

School districts are required to adopt plans for world-language instruction in elementary schools and implement a policy for providing accelerated learning opportunities for academically talented students. High-performing school districts are required to give flexibility in decision-making and budget authority to high performing principals in the district.

The bill requires the Commissioner of Education to submit a report to the Governor and Legislature on student opportunities for visual and performing arts education. The bill also provides for studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA) on statewide end-of-course examinations, after-school programs, and sales taxes paid by contractors of public school construction projects. A task force is also created within the Department of Management Services (DMS) to study public-private partnering for school construction.

The bill provides an appropriation of \$2.525 million to the Department of Education for Fiscal Year 2007-2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes: The bill requires OPPAGA to study options for providing a sales tax exemption for contractors building school facilities.

Safeguard Individual Liberty: The bill creates accelerated learning opportunities for academically talented students, gives high-performing school principals increased flexibility in decision-making and budgetary authority, requires social studies education to emphasize government and civics, and increases the rigor and content specificity of student standards to prepare students to compete in a global economy.

Promote Personal Responsibility: The bill requires teachers to be trained in the World Class Education Standards, mandates that teachers pass an inservice examination on the standards, provides for studies on end-of-course examinations for students, and requires FCAT testing of students on social studies education.

Empower Families: The bill creates accelerated learning opportunities for academically talented students; provides for world-language curricula in elementary schools; and provides students with options to qualify for early admission and dual enrollment, college enrollment, and the Florida Bright Futures Scholarship Program based on Level 5 scores on the grade 10 FCAT.

B. EFFECT OF PROPOSED CHANGES:

100 Innovative Ideas for Florida's Future:

The first chapter of *100 Innovative Ideas for Florida's Future* outlines a plan of action for improvement of the state's public education system.² It proposes 33 ideas for preparing Florida's students for the global marketplace, ensuring that the state has world-class teachers, empowering parents and students, and making school system reforms. House Bill 7151 implements 11 of those ideas.

² Rubio, *supra* note 1, at 7- 47.

World Class Education Standards:

Present Situation:

Content and performance standards prescribe what a student should know and be able to do by a certain developmental level (e.g., age, grade level). In 1996, the State Board of Education adopted Florida's content and performance standards for public schools, known as the "Sunshine State Standards."³ The Sunshine State Standards provide standards for seven academic subject areas: language arts, mathematics, science, social studies, foreign languages, the arts, and health and physical education.⁴ The 1996 standards are benchmarked at four ranges of grade levels: prekindergarten through grade 2, grades 3-5, grades 6-8, and grades 9-12.⁵

In 1996, the Department of Education (DOE) added grade-level expectations to the standards in four subject areas: language arts, mathematics, science, and social studies.⁶ The grade-level expectations currently cover prekindergarten through grade 8. In addition, the department subsequently added grade-level expectations for prekindergarten through grade 5 in two strands of the arts: music and visual arts.

In 2005, DOE initiated a review of the Sunshine State Standards. In June 2005, the department began to revise the standards for language arts and mathematics. On January 17, 2006, the State Board of Education adopted a 6-year review and revision schedule for each subject area of the Sunshine State Standards. Under the schedule, all of the standards were planned for revision during 2006-2010, standards for language arts—with an emphasis on reading—was planned for revision by 2006, and the revision of standards for mathematics was planned for 2007.

On January 25, 2007, the State Board of Education adopted reading and language arts standards. Instead of grouping the standards in four ranges of grade levels, the new standards include individual grade-level standards for kindergarten and grades 1, 2, 3, 4, 5, 6, 7, and 8.⁷ The standards for high school are grouped into two grade ranges: grades 9-10 and grades 11-12.

In 2006, the Hoover Institution's Koret Task Force on K-12 Education conducted a review of Florida's public education system.⁸ The report of the task force concludes that the Sunshine State Standards are vague about what students are expected to learn in each grade,⁹ especially the general background knowledge needed for reading proficiency;¹⁰ are not sufficiently detailed to guide curriculum development or testing;¹¹ and are the "weakest link" in the state's education reform efforts.¹²

The report recommends that Florida revise and strengthen its standards and that the standards should provide greater grade-by-grade content specificity,¹³ should focus on the essential

³ Florida Department of Education, *Sunshine State Standards*, at <http://www.firn.edu/doe/curric/prek12/index.html> (last visited Apr. 11, 2007).

⁴ *Id.*; section 1003.41, Florida Statutes.

⁵ *Id.*; rule 6A-1.09401(1), Florida Administrative Code.

⁶ See note 3; see, e.g., Florida Department of Education, *Sunshine State Standards, Grade Level Expectations, Language Arts* (1999), available at <http://www.firn.edu/doe/curric/prek12/pdf/introla.pdf>.

⁷ Florida Department of Education, *2006 Sunshine State Standards, K-12 Reading and Language Arts* (Jan. 25, 2007), available at http://etc.usf.edu/flstandards/la/la_sss.pdf.

⁸ Hoover Institution, Koret Task Force on K-12 Education, *Reforming Education in Florida: A Study Prepared by the Koret Task Force on K-12 Education* (2006).

⁹ Hoover, *supra* note 8, *Executive Summary, Thirty Major Recommendations*, at xx.

¹⁰ Hoover, *supra* note 8, E. D. Hirsch, Jr., chapter 5, *Essential Reading*, at 85, 91-92, and 93-94.

¹¹ Hoover, *supra* note 8, chapter 1, *Full Statement of Recommendations*, at 13.

¹² Hoover, *supra* note 8, Diane Ravitch, chapter 7, *High School Reform Begins in First Grade*, at 128.

¹³ Hoover, *supra* note 9; Hoover, *supra* note 11, at 7.

knowledge—not just the skills—required for stronger academic performance,¹⁴ and should describe the sequential development of knowledge and skills grade by grade.¹⁵

Idea No. 2 of the *100 Innovative Ideas for Florida's Future* challenges the state to systematically and sequentially replace the Sunshine State Standards with a new, world-class curriculum comparable to those found in the leading education systems in the world.¹⁶

Proposed Changes:

The bill requires the State Board of Education to review and systematically replace the Sunshine State Standards with World Class Education Standards. The new standards must:

- Prepare Florida's students to compete in a global economy;
- Be content-oriented and knowledge-based;
- Establish essential content knowledge and skills by grade level which are necessary for academic achievement;
- Identify the general content knowledge necessary for reading proficiency;
- Identify the specific content knowledge and skills for each subject area by grade level; and
- Provide for the sequential development of content knowledge and skills grade by grade for each subject area.

