

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 7151 PCB SLC 07-02 Education

**SPONSOR(S):** Policy & Budget Council and Pickens

**TIED BILLS:** **IDEN./SIM. BILLS:**

---

| REFERENCE                               | ACTION           | ANALYST   | STAFF DIRECTOR |
|---|------------------|-----------|----------------|
| Orig. Comm.: Schools & Learning Council | 14 Y, 0 N        | Gillespie | Cobb           |
| 1) Policy & Budget Council              | 25 Y, 0 N, As CS | Martin    | Hansen         |
| 2) _____                                | _____            | _____     | _____          |
| 3) _____                                | _____            | _____     | _____          |
| 4) _____                                | _____            | _____     | _____          |
| 5) _____                                | _____            | _____     | _____          |

---

### SUMMARY ANALYSIS

Council Substitute for House Bill 7151 (PCB SLC 07-02) implements 11 of the 33 ideas proposed in the first chapter of *100 Innovative Ideas for Florida's Future*.<sup>1</sup> The council substitute requires the State Board of Education to systematically replace the Sunshine State Standards with "World Class Education Standards" through an expedited review process that includes educators, citizens, business and industry representatives, national or international curricular experts, and more than one national organization with expertise in curriculum. The council substitute requires the new standards to be content oriented, knowledge based, provide for the sequential development of knowledge and skills grade by grade for each subject area, prepare high school graduates to compete in high-demand careers and succeed in postsecondary education. Separate standards for reading, writing, and computer literacy are required. Standards for social studies must include geography and economics and emphasize history, government, civics, and United States patriotism and national sovereignty. Standards for the arts must include visual and performing arts.

The council substitute requires the Commissioner of Education to expedite alignment of the Florida Comprehensive Assessment Test (FCAT) to the World Class Education Standards. In addition, an FCAT Social Studies assessment must be taken by students at least once in elementary, middle, and high school. A notation of distinguished honors on high school diplomas and transcripts, and a designation of "proficient," are created to award superior achievement demonstrated by a student's FCAT scores. The commissioner must establish an FCAT testing schedule that allows the FCAT to be 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. Beginning with the 2009-2010 school year, students may not take the FCAT Writing test before March 1, and other FCAT assessments may not be taken before April 15.

The council substitute requires that Florida teachers receive professional development on the World Class Education Standards and the FCAT. To receive credit for professional development on the standards, a teacher must pass an inservice examination. Inservice points earned for professional development on the standards may be used to renew a teaching certificate. In addition, if a teacher passes the inservice examination before completing the training, the teacher is awarded full credit for the training. Teachers must complete the inservice requirements for at least one subject area by the end of the next year following adoption or substantial revision of the World Class Education Standards and gives a teacher with more than one certification or endorsement additional time to complete the inservice requirements.

---

<sup>1</sup> The Honorable Marco Rubio, Speaker, Florida House of Representatives, *100 Innovative Ideas for Florida's Future* (Regnery Publishing 2006); see <http://www.100ideas.org> (last visited Apr. 17, 2007).

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h7151b.PBC.doc

**DATE:** 4/13/2007

The council substitute establishes minimum requirements for end-of-course examinations that, beginning with the 2008-2009 school year, school districts must follow for assessing student performance for purposes of merit-based pay supplements for teachers. The requirements specify that the end-of-course examinations must account for at least 15 percent of the student's grade and be based at least 50 percent on extended written responses, performing skills, and critical thinking.

The council substitute 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 gifted services and programming for K-12 public school students, which includes an analysis of each school district's student enrollment and expenditures from the exceptional student education (ESE) guaranteed allocation for gifted students during fiscal years 2005-2006 and 2006-2007. Beginning with the 2007-2008 fiscal year, a school district's expenditures from the ESE guaranteed allocation for gifted high school students is limited to 2006-2007 levels.

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. The Department of Education is also required to submit an annual report to the Governor and Legislature on academically talented student acceleration and gifted programs in each school district.

The council substitute requires high-performing school districts to give flexibility in decision-making and budget authority to high performing principals in the district. "Team teaching," "co-teaching," and "inclusion teaching" are defined as teaching strategies authorized under class-size requirements.

The council substitute requires the Commissioner of Education to submit reports to the Governor and Legislature on student achievement results based on instruction aligned to the World Class Education Standards and on student opportunities for visual and performing arts education.

