

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Appropriations Committee

BILL: CS/CS/SB 1914

INTRODUCER: Education Pre-K - 12 Appropriations Committee, Education Pre-K-12 Committee, and Senator Gaetz

SUBJECT: Education/Curriculum Standards

DATE: April 15, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Armstrong</u>	<u>Hamon</u>	<u>EA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill enhances current law with regard to the development and revision of Florida’s K-12 curriculum standards by ensuring that the process includes collaboration with renowned experts in content area and subject related fields. The standards revised to date and those scheduled for completion within the next three years would be renamed the Next Generation Sunshine State Standards.

The bill provides authority to the State Board of Education (SBE) to adopt statistically equivalent passing scores for obsolete high school graduation assessments currently scheduled to be discontinued. These provisions should result in a cost savings to the Department of Education (DOE).

The Commissioner of Education may develop or adopt rigorous end-of-course assessments for secondary courses and provides for the transition to a more comprehensive and cost-effective state writing assessment. The bill also establishes parameters for statewide testing dates to require the latest possible date for test administration and the earliest possible date for the return of test scores.

The bill includes more stringent provisions for awarding school grades, including grades assigned to alternative schools, by requiring that the FCAT scores of all students be assigned to a graded school. The bill also includes financial penalties for non-compliance and clarifies minimum student sample size for purposes of protecting the identity of students, while providing greater information on school performance.

The Teachers Lead Program Stipend is revised to clarify eligible expenditures, deadlines for distribution of funds to teachers, and options available for the allocation and expenditure of program funds.

Florida's K-20 accountability system would be aligned with the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Act (IDEA).

The bill also establishes high school diploma designations to reflect a student's major course of study or areas of interest and expands the Florida Ready to Work Credential to include designations based on student scores on the exams.

Finally, the bill conforms the school cafeteria sanitation and safety reporting requirements to federal law.

This bill amends the following sections of the Florida Statutes: 1000.21, 1001.03, 1001.452, 1003.41, 1003.413, 1003.428, 1003.429, 1003.43, 1003.433, 1003.63, 1004.85, 1004.99, 1007.21, 1007.235, 1008.22, 1008.31, 1008.34, 1008.341, 1012.56, 1012.57, 1012.586, 1012.71, and 1013.12. The bill creates section 1003.4285 of the Florida Statutes.

II. **Present Situation:**

State Curriculum Standards

The current Sunshine State Standards (SSS) were adopted by the State Board of Education in 1996 and were organized by four grade bands: K-2, 3-5, 6-8, and 9-12. The standards adopted in 1996 cover the subjects of language arts, mathematics, science, social studies, the arts, health and physical education, and foreign languages.

Section 1001.03, F.S., requires the State Board of Education (SBE) to periodically review state curriculum standards to ensure that the standards remain sufficiently rigorous and relevant. The review is accomplished through collaboration with a broad spectrum of research experts and education shareholders. Accordingly, the SBE conducted a review and revision of the SSS for reading and language arts, culminating in the adoption of the new standards in January, 2007. A rigorous standards revision process by subject area continues and the new mathematics standards were adopted in September, 2007,¹ followed by the revised science standards in February, 2008².

¹ The framing and development of Florida's new mathematics standards was led by Dr. Alan Ginsburg, Director of the Policy and Program Studies Service, U.S. Department of Education, Office of the Under Secretary; Dr. Barbara Reys, Professor of Mathematics Education and Director of the Center for the Study of Mathematics Curriculum, University of Missouri-Columbia; Dr. Jane Schielack, Associate Dean, Texas A&M University; Kaye Forgione, Senior Associate for the Mathematics Benchmarking Initiative for Achieve.org; and Dr. R. James Milgram, Department of Mathematics, Stanford University.

The standards revised thus far are organized by individual grade levels, K-8. Mathematics and science are organized by content area in grades 9-12 and the language arts are organized by content area by grades 9-10 and grades 11-12.

The content focus of the revised standards in grades 9-12 includes:

- Language arts—Reading Process, Literary Analysis, Writing Process, Writing Applications, Communication, and Information and Media Literacy;
- Mathematics—Algebra, Calculus, Discrete Mathematics, Financial Literacy, Geometry, Probability, Statistics, and Trigonometry; and
- Science—Nature of Science, Earth and Space Science, Physical Science, and Life Science.