The new standards in social studies must also emphasize history, government, civics, and United States patriotism and national sovereignty.

The bill requires the State Board of Education to establish an expedited review and revision process for adopting the World Class Education Standards and authorizes DOE to contract for the development of the new standards. Under this expedited process, the State Board of Education must:

- Expedited Adoption Timelines.—By January 31, 2008, adopt an expedited timeline for the adoption and periodic revision of the World Class Education Standards.
- Development and Review.—Include Florida teachers, citizens, and members of the business community in the development and review of the World Class Education Standards.
- Review by Experts.—Consult with national and international curricular experts on curricular standards, consider the standards implemented by other states or nations, review the recommendations of the World Class Education Standards Advisory Council established by the bill, and submit the proposed standards to more than one national organization with expertise in curriculum before adopting or revising the World Class Education Standards.
- Annual Report.—Submit an annual report by January 1 of each year to the Governor and Legislature on the status of adopting, implementing, and subsequently revising the World Class Education Standards.

The bill establishes a World Class Education Standards Advisory Council within DOE, as follows:

- Members.—The advisory council is composed of 12 outstanding teachers: two appointed by the Governor, two appointed by the President of the Senate, two appointed by the Speaker of the House of Representatives, and six appointed by the State Board of Education. Of the six members appointed by the state board, one must be appointed from a nonpublic school and one must be appointed from the Florida Virtual School. Advisory council members must be highly motivated; representative of elementary, middle, and high school grade levels; demographically diverse; and technologically experienced.

¹⁴ Hoover, *supra* note 12, at 120 and 132.

¹⁵ Hoover, *supra* note 11, at 14.

¹⁶ Rubio, *supra* note 1, at 17.

- Hearings and Report.—The advisory council is required to conduct at least three public hearings across the state and report to the Governor and Legislature by November 15, 2007, on approaches to expedite the adoption of the World Class Education Standards, including the process for aligning instructional materials, professional development, and reliable assessments to the new standards. The report must also include the advisory council's plan for its continued participation in implementing and subsequently reviewing and revising the World Class Education Standards.
- Subsequent Reports.—The bill requires the Commissioner of Education to submit a report to the State Board of Education by December 31, 2007, on the commissioner's recommendations for adoption and implementation of the World Class Education Standards. The commissioner's report must address recommendations of the advisory council and other stakeholder groups. The State Board of Education is subsequently required to submit a report to the Governor and Legislature by January 31, 2008.
- Administrative Support.—The bill requires DOE to provide administrative and staff support for the advisory council. Advisory council members are to be provided per diem and travel expenses. In addition, a school district employing an advisory council member is required to grant the member administrative leave to attend the advisory council's meetings and public hearings. If a substitute teacher is required to replace an advisory council member during a meeting or public hearing, the bill requires DOE, subject to legislative appropriations, to reimburse the district for the cost of the substitute teacher.
- Meetings and Annual Reports.—The bill requires the advisory council to meet at least quarterly and submit annual reports to the State Board of Education and Commissioner of Education.
- Advisory Council Abolished.—The bill abolishes the advisory council on November 30, 2010.

Florida Comprehensive Assessment Test:

Present Situation:

In 1971, the Legislature established Florida's statewide assessment program,¹⁷ and the first statewide assessment was administered in reading in 1971-1972.¹⁸ Between 1971 and 1995, the state administered various statewide assessments, including several versions of the State Student Assessment Test (SSAT). In 1995, the former Florida Commission on Education Reform and Accountability recommended procedures for the assessment of student learning in the state which would raise educational expectations for students and help them compete for jobs in a global marketplace.¹⁹ In June 1995, the State Board of Education adopted the commission's recommendations and directed the development of new statewide assessments. In addition, the state board directed that educational content standards be developed and adopted, which became known as the Sunshine State Standards.

From 1995 to 1998, the Florida Comprehensive Assessment Test (FCAT) was developed and field tested. The FCAT was designed to measure the content specified in the Sunshine State Standards. In January 1998, the FCAT was administered for the first time to students in grades 4, 5, 8, and 10 in reading and mathematics.

Under current law, FCAT assessments are administered in reading, writing, science, and mathematics.²⁰ Students in grades 3-10 are annually required to take FCAT assessments in reading and mathematics.²¹ Assessment in writing and science are required at least once for

¹⁷ Chapter 71-197, Laws of Florida.

¹⁸ Florida Department of Education, *History of Statewide Assessment Program, A Chronology of Events: 1968-1978*, at <http://www.firn.edu/doe/sas/hsap/hsap6878.htm> (last visited Apr. 11, 2007).

¹⁹ Florida Department of Education, *History of Statewide Assessment Program, A Chronology of Events: 1990-2000*, at <http://www.firn.edu/doe/sas/hsap/hsap9000.htm> (last visited Apr. 11, 2007).

²⁰ Section 1008.22(3)(c), Florida Statutes.

²¹ *Id.*

students at the elementary, middle, and high school levels. To implement these requirements, DOE administers the FCAT, as follows:²²

- FCAT Reading and FCAT Mathematics for students in grades 3-10;
- FCAT Writing for students in grades 4, 8, and 10; and
- FCAT Science for students in grades 5, 8, and 11.

