

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 Committee on Appropriations

BILL: CS/SB 1714

INTRODUCER: Education Pre-K - 12 Committee and Senator Brandes

SUBJECT: Competency-based Innovation Pilot Program

DATE: February 24, 2016

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1714 promotes competency-based student learning opportunities. Specifically, the bill defines competency-based education and:

- Establishes a competency-based innovation pilot program (pilot program) within the Department of Education for five years.
- Specifies pilot program related requirements.
- Authorizes waivers from certain requirements in State Board of Education rule.
- Requires students participating in the pilot program at participating schools to be reported for funding in accordance with current law.
- Specifies repeal of the pilot program effective June 30, 2021.

Public schools in Lake and Pinellas Counties, the P.K. Yonge Developmental Research School, and school districts or charter schools designated by the Commissioner of Education may apply to the department for approval of their pilot program.

The bill has no impact on state funds. The program is voluntary and it is unknown if any school districts will participate. However, if a district chooses to participate, any fiscal impact would be absorbed within existing resources.

The bill takes effect July 1, 2016.

II. Present Situation:

The Florida Legislature has specified general powers and duties of the Commissioner of Education (commissioner) and the State Board of Education (SBE or state board), and the terms for student progression and award of credit.

Commissioner's Powers and Duties

The commissioner is the chief educational officer of the state and is responsible for assisting the SBE in enforcing compliance with the mission and goals of the K-20 education system except for the State University System.¹

To facilitate innovative practices and to allow local selection of educational methods, the state board may authorize the commissioner to waive, upon request of a district school board, SBE rules regarding district school instruction and operations, except the rules that relate to civil rights, and student health, safety, and welfare.² The law prohibits the commissioner from granting waivers for certain specified provisions in rule (e.g., the allocation and appropriation of state and local funds for public education, graduation and state accountability standards, financial reporting requirements, public meetings, public records, and due process hearings governed by chapter 120).³ Annually, by January 1, the commissioner must report to the Legislature and the state board all approved waiver requests from the preceding year.⁴

Student Progression

Regarding student progression, the Legislature intends that:⁵

- Each student's progression from one grade to another is determined, in part, upon satisfactory performance in English Language Arts (ELA), mathematics, science, and social studies.
- District school board policies facilitate student achievement.
- Each student and his or her parent be informed of the student's academic progress.
- Students have access to educational options that provide academically challenging coursework or accelerated instruction.⁶

Each district school board must establish a comprehensive plan for student progression which provides for a student's progression from one grade to another based on the student's mastery of ELA, mathematics, science, and social studies standards.⁷

¹ Section 1001.10(1), F.S.

² Section 1001.10(3), F.S.

³ Section 1001.10(3), F.S.

⁴ *Id.*

⁵ Section 1008.25(1), F.S.

⁶ The Legislature established the Academically Challenging Curriculum to Enhance Learning (ACCEL) options in 2012 to provide rigorous and accelerated instruction to eligible public school students in kindergarten through grade 12. Section 1002.3105(1)(a), F.S.

⁷ Section 1008.25(2), F.S.; *see also* Rule 6A-1.09401(3), F.A.C.

Each student must participate in the statewide, standardized assessment program.⁸ A student who does not score Level 3 or above on the statewide, standardized ELA assessment, statewide, standardized mathematics assessment, or the Algebra I end-of-course (EOC) assessment must be evaluated to determine the nature of student's difficulty, the areas of academic need, and strategies for providing supports to improve the student's performance.⁹ The law specifies that a student must pass the grade 3 ELA assessment to be promoted to grade 4.¹⁰ A student retained in grade 3 must be provided intensive reading interventions to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment.¹¹ The law also authorizes midyear promotion of a student who is retained in grade 3 to grade 4 after the student demonstrates ability to read and perform at or above grade level in ELA.¹²

Award of Credit

For the purposes of satisfying high school graduation requirements, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as authorized under the Credit Acceleration Program (CAP).¹³ The CAP is created for the purpose of allowing a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology if the student attains a passing score on the statewide, standardized EOC assessment, without enrolling in or completing the corresponding course.¹⁴ In doing so, the Legislature has authorized the ability of students to earn credit by demonstrating subject area competency based on the students' performance on specified assessments without requiring the students to enroll in and complete the corresponding courses.

