

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 Rules

BILL: CS/CS/SB 926

INTRODUCER: Rules Committee; Education Committee; and Senator Flores and others

SUBJECT: Education

DATE: April 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	Fav/CS
2.	<u>Benvenisty</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 926 modifies provisions related to K-12 student assessments and the minority teacher education scholars program; and adds provisions related to early childhood development, intensive reading instruction, visitation of schools by individual school board members, exceptional student education, school board attendance policies, and teacher bonuses.

Specifically, the bill includes the following provisions related to K-12 student assessments:

- Shortening of the testing window: Requires, beginning with the 2017-2018 school year, the English Language Arts (ELA) and mathematics assessments for the specified grades to be administered no earlier than the last 3 weeks of the school year, as determined by district school board policy.
- Reporting of assessment results: Requires assessment results for the statewide, standardized ELA and mathematics assessments and Algebra I and Biology I end-of-course (EOC) assessments to be made available to the school districts as soon as practicable. Additionally, requires a school district to provide student performance results on statewide, standardized assessments to students' parents and specified teachers in an easy-to-read and understandable format, and the report must include specified information. A school district must also provide student performance results on district-required local assessments to students' teachers within one week after administering such assessments.
- Determination of alternative assessments: Requires the Commissioner of Education (commissioner) to contract for an independent study to determine nationally recognized high school assessment alternatives for Florida Standards Assessment (i.e., grade 9 and grade 10

ELA) and Algebra I EOC assessments for high school students; and to submit a report on the findings of the study to the Governor and the Legislature by January 1, 2018.

- Determination of concordant and comparative scores: Requires the commissioner to identify, by the first day of the 2017-2018 school year, concordant or comparative scores on specified articulated acceleration mechanisms, which satisfy high school graduation requirements; and requires the scores of students who pass such assessment to be incorporated into the school grade calculations.
- Elimination of certain EOC assessments: Eliminates Geometry, Algebra II, and United States History EOC assessments for purposes of meeting high school graduation requirements and earning scholar designation on the standard high school diploma except that a student must take one statewide, standardized mathematics assessment in high school, which must be Algebra I, Geometry, or Algebra II. Additionally, the bill eliminates the Civics EOC assessment for purposes of middle grades promotion.
- Provision of nonelectronic assessment option: Requires the commissioner to make available a nonelectronic option for all statewide assessments to reduce the time spent on testing, increase instructional time for students, and ensure students demonstrate a mastery of standards assessed. Additionally, a district school superintendent must notify the commissioner that the district will use a nonelectronic option for the entire district or for specific grade levels throughout the district by the beginning of the school year in which the nonelectronic option is used.
- Student achievement levels: Requires the Department of Education (DOE) to study each of the achievement levels used for statewide, standardized assessments to better communicate the meaning of such levels to students, parents, and teachers.
- Criteria for personnel evaluation: For purposes of personnel evaluations, authorizes each school district to measure student learning growth using formulas developed by the commissioner.

Additionally, the bill:

- Eliminates the cap on bonuses awarded to teachers of International Baccalaureate, Advanced International Certificate of Education, Advanced Placement, and Career and Professional Education courses, whose students earn specified score on the applicable examination.
- Expands the minority teacher education scholars program (program) to authorize a student to use the program scholarship toward a graduate degree with a major in education, leading to an initial certification.
- Creates the Committee on Early Childhood Development (committee), within the DOE, to develop a proposal for establishing and implementing a coordinated system focused on developmental milestones and outcomes for the school readiness program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Screener. The committee must submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2017.
- Defines a public school prekindergarten provider to include a charter school that is eligible to deliver the school year prekindergarten program or summer prekindergarten program pursuant to law.
- Authorizes a school district to provide the required intensive reading instruction for a minimum of 90 minutes daily over the course of the school day to students who are retained

in grade 3, and eliminates the requirement to provide such instruction for 90 continuous minutes daily.

- Authorizes an individual member of a district school board to visit any district or charter school in his or her school district on any day and at any time, at his or her pleasure.
- Requires each district school board to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5.
- Deletes the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma.
- Removes the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction.
- Authorizes a parent to request and be granted permission student's absence from school for treatment of autism spectrum disorder by a licensed healthcare practitioner; and:
 - Requires each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder.
 - Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

The bill takes effect July 1, 2017.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of the bill analysis.

