

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 Appropriations Committee

BILL: CS/SB 790

INTRODUCER: Education Committee and Senator Legg

SUBJECT: Education

DATE: March 20, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Graf</u>	<u>Klebacha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Fav/CS</u>
3.	<u>Elwell</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 790 elevates policy and funding for technology-enhanced classroom teaching and learning by requiring a plan and establishing a funding methodology for school districts' technology and digital instruction activities and purchases, and authorizes course substitution options for students to help equip Florida's students with the skills to succeed in a competitive economy.

The bill requires the State Board of Education to develop a Florida digital classrooms plan that establishes minimum protocols and parameters for the state and districts to meet statutory requirements and timelines for instruction, learning, assessments, and accountability. The Florida Department of Education (DOE or department) may consult with qualified experts to develop the Florida digital classrooms plan.

The bill also requires school districts to develop district digital classroom plans for activities resulting from purchases for digital learning and technology infrastructure, professional development, digital tools, and online assessments to measure student performance outcomes. Each district school board must seek input from district staff to develop the district digital classrooms plan and must include the strategy for meeting requirements of federal technology initiatives and grant programs if the district participates in such initiatives and grant programs.

An independent evaluation and validation of the reported outcomes and the districts' technology inventory and infrastructure needs must accompany the school districts' digital classrooms plan.

The bill requires the Auditor General to verify compliance of the use of Florida digital classrooms allocation funds by the school districts in accordance with the DOE-approved district digital classrooms plan. The Commissioner of Education must work with education practitioners of this state to support implementation of district digital classrooms plans and annually report to the Legislature and the Governor a summary of each school district's use of funds, student performance outcomes, and progress toward meeting statutory requirements and timelines.

The bill creates the Florida digital classrooms allocation within the Florida Education Finance Program to fund and support the use of technology enhancements in Florida's classrooms. The Legislature will provide an annual allocation within the Florida Education Finance Program (FEFP) of up to one percent of the base student allocation multiplied by the total K-12 full-time equivalent student enrollment. For the 2014-2015 fiscal year, this allocation may be as much as \$100 million. The bill requires each school district to receive a minimum allocation of \$100,000.

Additionally, the bill authorizes public schools to establish digital classrooms to provide students opportunities to improve digital literacy and competency, and creates pathways for high school students to substitute computer programming language courses of sufficient rigor for certain courses, as approved by the commissioner, to meet high school graduation requirements.

The bill takes effect on July 1, 2014.

II. Present Situation:

Technology Plan

The Bureau of Educational Technology within the Florida Department of Education (DOE or department) provides "leadership, coordination, and guidance concerning the submission, technical review, and approval of local educational technology plans as a service to school districts."¹ *The Essential District Technology Plan Components*, developed by the department, is intended to provide a general framework for the technology plan content.² The components include the following:³

- Mission and vision.
- General introduction/background.
- Needs assessment/goals.
- Funding plan.
- Technology acquisition plan.
- Access.
- User support plan.
- Staff training plan.
- Program evaluation.
- E-Rate Program Planning Criteria (E-Rate Plan Addendum).

¹ Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

² Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

³ Florida Department of Education, *The Essential District Technology Plan Components*, available at http://www.fldoe.org/BII/Instruct_Tech/downloads/EssentialDistrictTechnologyPlanComponents.doc.

Eligibility to participate in certain federal technology initiatives and grant programs (e.g., Enhancing Education Through Technology⁴ and E-Rate⁵ programs) requires that a local school district develop and maintain a long-range strategic district technology plan that adequately addresses prescribed planning criteria. Planning requirements and expectations vary from program to program, but many of the essential components of an effective technology planning process are consistent across programs.⁶ For the E-Rate program, the school districts submit a technology plan, which is required for the federal E-Rate application, to the DOE for approval.⁷

While participation in federal programs is optional, a majority of school districts participate to improve learning opportunities for all students, enhance technology resources needed in conjunction with existing initiatives (e.g., reading improvement), and address, in a targeted and focused way, significant challenges associated with impoverished and disadvantaged student populations.⁸

In addition to addressing federal program participation requirements, developing a strong technology planning process can assist a district with:⁹

- Establishing appropriate guidelines, standards, and policies regarding acquisition and infusion of new and emerging technologies.
- Managing complex technology infrastructure and telecommunications upgrades at schools.
- Addressing major transformations (e.g., one-to-one computing, wireless access, intensive laptop use, Internet-based instructional content delivery, and distance learning).

