

By Senator Montford

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1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1002.395, F.S.; conforming a cross-reference;
4 revising parents' responsibilities for participation
5 in the Florida Tax Credit Scholarship Program;
6 revising the eligibility requirements for a private
7 school to participate in the scholarship program;
8 revising the duties of the Department of Education
9 relating to the scholarship program in the reporting
10 of scores for standardized tests; authorizing a school
11 district to inform certain households of scholarship
12 eligibility; providing that a school district must
13 verify the information reported on the status of the
14 implementation of the assessment and reporting
15 requirements by a participating private school or
16 location designated by the school district; requiring
17 the department to establish a fee structure to be paid
18 by the participating private school for the
19 administration of the required assessments; providing
20 certain requirements for the fee; creating s.
21 1008.225, F.S.; providing a statement of purpose;
22 requiring students in the Florida Tax Credit
23 Scholarship Program to participate in the statewide
24 program of educational assessment; authorizing
25 students in other specified programs to participate in
26 the statewide program of educational assessment;
27 requiring the department to coordinate with program
28 providers and applicable school districts to enable
29 participating students to take statewide assessments;

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30 requiring each school district to administer statewide
31 assessments to students participating in choice
32 programs and report the assessment results and scores
33 to parents, students, and applicable schools;
34 requiring the department to annually report on the
35 year-to-year learning gains of students participating
36 in the programs; requiring the department to submit to
37 the Governor and the Legislature the annual report and
38 post it on its website; requiring the State Board of
39 Education to adopt rules; creating s. 1008.226, F.S.;
40 providing legislative findings and intent; providing
41 for a student to enter a public school at any time
42 following participation in a school-choice program;
43 specifying the programs that constitute school-choice
44 programs; requiring that the student take a nationally
45 norm-referenced assessment test for diagnostic
46 purposes and for purposes of placing the student in
47 the appropriate classes or grade; requiring that each
48 school district administer the assessment and report
49 the results of the assessment to the student's parent
50 and the applicable school-choice program or school;
51 requiring that the Department of Education select the
52 assessment and pay for it if requested by a school
53 district; requiring that the department submit an
54 annual report to the Governor and Legislature by a
55 specified date; providing requirements for the report;
56 requiring that the department publish the annual
57 report on its website; requiring that the State Board
58 of Education adopt rules; providing an effective date.

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

Section 1. Paragraph (m) of subsection (6), paragraph (e) of subsection (7), paragraph (c) of subsection (8), and subsection (10) of section 1002.395, Florida Statutes, are amended, present paragraphs (j) through (p) of subsection (9) of that section are redesignated as paragraphs (i) through (o), respectively, and present paragraphs (i), (j), and (n) of that subsection are amended, to read:

1002.395 Florida Tax Credit Scholarship Program.—

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(m) Must prepare and submit quarterly reports to the Department of Education pursuant to paragraph (9)(l) ~~paragraph (9)(m)~~. In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the Department of Education relating to the scholarship program.

Any and all information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer who ~~that~~ provides an eligible contribution under this section is ~~shall remain~~ confidential at all times in accordance with s. 213.053.

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(e) The parent shall ensure that the student participating

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88 in the scholarship program takes any standardized ~~the norm-~~
89 ~~referenced~~ assessment administered ~~offered~~ by the private
90 school. In addition, the parent shall ensure that ~~may also~~
91 ~~choose to have~~ the student participates ~~participate~~ in all the
92 statewide assessment tests ~~assessments~~ pursuant to s. 1008.22,
93 including the Florida Comprehensive Assessment Test (FCAT) and
94 any statewide, standardized, end-of-course assessments required
95 for promotion from middle school and for high school graduation.
96 Performance on such assessments may not be used to prohibit the
97 student from participating in the program. The Department of
98 Education shall report student scores to the school for
99 distribution to the parent and student. The school district
100 shall make available to the public, in a manner that does not
101 reveal the student's personal identifying information, the
102 student's scores and the school in which the student is
103 enrolled. ~~If the parent requests that the student participating~~
104 ~~in the scholarship program take statewide assessments pursuant~~
105 ~~to s. 1008.22 and the private school has not chosen to offer and~~
106 ~~administer the statewide assessments,~~ The parent must transport
107 ~~is responsible for transporting~~ the student to the assessment
108 site designated by the school district.

109 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
110 private school may be sectarian or nonsectarian and must:

111 (c) Be academically accountable to the parent for meeting
112 the educational needs of the student by:

113 1. At a minimum, annually providing to the parent a written
114 explanation of the student's progress.