Under current rules adopted by the State Board of Education, FCAT results are reported by five achievement levels, Levels 1-5.²³ Level 1 represents the lowest range of student scores, while Level 5 represents the highest range.²⁴

Idea No. 1 of the *100 Innovative Ideas for Florida's Future* challenges the state to enhance the value of the FCAT by raising the curricular standards it measures and using its results to reward high performance.²⁵ In addition, Idea No. 4 challenges Florida to administer the FCAT as late in the school year as possible with results still returned before the end of the school year.²⁶

Proposed Changes:

The bill requires that the FCAT be aligned to the content knowledge and skills required by the World Class Education Standards. The Commissioner of Education is required to:

- Expedite alignment of the FCAT to the World Class Education Standards as the new standards are adopted;
- Report barriers to the expedited revision of the FCAT to the Governor and Legislature; and
- Consider the use of other validated assessments, including assessments used in other states, to expedite alignment of the FCAT to the new standards.

The bill requires the FCAT to be expanded to include an assessment in social studies, with an emphasis on history, government, civics, and United States patriotism and national sovereignty in at least one grade level in elementary, middle, and high school.

The bill requires that, upon alignment of the FCAT to the World Class Education Standards:

- Distinguished Honors.—A student's standard diploma and high school transcript are required to include a notation of distinguished honors if the student earns a score on the grade 10 FCAT which represents superior academic achievement, as determined by the Commissioner of Education. The commissioner is required by the beginning of the 2008-2009 school year to publicize the distinguished-honors notation.
- Early Admission and Dual Enrollment.—A student is exempt from passing the College Placement Test (CPT), which is required for eligibility for early admission and dual-enrollment programs, if the student scores at Level 5 in each content area on the grade 10 FCAT and earns a score on the CPT, which is within a margin of error of a passing score, as identified by the Commissioner of Education.
- College Placement Test.—A student is exempt from passing the College Placement Test (CPT), which is required for postsecondary enrollment, if the student scores at Level 5 in each content area on the grade 10 FCAT and earns a score on the CPT, which is within a margin of error of a passing score, as identified by the Commissioner of Education.
- Florida Bright Futures Scholarship Program.—A student is exempt from achieving the required score on one of several standardized assessments (e.g., SAT, ACT), which is required for eligibility for the Florida Academic Scholars and Florida Medallion Scholars awards, if the

²² Florida Department of Education, *About the FCAT*, at <http://fcat.fldoe.org/aboutfcat/english/about.html> (last visited Apr. 11, 2007).

²³ Rule 6A-1.09422(5), Florida Administrative Code.

²⁴ *Id.*

²⁵ Rubio, *supra* note 1, at 13-15.

²⁶ Rubio, *supra* note 1, at 18.

student scores at Level 5 in each content area on the grade 10 FCAT and earns a score on the standardized assessment, which is within a margin of error of the required score, as identified by the Commissioner of Education. A student is also exempt from passing the College Placement Test (CPT), which is required for eligibility for the Florida Gold Seal Vocational Scholars award, if the student scores at Level 5 in each content area on the grade 10 FCAT and earns a score on the CPT, which is within a margin of error of a passing score, as identified by the Commissioner of Education.

The bill requires the Commissioner of Education to establish scores on the FCAT which demonstrate a student's proficiency in a subject area for a grade level. The bill specifies that a student earns the designation of "proficient" if the student earns the required FCAT score determined by the commissioner. The bill directs the commissioner to limit the proficiency designation to scores earned by the highest-performing students.

The commissioner is required to establish an FCAT testing schedule in which tests are taken as close to the end of the school year as practicable, while ensuring that test scores are reported before the end of the school year. The bill directs the commissioner to consider computer-based testing, alternative approaches to norm-referenced testing, and other strategies for reducing the time for reporting test results.

The bill requires that, beginning with the 2009-2010 school year, students may not take the FCAT Writing assessment before March 1, and the other FCAT assessments may not be taken before April 15.

The bill codifies in law the current requirements in rules adopted by the State Board of Education that FCAT test scores be reported by five achievement levels, in which Level 5 represents the highest range of scores and Level 1 represents the lowest range.

Social Studies Education:

Present Situation:

Under current law, school districts are required to provide students with a complete education in language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts.²⁷ School districts are also required to adopt student progression plans that require a student to meet specified levels of performance in reading, writing, science, and mathematics in order to progress from one grade level to another.²⁸ Current law requires that students falling below a specified level of performance in these subjects must be provided with remedial instruction and may be retained from progressing to the next grade level until remediated.²⁹

Proposed Changes:

As previously discussed, the bill requires the World Class Education Standards to emphasize history, government, civics, and United States patriotism and national sovereignty in standards for social studies. The bill also requires the expansion of the Florida Comprehensive Assessment Test (FCAT) to include the assessment of students in social studies at least once at the elementary, middle, and high school levels.

In addition, the bill requires school districts to emphasize history, government, civics, and United States patriotism and national sovereignty as part of social studies instruction. The bill also requires school districts to include social studies as a required part of student progression plans and mandates that a student receive remedial instruction in social studies if the student's performance

²⁷ Section 1001.41(3), Florida Statutes.

²⁸ Section 1008.25(2), Florida Statutes.

²⁹ Section 1008.25(4), Florida Statutes.

in social studies falls below specified levels. In addition, the bill allows a school district to retain a student from progressing to the next grade level until the student is remediated in social studies.

Professional Development of Florida Educators:

Present Situation:

Under current law, teachers are required to complete various courses of professional development throughout their teaching careers. For example, to renew a professional educator certificate, current law requires a teacher to complete 6 college credits or 120 inservice points during a 5-year period.³⁰ In another example, some teachers are required to complete 300 inservice points during a 6-year period for the English for Speakers of Other Languages (ESOL) endorsement.³¹

To assist teachers in completing the required professional development, and to ensure that a teacher's professional development is targeted at improving the teacher's skills in areas that will benefit the students assigned to the teacher, current law requires each school principal to establish and maintain an individual professional development plan (IPDP, commonly known as "Ippy Dippy") for each teacher.

School districts are annually required to submit a master plan of inservice activities for approval by the Department of Education.³² School districts provide for professional development inservice activities in various ways. Some school districts directly provide services, while others contract for programs. Regional consortium service organizations³³ also provide teacher education centers and staff development programs.³⁴ Many professional development programs are offered online, and many programs are offered in traditional classroom settings.