III. Effect of Proposed Changes:

K-12 Student Assessments

Present Situation

Florida's assessment program consists primarily of statewide, standardized assessments that are selected and administered by the state, and local assessments that are selected and administered by the school districts to measure students' attainment of education expectations.¹

Purpose

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.² The Commissioner of Education (commissioner) is required to design and implement a statewide, standardized assessment program that is aligned to the curricular content established in the Next Generation Sunshine State Standards and the Florida Standards.³

¹ Section 1008.22, F.S.

² *Id.* at (1).

³ *Id.* at (3).

Statewide Standardized Assessment Requirements

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:⁴
 - English Language Arts (ELA) (grades 3 through 10);
 - Mathematics (grades 3 through 8); and
 - Science (once at the elementary grade level and once at the middle grade level).⁵
- End-of-Course (EOC) assessments:⁶
 - Civics (at the middle grade level);
 - U.S. History EOC;
 - Algebra I EOC;
 - Algebra II EOC;⁷
 - Geometry EOC; and
 - Biology I EOC.

Additionally, the statewide, standardized assessment program also includes the Florida Alternate Assessment (FAA) to assess students with disabilities in the content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.⁸

Contracts

The commissioner must provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.⁹ The commissioner may enter into contracts for the continued administration of assessments that are authorized and funded by the Legislature.¹⁰ Contracts may be initiated in one fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years.¹¹ The law authorizes the commissioner to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed in accordance with law.¹²

⁴ Section 1008.22(3)(a) F.S. Federal law requires students to be tested in reading or language arts and mathematics in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, students must be tested once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. 20 U.S.C. s. 6311(b)(3). The Florida Department of Education posts the Statewide Assessment Schedule on its website. Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

⁵ Rule 6A-1.09422(3)(b), F.A.C., requires all eligible students in grades 5 and 8 to take the FCAT 2.0 Science.

⁶ Section 1008.22(3)(b), F.S.

⁷ Students are not required to take the Algebra II EOC assessment. However, a student who selects Algebra II must take the Algebra II EOC assessment. Section 1003.4282(3)(b), F.S.

⁸ Section 1008.22(3)(c)1. F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. *Id.* at (10).

⁹ *Id.* at (3)(g)1.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

Administration of Assessments and Reporting of Student Performance

Statewide Standardized Assessments

The commissioner must establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.¹³ The commissioner must publish on the DOE's website a uniform calendar that includes the assessment and reporting schedule for a minimum of the next school years and be provided to the school districts in an electronic format that allows each school district and public school to populate the calendar with information as specified in law.

For new contracts and renewal of existing contracts for statewide, standardized assessments, a student's performance on such assessments must be provided to the student's teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education (SBE or state board).¹⁴

District-Required Local Assessments

Measurement of student performance is the responsibility of the school districts except in those subjects and grade levels measured under the statewide standardized assessment program.¹⁵ A school district must provide a student's performance results on district-required local assessments to the student's teachers and parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.¹⁶

Authorized Alternative Assessments

The Legislature has also authorized several alternative means for students to demonstrate competency and satisfy statewide, standardized assessment and credit requirements.

Nationally Developed Comprehensive Assessments

The commissioner has the authority to select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement (AP) course, International Baccalaureate (IB) course, or Advanced International Certificate of Education (AICE) course, or industry-approved examinations to earn national industry certifications identified in the Career and Professional Education (CAPE) Industry Certification Funding List,¹⁷ for use as EOC assessments if the commissioner determines that the content

¹³ Section 1008.22(7)(a), F.S.

¹⁴ *Id.* at (3)(g)2.

¹⁵ *Id.* at (6).

¹⁶ *Id.* at (7)(f).

¹⁷ The State Board of Education (SBE or state board) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP). The list is updated annually. Sections 1008.44, F.S. Industry certifications on the "Gold Standard Career Pathways" list are incorporated by reference in the SBE rule, and articulated to Associate in Applied Science and Associate in Science degree programs. Rule 6A-10.0401, F.A.C.; *see also* Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the curricular content established for the course in the Next Generation Sunshine State Standards.¹⁸ The state board must adopt in rule the use of such examinations as EOC assessments.¹⁹

Concordant and Comparative Scores

To fulfill statewide, standardized assessment requirements, the state board has adopted:²⁰

- Concordant scores on SAT²¹ and ACT,²² which if attained by a student satisfies the grade 10 statewide, standardized Reading²³ assessment, and
- Comparative scores on the Postsecondary Education Readiness Test (PERT), which if attained by a student satisfies the Algebra I EOC assessment requirement.

