return to learning in person.

147 (f) A requirement that any student can choose to switch
148 learning modalities, in person or distance, on any given day,
149 without notice and therefore a seat must always be available for
150 every student registered to take any participating course.

151 (g) A requirement that the applicant provide all requested
152 student-level data from participating schools, including, as
153 necessary, benchmark historical data for up to the prior 3
154 school years, to the department upon request.

155 (5) Applications may be considered only for synchronous
156 innovative blended learning programs.

157 (6) The Commissioner of Education shall select applicants
158 to participate in the program.

159 (7) Districts and schools may not begin approved
160 synchronous innovative blended learning programs until October
161 1, 2021.

162 (8) (a) Applicants approved by the commissioner shall
163 receive funding based upon the number of full-time equivalent
164 students being educated under the pilot program, as if each
165 student were being educated full-time in person at his or her
166 respective school.

167 (b) The commissioner may remove an approved applicant from
168 program participation if the applicant fails to maintain the
169 designations listed in subsection (3) or the applicant fails to
170 meet any of the requirements listed in subsection (4).

171 (9) This section expires July 1, 2024.

172 Section 3. Paragraph (s) of subsection (2) of section
173 1003.42, Florida Statutes, is amended to read:

174 1003.42 Required instruction.—

20211108e2

175 (2) Members of the instructional staff of the public
176 schools, subject to the rules of the State Board of Education
177 and the district school board, shall teach efficiently and
178 faithfully, using the books and materials required that meet the
179 highest standards for professionalism and historical accuracy,
180 following the prescribed courses of study, and employing
181 approved methods of instruction, the following:

182 (s) A character development program in the elementary
183 schools, similar to Character First or Character Counts, which
184 is secular in nature. Beginning in school year 2004-2005, the
185 character development program shall be required in kindergarten
186 through grade 12. Each district school board shall develop or
187 adopt a curriculum for the character development program that
188 shall be submitted to the department for approval.

189 1. The character development curriculum shall stress the
190 qualities of patriotism; responsibility; citizenship; kindness;
191 respect for authority, life, liberty, and personal property;
192 honesty; charity; self-control; racial, ethnic, and religious
193 tolerance; and cooperation.

194 2. The character development curriculum for grades 9
195 through 12 shall, at a minimum, include instruction on
196 developing leadership skills, interpersonal skills, organization
197 skills, and research skills; creating a resume; developing and
198 practicing the skills necessary for employment interviews;
199 conflict resolution, workplace ethics, and workplace law;
200 managing stress and expectations; and developing skills that
201 enable students to become more resilient and self-motivated.

202 3. The character development curriculum for grades 11 and
203 12 shall include instruction on voting using the uniform primary

20211108e2

204 and general election ballot described in s. 101.151(9).

205

206 The State Board of Education is encouraged to adopt standards
207 and pursue assessment of the requirements of this subsection. A
208 character development program that incorporates the values of
209 the recipients of the Congressional Medal of Honor and that is
210 offered as part of a social studies, English Language Arts, or
211 other schoolwide character building and veteran awareness
212 initiative meets the requirements of paragraphs (s) and (t).

213 Section 4. Paragraphs (a) and (d) of subsection (3),
214 subsection (7), and paragraph (e) of subsection (10) of section
215 1003.4282, Florida Statutes, are amended to read:

216 1003.4282 Requirements for a standard high school diploma.—

217 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
218 REQUIREMENTS.—

219 (a) *Four credits in English Language Arts (ELA).*—The four
220 credits must be in ELA I, II, III, and IV. A student must pass
221 the statewide, standardized grade 10 ~~Reading assessment or, when~~
222 ~~implemented, the grade 10~~ ELA assessment, or earn a concordant
223 score, in order to earn a standard high school diploma.

224 (d) *Three credits in social studies.*—A student must earn
225 one credit in United States History; one credit in World
226 History; one-half credit in economics; and one-half credit in
227 United States Government. The United States History EOC
228 assessment constitutes 30 percent of the student's final course
229 grade. Beginning with the 2021-2022 school year, students taking
230 the United States Government course are required to take the
231 assessment of civic literacy identified by the State Board of
232 Education pursuant to s. 1007.25(4). Students earning a passing

20211108e2

233 score on the assessment are exempt from the postsecondary civic
234 literacy assessment required by s. 1007.25(4).