With regards to a school district that is authorized to implement block scheduling by the district school board, one full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for fulfilling high school graduation requirements.¹⁵ The state board must determine the number of postsecondary credit hours earned through dual enrollment and that equal one full credit of the equivalent high school course.¹⁶

⁸ Section 1008.25(4)(a), F.S.

⁹ *Id.*

¹⁰ To be promoted to grade 4, a student must score at Level 2 or higher on the grade 3 ELA assessment. A student must be retained in grade 3 if the student does not score Level 2 or higher on the grade 3 ELA assessment. Section 1008.25(5)(b), F.S. Florida law authorizes seven good cause exemptions from mandatory retention in grade 3. Section 1008.25(6)(b), F.S.

¹¹ Section 1008.25(7)(a), F.S.

¹² Section 1008.25(7)(b)3., F.S.; *see also* Rule 6a-1.094222, F.A.C.

¹³ Section 1003.436(1)(a), F.S. A "full-time equivalent student" is a student who receives instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. The definition of a "full-time equivalent student" also includes students who receive instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3. Section 1011.61(1)(a)1.-2., F.S.

¹⁴ Section 1003.4295(3), F.S.

¹⁵ Section 1003.436(1)(a), F.S.

¹⁶ *Id.*

To award credit for high school graduation, each district school board must maintain a one-half credit earned system that includes courses provided on a full-year basis.¹⁷ A student enrolled in a full-year course must receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to complete the other half of the course.¹⁸

III. Effect of Proposed Changes:

This bill promotes competency-based student learning opportunities. Specifically, the bill defines competency-based education and:

- Establishes a competency-based innovation pilot program (pilot program) within the Department of Education (DOE or department) for five years.
- Specifies pilot program related requirements.
- Authorizes waivers from certain requirements in State Board of Education (SBE or state board) rule.
- Requires students participating in the pilot program at participating schools to be reported for funding in accordance with current law.
- Specifies repeal of the pilot program effective June 30, 2021.

Public schools in Lake and Pinellas Counties,¹⁹ the P.K. Yonge Developmental Research School,²⁰ and school districts or charter schools designated by the Commissioner of Education (commissioner) may apply to the department for approval of their pilot program.

Definition

The bill defines “competency-based education” as “a system in which a student may advance to higher levels of learning after demonstrating a mastery of concepts and skills instead of after a specified timeframe.” As a result, students will be able to demonstrate subject area and grade level competency through various methods such as performance on statewide, standardized assessments, without enrolling in and completing the corresponding courses.

Application Requirements

The bill specifies that the schools in the identified Counties (Lake and Pinellas), P.K. Yonge Developmental Research School, and school districts or charter schools designated by the

¹⁷ Section 1003.436(2), F.S.

¹⁸ *Id.*

¹⁹ Lake and Pinellas County schools received the Next Generations Systems Initiative Grant award from the Bill and Melinda Gates Foundation to implement personalized learning in all schools in the County by specified timeframes. Lake County Schools, *What is the Next Generation Systems Initiative Grant?*, <http://www.lake.k12.fl.us/Page/38471> (last visited Jan. 17, 2016) and Pinellas County Schools, *PCS Receives Funding for Personalized Learning Initiative*, <http://newsroom.pcsb.org/pcs-receives-funding-for-personalized-learning-initiative/> (last visited Jan. 17, 2016); *see also* Gates Foundation, *Awarded Grants*, <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database#q=k=next%20generation%20systems%20initiative> (last visited Jan. 18, 2016)..