The physical education, health, and social studies standards are currently in the process of revision and are scheduled to undergo a comparably rigorous process of review and vetting by subject area and research experts. The revision of all subject area standards are expected to be completed by December 31, 2011.

Education Week began publication in 1997 of *Quality Counts*, an annual report card on the condition of public education in the 50 states. *The Quality Counts 2008 Report*, as in years past, provides assessment in four areas of state policymaking: (1) standards, assessments, and accountability; (2) the teaching profession; (3) school finance; and (4) efforts to better align education policy from preschool through postsecondary education and careers—transitions and alignment indicators that were first introduced in 2007. The analysis and assessment of state standards, assessments, and accountability, however, has remained constant among the *Quality Counts* policy indicators since the reports' inception.³ The *2008 Quality Counts Report* by Education Week states that Florida is one of the top-performing education systems in the nation based on, among other policy indicators, K-12 achievement and state curriculum standards.⁴

School Advisory Council - Membership Composition

Section 1001.452, F.S., provides for the establishment, procedures, and appointment of members to school advisory councils. Current law requires that the majority of members appointed to a school advisory council must be individuals who are not employed by the school in an effort to encourage participation and support from the lay and business community.

State Assessment Programs

Section 1008.22(8), F.S., requires students to meet the testing requirements for high school graduation that were in effect at the time the student entered 9th grade, provided the student's enrollment was continuous. This current provision limits the Department of Education's authority to phase out exit exams when new testing programs are created. For example, the High

²The framing and development of Florida's new science standards included Dr. Jean Slattery, the American Diploma Project; Dr. Ted Willard, American Association for the Advancement of Science; and Dr. Bill Schmidt, National Coordinator for the U.S. Trends in International Math and Science (TIMSS) Project. The lead framers relied on the following research in establishing the threshold for the standards development: the National Science Education Standards; Trends in International Math and Science (TIMSS); Program for International Student Assessment Framework (PISA); and the American Association for the Advancement of Science - Atlas of Science Literacy.

³ An analysis conducted by the Editorial Projects in Education Research Center in 2006 found a positive relationship between states that had enacted strong standards, assessments, and accountability systems, based on the *Quality Counts* indicators, and gains on the National Assessment of Educational Progress (NAEP), often referred to as the Nation's Report Card.

⁴ www.edweek.org – January 10, 2008

School Competency Test (HSCT) continues to be administered despite the Department's intent to phase this exam out in 2003. The last group of students for whom the HSCT was required for graduation (scheduled graduation date – spring 2002) has had a total of 22 opportunities to pass. Approximately 300 students participate in each administration, a total of 605 students participated in 2006. Of the 605 students, 110 students participated in both administrations. In 2006, the cost to administer the HSCT per student was approximately \$373.86, compared to \$12.84 per student for the FCAT.⁵

End-of-Course Assessments

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. There are no statewide end-of-course exams administered. However, the department approved a project award to the School District of Hillsborough County in February 2007 to make available as many existing locally-developed end-of-course exams as possible in a simple repository design – tests could be placed in it, tests could be withdrawn. The project established the End-of-Course Examinations (ECE) Clearinghouse and was funded at \$759,320. The intent of the Clearinghouse was to provide easy access to existing exams for their use under the STAR (now MAP) performance pay program. The exams continue to be available to school districts at no charge through the end of the current contract period on March 31, 2008. It is anticipated that this project will be extended through June 30, 2008, with a no-cost extension. Continued funding of the ECE Clearinghouse will be dependent upon resources allocated to the Department of Education.

Teachers Lead Program

The Florida Teachers Lead Program Stipend (Teachers Lead) was created in 1997 and continues through an annual appropriation by the Legislature to provide funds to classroom teachers for the purchase of materials and supplies for their students. The Commissioner of Education annually calculates a district allocation based upon the proportionate share of a district's full-time equivalent (FTE) student enrollment⁶ and school districts distribute the funds to classroom teachers no later than September 30.⁷ Classroom teachers must sign a statement, the required contents of which are set forth in law, acknowledging receipt of the funds and agreeing to use the funds for the purchase of classroom materials and supplies only.⁸ In the event that a classroom teacher does not expend the funds prior to the end of the regular school year, the funds must be returned to the school board.⁹

Current law require teachers to keep receipts for all Teacher Lead expenditures and specifies that it is the teacher's personal responsibility to pay any federal taxes due on these funds in the event that receipts, if requested by the Internal Revenue Service, are not made available.¹⁰

⁵ Florida Department of Education, February 18, 2008

⁶ s. 1012.71(1), F.S.