115 2. Ensuring that the student who participates in the
116 program takes any standardized assessment administered by the

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117 school, including all statewide assessment tests required for
118 public school students pursuant to s. 1008.22, including the
119 FCAT and any statewide, standardized, end-of-course assessment
120 required for promotion from middle school and for high school
121 graduation. The student's performance on these assessments may
122 not be used to prohibit the student from participating in the
123 program. The Department of Education shall report student scores
124 to the school for distribution to the parent and student. The
125 school district shall make available to the public, in a manner
126 that does not reveal the student's personal identifying
127 information, the student's scores and the school in which the
128 student is enrolled. The parent is responsible for transporting
129 the student to the testing site designated by the school
130 district. ~~Annually administering or making provision for~~
131 ~~students participating in the scholarship program in grades 3~~
132 ~~through 10 to take one of the nationally norm-referenced tests~~
133 ~~identified by the Department of Education or the statewide~~
134 ~~assessments pursuant to s. 1008.22. Students with disabilities~~
135 ~~for whom standardized testing is not appropriate are exempt from~~
136 ~~this requirement. A participating private school must report a~~
137 ~~student's scores to the parent. A participating private school~~
138 ~~must annually report by August 15 the scores of all~~
139 ~~participating students to the independent research organization~~
140 ~~described in paragraph (9)(j).~~

141 3. Providing instruction to prepare students with
142 disabilities to demonstrate proficiency in the core content
143 knowledge and skills necessary for successful grade-to-grade
144 progression and high school graduation. The FCAT requirement is
145 waived for the purpose of granting a standard high school

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146 diploma to a student with a disability, as defined in s.
147 1007.02, if the individual education plan (IEP) committee
148 determines that the FCAT cannot accurately measure the student's
149 abilities, taking into consideration all allowable
150 accommodations, and the student: Cooperating with the
151 ~~scholarship student whose parent chooses to have the student~~
152 ~~participate in the statewide assessments pursuant to s. 1008.22~~
153 ~~er, if a private school chooses to offer the statewide~~
154 ~~assessments, administering the assessments at the school.~~

155 a. Completes the minimum number of credits and other
156 requirements prescribed by the eligible private school. A
157 ~~participating private school may choose to offer and administer~~
158 ~~the statewide assessments to all students who attend the private~~
159 ~~school in grades 3 through 10.~~

160 b. Does not meet the requirements of passing the FCAT for
161 high school graduation purposes after one opportunity in grade
162 10 and one opportunity in grade 11. A participating private
163 ~~school must submit a request in writing to the Department of~~
164 ~~Education by March 1 of each year in order to administer the~~
165 ~~statewide assessments in the subsequent school year.~~

166 4. Waiving the end-of-course assessment results for the
167 purpose of determining the course grade and credits at an
168 eligible private school for a student with a disability, as
169 defined in s. 1007.02, if the individual education plan (IEP)
170 committee determines that the end-of-course assessment cannot
171 accurately measure the student's abilities, taking into
172 consideration all allowable accommodations.

173
174 The inability of a private school to meet the requirements of

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175 this subsection constitutes ~~shall constitute~~ a basis for the
176 ineligibility of the private school to participate in the
177 scholarship program as determined by the Department of
178 Education.

179 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
180 Education shall:

181 ~~(i) Maintain a list of nationally norm-referenced tests~~
182 ~~identified for purposes of satisfying the testing requirement in~~
183 ~~subparagraph (8)(c)2. The tests must meet industry standards of~~
184 ~~quality in accordance with State Board of Education rule.~~

185 (i)(j) Annually report the participating students' scores
186 on the FCAT and any statewide, standardized, end-of-course
187 assessment required for promotion from middle school and for
188 high school graduation pursuant to s. 1008.225. Select an
189 independent research organization, which may be a public or
190 private entity or university, to which participating private
191 schools must report the scores of participating students on the
192 nationally norm-referenced tests or the statewide assessments
193 administered by the private school in grades 3 through 10.