To be certified to teach in Florida, an educator must demonstrate mastery of general knowledge by passing a basic skills examination required by the State Board of Education.³⁵ The examination selected by the state board is the general knowledge examination of the Florida Teacher Certification Examinations. The general knowledge examination is aligned to the Sunshine State Standards³⁶ and contains four subtests: multiple-choice tests of English language skills, reading, and mathematics, and a written Essay.³⁷ The essay subtest measures general writing skills, such as formulating a thesis statement, providing supporting details, using a logical organizational pattern, and following conventions in word choice, sentence structure, grammar, spelling, capitalization, and punctuation. The English language skills subtest measures knowledge of conceptual and organizational skills, word choice, sentence structure, grammar, spelling, capitalization, and punctuation. The reading subtest includes passages with questions measuring literal and inferential comprehension. The mathematics subtest includes number sense, concepts, and organization; measurement; geometry; algebra; and data analysis and probability.³⁸

Idea No. 17 of the *100 Innovative Ideas for Florida's Future* challenges the state to require the statewide development and delivery of improved professional development courses for teachers and principals—offered online, through virtual means, or by satellite/cable—that emphasize new curricular standards and have measurable outcomes based on both student assessment and

³⁰ Section 1012.585(3)(a), Florida Statutes.

³¹ Rule 6A-4.0244, Florida Administrative Code.

³² Section 1012.98(4)(b)4., Florida Statutes.

³³ For example, Panhandle Area Educational Consortium, North East Florida Educational Consortium, and Heartland Educational Consortium.

³⁴ Section 1001.451(1), Florida Statutes.

³⁵ Section 1012.56(2)(g) and (3), Florida Statutes.

³⁶ According to the Department of Education, the general knowledge examination is designed to test basic skills at approximately a 10th grade level.

³⁷ Florida Department of Education, *Assessment & Accountability Briefing Book 38* (Apr. 23, 2004), available at <http://fcat.fldoe.org/pdf/fcataabb.pdf> (last visited Apr. 11, 2007).

³⁸ *Id.*

teacher statewide competency tests.³⁹ In addition, Idea No. 19 challenges Florida to create statewide competency tests based on new curricular standards for both new and veteran teachers at each grade level and subject area.⁴⁰

Proposed Changes:

The bill requires the State Board of Education to require the statewide standardized delivery of inservice activities for teachers on the World Class Education Standards and the Florida Comprehensive Assessment Test (FCAT). The inservice activities are to be evaluated based on annual gains in student academic performance and teacher scores on inservice examinations. Teachers must participate in two professional development programs:

- A teacher is required to participate in professional development on the FCAT provided by the Department of Education; and
- As part of a teacher's individual professional development plan, the teacher is required to earn 20 inservice points in professional development on the content and instruction of the World Class Education Standards by the end of the next school year after the new standards are adopted or subsequently revised and readopted.

The bill requires, as a condition of earning the inservice points for professional development on the World Class Education Standards, that a teacher pass an inservice examination on the knowledge and skills presented in the inservice activities. A teacher is only required to take those parts of the inservice examination for the subject areas that the teacher holds certification or endorsement. The Department of Education is required to adopt minimum competencies for the inservice examinations.

The bill allows a teacher to count the inservice points earned for professional development on the World Class Education Standards toward the 120 inservice points needed for renewal of the teacher's professional educator certificate. If a teacher passes the inservice examination before completing the 20 inservice points, the teacher is still awarded the full 20 inservice points. Thus, a teacher may avoid the inservice hours if the teacher can pass the inservice examination without attending the training.

As the Sunshine State Standards are replaced by the World Class Education Standards, the bill:

- Requires a school district to align its inservice activities to the new standards; and
- Requires the State Board of Education to align the subject area examinations of the Florida Teacher Certification Examinations to the new standards.

For teachers seeking initial certification on or after July 1, 2009, the bill requires the passage of an examination that demonstrates mastery of a college-level general education curriculum to be required by rules of the State Board of Education. The bill requires this college-level assessment instead of the basic skills examination required under current law.

The bill requires school districts to submit to DOE an inventory of professional development programs offered by the school district for fiscal year 2006-2007. The department is required to compile a statewide inventory. For fiscal year 2008-2009, the bill requires that DOE and the school districts give first priority in funding to professional development programs on the World Class Education Standards which have measurable outcomes, with an emphasis on programs delivered using information technology. School districts are required to submit a report to DOE by December 31, 2009, detailing the districts' use of professional development funds for fiscal year 2008-2009.

³⁹ Rubio, *supra* note 1, at 31.

⁴⁰ Rubio, *supra* note 1, at 32-33.

End-of-Course Examinations:

Present Situation:

Current law directs the Commissioner of Education to study the cost and student achievement impact of secondary end-of-course assessments, including web-based and performance formats, and report to the Legislature before implementation.⁴¹ Idea No. 3 of the *100 Innovative Ideas for Florida's Future* challenges the state to ensure student mastery of the appropriate knowledge at each grade level by developing statewide end-of-course examinations to match new, more challenging standards.⁴²

Proposed Changes:

The bill expresses the legislative intent to establish high-quality statewide end-of-course examinations. The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report to the Governor and Legislature by December 1, 2007, on end-of-course examinations, including examinations used in Florida school districts and other states, benefits and challenges to requiring the examinations statewide, the estimated costs associated with the examinations, and other implementation issues.

The bill also directs the Commissioner to Education to review OPPAGA's recommendations and submit a report to the Governor and Legislature by January 1, 2008, which provides the commissioner's recommendations on end-of-course examinations, including a plan for statewide administration of the examinations, policies, timelines, and implementation strategies. The plan must also identify implementation issues confronting DOE and the school districts in administering the examinations.

World-Language Curricula:

Present Situation:

Under current law, school districts are required to provide students with a complete education in language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts.⁴³ In addition, current law requires the Sunshine State Standards to include standards for foreign languages.⁴⁴ School districts are required to develop plans for K-12 foreign language curriculum, and were required to submit their plans to the Commissioner of Education by June 30, 2004.⁴⁵

Idea No. 8 of the *100 Innovative Ideas for Florida's Future* challenges the state to provide elementary school children with the advantages of learning a second language by encouraging foreign language curriculum in all elementary schools.⁴⁶

State-Adopted Instructional Materials:

Current law directs the Commissioner of Education to select and adopt instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools.⁴⁷ Each year, the commissioner provides each school district with an annual allocation of state funds for instructional materials.⁴⁸ Current law requires a school district to use at least 50 percent of the

⁴¹ Section 1008.22(3)(g), Florida Statutes.