The SAT and ACT, and PERT substitutions are authorized for the two assessments in high school²⁴ that students must pass to graduate with a standard high school diploma.²⁵ The law also authorizes the commissioner to identify concordant scores on assessments other than the SAT and ACT, and one or more comparative scores for the Algebra I EOC assessment.²⁶

Use of Assessments

The Florida Legislature has established accountability mechanisms to assess the effectiveness of the state's K-20 education delivery system.²⁷ The law specifies annual educator performance evaluations²⁸ and the evaluation criteria for instructional personnel, which must include student performance, instructional practice, and professional and job responsibilities.²⁹ In addition, the Legislature has also established mechanisms to measure school performance by assigning school grades,³⁰ school improvement ratings,³¹ and district grades³² based on student performance on

¹⁸ Section 1008.22(3)(b)3., F.S.

¹⁹ *Id.*

²⁰ *Id.* at (9)-(10), F.S.; *see also* Rule 6A-1.094223, F.A.C.

²¹ The concordant passing scale score for the SAT must be equal to or greater than 430 on the 200 to 800 scale. Rule 6A-1.094223(1), F.A.C.

²² The concordant passing scale score for the ACT must be equal to or greater than 19 on the 1 to 36 scale. Rule 6A-1.094223(1), F.A.C.

²³ The English Language Arts (ELA) Florida Standards assessment, which replaced the FCAT Reading assessment, was administered for the first time during the 2014-2015 school year. Florida Department of Education, *Florida Statewide Assessment Program 2014-2015 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7047/dps-2014-81a.pdf>. Pursuant to law, the concordant scores on SAT and ACT will need to be adjusted to correspond to ELA assessment. Section 1008.22(8), F.S. Until such time that the new concordant scores on SAT and ACT are adopted in rule by the state board, students are allowed to use the existing concordant scores to satisfy the requirements for a standard high school diploma. Letter, Florida Department of Education (Sep. 18, 2015), on file with the Committee Education Pre-K -12, at 1.

²⁴ To fulfill the requirements for a standard high school diploma, students must pass the grade 10 ELA and Algebra I EOC assessments. Section 1003.4282(3)(a)-(b), F.S.

²⁵ *Id.* at (3).

²⁶ Section 1008.22(9)-(10), F.S.

²⁷ Section 1008.31, F.S.

²⁸ Section 1012.34, F.S.

²⁹ *Id.* at (3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section *Id.* at (3)(a)3., F.S.

³⁰ Section 1008.34, F.S.

³¹ Section 1008.341, F.S.

³² Section 1008.34(5), F.S.

statewide, standardized assessments. Student performance data are analyzed and reported to parents, the community, and the state.³³

Student Achievement Levels

All statewide, standardized assessments and EOC assessments must use scaled scores and achievement levels.³⁴ Achievement levels must range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.³⁵

Personnel Evaluations

Florida law requires a district school superintendent to establish procedures for evaluation of the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district.³⁶ Annually, the commissioner must publish on the DOE's website the status of each school district's instructional personnel and school administrator evaluation systems, which must include performance evaluation results for the prior school year using the four levels of performance³⁷ specified in law.³⁸

Evaluation of instructional personnel and school administrators must be based upon the performance of students assigned to their classrooms or schools.³⁹ The commissioner must develop a formula to measure individual student learning growth on the statewide, standardized assessments in ELA and mathematics.⁴⁰ The formula must take into consideration each student's prior academic performance.⁴¹ In practice, this is referred to the value-added model (VAM).⁴²

Effect of Proposed Changes

Statewide Standardized Assessment Requirements

The bill eliminates Geometry, Algebra II, and United States History EOC assessments for purposes of meeting high school graduation requirements and earning scholar designation on the standard high school diploma, except that a student must take one statewide, standardized mathematics assessment in high school, which must be Algebra I, Geometry, or Algebra II. Additionally, the bill eliminates the Civics EOC assessment for purposes of middle grades promotion. Accordingly, a student must take at most one EOC in mathematics. As a result, the bill reduces the number of assessments that a student must take for student progression and high school graduation.

³³ Section 1008.22(4), F.S.

³⁴ *Id.* at (3)(e) and Rule 6A-1.09422, F.A.C.

³⁵ Section 1008.22(3)(e), F.S. and Rule 6A-1.09422, F.A.C.

³⁶ Section 1012.34(1)(a), F.S.

³⁷ The four levels of performance are highly effective, effective, needs improvement or developing, and unsatisfactory. *Id.* at (2)(e).

³⁸ *Id.* at (2)(c).

³⁹ Section 1012.34(3), F.S.