235 (7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with
236 the 2012-2013 school year, if a student transfers to a Florida
237 public high school from out of country, out of state, a private
238 school, or a home education program and the student's transcript
239 shows a credit in Algebra I, the student must pass the
240 statewide, standardized Algebra I EOC assessment in order to
241 earn a standard high school diploma unless the student earned a
242 comparative score, passed a statewide assessment in Algebra I
243 administered by the transferring entity, or passed the statewide
244 mathematics assessment the transferring entity uses to satisfy
245 the requirements of the Elementary and Secondary Education Act,
246 as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C.
247 ss. 6301 et seq. If a student's transcript shows a credit in
248 high school reading or English Language Arts II or III, in order
249 to earn a standard high school diploma, the student must take
250 and pass the statewide, standardized grade 10 ~~Reading assessment~~
251 ~~or, when implemented, the grade 10 ELA assessment~~, or earn a
252 concordant score. If a transfer student's transcript shows a
253 final course grade and course credit in Algebra I, Geometry,
254 Biology I, or United States History, the transferring course
255 final grade and credit shall be honored without the student
256 taking the requisite statewide, standardized EOC assessment and
257 without the assessment results constituting 30 percent of the
258 student's final course grade.

259 (10) STUDENTS WITH DISABILITIES.—Beginning with students
260 entering grade 9 in the 2014-2015 school year, this subsection
261 applies to a student with a disability.

20211108e2

262 (e) Any waiver of the statewide, standardized assessment
263 requirements by the individual education plan team, pursuant to
264 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, must be approved by the
265 parent and is subject to verification for appropriateness by an
266 independent reviewer selected by the parent as provided for in
267 s. 1003.572.

268
269 The State Board of Education shall adopt rules under ss.
270 120.536(1) and 120.54 to implement this subsection, including
271 rules that establish the minimum requirements for students
272 described in this subsection to earn a standard high school
273 diploma. The State Board of Education shall adopt emergency
274 rules pursuant to ss. 120.536(1) and 120.54.

275 Section 5. Subsection (3) of section 1003.433, Florida
276 Statutes, is amended to read:

277 1003.433 Learning opportunities for out-of-state and out-
278 of-country transfer students and students needing additional
279 instruction to meet high school graduation requirements.—

280 (3) Students who have been enrolled in an ESOL program for
281 less than 2 school years and have met all requirements for the
282 standard high school diploma except for passage of any must-pass
283 assessment under s. 1003.4282 or s. 1008.22 or alternate
284 assessment may:

285 (a) Receive immersion English language instruction during
286 the summer following their senior year. Students receiving such
287 instruction are eligible to take the required assessment or
288 alternate assessment and receive a standard high school diploma
289 upon passage of the required assessment or alternate assessment.
290 This paragraph ~~subsection~~ shall be implemented to the extent

20211108e2

291 funding is provided in the General Appropriations Act.

292 (b) Beginning with the 2022-2023 school year, meet the
293 requirement to pass the statewide, standardized grade 10 English
294 Language Arts assessment by satisfactorily demonstrating grade-
295 level expectations on formative assessments, in accordance with
296 state board rule.

297 Section 6. Section 1003.4996, Florida Statutes, is amended
298 to read:

299 1003.4996 Competency-Based Education Pilot Program.—
300 Beginning with the 2016-2017 school year, the Competency-Based
301 Education Pilot Program is created within the Department of
302 Education to be administered for a period of 7 ~~5~~ years. The
303 purpose of the pilot program is to provide an educational
304 environment that allows students to advance to higher levels of
305 learning upon the mastery of concepts and skills through
306 statutory exemptions relating to student progression and the
307 awarding of credits.

308 (1) PARTICIPATION.—The P.K. Yonge Developmental Research
309 School and the Lake, Palm Beach, Pinellas, and Seminole County
310 School Districts may submit an application in a format
311 prescribed by the department to participate in the pilot
312 program.

313 (2) APPLICATION.—The application to participate in the
314 pilot program must, at a minimum, include:

315 (a) The vision and timelines for the implementation of
316 competency-based education within the school district, including
317 a list of the schools that will participate in the pilot program
318 during the first school year and the list of schools that will
319 be integrated into the program in subsequent school years.