194 ~~1. The independent research organization must annually~~
195 ~~report to the Department of Education on the year-to-year~~
196 ~~learning gains of participating students:~~

197 ~~a. On a statewide basis. The report shall also include, to~~
198 ~~the extent possible, a comparison of these learning gains to the~~
199 ~~statewide learning gains of public school students with~~
200 ~~socioeconomic backgrounds similar to those of students~~
201 ~~participating in the scholarship program. To minimize costs and~~
202 ~~reduce time required for the independent research organization's~~
203 ~~analysis and evaluation, the Department of Education shall~~

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204 ~~conduct analyses of matched students from public school~~
205 ~~assessment data and calculate control group learning gains using~~
206 ~~an agreed-upon methodology outlined in the contract with the~~
207 ~~independent research organization; and~~

208 ~~b. According to each participating private school in which~~
209 ~~there are at least 30 participating students who have scores for~~
210 ~~tests administered during or after the 2009-2010 school year for~~
211 ~~2 consecutive years at that private school.~~

212 ~~2. The sharing and reporting of student learning gain data~~
213 ~~under this paragraph must be in accordance with requirements of~~
214 ~~20 U.S.C. s. 1232g, the Family Educational Rights and Privacy~~
215 ~~Act, and shall be for the sole purpose of creating the annual~~
216 ~~report required by subparagraph 1. All parties must preserve the~~
217 ~~confidentiality of such information as required by law. The~~
218 ~~annual report must not disaggregate data to a level that will~~
219 ~~identify individual participating schools, except as required~~
220 ~~under sub-subparagraph 1.b., or disclose the academic level of~~
221 ~~individual students.~~

222 ~~3. The annual report required by subparagraph 1. shall be~~
223 ~~published by the Department of Education on its website.~~

224 ~~(m) (n)1. Conduct site visits to private schools~~
225 ~~participating in the Florida Tax Credit Scholarship Program. The~~
226 ~~purpose of the site visits is solely to verify the information~~
227 ~~reported by the schools concerning the enrollment and attendance~~
228 ~~of students, the status of the implementation of the assessment~~
229 ~~and reporting requirements, the credentials of teachers,~~
230 ~~background screening of teachers, and teachers' fingerprinting~~
231 ~~results. The Department of Education may not make more than~~
232 ~~seven site visits each year; however, the department may make~~

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233 ~~additional site visits at any time to any school that has~~
234 ~~received a notice of noncompliance or a notice of proposed~~
235 ~~action within the previous 2 years.~~

236 2. Annually, by December 15, report to the Governor, the
237 President of the Senate, and the Speaker of the House of
238 Representatives the Department of Education's actions with
239 respect to implementing accountability in the scholarship
240 program under this section and s. 1002.421, any substantiated
241 allegations or violations of law or rule by an eligible private
242 school under this program concerning the enrollment and
243 attendance of students, the assessment and reporting
244 requirements, the credentials of teachers, background screening
245 of teachers, and teachers' fingerprinting results and the
246 corrective action taken by the Department of Education.

247 (10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

248 (a) ~~Upon the request of any eligible nonprofit scholarship-~~
249 ~~funding organization,~~ A school district may shall inform all
250 households within the district receiving free or reduced-priced
251 meals under the National School Lunch Act of their eligibility
252 to apply for a tax credit scholarship. The form of such notice
253 shall be provided by the eligible nonprofit scholarship-funding
254 organization, and the district may shall include the provided
255 form, if requested by the organization, in any normal
256 correspondence with eligible households. ~~If an eligible~~
257 ~~nonprofit scholarship-funding organization requests a special~~
258 ~~communication to be issued to households within the district~~
259 ~~receiving free or reduced-price meals under the National School~~
260 ~~Lunch Act, the organization shall reimburse the district for the~~
261 ~~cost of postage.~~ Such notice is limited to once a year.

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262 (b) Upon the request of the Department of Education, a
263 school district shall coordinate with the department to provide
264 to a participating private school the statewide assessments
265 administered under s. 1008.22 and any related materials for
266 administering the assessments. A school district is responsible
267 for implementing test administrations at a participating private
268 school or location designated by the school district, including
269 the:

- 270 1. Provision of training for private school staff on test
271 security and assessment administration procedures;
- 272 2. Distribution of testing materials to a private school;
- 273 3. Retrieval of testing materials from a private school;
- 274 4. Provision of the required format for a private school to
275 submit information to the district for test administration and
276 enrollment purposes; and
- 277 5. Provision of any required assistance, monitoring, or
278 investigation at a private school.

279 (c) The Department of Education shall establish a fee
280 structure to be paid by the participating private school for the
281 administration of the required assessments. The fee must
282 encompass the direct and indirect costs to school districts for
283 training, distribution, retrieval, and administrative costs of
284 test and assessment administration.

285 Section 2. Section 1008.225, Florida Statutes, is created
286 to read:

287 1008.225 Accountability for school choice.-

288 (1) The primary purpose of this section is to provide
289 information needed to improve the learning gains of all
290 students, to inform parents of the educational progress of their

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291 children, and to improve educational choice options. Other
292 purposes of this section are to:

293 (a) Assess the annual learning gains of each student.

294 (b) Provide parents data for making decisions regarding
295 school choice and educational options.