⁴⁰ *Id.* at (7)(a).

⁴¹ *Id.*

⁴² Florida Department of Education, *Performance Evaluation, Florida's Value-Added Models (VAM) Frequently Asked Questions*, <http://www.fldoe.org/teaching/performance-evaluation/> (last visited April 4, 2017).

Contracts

The bill requires that beginning with any new contract for the ELA and mathematics assessments for specified grades, entered into after July 1, 2017, each new assessment must be available once per quarter for students who have been identified through competency-based education as having mastered the content and who are prepared to take the applicable assessment.

Administration of Assessments and Reporting of Student Performance

Statewide Standardized Assessments

The bill requires the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8 to be administered no earlier than the last 3 weeks of the school year. The bill specifies that the testing window for these assessments may not be longer than 3 weeks and exempts the grade 3 “reading” assessment from the requirements of the bill. The bill does not expressly include state EOC assessments under such requirements. Compressing the testing window may result in freeing-up more time for delivering instruction, which may facilitate student success.

The bill also requires:

- The commissioner to make available and provide an alternative, nonelectronic option to the school district for successful and timely administration of statewide, standardized assessment and EOC exams, and the reporting of assessment results to the DOE.
- The district school superintendent to notify the commissioner that the district will use a nonelectronic option for the entire district or for specific grade levels throughout the district by the beginning of the school year in which the nonelectronic option is used and that the superintendent provide to the commissioner with the reasons for implementing the nonelectronic test option.

The bill requires that the results of the statewide, standardized ELA and mathematics assessments be reported in an easy-to read and understandable format to each student’s parent, current teacher of record, and to each student’s teacher of record for the subsequent school year before the start of the school year. The bill specifies that the student assessment results for the statewide, standardized ELA and mathematics assessments and the Algebra I and Biology I EOC assessments be made available to the school districts as soon as practicable, consistent with the current assessment contract.

Additionally, the bill specifies that the report must be prepared by the DOE and must include, at a minimum:

- A clear explanation of the student’s performance on the applicable assessments.
- Information identifying the student’s areas of strength and areas in need of improvement.
- Specific actions that may be taken, and the available resources that may be used, by the student’s parent to assist the student based on his or her areas of strength and areas in need of improvement.
- Longitudinal information, if available, on the student’s progress in each subject area based on previous statewide, standardized assessment data;
- Comparative information showing the student’s score compared to other students in the school district, in the state or, if available, in other states.

- Predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

Accordingly, teachers may be able to adjust instructional strategies to improve student performance outcomes.

The bill also changes the deadline for posting the uniform assessment calendar from August to January of each year, beginning in January 2018.

District-Required Local Assessments

Additionally, the bill requires that a student's performance on a district-required local assessment be provided to the student's teacher within 1 week after such assessments are administered. This may provide teachers with the opportunity to use student assessment results to inform instructional strategies including, but not limited to, targeted individualized instructional strategies to address the specific academic needs of students.

Authorized Alternative Assessments

Nationally Developed Comprehensive Assessments

The bill requires the commissioner to contract for an independent study to determine whether a nationally recognized high school assessment may be administered in lieu of the Florida Standards Assessment (i.e., grade 9 and grade 10 ELA) and Algebra 1 end-of-course (EOC) assessment for high school students. Additionally, the commissioner must submit a report on the findings of the study and any recommendations to the Governor and the Legislature by January 1, 2018.

Concordant and Comparative Scores

The bill:

- Exempts a high school student who takes and passes an AP, IB, AICE, or national industry certification or any other articulated acceleration mechanism, or achieves the required concordant scores on the ACT or SAT examination from taking the statewide, standardized assessments in the subject areas covered by those examinations.
- Requires scores of students who pass the specified examinations or assessments to be incorporated into the school grade calculations.
- Requires the commissioner to identify concordant or comparative scores, as appropriate, on AP, IB, AICE, or national industry certification or any other articulated acceleration mechanism by the first day of the 2017-2018 school year.

Use of Assessments

Student Achievement Levels

The bill requires DOE to study each achievement level used for the statewide, standardized assessments and more specifically to define the achievement level to communicate the meaning

of such levels to students, parents, and teachers and submit the report, including recommendations, to the Governor, the Legislature, and the State Board of Education by July 1, 2018.

Personnel Evaluations

For purposes of personnel evaluations, the bill authorizes each school district to measure student learning growth using formulas developed by the commissioner. In effect, the bill authorizes, but does not require, district school boards to incorporate the Value Added Model (VAM)⁴³ in the districts, teacher evaluation system.