⁷ *Id.*

⁸ s. 1012.71(3), F.S.

⁹ *Id.* The purchase window is the time period between the distribution of the funds, which must occur no later than September 30, and the end of the regular school year, when unspent funds must be returned to the school district.

¹⁰ s. 1012.71(3), F.S.

In 2007, the Martin County School District opted to issue pre-funded debit cards to teachers for purposes of purchasing classroom supplies under the Teachers Lead Program. The practice was challenged on an unfair labor practice claim, alleging that the use of the debit card change by the school district violated the collective bargaining agreement as a change that affected the wage, hour, or term and condition of employment.¹¹ A hearing officer ruled for the plaintiffs, the Martin County Education Association, by finding that the debit card change would require negotiation under the collective bargaining agreement because the change was a term and condition of employment.¹² The ruling is on appeal to the Public Employees Relations Commission.

IDEA

The *Individuals with Disabilities Education Act (IDEA)*¹³ is a federal law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C. Children and youth (ages 3-21) receive special education and related services under IDEA Part B.

Current IDEA regulations establish requirements for state monitoring, enforcement, and annual reporting. Each state must monitor the implementation and annually report on performance.

The primary focus of the states' monitoring activities must focus on:

- Improving educational results and functional outcomes for all children with disabilities; and
- Ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

Public Law 108-446 reauthorized the *Individuals with Disabilities Education Act (IDEA)* and was signed into law on Dec. 3, 2004. The final regulations outlined in the reauthorization of IDEA support the regulatory requirements regarding the alignment of *IDEA* and the *No Child Left Behind Act*.

No Child Left Behind Act¹⁴

The federal *No Child Left Behind Act (NCLB)* was created to work toward closing the achievement gap and to ensure that all students, including those who are disadvantaged, achieve academic proficiency. Annual state and school district report cards inform parents and communities about state and school progress. Under the law, schools that do not make progress must provide supplemental services, such as free tutoring or after-school assistance; take corrective actions; and, if still not making adequate yearly progress after five years, make dramatic changes to the way the school operates.

¹¹ *Martin County Education Association v. School District of Martin County, Florida*, CA 2007-077.

¹² *Id.*

¹³ P.L. 108-446

¹⁴ P.L. 107-110, as amended.

School Cafeteria Sanitation Inspections

The National School Lunch Act¹⁵ includes provisions for inspections of public school cafeterias, state and local government requirements, audits and reports by the states, and the School Food Safety Program.

Public Law 108-265 was enacted in 2004 by the 108th U.S. Congress to further strengthen the sanitation requirements and inspections for school cafeterias by requiring, in part, that sanitation inspections take place twice annually. The law as amended also requires that the most recent inspection report be placed in a visible location and that such reports be made available upon request to any member of the public.¹⁶

Currently, there are no provisions in state law to address adherence to the federal requirements.

III. Effect of Proposed Changes:**State Curriculum Standards**

Under the bill, the SBE must establish, by December 31, 2008, a review and updated adoption schedule for all curriculum standards. The SBE must complete the revision process to replace the Sunshine State Standards with the Next Generation Sunshine State Standards by December 31, 2011.

The bill requires that the Next Generation SSS must set forth the core curricular content to be taught at each separate K-8 grade level for language arts. For math, science, and social studies, the Next Generation SSS shall be organized by individual grade levels for K-8 and organized by grade clusters for grades 9-12. The bill prescribes specific requirements for each of the four core subject areas of math, science, language arts, and social studies.

The bill also specifies that the Next Generation SSS must set forth the core curricular content to be taught in visual and performing arts, physical education, health, and foreign languages. The standards must be developed by individual grade levels for K-8, but may be organized by grade clusters of more than one grade level for grades 9-12.