The department requests district school superintendents to encourage school principals and school district personnel to participate in the Florida Innovates Technology Resources Inventory which is used to annually gather school-level and school district-level technology resources inventory data.¹⁰ Schools and school districts report technology data regarding devices, bandwidth, wireless infrastructure, professional development, and computer-based assessment readiness to the department.¹¹ The department uses the technology resources inventory data to

⁴ U.S. Department of Education, *Enhancing Education Through Technology (Ed-Tech) State Program*, <http://www2.ed.gov/programs/edtech/index.html> (last visited Feb. 15, 2014).

⁵ U.S. Department of Education, *E-Rate Program – Discounted Telecommunications Services*, <http://www2.ed.gov/about/offices/list/oii/nonpublic/erate.html> (last visited Feb. 15, 2014). “The E-Rate technology plan describes the technologies and associated resources, both existing and planned, that will assist a school to provide educational services.” Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.

⁶ Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

⁷ Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.

⁸ Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

⁹ Florida Department of Education, *Local School District Educational Technology Planning*, http://www.fldoe.org/BII/Instruct_Tech/Planning/local.asp (last visited Feb. 16, 2014).

¹⁰ Florida Department of Education, *Memorandum: School Technology Resources Inventory* (Oct. 11, 2013), on file with the Committee on Education staff.

¹¹ Email, Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 790* (Feb. 14, 2013), at 3, on file with the Committee on Education staff.

prepare annual legislative budget requests.¹² In 2013, the Legislature appropriated \$11.3 million for district bandwidth support and \$6 million for Technology transformation grants for rural districts.¹³

Requirements for Standard High School Diploma

Beginning with students entering grade 9 in the 2013-2014 school year, receipt of standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.¹⁴ Credit requirements for standard high school diploma are as follows:¹⁵

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, which must include Algebra I and geometry.
- Three credits in science including Biology I.
- Three credits in social studies, which must include one credit each in United States History and World History; and 0.5 credit each in Economics, which must include financial literacy, and United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.
- One credit in physical education.
- Eight credits in electives¹⁶.

Requirements regarding Foreign Language

In addition to the general requirements for high school graduation¹⁷ and standard high school diploma¹⁸, current law provides criteria for students to earn either a Scholar designation or a Merit designation on the standard high school diploma.¹⁹ The criteria for earning the Scholar designation includes, but is not limited to, earning two credits in the same foreign language.²⁰

Additionally, beginning with students initially entering a Florida College System institution or a state university in 2014-2015, coursework for an associate in arts degree must include demonstration of competency in foreign language pursuant to Florida law.²¹

¹² Florida Department of Education, *Memorandum: School Technology Resources Inventory* (Oct. 11, 2013), on file with the Committee on Education staff.

¹³ Specific Appropriation 102A, ch. 2013-40, L.O.F.

¹⁴ Section 1003.4282(1)(a), F.S.

¹⁵ Section 1003.4282(3), F.S.

¹⁶ “School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement which lead to college credit.” Section 1003.4282(3)(g), F.S.

¹⁷ Section 1003.428

¹⁸ Section 1003.4282, F.S.

¹⁹ Section 1003.4285(1), F.S.

²⁰ Section 1003.4285(1)(a)5., F.S.

²¹ Section 1007.25(7), F.S., and Section 1007.262, F.S.

III. Effect of Proposed Changes:

This bill creates the Florida digital classrooms plan and allocation to establish a targeted and purposeful approach to technology enhancements in Florida's classrooms to improve student performance outcomes. The bill ties technology-enhanced classroom teaching and learning to measurable student performance outcomes and requires an independent evaluation of the school districts' outcomes and technology inventory and infrastructure needs, which the districts must report to the department. Consequently, the school districts must document how technology enhancements effect performance of students. In addition, the bill authorizes public schools to promote digital literacy and competency in Florida's schools, which will help equip Florida's students with skills to succeed in a competitive economy.

Florida Digital Classrooms Plan

The bill requires the State Board of Education (SBE) to adopt a targeted and purposeful Florida digital classrooms plan, which must establish the minimum protocols, parameters, and requirements, pursuant to Florida law, for district-level infrastructure, school-level infrastructure, and digital tools that accommodate statutory requirements and timelines for instruction, learning, assessments, and accountability. The department may consult with qualified experts to develop the Florida digital classrooms plan. The Florida digital classrooms plan must be updated annually, and must encompass the current academic year and the subsequent five academic years. The Florida digital classrooms plan must also specify the criteria for annual approval of the districts' digital classrooms plan, thus providing the school districts long-term goals and expectations within statewide technology and accountability frameworks and timelines.