⁴² Rubio, *supra* note 1, at 17.

⁴³ Section 1001.41(3), Florida Statutes (emphasis added).

⁴⁴ Section 1003.41, Florida Statutes.

⁴⁵ Section 1001.435, Florida Statutes.

⁴⁶ Rubio, *supra* note 1, at 19-20.

⁴⁷ Section 1006.34, Florida Statutes.

⁴⁸ Section 1006.40(1), Florida Statutes.

annual allocation to purchase instructional materials on the state-adopted list selected by the commissioner.⁴⁹ In addition, a school district may use all of that part of the allocation designated for kindergarten, and 75 percent of that part of the allocation designated for grade 1, to purchase instructional materials not on the commissioner's state-adopted list.⁵⁰

The funds allowed to be used for instructional materials not on the state-adopted list (up to 50 percent of the annual allocation) must be used for instructional materials or other items having intellectual content that assists in the instruction of a subject or course.⁵¹ These materials may include electronic media and computer courseware or software; however, the funds may not be used to purchase electronic or computer hardware even if the hardware is bundled with software or other electronic media.⁵²

Proposed Changes:

The bill requires the State Board of Education to encourage school districts to expand foreign-language course offerings to include world languages commonly spoken in nations actively engaged in international commerce, establish content standards for world languages as part of the World Class Education Standards for foreign languages, encourage school districts to offer world-language instruction for elementary school students, and provide flexibility in the certification of foreign language teachers.

The bill requires school districts and K-8 virtual schools to develop plans by December 1, 2007, for articulated elementary school world-language curricula for students performing at or above grade level, beginning by grade 4.

The bill also allows a school district, from among funds of the district's instructional materials allocation which the district is allowed to use for instructional materials not on the state-adopted list, to use up to 10 percent of these funds for technology devices with digital content and online content for implementing an elementary world-language curriculum. The Commissioner of Education is directed to prescribe uniform standards for technologies that facilitate the sharing of technology among school districts.

Accelerated Learning Opportunities for Academically Talented Students:

Present Situation:

Under current rules adopted by the State Board of Education, a gifted student is generally eligible for an exceptional student education (ESE) program for the gifted, if the student:

- Needs a special program;
- Has a majority of a gifted student's characteristics according to a standard scale or checklist; and
- Possesses superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence.⁵³

Idea No. 7 of the *100 Innovative Ideas for Florida's Future* challenges the state to provide strong incentives to identify gifted elementary school children and require elementary schools to allow gifted students to work at a suitably challenging academic level.⁵⁴

⁴⁹ Section 1006.40(3)(a) and (b), Florida Statutes.

⁵⁰ Section 1006.40(3)(c), Florida Statutes.

⁵¹ Section 1006.40(4), Florida Statutes.

⁵² *Id.*

⁵³ Rule 6A-6.03019(2), Florida Administrative Code.

⁵⁴ Rubio, *supra* note 1, at 19.

Proposed Changes:

The bill requires the State Board of Education by June 30, 2008, to adopt a model policy for accelerated learning of academically talented students in grades K-12, regardless of whether the students are classified as gifted. The policy must address whole grade acceleration, continuous progress, subject-matter acceleration, virtual-education acceleration, and early postsecondary enrollment. The model policy must also address training for teachers and guidance counselors.

The bill requires a school district, beginning with the 2008-2009 school year, to implement an academically talented student acceleration policy that is substantially similar to the state's model policy. The school district is also required to publicize the policy.

Site-Based Management:

Present Situation:

Idea No. 23 of the *100 Innovative Ideas for Florida's Future* challenges the state to consider piloting student-based funding programs, including:⁵⁵

- Providing greater decision-making authority at the school level with a strong accountability system based on measurable results and student outcomes; and
- Moving budget authority from the school district to the school.

Proposed Changes:

The bill requires certain high-performing school districts to submit plans to the State Board of Education, and implement the plans, which provide for the districts to select high-performing principals and give those principals significant decision-making and budgetary authority over their schools.

A district is considered a high-performing district if it receives a designation from the state board under part VI of chapter 1003, Florida Statutes, which is based, at least in part, on school grades or district grades. Under current law, section 1003.62, Florida Statutes, authorizes a school district to be designated as an academic performance-based charter school district if it is a high-performing school district in which a minimum of 50 percent of its schools earn a grade of "A" or "B" and in which no school earns a grade of "D" or "F" for 2 consecutive years. Legislation proposed at the 2007 Regular Session, if enacted, provides for the designation of academically high-performing school districts under proposed section 1003.621, Florida Statutes.⁵⁶

A high-performing school district is required to annually audit, monitor, and report to the state board on the school sites provided the increased decision-making and budgetary flexibility. The State Board of Education is also required to submit an annual report to the Governor and Legislature, although the bill does not specify a date by which the annual report is due. The bill grants the state board authority to adopt rules to administer these provisions.

After-School Programs:

Present Situation:

Idea No. 32 of the *100 Innovative Ideas for Florida's Future* challenges the state to provide incentives to create innovative public-private partnerships that will expand after-school programs.⁵⁷

⁵⁵ Rubio, *supra* note 1, at 34-35.

⁵⁶ See, e.g., Committee Substitute for Senate Bill 1228 (2007).

⁵⁷ Rubio, *supra* note 1, at 45.

Proposed Changes:

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA), by December 1, 2007, to submit a report to the Governor and Legislature on after-school programs, including types of public and private programs, identification of accountability measures, review of existing research, incentives to create public-private partnerships to expand programs, and options for correcting deficiencies in obtaining federal funding. The bill directs OPPAGA to consult with DOE, the Department of Children and Family Services (DCF), and other interested parties in preparing the report.