20211108e2

320 (b) The annual goals and performance outcomes for
321 participating schools, including, but not limited to:

- 322 1. Student performance as defined in s. 1008.34.
- 323 2. Promotion and retention rates.
- 324 3. Graduation rates.
- 325 4. Indicators of college and career readiness.

326 (c) A communication plan for parents and other
327 stakeholders, including local businesses and community members.

328 (d) The scope of and timelines for professional development
329 for school instructional and administrative personnel.

330 (e) A plan for student progression based on the mastery of
331 content, including mechanisms that determine and ensure that a
332 student has satisfied the requirements for grade-level promotion
333 and content mastery.

334 (f) A plan for using technology and digital and blended
335 learning to enhance student achievement and facilitate the
336 competency-based education system.

337 (g) The proposed allocation of resources for the pilot
338 program at the school and district levels.

339 (h) The recruitment and selection of participating schools.

340 (i) The rules to be waived for participating schools
341 pursuant to subsection (3) to implement the pilot program.

342 (3) EXEMPTION FROM RULES.—In addition to the waivers
343 authorized in s. 1001.10(3), the State Board of Education may
344 authorize the commissioner to grant an additional waiver of
345 rules relating to student progression and the awarding of
346 credits.

347 (4) STUDENT FUNDING.—Students enrolled in a participating
348 school shall be reported for and generate funding pursuant to s.

20211108e2

349 1011.62.

350 (5) DEPARTMENT DUTIES.—The department shall:

351 (a) Compile the student and staff schedules of
352 participating schools before and after implementation of the
353 pilot program.

354 (b) Provide participating schools with access to statewide,
355 standardized assessments required under s. 1008.22.

356 (c) Annually, by June 1, provide to the Governor, the
357 President of the Senate, and the Speaker of the House of
358 Representatives a report summarizing the activities and
359 accomplishments of the pilot program and any recommendations for
360 statutory revisions.

361 (6) RULES.—The State Board of Education shall adopt rules
362 to administer this section.

363 Section 7. Subsection (4) of section 1007.25, Florida
364 Statutes, is amended to read:

365 1007.25 General education courses; common prerequisites;
366 other degree requirements.—

367 (4) (a) Beginning with students initially entering a Florida
368 College System institution or state university in the 2018-2019
369 school year and thereafter, each student must demonstrate
370 competency in civic literacy. Students must have the option to
371 demonstrate competency either through successful completion of a
372 civic literacy course or by achieving a passing score on an
373 assessment. The State Board of Education must adopt in rule and
374 the Board of Governors must adopt in regulation at least one
375 existing assessment that measures competencies consistent with
376 the required course competencies outlined in subparagraph (b)2
377 ~~paragraph (b)~~.

20211108e2

378 (b) Beginning with students initially entering a Florida
379 College System institution or state university in the 2021-2022
380 school year and thereafter, each student must demonstrate
381 competency in civic literacy by achieving a passing score on an
382 assessment and by successfully completing a civic literacy
383 course. Credits earned for such courses via articulated
384 acceleration mechanisms in s. 1007.27 will count toward the
385 civic literacy competency requirement. The State Board of
386 Education and the Board of Governors shall adopt by rule and
387 regulation, respectively, approved assessments that address the
388 competencies in subparagraph 2. and courses that meet the
389 requirements in subparagraph 1. The chair of the State Board of
390 Education and the chair of the Board of Governors, or their
391 respective designees, shall jointly appoint a faculty committee
392 to:

393 1.-(a) Develop one or more a new courses course in civic
394 literacy or revise an existing general education core course in
395 American History or American Government to include, at a
396 minimum, opportunities to engage synchronously in political
397 discussions and civil debates with multiple points of view and
398 to master the ability to synthesize information that informs
399 civic decisionmaking ~~civic literacy~~.

400 2.-(b) Establish course competencies and identify outcomes
401 that include, at a minimum, an understanding of the basic
402 principles of American democracy and how they are applied in our
403 republican form of government, an understanding of the United
404 States Constitution, knowledge of the founding documents and how
405 they have shaped the nature and functions of our institutions of
406 self-governance, and an understanding of landmark Supreme Court

20211108e2

407 cases and their impact on law and society.