The council substitute directs OPPAGA to submit a report to the Governor and Legislature on after-school programs. A task force is also created within the Department of Management Services (DMS) to study public-private partnering for school construction, leasing, and maintenance; transportation services; and school food services.

The estimated total cost for implementation of the council substitute during fiscal year 2007-2008 is \$4,525,000. The council substitute provides an appropriation of \$2,525,000 to the Department of Education for fiscal year 2007-2008. The remaining \$1,950,000 is provided through a \$2 million appropriation in the House proposed General Appropriations Act for fiscal year 2007-2008, as introduced, for purposes of development of the FCAT Social Studies assessments.

## **FULL ANALYSIS**

### **I. SUBSTANTIVE ANALYSIS**

#### **A. HOUSE PRINCIPLES ANALYSIS:**

Safeguard Individual Liberty: The council substitute creates accelerated learning opportunities for academically talented students, gives high-performing school principals increased flexibility in decisionmaking 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 council substitute requires teachers to be trained in the World Class Education Standards, mandates that teachers pass an inservice examination on the standards, and requires FCAT testing of students on social studies education.

Empower Families: The council substitute creates accelerated learning opportunities for academically talented students and provides for world-language curricula in elementary schools.

## 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.<sup>2</sup> 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. The council substitute implements 11 of those ideas.

### 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."<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> The report of the task force concludes that the Sunshine State

---

<sup>2</sup> Rubio, *supra* note 1, at 7- 47.

<sup>3</sup> Florida Department of Education, *Sunshine State Standards*, at <http://www.firn.edu/doe/curric/prek12/index.html> (last visited Apr. 17, 2007).

<sup>4</sup> *Id.*; section 1003.41, Florida Statutes.

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

<sup>6</sup> 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>.

<sup>7</sup> 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](http://etc.usf.edu/flstandards/la/la_sss.pdf).

<sup>8</sup> 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).

Standards are vague about what students are expected to learn in each grade,<sup>9</sup> especially the general background knowledge needed for reading proficiency;<sup>10</sup> are not sufficiently detailed to guide curriculum development or testing;<sup>11</sup> and are the “weakest link” in the state’s education reform efforts.<sup>12</sup>

The report recommends that Florida revise and strengthen its standards and that the standards should provide greater grade-by-grade content specificity,<sup>13</sup> should focus on the essential knowledge—not just the skills—required for stronger academic performance,<sup>14</sup> and should describe the sequential development of knowledge and skills grade by grade.<sup>15</sup>

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.<sup>16</sup>

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.<sup>17</sup>

#### *Proposed Changes:*

The council substitute 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 actively engage, communicate, and 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;
- Provide for the sequential development of content knowledge and skills grade by grade for each subject area;
- Be aligned to curricula appropriate for preparing high school graduates to compete in high-demand careers and succeed in postsecondary education.

The World Class Education Standards must also integrate critical thinking and problem-solving skills, creativity and innovation skills, communication and information skills, collaboration skills, contextual and applied-learning skills, information and media-literacy skills, and civic-engagement skills.

In addition, the standards for reading and writing must be established as separate standards from language arts. The new standards in social studies must include geography and economics and emphasize history, government, civics, and United States patriotism and national sovereignty. The council substitute clarifies that standards for the arts include both visual and performing arts. Separate standards for computer literacy are also required. School districts are also required to provide students with a complete education in these subject areas.

---

<sup>9</sup> Hoover, *supra* note 8, *Executive Summary, Thirty Major Recommendations*, at xx.

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

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

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

<sup>13</sup> Hoover, *supra* note 9; Hoover, *supra* note 11, at 7.

<sup>14</sup> Hoover, *supra* note 12, at 120 and 132.

<sup>15</sup> Hoover, *supra* note 11, at 14.

<sup>16</sup> Rubio, *supra* note 1, at 17.

<sup>17</sup> Section 1001.41(3), Florida Statutes.

The council substitute requires the State Board of Education to:

- By January 31, 2008, adopt an expedited timeline for the adoption and periodic revision of the World Class Education Standards.
- Include Florida teachers, citizens, and members of the business community in the development and review of the World Class Education Standards.
- Include a review by educators, citizens, and members of the business community, consult with national and international curricular experts on curricular standards, consider the standards implemented by other states or nations, and submit the proposed standards to more than one national organization with expertise in curriculum before adopting or revising the World Class Education Standards. Enterprise Florida, Inc., is to identify the business and industry representatives who provide leadership and input in adopting or revising the standards.
- 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 council substitute directs the State Board of Education, beginning with the 2008-2009 school year, to submit an annual report to the Governor and Legislature by December 30 of each year, on the achievement-level results of students based on instruction aligned to the World Class Education Standards. The annual report must include academic comparisons of Florida students to other students nationally and in other countries.