Public-Private Partnering for School Construction, Leasing, and Maintenance:

Present Situation:

Idea No. 33 of the *100 Innovative Ideas for Florida's Future* challenges the state to pursue public-private partnerships to provide classroom construction, leasing, maintenance, and school services.⁵⁸ This idea specifically challenges Florida to establish a high-level task force— independent of special interest—to study optimal methods of public-private partnering.⁵⁹

This idea also challenges the state to extend its sales tax exemption for school construction materials to pre-approved contractors and subcontractors on a project-by-project basis.⁶⁰ Current law provides an exemption for direct purchases of tangible personal property by governmental entities.⁶¹ However, the current law specifically provides that it does not extend the exemption to purchases by contractors of tangible personal property to be incorporated into public facilities under contracts with the governmental entities that own those facilities.⁶²

The lack of an exemption for contractor purchases leaves governmental entities with two main options regarding the purchase of materials for a public works project. The governmental entity can either directly purchase construction materials for a project contractor (thus taking advantage of the sales tax exemption for governmental entities), or the governmental entity can reimburse the contractor, in accordance with the terms of the contract, for the sales tax paid by the contractor during the project.⁶³

Proposed Changes:

The bill creates the Public-Private Partnering Task Force within the Department of Management Services (DMS) to study public-private partnering for school construction, including the identification of methodologies for greater efficiency and reduction in construction time, design standards for safety and functionality, construction standards, protocols for maintenance and renovations, and transportation services. The bill specifies that the task force is composed as follows:

- Secretary of DMS or designee;
- Chair of the State Board of Education or designee;

⁵⁸ Rubio, *supra* note 1, at 45-47.

⁵⁹ Rubio, *supra* note 1, at 46.

⁶⁰ Rubio, *supra* note 1, at 47.

⁶¹ Section 212.08(6), Florida Statutes.

⁶² *Id.* (“This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision”).

⁶³ In 2001, the Department of Revenue (DOR) estimated that local governments directly purchase approximately 49 percent of the materials for their public works projects (based on a limited survey conducted by the Florida League of Cities), that state government directly purchases approximately 50 percent of the materials for its public works projects (based on information from the Department of Management Services), and that the Federal Government does not directly purchase any of the materials for its public works projects (based on information from a federal purchasing expert).

- One member appointed by the Governor;
- Two members appointed by the President of the Senate; and
- Two members appointed by the Speaker of the House of Representatives.

The task force must submit its report to the Governor and Legislature by February 1, 2008, and the task force is abolished upon reporting.

The bill also requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report by December 1, 2007, to the Governor and Legislature on facilities construction by school districts, including the amount of sales taxes paid by contractors which result from building school facilities, the estimated impact on sales taxes of construction costs, and mechanisms for the state to provide tax exemptions for contractors that build school facilities.

Rulemaking Authority of State Board of Education:

Present Situation:

Under current law, the State Board of Education has general authority to adopt rules to implement provisions of law conferring duties upon the state board for improvement of the state system of K-20 public education.⁶⁴ In addition, several other statutes grant the state board with rulemaking authority for specific chapters or sections of law,⁶⁵ while many other statutes require DOE, the Commissioner of Education, or the state board to establish standards or criteria for educational programs and departmental decisions, but do not specify that rulemaking is authorized. Current law requires that each agency statement of general applicability which implements, interprets, or prescribes law or policy must be adopted through the rulemaking process;⁶⁶ however, an agency may not adopt a rule unless it has a specific grant of rulemaking authority.⁶⁷

Proposed Changes:

The bill authorizes the State Board of Education to adopt rules that implement laws conferring duties upon the state board, the Commissioner of Education, or DOE. Thus, the state board's rulemaking authority is extended to cover instances in which a law directs DOE or the Commissioner of Education to establish standards or criteria that require adoption through the rulemaking process. The bill also clarifies the state board's rulemaking authority to cover any law conferring duties upon the state board, not just laws for improvement of the state system of K-20 public education.

Visual and Performing Arts Education:

Present situation:

Current law requires the Sunshine State Standards to include standards for the arts.⁶⁸ The Department of Education has adopted standards for four strands of the arts: dance, music, theatre, and visual arts.⁶⁹ Current law also requires school districts to provide students with a complete education in seven subject areas, including the arts,⁷⁰ and requires a student to earn one credit in fine arts for high school graduation.⁷¹

⁶⁴ Section 1001.02(1), Florida Statutes.

⁶⁵ See, e.g., sections 1002.42(15)(f), 1002.79(2), 1003.62(8), 1012.56(12), and 1012.72(4), Florida Statutes

⁶⁶ Sections 120.52(15) and 120.54(1)(a), Florida Statutes.

⁶⁷ Section 120.536(1), Florida Statutes.

⁶⁸ *Id.*; section 1003.41, Florida Statutes.

⁶⁹ Florida Department of Education, *Sunshine State Standards*, at <http://www.firn.edu/doe/curric/prek12/index.html> (last visited Apr. 11, 2007).

⁷⁰ Section 1001.41(3), Florida Statutes.

⁷¹ Sections 1003.428(2)(a)5. and 1003.43(1)(h)2., Florida Statutes.

Proposed Changes:

The bill directs the Commissioner of Education to submit a report by February 1, 2008, to the Governor and Legislature on student opportunities for visual and performing arts education. The report must include 5 years of data on student enrollment in arts education and an analysis of the correlation between student participation in arts education and overall student performance.

Appropriation:

The bill provides an appropriation of \$2.525 million to the Department of Education from the state's General Revenue Fund for fiscal year 2007-2008.

Effective Dates:

The bill provides that it takes effect July 1, 2007, except as otherwise provided in the bill. Two sections of the bill take effect upon becoming a law: section 2 creates the World Class Education Standards Advisory Council upon becoming a law, and section 40 creates the Public-Private Partnering Task Force upon becoming a law.

C. SECTION DIRECTORY:

Section 1. Amends section 1003.03, Florida Statutes, replacing the Sunshine State Standards with the World Class Education Standards.

Section 2. Creates section 1003.411, Florida Statutes, creating the World Class Education Standards Advisory Council, which takes effect upon becoming a law.