408 Section 8. Paragraph (a) of subsection (1) and subsection
409 (2) of section 1008.212, Florida Statutes, are amended to read:

410 1008.212 Students with disabilities; extraordinary
411 exemption.—

412 (1) As used in this section, the term:

413 (a) "Circumstance" means a situation in which
414 accommodations allowable for use on the statewide standardized
415 assessment, a statewide standardized end-of-course assessment,
416 or an alternate assessment pursuant to s. 1008.22(3)(d) ~~s.~~
417 ~~1008.22(3)(e)~~ are not offered to a student during the current
418 year's assessment administration due to technological
419 limitations in the testing administration program which lead to
420 results that reflect the student's impaired sensory, manual, or
421 speaking skills rather than the student's achievement of the
422 benchmarks assessed by the statewide standardized assessment, a
423 statewide standardized end-of-course assessment, or an alternate
424 assessment.

425 (2) A student with a disability for whom the individual
426 education plan (IEP) team determines is prevented by a
427 circumstance or condition from physically demonstrating the
428 mastery of skills that have been acquired and are measured by
429 the statewide standardized assessment, a statewide standardized
430 end-of-course assessment, or an alternate assessment pursuant to
431 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~ shall be granted an
432 extraordinary exemption from the administration of the
433 assessment. A learning, emotional, behavioral, or significant
434 cognitive disability, or the receipt of services through the
435 homebound or hospitalized program in accordance with rule 6A-

20211108e2

436 6.03020, Florida Administrative Code, is not, in and of itself,
437 an adequate criterion for the granting of an extraordinary
438 exemption.

439 Section 9. Present paragraph (c) of subsection (3) of
440 section 1008.22, Florida Statutes, is redesignated as paragraph
441 (d), a new paragraph (c) is added to that subsection, and
442 paragraph (a) of subsection (1), paragraphs (a) and (b), present
443 paragraph (d), and paragraph (g) of subsection (3), subsection
444 (6), paragraphs (a), (b), (c), and (h) of subsection (7),
445 subsections (8) and (9), and paragraph (e) of subsection (12) of
446 that section are amended, to read:

447 1008.22 Student assessment program for public schools.—

448 (1) PURPOSE.—The primary purpose of the student assessment
449 program is to provide student academic achievement and learning
450 gains data to students, parents, teachers, school
451 administrators, and school district staff. This data is to be
452 used by districts to improve instruction; by students, parents,
453 and teachers to guide learning objectives; by education
454 researchers to assess national and international education
455 comparison data; and by the public to assess the cost benefit of
456 the expenditure of taxpayer dollars. The program must be
457 designed to:

458 (a) Assess the achievement level and ~~annual~~ learning gains
459 of each student in English Language Arts and mathematics and the
460 achievement level in all other subjects assessed.

461 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
462 Commissioner of Education shall design and implement a
463 statewide, standardized assessment program aligned to the core
464 curricular content established in the Next Generation Sunshine

20211108e2

465 State Standards. The commissioner also must develop or select
466 and implement a common battery of assessment tools that will be
467 used in all juvenile justice education programs in the state.
468 These tools must accurately measure the core curricular content
469 established in the Next Generation Sunshine State Standards.
470 Participation in the assessment program is mandatory for all
471 school districts and all students attending public schools,
472 including adult students seeking a standard high school diploma
473 under s. 1003.4282 and students in Department of Juvenile
474 Justice education programs, except as otherwise provided by law.
475 If a student does not participate in the assessment program, the
476 school district must notify the student's parent and provide the
477 parent with information regarding the implications of such
478 nonparticipation. The statewide, standardized assessment program
479 shall be designed and implemented as follows:

480 (a) *Statewide, standardized comprehensive assessments.*—The
481 statewide, standardized ~~Reading assessment shall be administered~~
482 ~~annually in grades 3 through 10. The statewide, standardized~~
483 ~~Writing assessment shall be administered annually at least once~~
484 ~~at the elementary, middle, and high school levels. When the~~
485 ~~Reading and Writing assessments are replaced by English Language~~
486 ~~Arts (ELA) assessments, ELA assessments shall be administered to~~
487 students in grades 3 through 10. Retake opportunities for the
488 ~~grade 10 Reading assessment or, upon implementation, the grade~~
489 ~~10 ELA assessment must be provided. Students taking the ELA~~
490 ~~assessments shall not take the statewide, standardized~~
491 ~~assessments in Reading or Writing.~~ Reading passages and writing
492 prompts for ELA assessments shall incorporate grade-level core
493 curricula content from social studies. The statewide,