#### Florida Comprehensive Assessment Test:

##### *Present Situation:*

In 1971, the Legislature established Florida's statewide assessment program,<sup>18</sup> and the first statewide assessment was administered in reading in 1971-1972.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> Students in grades 3-10 are annually required to take FCAT assessments in reading and mathematics.<sup>22</sup> Assessment in writing and science are required at least once for

---

<sup>18</sup> Chapter 71-197, Laws of Florida.

<sup>19</sup> Florida Department of Education, *History of Statewide Assessment Program, A Chronology of Events: 1968-1978*, at <http://www.firn.edu/doc/sas/hsap/hsap6878.htm> (last visited Apr. 17, 2007).

<sup>20</sup> Florida Department of Education, *History of Statewide Assessment Program, A Chronology of Events: 1990-2000*, at <http://www.firn.edu/doc/sas/hsap/hsap9000.htm> (last visited Apr. 17, 2007).

<sup>21</sup> Section 1008.22(3)(c), Florida Statutes.

<sup>22</sup> *Id.*

students at the elementary, middle, and high school levels. To implement these requirements, DOE administers the FCAT, as follows:<sup>23</sup>

- 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.

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.<sup>24</sup> 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.<sup>25</sup>

#### *Proposed Changes:*

The council substitute 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 FCAT is 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.

Upon alignment of the FCAT to the World Class Education Standards, 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.

The council substitute 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. A student earns the designation of "proficient" if the student earns the required FCAT score determined by the commissioner. The commissioner must 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. 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 commissioner must consider computer-based testing and other strategies for reducing the time for reporting test results.

#### Social Studies Education:

##### *Present Situation:*

---

<sup>23</sup> Florida Department of Education, *About the FCAT*, at <http://fcat.fldoe.org/aboutfcat/english/about.html> (last visited Apr. 17, 2007).

<sup>24</sup> Rubio, *supra* note 1, at 13-15.

<sup>25</sup> Rubio, *supra* note 1, at 18.

Current law requires school districts to provide students with a complete education in seven subject areas, including social studies.<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup>

*Proposed Changes:*

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

In addition, school districts are required to include geography and economics and emphasize history, government, civics, and United States patriotism and national sovereignty as part of social studies instruction. The council substitute 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 in social studies falls below specified levels. In addition, a school district may 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 recertification period.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup> 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 organizations<sup>32</sup> also provide teacher education centers and

---

<sup>26</sup> Section 1001.41(3), Florida Statutes.

<sup>27</sup> Section 1008.25(2), Florida Statutes.

<sup>28</sup> Section 1008.25(4), Florida Statutes.

<sup>29</sup> Section 1012.585(3)(a), Florida Statutes.

<sup>30</sup> Rule 6A-4.0244, Florida Administrative Code.

<sup>31</sup> Section 1012.98(4)(b)4., Florida Statutes.

<sup>32</sup> For example, Panhandle Area Educational Consortium, North East Florida Educational Consortium, and Heartland Educational Consortium.

staff development programs.<sup>33</sup> Many professional development programs are offered online, and many programs are offered in traditional classroom settings.

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 teacher statewide competency tests.<sup>34</sup> 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.<sup>35</sup>

*Proposed Changes:*

The council substitute 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 performance outcomes of teacher's and their students. 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.

As a condition of earning the inservice points for professional development on the World Class Education Standards, a teacher must 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 council substitute 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.

A teacher is required to earn the inservice points for a subject area by the end of the next school year after the World Class Education Standards for the subject area are adopted, and after the standards for the subject area are substantially revised. If a teacher holds certification or endorsement in more than one subject area, the teacher must complete the inservice points for each subject area before his or her educator certificate must be renewed. If less than 2 years of the teacher's 5-year recertification period remains, the council substitute allows the teacher an additional 2 years to earn the inservice points for the remaining subject areas, but requires the teacher to earn the inservice points for at least one subject area per year.

---

<sup>33</sup> Section 1001.451(1), Florida Statutes.

<sup>34</sup> Rubio, *supra* note 1, at 31.