District Digital Classrooms Plan

The bill requires each district school board to use the general parameters established in the Florida digital classrooms plan to adopt a district digital classrooms plan that may include unique components specific to the needs of individual schools and school districts. By permitting the customization of district digital classrooms plan to local needs, the bill promotes local control of targeted and purposeful technology enhancements in Florida's classrooms. However, to receive the Florida digital classrooms allocation funds, each school district must fulfill certain requirements. Each school district must:

- Attach to the district's digital classrooms plan, an independent evaluation of the district's student performance outcomes, technology inventory, and infrastructure needs.
- Submit to the Department of Education (DOE or department), the district digital classrooms plan in a format prescribed by the department, by October 1, 2014 (for implementation of the 2014-2015 fiscal year budget) and by March 1 (prior to legislative session) of each year thereafter, for approval. At a minimum, the district digital classrooms plan must be updated annually to include the following:
 - Measurable student performance outcomes which must be tied to improving student performance outcomes, including outcomes for students with disabilities, through the implementation of the district's digital classrooms plan for the current school year and subsequent three years. Results of the outcomes must be verified by an independent evaluation and reported at least annually.

- Digital learning and technology infrastructure purchases and operational activities which must be tied to the measurable student performance outcomes. The purchases and activities, which must include, but not be limited to, connectivity, broadband access, wireless capacity, Internet speed, and data security, must meet the minimum requirements and protocols established by the department. If a school district uses Florida digital classrooms allocation funds for infrastructure, the district's technology inventory and infrastructure must be verified by an independent evaluation annually and submitted to the department along with the district's digital classrooms plan.
- Professional development purchases and operational activities which must be tied to the measurable student performance outcomes. The purchases and activities must include, but not be limited to, using technology in the classroom and improving digital literacy and competency.
- Digital tool purchases and operational activities which must be tied to the measurable student performance outcomes. The purchases and activities, which must include, but not be limited to:
 - Competency-based credentials, which must measure and demonstrate digital competency and certifications;
 - Third-party assessments, which demonstrate acquired knowledge and use of digital applications; and
 - Devices that meet or exceed the minimum requirements and protocols established by the department.
- Online assessment-related purchases and operational activities which must be tied to measurable student performance outcomes. The purchases and activities, which must include, but not be limited to, expanding capacity to administer assessments and compatibility with the minimum requirements and protocols established by the department.

Each district school board must seek input from, at a minimum, the district's instructional, curriculum, and information technology staff to develop the district digital classrooms plan. If a school district participates in federal technology initiatives and grant programs, the district digital classrooms plan must include the plan for meeting requirements of such initiatives and grant programs.

Florida Digital Classrooms Allocation Funding

The bill creates a new categorical funding allocation in the Florida Education Finance program for the implementation of digital classrooms plans. The new Florida digital classrooms allocation will be provided annually in the General Appropriations Act (GAA) in an amount up to one percent of the base student allocation multiplied by the total K-12 full-time equivalent student enrollment or as provided in the GAA. From the Florida digital classrooms allocation, a minimum of \$100,000 is to be provided to each school district and the remaining balance is to be distributed based on each school district's proportion of the total K-12 full-time equivalent student enrollment.

Distribution of Florida digital classrooms allocation funds to a school district is contingent upon approval of the district's digital classrooms plan by the department. The district digital classrooms plan must include a formal verification of the district superintendent's approval of

the digital classrooms plan of each charter school within the district. Prior to the distribution of the Florida digital classrooms allocation funds, each district school superintendent must certify to the Commissioner of Education (commissioner) that the district digital classrooms plan supports the fidelity of implementation of the Florida digital classrooms allocation. District allocations must be recalculated during the fiscal year consistent with the periodic recalculation of the Florida Education Finance Program. School districts must provide a proportionate share of the Florida digital classrooms allocation to each charter school in the district as required for categorical programs under Florida law.²² District digital classrooms plans will vary across districts based on each district's unique needs, and the bill further promotes local control by authorizing each school district to use a competitive process to distribute the Florida digital classrooms allocation funds to the schools within the district.

The bill also requires each school district to report to the department, beginning with the 2015-2016 fiscal year, student performance outcomes and the district's use of the Florida digital classrooms allocation funds in accordance with the DOE-approved district digital classrooms plan. Additionally, the bill requires that the Auditor General verify compliance of the use of Florida digital classrooms allocation funds by the school districts in accordance with the DOE-approved district digital classrooms plan. By October 1, beginning with the 2015-2016 fiscal year, the commissioner must provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives, a summary of each district's use of the Florida digital classrooms allocation funds, student performance outcomes, and progress toward meeting the statutory requirements and timelines. The content and timing of the annual report is intended as a tool to help monitor program performance and inform necessary legislative policy discussions and funding adjustments.

Statewide Partnerships

The bill promotes statewide partnerships among this state's education practitioners to implement the digital classrooms plans by requiring the commissioner to support the efforts of education practitioners (e.g., superintendents, principals, and teachers) to identify and share best practices, corrective actions, and other needs.