20211108e2

494 standardized Mathematics assessments shall be administered
495 annually in grades 3 through 8. ~~Students taking a revised~~
496 ~~Mathematics assessment shall not take the discontinued~~
497 ~~assessment.~~ The statewide, standardized Science assessment shall
498 be administered annually at least once at the elementary and
499 middle grades levels. In order to earn a standard high school
500 diploma, a student who has not earned a passing score on the
501 grade 10 Reading assessment or, upon implementation, the grade
502 10 ELA assessment must earn a passing score on the assessment
503 retake or earn a concordant score as authorized under subsection
504 (9). Statewide, standardized ELA and Mathematics assessments in
505 grades 3 through 6 must be delivered in a paper-based format.

506 (b) *End-of-course (EOC) assessments.*—EOC assessments must
507 be statewide, standardized, and developed or approved by the
508 Department of Education as follows:

509 1. EOC assessments for Algebra I, Geometry, Biology I,
510 United States History, and Civics shall be administered to
511 students enrolled in such courses as specified in the course
512 code directory.

513 2. Students enrolled in a course, as specified in the
514 course code directory, with an associated statewide,
515 standardized EOC assessment must take the EOC assessment for
516 such course and may not take the corresponding subject or grade-
517 level statewide, standardized assessment pursuant to paragraph
518 (a). Sections 1003.4156 and 1003.4282 govern the use of
519 statewide, standardized EOC assessment results for students.

520 3. The commissioner may select one or more nationally
521 developed comprehensive examinations, which may include
522 examinations for a College Board Advanced Placement course,

20211108e2

523 International Baccalaureate course, or Advanced International
524 Certificate of Education course, or industry-approved
525 examinations to earn national industry certifications identified
526 in the CAPE Industry Certification Funding List, for use as EOC
527 assessments under this paragraph if the commissioner determines
528 that the content knowledge and skills assessed by the
529 examinations meet or exceed the grade-level expectations for the
530 core curricular content established for the course in the Next
531 Generation Sunshine State Standards. Use of any such examination
532 as an EOC assessment must be approved by the state board in
533 rule.

534 4. Contingent upon funding provided in the General
535 Appropriations Act, including the appropriation of funds
536 received through federal grants, the commissioner may establish
537 an implementation schedule for the development and
538 administration of additional statewide, standardized EOC
539 assessments that must be approved by the state board in rule. If
540 approved by the state board, student performance on such
541 assessments constitutes 30 percent of a student's final course
542 grade.

543 5. All statewide, standardized EOC assessments must be
544 administered online except as otherwise provided in paragraph
545 (d) ~~(e)~~.

546 6. A student enrolled in an Advanced Placement (AP),
547 International Baccalaureate (IB), or Advanced International
548 Certificate of Education (AICE) course who takes the respective
549 AP, IB, or AICE assessment and earns the minimum score necessary
550 to earn college credit, as identified in s. 1007.27(2), meets
551 the requirements of this paragraph and does not have to take the

20211108e2

552 EOC assessment for the corresponding course.

553 (c) Nationally recognized high school assessments.—Each
554 school district shall, by the 2021-2022 school year and subject
555 to appropriation, select either the SAT or ACT for districtwide
556 administration to each public school student in grade 11,
557 including students attending public high schools, alternative
558 schools, and Department of Juvenile Justice education programs.

559 ~~(d) Implementation schedule.~~—

560 ~~1. The Commissioner of Education shall establish and~~
561 ~~publish on the department's website an implementation schedule~~
562 ~~to transition from the statewide, standardized Reading and~~
563 ~~Writing assessments to the ELA assessments and to the revised~~
564 ~~Mathematics assessments, including the Algebra I and Geometry~~
565 ~~EOC assessments. The schedule must take into consideration~~
566 ~~funding, sufficient field and baseline data, access to~~
567 ~~assessments, instructional alignment, and school district~~
568 ~~readiness to administer the assessments online. All such~~
569 ~~assessments must be delivered through computer-based testing,~~
570 ~~however, the following assessments must be delivered in a~~
571 ~~computer-based format, as follows: the grade 3 Mathematics~~
572 ~~assessment beginning in the 2016-2017 school year; the grade 4~~
573 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
574 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
575 ~~school year. Notwithstanding the requirements of this~~
576 ~~subparagraph, statewide, standardized ELA and mathematics~~
577 ~~assessments in grades 3 through 6 must be delivered only in a~~
578 ~~paper-based format, beginning with the 2017-2018 school year,~~
579 ~~and all such assessments must be paper-based no later than the~~
580 ~~2018-2019 school year.~~