<sup>35</sup> Rubio, *supra* note 1, at 32-33.

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

- 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.

School districts must 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, DOE and the school districts must 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.

#### End-of-Course Examinations:

##### *Present Situation:*

On March 29, 2007, the Governor approved CS/CS/SB 1226, which requires each school district, as a condition of receiving merit-award funding appropriated by the Legislature, to adopt a merit award program plan for the payment of merit-based pay supplements to top performing teachers and school-based administrators.<sup>36</sup> The pay supplements must be at least 5 percent, but not more than 10 percent, of the district's average teacher salary.<sup>37</sup> A district's merit award program plan must provide for an assessment, and the merit-based pay supplements must be based at least 60 percent on performance of students assigned to the employee.<sup>38</sup>

For purposes of the merit-based pay supplements, student performance must be based upon student academic proficiency, gains in learning, or both, as measured by statewide standardized tests.<sup>39</sup> For subjects and grades that are not measured by the Florida Comprehensive Assessment Test (FCAT), national, state, or district-determined testing instruments must be used.<sup>40</sup>

Beginning with the 2007-2008 school year, school districts participating in the merit award program must be able to administer end-of-course examinations based on the Sunshine State Standards.<sup>41</sup>

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.<sup>42</sup>

---

<sup>36</sup> Section 1, chapter 2007-3, Laws of Florida; section 1012.225(1) and (2)(a), Florida Statutes.

<sup>37</sup> *Id.* at section 1012.225(2)(a), Florida Statutes.

<sup>38</sup> *Id.* at section 1012.225(1) and (3)(a), (b), and (c), Florida Statutes.

<sup>39</sup> *Id.* at section 1012.225(3)(c), Florida Statutes.

<sup>40</sup> *Id.*

<sup>41</sup> Section 2, chapter 2007-3, Laws of Florida.

<sup>42</sup> Rubio, *supra* note 1, at 17.

### *Proposed Changes:*

The council substitute requires that, beginning with the 2008-2009 school year, end-of-course examinations administered by school districts to assess student performance for purposes of merit-based pay supplements must:

- Be locally developed, state-developed, or nationally developed comprehensive examinations based on the instructional content of a complete semester or year-long course;
- Be aligned to the most currently adopted state standards;
- Account for at least 15 percent of a student's grade; and
- Be based on extended written responses, the application or performance of content skills, and measures of critical thinking, for at least 50 percent of the student's assessment.

By July 1, 2008, the Department of Education must disseminate to all school districts, in an electronic format, information on the most effective practices for developing and administering locally developed, state-developed, and nationally developed comprehensive end-of-course examinations. The department must update the information at least twice annually.

### 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.<sup>43</sup> In addition, current law requires the Sunshine State Standards to include standards for foreign languages.<sup>44</sup> 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.<sup>45</sup>

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.<sup>46</sup>

#### *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.<sup>47</sup> Each year, the commissioner provides each school district with an annual allocation of state funds for instructional materials.<sup>48</sup> Current law requires a school district to use at least 50 percent of the annual allocation to purchase instructional materials on the state-adopted list selected by the commissioner.<sup>49</sup> 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.<sup>50</sup>

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

---

<sup>43</sup> Section 1001.41(3), Florida Statutes (emphasis added).

<sup>44</sup> Section 1003.41, Florida Statutes.

<sup>45</sup> Section 1001.435, Florida Statutes.

<sup>46</sup> Rubio, *supra* note 1, at 19-20.

<sup>47</sup> Section 1006.34, Florida Statutes.

<sup>48</sup> Section 1006.40(1), Florida Statutes.

<sup>49</sup> Section 1006.40(3)(a) and (b), Florida Statutes.

<sup>50</sup> Section 1006.40(3)(c), Florida Statutes.

intellectual content that assists in the instruction of a subject or course.<sup>51</sup> 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.<sup>52</sup>

*Proposed Changes:*

The council substitute 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 council substitute 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 council substitute 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.

Gifted and 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.<sup>53</sup>

The Florida Education Finance Program (FEFP) provides the basic funding for all public school students.<sup>54</sup> Additional funds are provided in an ESE guaranteed allocation for mild to moderately disabled students and gifted students, which funds are in addition to the FEFP's basic funds per student, to fund special programs and services needed for "exceptional students." Exceptional students include gifted students as well as students with disabilities.<sup>55</sup>

Students with disabilities are provided special programs and accommodations to enable them to effectively participate in public school education. These special programs and services require funding beyond the amount required for students who do not have disabilities.