²⁰ P.K. Yonge Developmental Research School is established as a developmental research school (lab school) pursuant to s. 1002.32(2), F.S., and is affiliated with the University of Florida, located in Gainesville, Florida. The mission of a lab school is to provide a vehicle for conducting research on and evaluation of management, teaching, and learning. The primary goal of a lab school is to enhance instruction and research in specialized subjects (e.g., mathematics, science, and computer science) by using resources available on a state university campus, while also providing an education in nonspecialized subjects. Section 1002.32(3), F.S.

commissioner may submit their application on a form and by a date specified by the department. The application must include, at a minimum, the following pilot program-specific information:

- Vision and timeline, including the timeframe for districtwide implementation of competency-based education.
- Annual goals and performance outcomes that participating schools must meet (e.g., student performance,²¹ promotion and retention rates, graduation rates, and indicators of college and career readiness).
- Communication plan for stakeholders, including businesses and community members.
- Scope of, and timeline for, professional development.
- Plan for:
 - Student progression based on mastery of skills, including the ways to determine the degree to which a student has attained mastery of concepts and skills.
 - Using technology and digital and blended learning to enhance student achievement and to facilitate competency-based education.
 - How resources will be allocated at the district- and school-level.
- Recruitment and selection of participating schools.
- Rules to be waived to implement the pilot program.

The application requirements affords program transparency and accountability by specifying the information that the authorized schools must submit to the department for approval of their pilot program, and the exemption from certain state board rules for the schools that the DOE approves to implement the pilot program.

Authorized Waivers

In addition to the state board's authority to allow the commissioner to waive, upon request of a district school board, certain SBE rules regarding district school instruction and operations, the bill authorizes the state board to allow the commissioner to grant additional waivers from state board rules related to student progression and award of credit. As a result, students will be able to earn credit by demonstrating subject area and grade level competency through performance on statewide, standardized assessments, without enrolling in and completing the corresponding courses. Currently, the Credit Acceleration Program (CAP) allows students to earn high school credit in Algebra I, Algebra II, geometry, United States history, or biology if the students attain a passing score on the statewide, standardized end-of-course (EOC) assessment, without enrolling in or completing the corresponding course.²² The bill expands this mechanism for earning high school credit to include statewide, standardized comprehensive assessments for grades 9 and 10 English Language Arts (ELA).

Additionally, the bill allows waivers from state board rules to also apply to student progression decisions. As a result, a student may be promoted from one grade to the next grade level, by subject area, based on his or her performance on statewide, standardized comprehensive assessments for grades 3-10 ELA, grades 3-8 mathematics, and grades 5 and 8 science, without completing the corresponding course requirements. For instance, under the bill, a student in

²¹ "Student performance," "student academic performance," or "academic performance" include, but is not limited to, student learning growth, achievement levels, and learning gains on statewide, standardized assessments. Section 1008.34(1)(c), F.S.

²² Section 1003.4295(3), F.S.

grade 3 may be promoted to grade 4 ELA if he or she demonstrates competency through performance on the grade 3 ELA assessment without completing the corresponding grade 3 ELA course requirements.

The bill provisions regarding waivers from student progression- and award of credit-related state board rules may also apply to the Civics EOC assessment and students with disabilities who take the Florida Alternate Assessment.

Funding

The bill requires students participating in the pilot program at participating schools to be reported for funding in accordance with current law.²³

Department of Education Requirements

The bill requires the department to:

- Compile student and staff schedules before and after implementation of the pilot program.
- Provide access to the statewide, standardized comprehensive and EOC assessments.²⁴
- Submit a report annually, by June 1, summarizing the activities and accomplishments of the pilot programs and recommendations for statutory revisions for statewide implementation to the Governor, President of the Senate, and the Speaker of the House of Representatives.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²³ Section 1011.62, F.S.

²⁴ Annually, the department publishes the Florida Statewide Assessment Program Schedule (assessment schedule). The assessment schedule specifies the dates for administering the statewide, standardized assessments during the Fall and Spring terms. Section 1008.22(3)(d) and (7), F.S.; *see also* Florida Department of Education, *Assessment Schedules*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/assessment-schedules.shtml> (last visited Jan. 17, 2016).

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 1714 has no impact on state funds. The program is voluntary and it is unknown if any school districts will participate. However, if a district chooses to participate, any fiscal impact would be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section 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 Pre-K – 12 on January 20, 2016:

The committee substitute maintains the substance of SB 1714 with modifications by:

- Specifying that school districts or charter schools designated by the Commissioner of Education, in addition to the schools identified in SB 1714, may also apply to the Department of Education for approval of their pilot program.
- Requiring that students participating in the pilot program at participating schools be reported for funding in accordance with current law.

B. Amendments:

None.