20211108e2

581 ~~2. The Department of Education shall publish minimum and~~
582 ~~recommended technology requirements that include specifications~~
583 ~~for hardware, software, networking, security, and broadband~~
584 ~~capacity to facilitate school district compliance with the~~
585 ~~requirements of this section.~~

586 (g) *Contracts for assessments.*—

587 ~~1. The commissioner shall provide for the assessments to be~~
588 ~~developed or obtained, as appropriate, through contracts and~~
589 ~~project agreements with private vendors, public vendors, public~~
590 ~~agencies, postsecondary educational institutions, or school~~
591 ~~districts. The commissioner may enter into contracts for the~~
592 ~~continued administration of the assessments authorized and~~
593 ~~funded by the Legislature. Contracts may be initiated in 1~~
594 ~~fiscal year and continue into the next fiscal year and may be~~
595 ~~paid from the appropriations of either or both fiscal years. The~~
596 ~~commissioner may negotiate for the sale or lease of tests,~~
597 ~~scoring protocols, test scoring services, and related materials~~
598 ~~developed pursuant to law.~~

599 ~~2. A student's performance results on statewide,~~
600 ~~standardized assessments, EOC assessments, and Florida~~
601 ~~Alternative Assessments administered pursuant to this subsection~~
602 ~~must be provided to the student's teachers and parents by the~~
603 ~~end of the school year, unless the commissioner determines that~~
604 ~~extenuating circumstances exist and reports the extenuating~~
605 ~~circumstances to the State Board of Education. This subparagraph~~
606 ~~does not apply to existing contracts for such assessments, but~~
607 ~~shall apply to new contracts and any renewal of existing~~
608 ~~contracts for such assessments.~~

609 ~~3. If liquidated damages are applicable, the department~~

20211108e2

610 ~~shall collect liquidated damages that are due in response to the~~
611 ~~administration of the spring 2015 computer-based assessments of~~
612 ~~the department's Florida Standards Assessment contract with~~
613 ~~American Institutes for Research, and expend the funds to~~
614 ~~reimburse parties that incurred damages.~~

615 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE
616 STANDARDS.—

617 ~~(a)~~ Measurement of student performance is the
618 responsibility of school districts except in those subjects and
619 grade levels measured under the statewide, standardized
620 assessment program described in this section. When available,
621 instructional personnel must be provided with information on
622 student achievement of standards and benchmarks in order to
623 improve instruction.

624 ~~(b) The Commissioner of Education shall assist and support~~
625 ~~districts in measuring student performance on the state~~
626 ~~standards by maintaining a statewide item bank, facilitating the~~
627 ~~sharing of developed tests or test items among school districts,~~
628 ~~and providing technical assistance in best assessment practices.~~
629 ~~The commissioner may discontinue the item bank if he or she~~
630 ~~determines that district participation is insufficient for its~~
631 ~~sustainability.~~

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

633 (a) The Commissioner of Education shall establish schedules
634 for the administration of statewide, standardized assessments
635 and the reporting of student assessment results. The
636 commissioner shall consider the observance of religious and
637 school holidays when developing the schedules. The assessment
638 and reporting schedules must provide the earliest possible

20211108e2

639 reporting of student assessment results to the school districts,
640 ~~consistent with the requirements of paragraph (3)(g)~~. Assessment
641 results for the statewide, standardized ELA and mathematics
642 assessments and all statewide, standardized EOC assessments must
643 be made available no later than June 30, except for results for
644 the grade 3 statewide, standardized ELA assessment, which must
645 be made available no later than May 31. School districts shall
646 administer statewide, standardized assessments in accordance
647 with the schedule established by the commissioner.

648 (b) By January of each year, ~~beginning in 2018~~, the
649 commissioner shall publish on the department's website a uniform
650 calendar that includes the assessment and reporting schedules
651 for, at a minimum, the next 2 school years. The uniform calendar
652 must be provided to school districts in an electronic format
653 that allows each school district and public school to populate
654 the calendar with, at minimum, the following information for
655 reporting the district assessment schedules under paragraph (d):

656 1. Whether the assessment is a district-required assessment
657 or a state-required assessment.