---

<sup>51</sup> Section 1006.40(4), Florida Statutes.

<sup>52</sup> *Id.*

<sup>53</sup> Rule 6A-6.03019(2), Florida Administrative Code.

<sup>54</sup> Section 1101.62, Florida Statutes.

<sup>55</sup> Section 1003.01(3)(a), Florida Statutes.

Current law does not specify what types of special programs or accommodations are necessary to enable gifted students to participate in public school education which require funding beyond the amount provided for the FEFP's basic funds per student.

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.<sup>56</sup>

*Proposed Changes:*

The council substitute directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report by December 1, 2007, to the Governor and Cabinet on gifted services and programming for K-12 public school students. The report must include:

- Survey of each school district on gifted services and programming, including processes for identifying gifted students, student enrollment in gifted programs during fiscal years 2005-2006 and 2006-2007, and expenditures from the ESE guaranteed allocation by grade level and school for those two fiscal years;
- Assessment of current-law provisions classifying gifted students as exceptional students;
- Evaluation of gifted eligibility criteria;
- Review of funding and processes for identifying gifted students in other states; and
- Examination of literature on serving gifted and academically talented students.

Beginning with the 2007-2008 fiscal year, a school district's expenditures from the ESE guaranteed allocation for gifted high school students is limited to fiscal year 2006-2007 levels.

The State Board of Education by June 30, 2008, must 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 council substitute requires a school district, beginning with the 2008-2009 school year, to implement an academically talented student acceleration policy and publicize the policy.

The Department of Education is also required to submit an annual report to the Governor and Legislature by December 31 of each year on academically talented student acceleration and gifted programs in each school district.

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:<sup>57</sup>

- 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.

---

<sup>56</sup> Rubio, *supra* note 1, at 19.

<sup>57</sup> Rubio, *supra* note 1, at 34-35.

### *Proposed Changes:*

The council substitute 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.<sup>58</sup>

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 council substitute does not specify a date by which the annual report is due. The council substitute 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.<sup>59</sup>

#### *Proposed Changes:*

The council substitute 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. OPPAGA must 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.<sup>60</sup> This idea specifically challenges Florida to establish a high-level task force— independent of special interest—to study optimal methods of public-private partnering.<sup>61</sup>

---

<sup>58</sup> See, e.g., Committee Substitute for Senate Bill 1228 (2007).

<sup>59</sup> Rubio, *supra* note 1, at 45.

<sup>60</sup> Rubio, *supra* note 1, at 45-47.

<sup>61</sup> Rubio, *supra* note 1, at 46.

*Proposed Changes:*

The Public-Private Partnering Task Force is created 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 task force is composed as follows:

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

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.<sup>62</sup> In addition, several other statutes grant the state board with rulemaking authority for specific chapters or sections of law,<sup>63</sup> 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;<sup>64</sup> however, an agency may not adopt a rule unless it has a specific grant of rulemaking authority.<sup>65</sup>

*Proposed Changes:*

The council substitute 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 council substitute 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.<sup>66</sup> The Department of Education has adopted standards for four strands of the arts: dance, music, theatre,

---

<sup>62</sup> Section 1001.02(1), Florida Statutes.

<sup>63</sup> See, e.g., sections 1002.42(15)(f), 1002.79(2), 1003.62(8), 1012.56(12), and 1012.72(4), Florida Statutes

<sup>64</sup> Sections 120.52(15) and 120.54(1)(a), Florida Statutes.

<sup>65</sup> Section 120.536(1), Florida Statutes.

<sup>66</sup> *Id.*; section 1003.41, Florida Statutes.

and visual arts.<sup>67</sup> Current law also requires school districts to provide students with a complete education in seven subject areas, including the arts,<sup>68</sup> and requires a student to earn one credit in fine arts for high school graduation.<sup>69</sup>

*Proposed Changes:*

As previously discussed, the council substitute clarifies that the World Class Education Standards for the arts include both visual and performing arts.

The council substitute also 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.

Class-Size Reduction:

*Present Situation:*

In 2002, the voters of Florida approved an amendment to the State Constitution requiring the reduction of class sizes by the 2010 school year so that the maximum number of students per public school classroom assigned to a teacher is:<sup>70</sup>

- Eighteen students for prekindergarten through third grade;
- Twenty-two students for grades 4 through 8; and
- Twenty-five students for grades 9 through 12.