The review and revision process employed thus far by the Department of Education for the new language arts, mathematics, and science standards has involved extensive participation and contribution by state, national, and international curriculum experts and well-known authorities in the respective fields of the content areas.¹⁷ An opportunity for comments and input from the public was made available through the DOE website prior to completion of the draft standards and submission to the SBE.¹⁸ The bill would establish in law that this rigorous process of

¹⁵ 42 U.S.C. s. 1758

¹⁶ http://www.fns.usda.gov/cnd/Governance/Legislation/Historical/PL_108-265.pdf

¹⁷ Nationally recognized representatives from Achieve.org, the American Diploma Project, the American Association for the Advancement of Science, and the former national coordinator for U.S. Trends in International Mathematics and Science Study (TIMSS) were convened to share information on international and national research addressing the characteristics of top kindergarten through 12th grade education standards.

¹⁸ The electronic input system was accessible to the public for 60 days, resulting in 10,017 reviewers, 262,524 ratings, and 20,993 comments. The public was also able to comment at public hearings in Tallahassee, Orlando (twice), Jacksonville, and Miramar.

developing and revising standards based on the latest available research and vetting by respected content area, research, and curriculum and standards development experts would continue.

The bill requires the State Board of Education to make appropriate adjustments to the teacher certification exams to assure alignment to the revised standards.

Before revising and readopting the standards, the State Board must submit the proposed revisions to the Governor and Legislature, together with an analysis of the proposed revisions by the curricular experts.

School Advisory Council - Membership Composition

Under the bill, lay and business membership of the school advisory councils is strengthened by requiring that the majority of members be individuals who are not employed by the school district. This provision would dissuade school advisory councils from relying on membership of individuals outside of the school setting but who may be employed in another district school or in the district office.

State Assessment Programs

The bill authorizes the SBE to transition to new assessments for high school graduation with the adoption of statistically equivalent passing scores to the assessment being discontinued. Once these equivalent scores are in place for an established period of time, the obsolete assessment may be discontinued. The DOE estimates that the state may realize a cost savings with the discontinuance of certain outdated assessments.¹⁹

School districts would be prohibited under the bill from suspending regular instruction in order to prepare students for state assessments; however, exceptions to these prohibitions are included to allow for individualized instruction in test taking strategies, use of department-approved practice test books and answer keys to familiarize students with test protocols. The bill also provides for the transition to a more comprehensive but cost-effective state writing assessment with full implementation in the 2012-2013 school year.

Under the bill, the commissioner is required to establish state assessment schedules and to provide for the latest possible test administration date and the earliest possible return of test scores. The bill also includes specific deadline dates after which certain assessments may not be administered.

Secondary End-of-Course Assessments

The bill provides authority for Commissioner of Education to develop or adopt end-of-course examinations, in addition to statewide comprehensive assessments, provided the assessments are rigorous, comprehensive, and aligned to appropriate curriculum standards. The commissioner is encouraged to determine the plausibility of adopting existing rigorous end-of-course assessments such as those currently used for Advanced Placement and International Baccalaureate courses and certain examinations administered by business and industry in high-skill areas of employment.

¹⁹ Florida Department of Education, February 18, 2008

High School Provisions

The bill creates designations on the high school diploma to reflect a student's emphasis of study, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education and provides for a designation on the Ready to Work Credential based on student scores on the exams.

The bill requires school districts to provide an annual review of each high school student's electronic education planning tool (ePep) and clarifies articulation between secondary and postsecondary schools when assigning grades for dual enrollment courses.

The bill expands the coursework eligible to satisfy the arts credit required for high school graduation to include practical arts.

School Grading Provisions

The bill strengthens provisions for purposes of school grading, including grading of alternative schools, by requiring that FCAT scores for all students be assigned to a graded school and includes financial penalties for non-compliance. The bill clarifies the definition of "home school" and parameters for minimum student sample size to protect the identity of students, while providing greater information on school performance.

Teacher Lead Program

The bill renames the Teachers Lead Program Stipend as the Florida Teachers Lead Program and provides the following changes:

- Expressly prohibits expenditure of funds on equipment;
- Requires the Commissioner of Education to disburse the Teachers Lead funds to the school districts by July 15;
- Specifies that funds to classroom teachers may be allocated and expended through the use of debit cards, direct deposit, check, or purchasing card. Currently the teachers lead program does not specify the method of distribution;
- Limits to four years the amount of time that a classroom teacher must keep receipts for materials and supplies purchased with funds.
- Clarifies that teachers lead funds do not affect a classroom teacher's wages, hours, or terms and conditions of employment and are therefore not subject to collective bargaining; and
- Clarifies that a classroom teacher may decline receipt of or return the funds without explanation or cause.