658 2. The specific date or dates that each assessment will be
659 administered.

660 3. The time allotted to administer each assessment.

661 4. Whether the assessment is a computer-based assessment or
662 a paper-based assessment.

663 5. The grade level or subject area associated with the
664 assessment.

665 6. The date that the assessment results are expected to be
666 available to teachers and parents.

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

20211108e2

668 and the use of the assessment results.

669 8. A glossary of assessment terminology.

670 9. Estimates of average time for administering state-
671 required and district-required assessments, by grade level.

672 (c) ~~Beginning with the 2018-2019 school year,~~ The spring
673 administration of the statewide, standardized assessments in
674 paragraphs (3) (a) and (b), excluding assessment retakes, must be
675 in accordance with the following schedule:

676 1. The grade 3 statewide, standardized ELA assessment and
677 the writing portion of the statewide, standardized ELA
678 assessment ~~for grades 4 through 10~~ must be administered no
679 earlier than April 1 each year within an assessment window not
680 to exceed 2 weeks.

681 2. With the exception of assessments identified in
682 subparagraph 1., any statewide, standardized assessment that is
683 delivered in a paper-based format must be administered no
684 earlier than May 1 each year within an assessment window not to
685 exceed 2 weeks.

686 3. With the exception of assessments identified in
687 subparagraphs 1. and 2., any statewide, standardized assessment
688 must be administered within a 4-week assessment window that
689 opens no earlier than May 1 each year.

690
691 ~~Each school district shall administer the assessments identified~~
692 ~~under subparagraphs 2. and 3. no earlier than 4 weeks before the~~
693 ~~last day of school for the district.~~

694 (h) The results of statewide, standardized assessment in
695 ELA and mathematics, science, and social studies assessments,
696 including assessment retakes, shall be reported in an easy-to-

20211108e2

697 read and understandable format and delivered in time to provide
698 useful, actionable information to students, parents, and each
699 student's current teacher of record and teacher of record for
700 the subsequent school year; however, in any case, the district
701 shall provide the results pursuant to this paragraph within 1
702 week after receiving the results from the department. A report
703 of student assessment results must, at a minimum, contain:

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

706 2. Information identifying the student's areas of strength
707 and areas in need of improvement.

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

712 4. Longitudinal information, if available, on the student's
713 progress in each subject area based on previous statewide,
714 standardized assessment data.

715 5. Comparative information showing the student's score
716 compared to other students in the school district, in the state,
717 or, if available, in other states.

718 6. Predictive information, if available, showing the
719 linkage between the scores attained by the student on the
720 statewide, standardized assessments and the scores he or she may
721 potentially attain on nationally recognized college entrance
722 examinations.

723 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
724 the statewide assessment program, in any procurement for the
725 statewide, standardized assessment in ELA, ~~assessment in grades~~

20211108e2

726 ~~3 through 10 and the mathematics, science, and social studies~~
727 ~~assessment in grades 3 through 8,~~ the Department of Education
728 shall solicit cost proposals for publication of the state
729 assessments on its website in accordance with this subsection.

730 (a) The department shall publish each assessment
731 administered under paragraph (3) (a) and subparagraph (3) (b)1.,
732 excluding assessment retakes, at least once on a triennial basis
733 pursuant to a schedule determined by the Commissioner of
734 Education. Each assessment, when published, must have been
735 administered during the most recent school year and be in a
736 format that facilitates the sharing of assessment items.

737 (b) The initial publication of assessments must occur no
738 later than June 30, 2024 ~~June 30, 2021,~~ subject to
739 appropriation, and must include, at a minimum, the grade 3 ELA
740 and mathematics assessments, the grade 10 ELA assessment, and
741 the Algebra I EOC assessment.

742 (c) The department must provide materials on its website to
743 help the public interpret assessment information published
744 pursuant to this subsection.