Teacher Bonuses for Articulated Acceleration Courses

Present Situation

Florida law requires a financial bonus to be awarded to teachers of International Baccalaureate (IB), Advanced International Certificate of Education (AICE), Advanced Placement (AP), and Career and Professional Education (CAPE) pursuant to Florida law.⁴⁴ Florida law also limits the total dollars that may be awarded for such bonuses.⁴⁵

International Baccalaureate

Each school district receives additional funding in the amount of 0.16 weighted full-time equivalent student membership (FTE) for each student enrolled in an International Baccalaureate (IB) course who receives a score of 4 or higher on the subject exam and 0.3 weighted FTE for each student who receives an IB diploma.⁴⁶ The school district receives the additional funding in the following school year. Each school district must allocate 80 percent of the additional funding to the program where the funds were generated and to programs that prepare prospective students to enroll in IB courses.⁴⁷

An IB teacher receives a \$50 bonus, from the additional FTE funds generated, for each student who scores 4 or higher on the IB examination. An IB teacher in a “D” or “F” school who has at least one student scoring 4 or higher on the IB examination receives an additional \$500 bonus.⁴⁸ The bonus awarded to a teacher may not exceed \$2,000 in any given school year; however, the maximum bonus may be \$3,000 if, in a school designated with a grade of “A,” “B” or “C,” at least 50 percent of the students enrolled in the teacher’s course earn a score of 4 or higher on the examination or if, in a school designated with a grade of “D” or “F,” at least 25 percent of the students enrolled in the teacher’s course earn a score of 4 or higher.⁴⁹

⁴³ The Value Added Model was adopted to measure student learning growth for the purpose of personnel evaluations. Florida Department of Education, *Performance Evaluation, Florida’s Value-Added Models (VAM) Frequently Asked Questions*, <http://www.fldoe.org/teaching/performance-evaluation/> (last visited April 5, 2017).

⁴⁴ Section 1011.62(1)(l)-(o), F.S.

⁴⁵ *Id.*

⁴⁶ Section 1011.62, F.S.

⁴⁷ Section 1011.62(1)(l), F.S.

⁴⁸ *Id.* at (1)(1)1.-2.

⁴⁹ *Id.* at (1)(1)2.

Advanced International Certificate of Education

Each school district receives additional funding in the amount of 0.16 weighted FTE for each student enrolled in an Advanced International Certificate of Education (AICE) course who receives a score of “E” or higher on the subject exam, 0.08 weighted FTE for each student enrolled in a half-credit AICE course who receives an “E” or higher and 0.3 weighted FTE for each student who receives an AICE diploma. The school district receives the additional funding in the following school year.⁵⁰

An AICE teacher receives a \$50 bonus, from the additional FTE funds generated, for each student in a full-credit AICE course, or \$25 bonus for a student in a half-credit AICE course, who scores “E” or higher on the AICE examination.⁵¹ An AICE teacher in a “D” or “F” school receives an additional \$500 bonus if one of the teacher’s students’ scores “E” or higher on the full-credit AICE examination, or a \$250 bonus for each half-credit AICE course taught which has at least one student scoring “E” or higher on the half-credit AICE examination, not to exceed an additional \$500 bonus.⁵² The bonus awarded to a teacher may not exceed \$2,000 in any given school year.⁵³

Advanced Placement

Each school district receives additional funding in the amount of 0.16 weighted FTE for each student enrolled in an Advanced Placement (AP) course who receives a score of 3 or higher on the College Board Advanced Placement Exam.⁵⁴ Each school district must allocate 80 percent of the additional funding to the school that generated the funds for AP instruction.⁵⁵

An AP teacher receives a \$50 bonus, from the additional FTE funds generated, for each of his or her students who scores 3 or higher on the College Board AP examination.⁵⁶ An AP teacher in a “D” or “F” school who has at least one student scoring 3 or higher on the College Board AP examination receives an additional \$500 bonus.⁵⁷ The bonus awarded to a teacher may not exceed \$2,000 in any given school year; however, the maximum bonus may be \$3,000 if, in a school designated with a grade of “A,” “B” or “C,” at least 50 percent of the students enrolled in the teacher’s course earn a score of 3 or higher on the examination or if, in a school designated with a grade of “D” or “F,” at least 25 percent of the students enrolled in the teacher’s course earn a score of 3 or higher.⁵⁸

Additional Bonuses

⁵⁰ Section 1011.62(1)(m), F.S.