Sections 3.-4., 7., 9., 11.-12., 15., 18., 20., 24., 28.-30., 33. Amends sections 39.0016, 445.049, 1001.215, 1001.42, 1002.33, 1002.415, 1003.43, 1004.04, 1007.35, 1008.385, 1012.05, 1012.28, 1012.52, and 1012.72, Florida Statutes, conforming provisions to the replacement of the Sunshine State Standards with the World Class Education Standards (see Section 1).

Section 5. Amends section 1000.21, Florida Statutes, creating a systemwide definition of "World Class Education Standards" for the Florida K-20 Education Code.

Section 6. Amends section 1001.02, Florida Statutes, revising the rulemaking authority of the State Board of Education.

Section 8. Amends section 1001.41, Florida Statutes, requiring each school district to emphasize United States patriotism and national sovereignty in standards adopted by the district for a student's education in social studies.

Section 10. Creates section 1001.55, Florida Statutes, requiring high-performing school districts to give high-performing principals significant decision-making and budget authority over their schools.

Section 13. Amends section 1003.41, Florida Statutes, replacing the Sunshine State Standards with the World Class Education Standards and further prescribing requirements for the new standards.

Section 14. Amends section 1003.428, Florida Statutes, providing for a distinguished-honors notation on high school diplomas and academic transcripts for demonstrating superior academic achievement on the grade 10 FCAT.

Section 16. Creates section 1003.451, Florida Statutes, providing for the establishment of world-language curricula in elementary schools.

Section 17. Creates section 1003.59, Florida Statutes, requiring school districts to implement a policy for accelerated learning of academically talented students.

Section 19. Amends section 1007.271, Florida Statutes, exempting a student from passing the College Placement Test (CPT) for early admission and dual-enrollment programs based on grade 10 FCAT scores.

Section 21. Amends section 1008.22, Florida Statutes, requiring administration of a social studies FCAT assessment at least once in elementary, middle, and high school; requiring alignment of the FCAT to the World Class Education Standards; and mandating that FCAT scores be reported by achievement level.

Section 22. Amends section 1008.25, Florida Statutes, requiring a school district to provide for student progression in social studies and, if a student falls below performance expectations, authorizing the district to retain the student, and requiring the district to provide the student with remedial instruction in social studies.

Section 23. Amends section 1008.30, Florida Statutes, exempting a student from passing the College Placement Test (CPT) based on grade 10 FCAT scores.

Sections 25.-26. Amends sections 1009.534 and 1009.535, Florida Statutes, exempting a student from passing certain standardized tests (e.g., SAT, ACT) required for eligibility for the Florida Academic Scholars and Florida Medallion Scholars awards of the Florida Bright Futures Scholarship Program.

Section 27. Amends section 1009.536, Florida Statutes, exempting a student from passing the College Placement Test (CPT) required for eligibility for the Florida Gold Seal Vocational Scholars award of the Florida Bright Futures Scholarship Program based on grade 10 FCAT scores.

Section 31. Amends section 1012.56, Florida Statutes, requiring the State Board of Education to align the subject area examinations of the Florida Teacher Certification Examinations (FTCE) to the World Class Education Standards.

Section 32. Amends section 1012.585, Florida Statutes, authorizing inservice points earned for activities earned for professional development on the World Class Education Standards to count toward inservice requirements for educator recertification.

Section 34. Amends section 1012.98, Florida Statutes, revising inservice requirements for educator professional development.

Section 35. Creates an unnumbered section of law which requires an inventory of professional development programs provided by school districts and mandates that districts give priority in funding to inservice activities on the World Class Education Standards.

Section 36. Creates an unnumbered section of law which directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report to the Governor and Legislature on statewide end-of-course examinations.

Section 37. Creates an unnumbered section of law which directs OPPAGA to submit a report to the Governor and Legislature on after-school programs.

Section 38. Creates an unnumbered section of law which requires the Commissioner of Education to submit a report to the Governor and Legislature on visual and performing arts education.

Section 39. Creates an unnumbered section of law which directs OPPAGA to submit a report to the Governor and Legislature on public-private partnering for school construction, leasing, and maintenance.

Section 40. Creates an unnumbered section of law which creates a Public-Private Partnering Task Force within the Department of Management Services on the public-private partnering for school construction, leasing, and maintenance, which takes effect upon becoming a law.

Section 41. Provides an appropriation for the Department of Education.

Section 42. Provides an effective date of July 1, 2007, except as otherwise expressly provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

World Class Education Standards:

The Department of Education estimates that the cost to replace the Sunshine State Standards with World Class Education Standards, and to expedite the adoption cycle from the current 6-year cycle, is approximately \$4.1 million.

In addition to the \$4.1 million, \$300,000 is estimated for the development of world-language curricula; \$300,000 is estimated to contract with national and international curricular experts; \$300,000 is estimated to align core curriculum courses with the new standards; and \$140,000 is estimated for the World Class Education Standards Advisory Council.

Although the bill does not specify a date by which DOE must adopt the new standards for all grades and subject areas, it requires the state board to establish an expedited adoption schedule, which implies a timeframe accelerated from the current 6-year cycle. If a 3 1/2-year adoption cycle is used, the estimated costs for development and adoption of the World Class Education Standards are spread over the next four years, as follows:

	2007-2008	2008-2009	2009-2010	2010-2011	Total
World Class Education Standards	\$700,000	\$1,200,000	\$1,100,000	\$1,100,000	\$4,100,000
Realignment of core curriculum	\$75,000	\$75,000	\$75,000	\$75,000	\$300,000
International and national curricula expert contracts	\$75,000	\$75,000	\$75,000	\$75,000	\$300,000
Development of world-language curricula	\$75,000	\$75,000	\$75,000	\$75,000	\$300,000
WCES Advisory Council	\$50,000	\$30,000	\$30,000	\$30,000	\$140,000
TOTAL	\$975,000	\$1,455,000	\$1,355,000	\$1,355,000	\$5,140,000

There will be some additional costs beyond fiscal year 2010-2011 to sustain a continuous review and revision of the World Class Education Standards; however, subsequent revisions of the standards should be less substantial than the initial development and adoption of the new standards.