745 (9) CONCORDANT SCORES.—The Commissioner of Education must
746 identify scores on the SAT and ACT that if achieved satisfy the
747 graduation requirement that a student pass the grade 10
748 ~~statewide, standardized Reading assessment or, upon~~
749 ~~implementation, the grade 10~~ ELA assessment. The commissioner
750 may identify concordant scores on assessments other than the SAT
751 and ACT. If the content or scoring procedures change for the
752 grade 10 ~~Reading assessment or, upon implementation, the grade~~
753 ~~10~~ ELA assessment, new concordant scores must be determined. If
754 new concordant scores are not timely adopted, the last-adopted

20211108e2

755 concordant scores remain in effect until such time as new scores
756 are adopted. The state board shall adopt concordant scores in
757 rule.

758 (12) REPORTS.—The Department of Education shall annually
759 provide a report to the Governor, the President of the Senate,
760 and the Speaker of the House of Representatives which shall
761 include the following:

762 ~~(e) The number of students who after 8th grade enroll in~~
763 ~~adult education rather than other secondary education, which is~~
764 ~~defined as grades 9 through 12.~~

765 Section 10. Subsection (1) of section 1008.24, Florida
766 Statutes, is amended to read:

767 1008.24 Test administration and security; public records
768 exemption.—

769 (1) A person may not knowingly and willfully violate test
770 security rules adopted by the State Board of Education for
771 mandatory tests administered by or through the State Board of
772 Education or the Commissioner of Education to students,
773 educators, or applicants for certification or administered by
774 school districts pursuant to ss. 1002.69, 1003.52, 1003.56,
775 1007.25, 1007.35, 1008.22, 1008.25, and 1012.56 ~~s. 1008.22~~, or,
776 with respect to any such test, knowingly and willfully to:

777 (a) Give examinees access to test questions prior to
778 testing;

779 (b) Copy, reproduce, or use in any manner inconsistent with
780 test security rules all or any portion of any secure test
781 booklet;

782 (c) Coach examinees during testing or alter or interfere
783 with examinees' responses in any way;

20211108e2

- 784 (d) Make answer keys available to examinees;
- 785 (e) Fail to follow security rules for distribution and
786 return of secure test as directed, or fail to account for all
787 secure test materials before, during, and after testing;
- 788 (f) Fail to follow test administration directions specified
789 in the test administration manuals; or
- 790 (g) Participate in, direct, aid, counsel, assist in, or
791 encourage any of the acts prohibited in this section.

792 Section 11. Paragraph (a) of subsection (1) of section
793 1008.34, Florida Statutes, is amended to read:

794 1008.34 School grading system; school report cards;
795 district grade.—

796 (1) DEFINITIONS.—For purposes of the statewide,
797 standardized assessment program and school grading system, the
798 following terms are defined:

799 (a) "Achievement level," "student achievement," or
800 "achievement" describes the level of content mastery a student
801 has acquired in a particular subject as measured by a statewide,
802 standardized assessment administered pursuant to s.
803 1008.22(3)(a) and (b). There are five achievement levels. Level
804 1 is the lowest achievement level, level 5 is the highest
805 achievement level, and level 3 indicates satisfactory
806 performance. A student passes an assessment if the student
807 achieves a level 3, level 4, or level 5. For purposes of the
808 Florida Alternate Assessment administered pursuant to s.
809 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, the state board shall provide,
810 in rule, the number of achievement levels and identify the
811 achievement levels that are considered passing.

812 Section 12. Subsection (2) of section 1008.3415, Florida

20211108e2

813 Statutes, is amended to read:

814 1008.3415 School grade or school improvement rating for
815 exceptional student education centers.—

816 (2) Notwithstanding s. 1008.34, the achievement levels and
817 Learning Gains of a student with a disability who attends an
818 exceptional student education center and has not been enrolled
819 in or attended a public school other than an exceptional student
820 education center for grades K-12 within the school district
821 shall not be included in the calculation of the home school's
822 grade if the student is identified as an emergent student on the
823 alternate assessment described in s. 1008.22(3)(d) ~~s.~~
824 ~~1008.22(3)(e)~~.

825 Section 13. Paragraph (i) is added to subsection (4) of
826 section 1009.286, Florida Statutes, to read:

827 1009.286 Additional student payment for hours exceeding
828 baccalaureate degree program completion requirements at state
829 universities.—

830 (4) For purposes of this section, credit hours earned under
831 the following circumstances are not calculated as hours required
832 to earn a baccalaureate degree:

833 (i) Credit hours earned to meet the requirements of s.
834 1007.25(4).

835 Section 14. This act shall take effect July 1, 2021.

836