296 (c) Identify the educational strengths and needs of
297 students.

298 (d) Provide information to the Department of Education to
299 aid in the evaluation and development of educational programs
300 and policies.

301 (e) Provide information and accountability to the public
302 regarding programs supported by taxpayer funds.

303 (2) (a) Students in the Florida Tax Credit Scholarship
304 Program established in s. 1002.395 shall participate in the
305 statewide program of educational assessment established pursuant
306 to s. 1008.22.

307 (b) Students in other choice programs may participate in
308 the statewide program of educational assessment established
309 pursuant to s. 1008.22. These programs include, but are not
310 limited to:

311 1. John M. McKay Scholarships for Students with
312 Disabilities Program established in s. 1002.39.

313 2. Home education programs established in s. 1002.41.

314 3. Private tutoring programs established in s. 1002.43.

315 (3) The Department of Education shall coordinate with
316 program providers and applicable school districts to enable
317 participating students to take statewide assessments.

318 (4) Each school district shall administer statewide
319 assessments to students participating in choice programs and

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320 report the assessment results and scores to parents, students,
321 and applicable schools.

322 (5) The Department of Education shall annually report on a
323 statewide basis the year-to-year learning gains of students
324 participating in the programs listed in subsection (2). The
325 report must include, to the extent possible, a comparison of
326 these learning gains to the statewide learning gains of public
327 school students. The sharing and reporting of student learning
328 gain data under this subsection must be in accordance with
329 requirements of the Family Educational Rights and Privacy Act
330 (FERPA), 20 U.S.C. s. 1232g, and shall be for the sole purpose
331 of creating the annual report required by this subsection. All
332 parties shall preserve the confidentiality of such information
333 as required by law. The annual report may not disaggregate data
334 to a level of detail that will disclose the academic level of
335 individual students. The Department of Education shall submit to
336 the Governor, the President of the Senate, and the Speaker of
337 the House of Representatives the annual report and post it on
338 its website.

339 (6) The State Board of Education shall adopt rules pursuant
340 to ss. 120.536(1) and 120.54 to administer this section.

341 Section 3. Section 1008.226, Florida Statutes, is created
342 to read:

343 1008.226 Student placement following participation in
344 school choice programs.-

345 (1) The Legislature finds that information regarding the
346 performance of students may be used to assist parents in making
347 informed choices and to improve the quality of school choice
348 programs for parents and students. The Legislature intends for

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349 school choice programs to be held accountable to taxpayers
350 through the provision of information to students, parents, other
351 school choice programs, and the public regarding the performance
352 of students who participate in school choice programs.

353 (2) (a) A student may enroll in a public school at any time
354 following participation in a school choice program listed in
355 paragraph (b). After the student enrolls in the public school,
356 he or she shall take a nationally norm-referenced assessment
357 test, selected by the Department of Education, for diagnostic
358 purposes and for purposes of placing the student in the
359 appropriate classes or grade.

360 (b) School choice programs include, but are not limited to:

361 1. The John M. McKay Scholarships for Students with
362 Disabilities Program established in s. 1002.39.

363 2. The Florida Tax Credit Scholarship Program established
364 in s. 1002.395.

365 3. Home education programs established in s. 1002.41.

366 4. Private tutoring programs established in s. 1002.43.

367 (3) Each school district shall administer the nationally
368 norm-referenced assessment for the purposes provided in
369 paragraph (2) (a), and shall report the results of the assessment
370 to the student's parent and to the applicable school choice
371 program or school.

372 (4) The Department of Education shall select the nationally
373 norm-referenced assessment and shall pay for the assessment if
374 requested by a school district.

375 (5) By July 1, 2014, and each year thereafter, the
376 Department of Education shall submit an annual report to the
377 Governor, the President of the Senate, and the Speaker of the

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378 House of Representatives which contains the results of the
379 assessment of students who enroll in public school following
380 participation in one or more of the school choice programs
381 listed in subparagraphs (2) (b)1. and 2. The report must
382 summarize the learning gains and educational attainment of those
383 students and, to the extent possible, quantify the learning
384 gains and educational attainment of those students as compared
385 to public school students in similar classes and grades. The
386 annual report may not disaggregate data by disclosing the
387 academic level of individual students. The reporting of student
388 data pursuant to this subsection shall be consistent with the
389 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
390 1232g, and is for the sole purpose of creating the annual
391 report. The department shall publish the annual report on its
392 website.

393 (6) The State Board of Education shall adopt rules pursuant
394 to ss. 120.536(1) and 120.54 to administer this section.

395 Section 4. This act shall take effect July 1, 2013.