Digital Literacy and Competency

The bill authorizes public schools to promote digital literacy and competency in Florida's schools, which will help equip Florida's students with skills to succeed in a competitive economy. Public schools may provide students the opportunities for learning computer coding and programming. Such opportunities may include:

- Instruction regarding computer coding in elementary and middle school,
- Instruction to develop computer usage and digital literacy skills in middle school, and
- Courses in computer coding and programming in high school, including opportunities to earn industry certifications related to such courses.

The bill also authorizes:

²² Section 1002.33(17)(b), F.S.

- Elementary and middle schools to establish digital classrooms to help students improve digital literacy and competency, learn digital skills (e.g., coding, multiple media presentation, and the manipulation of multiple digital graphic images), and earn digital tools (e.g., recognitions and certifications pursuant to Florida law²³) and grade-appropriate, technology-related industry certifications.
- High schools to provide courses in computer programming to satisfy high school graduation requirements including, but not limited to:
 - Computer programming courses of sufficient rigor, as identified by the commissioner, such that one credit in computer programming language and earning of related industry certifications satisfies the one credit of mathematics requirement for high school graduation. Such computer programming language courses and related industry certifications must be listed in the Course Code Directory (CCD)²⁴.
 - Computer technology courses in 3D rapid prototype printing of sufficient rigor, as identified by the commissioner, such that one or more credits in such courses and earning of related industry certifications may satisfy up to two credits of the mathematics requirement for high school graduation. Such computer technology courses and related industry certifications must be listed in the CCD.
 - Computer programming language courses, at the discretion of the local district school board, such that 1 credit in a computer programming language may satisfy the one credit in physical education requirement for high school graduation.

The bill authorizes the SBE to adopt rules to implement the bill provisions regarding Florida digital classrooms allocation and digital literacy and competency in Florida's schools.

Additionally, the bill also encourages military installation commanders, school districts, the commissioner, and the SBE to work collaboratively to increase the academic achievement of students from military families, including the establishment of charter schools on military installations.

The bill takes effect on July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²³ Section 1003.4203, F.S.

²⁴ The Course Code Directory is the listing of all public preK-12 courses available for use by school districts. Programs and courses which are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides for course information to schools, districts, and the state. Rule 6A-1.09441, F.A.C.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 790 requires the Legislature to appropriate an amount up to one percent of the base student allocation multiplied by the total K-12 full-time equivalent student enrollment included in the FEFP calculations. For the 2014-2015 fiscal year, that amount may be as much as \$100 million. Each school district shall be provided with a minimum of \$100,000, with the remaining balance allocated based on the district's proportion of the total K-12 full-time equivalent student enrollment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1011.62 and 1002.33.

This bill creates section 1007.2616 of the Florida Statutes.

IX. Additional Information:

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

CS by Education on February 18, 2014:

The committee substitute maintains the intent of the SB 790 with some modifications in that the committee substitute:

- Requires the State Board of Education, rather than the Commissioner of Education, to adopt the Florida digital classrooms plan.

- Authorizes the Department of Education to consult with qualified experts to develop the Florida digital classrooms plan.
- Requires school districts to seek input from, at a minimum, the districts' instructional, curriculum, and information technology staff to develop the district digital classrooms plan.
- Requires school districts to include in the district digital classrooms plan, the plan for meeting requirements of federal initiatives and grant programs if the districts participate in such initiatives and programs.
- Requires district school superintendents to certify to the commissioner that the district school board approved-district digital classrooms plan supports the fidelity of implementation of the Florida digital classrooms allocation, prior to the distribution of the Florida digital classrooms allocation funds.
- Requires the Auditor General to verify compliance of use of funds by school districts in accordance with the department-approved district digital classrooms plan.
- Authorizes, rather than requires, public schools to provide opportunities to students to learn computer coding and computer programming.
- Authorizes, rather than requires, elementary schools and middle schools to establish digital classrooms.
- Authorizes, rather than requires, high schools to provide students with opportunities to substitute computer programming language courses and computer technology courses, of sufficient rigor, as approved by the commissioner, and related industry certifications for some math and science courses to meet high school graduation requirements.
- Removes bill provisions regarding substituting computer programming language courses and related industry certifications to meet the foreign language requirement.
- Authorizes the State Board of Education to administer the bill provisions regarding the Florida digital classrooms allocation.
- Adds legislative findings and intent regarding the unique challenges faced by military families, encouraging military installation commanders, school districts, the commissioner, and the State Board of Education to work collaboratively to increase student achievement.

B. Amendments:

None.