⁵¹ *Id.* at (1)(m)1.

⁵² *Id.* at (1)(m)2.

⁵³ *Id.* at (1)(m)3.

⁵⁴ Section 1011.62(1)(n), F.S.

⁵⁵ *Id.*

⁵⁶ *Id.* at (1)(n)1.

⁵⁷ *Id.* at (1)(n)2.

⁵⁸ *Id.*

Teachers of courses that lead to the attainment of a Career and Professional Education (CAPE) industry certification receive an additional bonus.⁵⁹ Depending on the certification earned, a school district receives bonus funding of 0.1, 0.2, 0.3, 0.5, or 1.0 weighted FTE.⁶⁰ At least 80 percent of the additional funding received by the district must be allocated to the program that generated the funding.⁶¹ Teacher bonus funding is awarded, from the additional FTE funds generated, for each student taught by a teacher who provided instruction in a course that led to the student's attainment of a CAPE industry certification on the CAPE Industry Certification Funding List, as follows:⁶²

- A bonus in the amount of \$25 is awarded for a course with a weight of 0.1.
- A bonus in the amount of \$50 is awarded for a course with a weight of 0.2.
- A bonus in the amount of \$75 is awarded for a course with a weight of 0.3.
- A bonus in the amount of \$100 is awarded for a course with a weight of 0.5 or 1.0.

CAPE industry certification bonuses may not exceed \$3,000 to a teacher in any given school year.⁶³

Effect of Proposed Changes

The bill eliminates the following annual cap on teacher bonuses:

- The \$2,000 bonus for IB, AICE, and AP teachers whose students earn the specified score on the applicable examination.
- The \$3,000 bonus for IB and AP teachers if at least 50 percent of the students enrolled in the teachers course earn the specified score on the applicable IB or AP examination in a school designated with a grade of "A," "B," or "C."
- The \$500 additional bonus for teachers of half-credit AICE classes in a school designated with a grade of "D" or "F."
- The \$3,000 CAPE industry certification teacher bonus limit.

The bill clarifies that the bonus to an IB teacher must be awarded if at least 25 percent of students enrolled in that teacher's course earn the specified score on the IB exam.

Consistent with the IB, AP, and CAPE bonus funds, the bill requires each school district to allocate at least 80 percent of the funds received from the bonus FTE funding to the AICE program generates the funds.

Minority Teacher Education Scholars Program

Present Situation

Florida law establishes the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-

⁵⁹ Section 1011.62 (1)(o), F.S.

⁶⁰ *Id.* at (1)(o)1.a.

⁶¹ *Id.* at (1)(o)2.

⁶² *Id.* at (1)(o)3.a.-d.

⁶³ *Id.* at (1)(o)3.d.

American, and Native American Students.⁶⁴ The minority teacher education scholars program must provide an annual scholarship in an amount not to exceed \$4,000 for each approved student who is enrolled in one of Florida's public or private universities in the junior year and is admitted into a teacher education program.⁶⁵

A student may receive a scholarship from the program for three consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education.⁶⁶ Upon graduation, a recipient is required to teach one year in a Florida public school for each year the scholarship was received.⁶⁷ If a recipient does not graduate within the two to three years of receiving scholarship funding, or if a recipient does not teach in a Florida public school, the recipient will be required to repay the total amount of the scholarship received at an annual interest rate of eight percent, paid within ten years.⁶⁸

Effect of Proposed Changes

The bill:

- Modifies student eligibility requirements for the minority teacher education scholars program (program) to:
 - Remove the requirement that students enrolled in an approved teacher education program must be in their junior year to be eligible for the award, and
 - Require that the student may not have earned more than 18 credit hours of upper-division education courses.
- Authorizes a student to use the scholarship to pursue a graduate degree with a major in education. As a result, more minority students who choose to pursue a career in education may become eligible for this program.

Early Learning

Present Situation

School Readiness

The School Readiness Program was established in 1999⁶⁹ to provide subsidies for childcare services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.⁷⁰ The School Readiness Program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed.⁷¹ These services are

⁶⁴ Section 1009.60, F.S.

⁶⁵ *Id.* at (1).

⁶⁶ *Id.* at (4).

⁶⁷ Section 1009.60(5), F.S.

⁶⁸ *Id.* at (6).

⁶⁹ Section 1, ch. 99-357, L.O.F.

⁷⁰ Section 1002.87, F.S.