Florida Comprehensive Assessment Test:

The bill requires the Florida Comprehensive Assessment Test (FCAT) to be aligned to the World Class Education Standards, which requires the current FCAT contracts to cover any additional workload. The department included a \$1 million increase in its legislative budget request for the Assessment and Evaluation appropriation line item for FCAT alignment to the revised Sunshine State Standards adopted in January 2007. These funds may be used for alignment of FCAT to the

new World Class Education Standards. If the adoption cycle for the World Class Education Standards is accelerated to a 3 1/2-year cycle, the increase is needed for the next 4 fiscal years.

The bill also requires the FCAT to assess students in social studies, with an emphasis on history, government, civics, and United States patriotism and national sovereignty at least once at the elementary, middle, and high school grade levels. Two million dollars is needed for test development and preparation to add an FCAT Social Studies assessment. Additional recurring costs will arise after the test is deployed.

The bill directs the Commissioner of Education to report any barriers to the expedited alignment of the World Class Education Standards or the FCAT. The commissioner must also widely publicize and disseminate information about the new distinguished-honors designation for high school graduates demonstrating superior academic achievement on the grade 10 FCAT. The department estimates that an additional \$200,000 is needed to accomplish these tasks.

The bill allows the FCAT to be used to meet the testing requirement for awards under the Florida Bright Futures Scholarship Program once the FCAT is aligned to the new World Class Education Standards and a student scores a Level 5 in each subject area. This provision may increase the number of scholarship awards by an indeterminate number, which would increase state expenditures for the program. Although the amount is unknown, the increase is estimated to be insignificant.

If the same 3 1/2-year adoption and review cycle is used for FCAT alignment, the needed funds for required changes to the FCAT are spread over the next 4 fiscal years as follows:

	2007-2008	2008-2009	2009-2010	2010-2011	Total
Align FCAT to WCES	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$4,000,000
Social Studies FCAT	\$2,000,000				\$2,000,000
DOE Administration-FCAT alignment and distinguished honors designation for H.S. graduates	\$200,000				\$200,000
TOTAL	\$3,200,000	\$1,000,000	\$1,000,000	\$1,000,000	\$6,200,000

Teacher Certification and Professional Development Revisions and Alignment:

Florida Teacher Certification Examinations (FTCE) must also be aligned to the new World Class Education Standards. The department included a request for \$15 million in the agency’s legislative budget request for a “new contract for the administration, scoring, and reporting of teacher certification exams and development activities to support revisions of test content.” It is unclear from the department’s request what amount is recurring for the current fiscal year (2006-2007) appropriation and what amount is new for the 2007-2008 fiscal year. If funded at the requested level in the General Appropriations Act, no additional funds need to be provided in the bill for the 2007-2008 fiscal year; however additional funds are needed in subsequent years to update examinations as new standards are adopted.

The Department of Education also estimates an additional cost of \$350,000 to provide “standardized delivery of professional development for Florida educators on the FCAT,” including how the test is developed and scored and what information is available to parents and students.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The estimated total cost for implementation of the bill during fiscal year 2007-2008 is \$4,525,000. If a 3 1/2-year adoption and review cycle is used for the new World Class Education Standards, the needed funds for the next 4 fiscal years are as follows:

	2007-2008	2008-2009	2009-2010	2010-2011	Total
World Class Education Standards	\$700,000	\$1,200,000	\$1,100,000	\$1,100,000	\$4,100,000
Realignment of core curriculum	\$75,000	\$75,000	\$75,000	\$75,000	\$300,000
International and national curricula expert contracts	\$75,000	\$75,000	\$75,000	\$75,000	\$300,000
Development of world-language curricula	\$75,000	\$75,000	\$75,000	\$75,000	\$300,000
WCES Advisory Council	\$50,000	\$30,000	\$30,000	\$30,000	\$140,000
Align FCAT to WCES	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$4,000,000
Social Studies FCAT	\$2,000,000				\$2,000,000
DOE Administration-FCAT alignment and distinguished honors designation for H.S. graduates	\$200,000				\$200,000
FCAT Professional Development Modules	\$350,000				\$350,000
TOTAL	\$4,525,000	\$2,455,000	\$2,355,000	\$2,355,000	\$11,690,000

The bill provides an appropriation of \$2,525,000 to the Department of Education for fiscal year 2007-2008. The remaining \$2 million is provided in the House proposed General Appropriations Act for fiscal year 2007-2008, as introduced, for purposes of development of the FCAT Social Studies assessments.⁷²

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the State Board of Education to adopt rules to administer provisions requiring high-performing school districts to give high-performing principals significant decisionmaking and budgetary authority over their schools (i.e., site-based management). The bill also clarifies the state board's

⁷² Policy & Budget Council, Florida House of Representatives, *Specific Appropriation 9D, House Bill 5001, as introduced* ("Funds in Specific Appropriation 9D, are provided for the Bob Graham and Lou Frey High School Civics Program and are contingent upon PCB SLC 07-02 or similar legislation becoming law.")

rulemaking authority to cover any law conferring duties upon the state board, the Commissioner of Education, or DOE, not just laws for improvement of the state system of K-20 public education.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 4, 2007, the Schools & Learning Council considered a proposed council bill on K-12 Education for the 21st Century (PCB SLC 07-02). The council adopted a series of seven amendments to the PCB, which:

- Specify the amount of the appropriation provided to the Department of Education, \$2,525,000;
- Require the World Class Education Standards to be reviewed by more than one nationally recognized foundation, institution, organization, or board, instead of one or more nationally respected organizations;
- Specify that, among the six members of the World Class Standards Advisory Council appointed by the State Board of Education, one must be from a nonpublic school and one from the Florida Virtual School;
- Add United States patriotism and national sovereignty to the strands of social studies education that must be emphasized in the World Class Education Standards and FCAT testing; and
- Directs the Commissioner of Education to submit a report by February 1, 2008, to the Governor and Legislature on student opportunities for visual and performing arts education.

The council reported the PCB, as amended, favorably. The bill was filed on April 10, 2007, and numbered as HB 7151.