The constitutional amendment required the Legislature, beginning with the 2003-2004 fiscal year, to provide funds for reducing the average number of students in each classroom by at least two students per year until reaching the maximum class sizes.<sup>71</sup>

To implement the constitutional amendment, the Legislature required a school district that did not comply with the maximum class sizes to reduce its average number of students per classroom<sup>72</sup> by at least two students per year.

Within the state's class-size reduction requirements, current law authorizes various teaching strategies that include the assignment of more than one teacher to a classroom of students, including team teaching, but these strategies are not defined.

*Proposed Changes:*

The council substitute defines the terms "team teaching," "co-teaching," and "inclusion teaching," and authorizes these teaching strategies for purposes of class-size requirements. In team teaching or co-teaching, both teachers are responsible for all of the students in the class. For inclusion

---

<sup>67</sup> Florida Department of Education, *Sunshine State Standards*, at <http://www.firn.edu/doe/curric/prek12/index.html> (last visited Apr. 17, 2007).

<sup>68</sup> Section 1001.41(3), Florida Statutes.

<sup>69</sup> Sections 1003.428(2)(a)5. and 1003.43(1)(h)2., Florida Statutes.

<sup>70</sup> Section 1(a), Article IX of the State Constitution.

<sup>71</sup> *Id.*

<sup>72</sup> The State Constitution specifies that the class-size requirements do not apply to "extracurricular classes." *Id.* Section 1003.03(1), Florida Statutes, specifies that the maximum class sizes apply to "core-curricula courses," which section 1003.01(14), Florida Statutes, defines as "courses defined by the Department of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms."

teaching, one of the teachers is responsible for one student or a small group of students within the classroom.

Appropriation:

The council substitute 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 council substitute provides that it takes effect July 1, 2007, except as otherwise provided in the council substitute. One section of the council substitute takes effect upon becoming a law: 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.

Sections 2.-3., 6., 8., 10.-11., 15., 18., 19., 23., 25.-27., and 30. 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 4. Amends section 1000.21, Florida Statutes, creating a systemwide definition of "World Class Education Standards" for the Florida K-20 Education Code.

Section 5. Amends section 1001.02, Florida Statutes, revising the rulemaking authority of the State Board of Education.

Section 7. 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 9. 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 12. Amends s. 1003.03, Florida Statutes, authorizes team teaching, co-teaching, and inclusion teaching to be teaching strategies permitted within class-size reduction requirements.

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 20. Amends section 1008.22, Florida Statutes, requiring administration of a social studies FCAT assessment at least once in elementary, middle, and high school and requiring alignment of the FCAT to the World Class Education Standards.

Section 21. Creates section 1008.22, Florida Statutes, establishing minimum requirements for end-of-course examinations that school districts must for assessing student performance for purposes of merit-based pay supplements for teachers.

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 24. Amends section 1011.62, Florida Statutes, limiting a school district's expenditures from the guaranteed allocation for high school gifted programs to 2006-2007 levels.

Section 28. 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 29. 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 31. Amends section 1012.98, Florida Statutes, revising inservice requirements for educator professional development.

Section 32. 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 33. Creates an unnumbered section of law which directs OPPAGA to submit a report to the Governor and Legislature on after-school programs.

Section 34. Creates an unnumbered section of law which directs OPPAGA to submit a report to the Governor and Legislature on gifted services and programming for K-12 public school students.

Section 35. 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 36. 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; transportation services; and school food services, which takes effect upon becoming a law.

Section 37. Provides an \$2.525 million appropriation for the Department of Education.

Section 38. 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; and \$300,000 is estimated to align core curriculum courses with the new standards.

Although the council substitute 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:

|   | <b>2007-2008</b> | <b>2008-2009</b>   | <b>2009-2010</b>   | <b>2010-2011</b>   | <b>Total</b>       |
|---|------------------|--------------------|--------------------|--------------------|--------------------|
| 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          |
| <b>TOTAL</b>  | <b>\$925,000</b> | <b>\$1,425,000</b> | <b>\$1,325,000</b> | <b>\$1,325,000</b> | <b>\$5,000,000</b> |

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 council substitute 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 council substitute 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 Commissioner of Education must 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.