⁷¹ Florida Office of Early Learning, *School Readiness Program*,

http://www.floridaearlylearning.com/parents/early_learning_programs_and_services/school_readiness.aspx (last visited April 5, 2017).

provided in conjunction with other programs for young children, which includes, but is not limited to, the Voluntary Prekindergarten Education (VPK) Program.⁷²

Voluntary Prekindergarten Education

In 2004, the Legislature established the VPK Program, a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.⁷³ Florida law requires the DOE to adopt a statewide kindergarten screening (screening) that assesses the readiness of each student for kindergarten based upon the performance standards⁷⁴ adopted for the VPK program.⁷⁵ The screening must be administered to each kindergarten student in a school district within the first 30 school days of each school year.⁷⁶ Data from the screening is used to calculate the VPK provider kindergarten readiness rate.⁷⁷

Effect of Proposed Changes

The bill creates the Committee on Early Childhood Development within the DOE to develop a proposal for establishing and implementing a coordinated system focused on developmental milestones and outcomes for the school readiness program, VPK Education program, and Florida Kindergarten Readiness Screener. The bill requires the Committee to submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2017. As a result, the bill may assist with coordinating efforts to improve early childhood development.

Additionally, the bill defines a public prekindergarten provider to include a charter school that is eligible to deliver the school-year VPK education program or the summer VPK education program.

Intensive Reading Intervention

Present Situation

Each school district must provide third grade students who are retained with intensive instructional services and supports to remediate the identified areas of reading deficiency, including participation in the school district's summer reading camp and a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.⁷⁸

Effect of Proposed Changes

The bill removes the requirement for school districts to provide 90 minutes of uninterrupted reading instruction daily to students retained in grade 3. As a result, the bill authorizes a school

⁷² Florida Office of Early Learning, *School Readiness Program*, http://www.floridaearlylearning.com/parents/early_learning_programs_and_services/school_readiness.aspx (last visited April 5, 2017).

⁷³ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.

⁷⁴ Section 1002.67(1), F.S.

⁷⁵ Section 1002.69(1), F.S.

⁷⁶ *Id.*

⁷⁷ *Id.* at (5).

⁷⁸ Section 1008.25(7)(b)1., F.S.

district to provide 90 minutes of reading instruction over the course of the school day. This may provide teachers additional flexibility in planning instruction.

School Visitation

Present Situation

The district school board, acting as a board, must visit the schools, observe the management and instruction, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school.⁷⁹

Effect of Proposed Changes

The bill authorizes an individual school board member, acting on his or her own pleasure to fulfill statutory responsibilities, to visit any district school or charter school in his or her own school district. Accordingly, the bill may afford individual school board members, as partners in school district efforts, greater opportunity to improve teaching and student learning.

Physical Education Requirements

Present Situation

Each district school board must provide 150 minutes of physical education each week for students in kindergarten through grade 5, and for students in grade 6 who are enrolled in a school that contains one or more elementary grades, so that there are at least 30 consecutive minutes of physical education on any day during which physical education instruction is conducted.⁸⁰

Physical education must consist of physical activities of at least a moderate intensity level and for sufficient duration,⁸¹ subject to the differing capabilities of students.⁸² All physical education programs and curricula must be reviewed by a certified physical education instructor.⁸³ The Next Generation Sunshine State Standards (NGSSS) provide distinct grade level expectations for the knowledge and skills which a student is expected to acquire at each grade.⁸⁴

The requirements for physical education in public elementary schools must be waived for specified students.⁸⁵

While Florida law provides requirements related to physical education, provisions specific to unstructured free-play are not addressed.

⁷⁹ Section 1001.42(27), F.S.

⁸⁰ Section 1003.455(3), F.S. The equivalent of one class period per day of physical education for one semester of each year is required for students in grades 6 through 8. *Id.*

⁸¹ Physical education instruction must be for a period of time sufficient to provide a significant health benefit to students. Section 1003.455(1), F.S.

⁸² Section 1003.455(1), F.S.

⁸³ Section 1003.455(1), F.S.

⁸⁴ Section 1003.41(1) and (2), F.S. Physical education standards are available at CPALMS. CPALMS is the State of Florida's official source for information on standards and course descriptions. CPALMS, *Homepage*, <http://www.cpalms.org/Public/> (last visited Feb. 20, 2017).

⁸⁵ Section 1003.455(4), F.S.