K-20 Accountability and Compliance with NCLB and IDEA

The bill amends current law to ensure that Florida's K-20 accountability system is aligned to and complies with both the provisions of the federal No Child Left Behind Act (NCLB) and the federal Individuals with Disabilities Act (IDEA). This would further emphasize and ensure work toward closing the achievement gap, primarily as it relates to students with unique and specific learning needs.

School Cafeteria Sanitation Requirements

The food safety provisions of the National School Lunch Act²⁰ were amended in 2004 by the 108th U.S. Congress to further strengthen the sanitation and inspection requirements for school cafeterias to require that sanitation inspections take place twice annually and that the most recent inspection report be placed in a visible location.²¹ Under the bill, current provisions in state law would be strengthened to mirror the reporting requirements enacted in federal legislation by requiring the public posting in the cafeteria of the health inspection and by placing a link to the report on the school's website.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Publishers of K-12 instructional programs would be required to revise instructional materials to align to the new standards.

C. Government Sector Impact:

The bill requires the Department of Education to perform additional tasks, including the development/revision of standards, the provision of professional development to support the revisions, and the pursuit of options for securing rigorous end-of-course examinations. Some of these efforts have already been completed. The department has indicated that the activities required by the bill will be absorbed within existing fiscal resources. Also, the bill may require additional effort for school districts; however, it is not considered to have a significant fiscal impact.

The Department of Education estimates a cost savings of approximately \$2 million for the discontinuation of the administration of the selected-response items for the

²⁰ 42 U.S.C. s. 1758(h)

²¹ http://www.fns.usda.gov/cnd/Governance/Legislation/Historical/PL_108-265.pdf

comprehensive assessments of writing and \$200,000 if the High School Competency Test is discontinued.

Revisions to the Teachers Lead Program will have no fiscal impact on state funding.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

The CS for CS by Education Pre-K-12 Appropriations Committee on April 15, 2008:

- Provides for the revision process of K-12 Sunshine State Standards and renames the new standards as the Next Generation Sunshine State Standards;
- Requires school districts to ensure an annual review of each high school student's electronic education planning tool (ePep);
- Includes practical arts as an option to satisfy the arts requirement for high school graduation purposes;
- Creates designations on the high school diploma to reflect a student's emphasis of study, including AP, IB, AICE. etc;
- Provides for a designation on the Ready to Work Credential based on student scores on the exams;
- Clarifies articulation between secondary and postsecondary schools when assigning dual enrollment course grades;
- Provides authority for Commissioner of Education to develop or adopt end-of-course examinations under certain conditions;
- Provides for transition to a more comprehensive but cost-effective state writing assessment;
- Requires the Commissioner to set state assessment schedules to provide for the latest possible test administration date and the earliest return of test scores;
- Prohibits school districts from suspending regular instruction in order to prepare for state assessments, but includes exceptions for individualized instruction in test taking strategies and department-approved practice test books and answer keys;
- Tightens provisions for school grades, including grading of alternative schools by requiring all students' FCAT grades to be assigned to a graded school and includes financial penalties for non-compliance; and
- Clarifies minimum student sample size for purposes of protecting identity of students, while providing greater information on school performance.

The CS by Education Pre-K-12 on April 1, 2008:

- Ensures that the revision process of K-12 Sunshine State Standards includes collaboration and direct support from nationally and internationally recognized research institutions in respective content area and subject related fields. Standards revised to date and those scheduled for completion within the next three years would be renamed the Sunshine State Standards 2.0;
- Provides authority to the State Board of Education to adopt statistically equivalent passing scores for outdated and costly high school graduation assessments, resulting in a potential cost savings to the Department of Education;
- Renames the Teachers Lead Program Stipend as the Florida Teachers Lead Program and includes clarification of eligible expenditures, deadlines for distribution of funds, and options for allocation and expenditure of program funds;
- Amends current law to ensure that Florida's K-20 accountability system is aligned to and complies with the Individuals with Disabilities Act (IDEA);
- Conforms school cafeteria sanitation and safety reporting requirements to federal law; and
- Ensures that the majority of school advisory council members would be lay citizens and members of the business community.

B. Amendments:

None.