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          |
| <b>TOTAL</b>  | <b>\$3,200,000</b> | <b>\$1,000,000</b> | <b>\$1,000,000</b> | <b>\$1,000,000</b> | <b>\$6,200,000</b> |

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 council substitute 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 council substitute 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   |
| 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   | \$350,000   |             |             |             | \$350,000   |

Modules

**TOTAL \$4,475,000 \$2,425,000 \$2,325,000 \$2,325,000 \$11,550,000**

The council substitute provides an appropriation of \$2,525,000 to the Department of Education for fiscal year 2007-2008. The remaining \$1,950,000 is provided through a \$2 million appropriation in the House proposed General Appropriations Act for fiscal year 2007-2008, as introduced, for purposes of development of the FCAT Social Studies assessments.<sup>73</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The council substitute 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 council substitute 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 council substitute also clarifies the state board's 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 (DOE), \$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.

<sup>73</sup> Florida House of Representatives, *Specific Appropriation 9D, House Bill 5001, 1st engrossed* ("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.")

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

On April 13, 2007, the Policy & Budget Council adopted an amendment by Representatives Pickens and Flores (Remove everything after the enacting clause). The amendment changes HB 7151, as follows:

- Requires the World Class Education Standards to prepare high school graduates to compete in high-demand careers and succeed in postsecondary education;
- Removes provisions establishing the World Class Education Standards Advisory Council composed of 12 outstanding teachers, requiring the expedited review process for replacing the Sunshine State Standards to include the advisory council, and requiring the advisory council to conduct at least three public hearings;
- Removes provisions authorizing DOE to contract for the development of the World Class Education Standards;
- Requires the Commissioner of Education to submit reports to the Governor and Legislature on student achievement results based on instruction aligned to the World Class Education Standards;
- Requires separate standards for reading, writing, and computer literacy; requires standards for social studies to include geography and economics; clarifies that standards for the arts must include visual and performing arts; and requires school districts to provide students with a complete education in these subject areas;
- Removes provisions that allow a student earning Level 5 achievement-level scores on the grade 10 FCAT and earning a score within a margin of error of a passing score on the College Placement Test to qualify for dual-enrollment programs and college enrollment;
- Removes provisions that allow a student earning Level 5 scores on the grade 10 FCAT and earning a score within a margin of error of the required score on certain standardized tests (e.g., SAT, ACT) to qualify for scholarships under the Florida Bright Futures Scholarship Program;
- Removes provisions specifying that a person seeking teaching certification for the first time must demonstrate mastery of general knowledge through passage of an examination of college-level general education curriculum instead of the current examination requiring knowledge of basic skills;
- Establishes minimum requirements for end-of-course examinations that, beginning with the 2008-2009 school year, school districts must follow for assessing student performance for purposes of merit-based pay supplements for teachers;
- Specifies that the end-of-course examinations must account for at least 15 percent of the student's grade and be based at least 50 percent on extended written responses, performing skills, and critical thinking;
- Removes provisions directing 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; and
- Removes provisions requiring a school district's academically talented student acceleration policy from being substantially similar to a model policy adopted by DOE; and
- Removes provisions directing OPPAGA to submit a report to the Governor and Legislature on sales taxes paid by contractors of public school construction projects.

The council also adopted three amendments to the amendment. The first amendment to the amendment by Representatives Pickens and Vana defines "team teaching," "co-teaching," and "inclusion teaching" and authorizes these teaching strategies for purposes of class-size requirements.

The second amendment to the amendment by Representatives Pickens and Vana requires teachers to complete the inservice requirements on the World Class Education Standards for at least one subject area by the end of the next year following adoption or substantial revision of the standards and gives a teacher with more than one certification or endorsement additional time to complete the inservice requirements.

The third amendment to the amendment by Representatives Pickens, Traviesa, and Grant:

- Directs OPPAGA to submit a report to the Governor and Legislature by December 1, 2007, on gifted services and programming for K-12 public school students, which includes an analysis of each school

district's student enrollment and expenditures from the exceptional student education (ESE) guaranteed allocation for gifted students during fiscal years 2005-2006 and 2006-2007;

- Limits a school district's expenditures from the ESE guaranteed allocation for gifted high school students to 2006-2007 levels, beginning with the 2007-2008 fiscal year; and
- Requires DOE to submit an annual report to the Governor and Legislature on academically talented student acceleration and gifted programs in each school district.

The Policy & Budget Council reported the bill favorably as a committee substitute, which incorporates the changes made to HB 7151 by the amendments adopted by the council, as described above.