Effect of Proposed Changes

The bill adds an unstructured free-play recess requirement to district school boards' responsibilities regarding physical education. Specifically, the bill requires each district school board to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5. Such recess must involve at least 20 consecutive minutes of free-play per day.⁸⁶

According to the Florida Department of Education, the master schedules at each school containing elementary grades would need to reflect the requirement for a minimum of 20 consecutive minutes of recess daily.⁸⁷

The bill may result in additional physical activity for students in kindergarten through grade 5.

Physical Education Requirements for High School Graduation*Present Situation*

Florida law requires a student to earn one credit in physical education, of the mandatory 24 credits, to graduate with a standard high school diploma.⁸⁸ Currently, students that participate in an interscholastic sport at the junior varsity or varsity level for two full seasons can satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better.⁸⁹ In 1998, the Legislature raised the physical education credit requirement from one to two seasons of interscholastic sports and added the personal fitness competency test.⁹⁰

Currently, students who complete one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class can satisfy one-half credit in physical education.⁹¹ Additionally, students who complete 2 years in a Reserve Officer Training Corps (ROTC) class, a significant component of which is drills, satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts.⁹² There is no requirement that such students complete a personal fitness competency exam.

Effect of Proposed Changes

The bill deletes the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma.

⁸⁶ Florida Department of Education, *2017 Agency Legislative Bill Analysis for SB 78* (Dec. 8, 2016), at 2.

⁸⁷ *Id.*

⁸⁸ Section 1003.4282(9)(b)6., F.S.

⁸⁹ *Id.* at (3)(f).

⁹⁰ Chapter 1998-421, s. 40, Laws of Fla.

⁹¹ Section 1003.4383(3)(f), F.S.

⁹² *Id.*

Exceptional Student Instruction

Present Situation

Educational Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.⁹³ Student enrollment in ESE programs is one of the factors considered in determining the funding a school district receives.⁹⁴

The Individuals with Disabilities Education Act (IDEA) requires school districts to make free appropriate public education (FAPE) available to such students ages 3 through 21.⁹⁵ A FAPE must include special education and related services⁹⁶ provided by the public school district at no cost to the parent, which meet the standards of the state and are in conformity with the student's Individualized Education Plan (IEP).⁹⁷

Each district school board must provide an appropriate program of special instruction, facilities and services for exceptional students.⁹⁸ Each district program must:⁹⁹

- Provide the necessary professional services for diagnosis and evaluation of exceptional students.
- Provide the special instruction, classes, and services within the district school system, in cooperation with the other district school systems or through contractual arrangements with the approved private schools or community facilities.
- Provide, on an annual basis, information describing all programs and methods of instruction available to parents of a sensory-impaired student.
- Provide instruction to homebound or hospitalized students in accordance with the law¹⁰⁰ and rules of the State Board of Education.

An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident.¹⁰¹ The cost of such instruction, facilities and services for a nonresident student with a disability must be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority or parent.¹⁰² A nonresident student with a disability

⁹³ Section 1003.57(1)(b), F.S.; Rule 6A-6.03411(1)(m)-(n), F.A.C.

⁹⁴ See s. 1011.62(1)(c), F.S.

⁹⁵ 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; Rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

⁹⁶ "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34(a).

⁹⁷ 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C. An individualized education plan means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the IDEA. 20 U.S.C. s. 1414(d).

⁹⁸ Section 1003.57(1)(b), F.S.

⁹⁹ *Id.*

¹⁰⁰ *Id.* at (1)(b)4.

¹⁰¹ *Id.* at (2)(a)

¹⁰² *Id.*

may not be reported by any school district for full-time equivalent student funding in the Florida Education Finance Program.¹⁰³

Within 10 business days after an exceptional student is placed in a residential care facility by an agency,¹⁰⁴ the agency or private residential care facility licensed by the agency, as appropriate, must provide written notification of the placement to the school district where the student is currently counted for funding and the receiving school district.¹⁰⁵ The exceptional student must be enrolled in school and receive a FAPE, special education, and related services while the notice and procedures regarding payment are pending.¹⁰⁶

Within 10 business days after receiving the notification, the receiving school district must review the student's IEP to determine whether it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district.¹⁰⁷ The receiving school district must:¹⁰⁸

- Provide educational instruction to the student;
- Contract with another provider or facility to provide the educational instruction;
- Contract with the private residential care facility in which the student resides to provide the educational instruction; or
- Decline to provide or contract for educational instruction.

If the receiving school district declines to provide or contract for the educational instruction, the school district in which the legal residence of the student is located must provide or contract for the educational instruction to the student.¹⁰⁹ The school district that provides educational instruction or contracts to provide educational instruction must report the student for funding purposes.¹¹⁰

Effect of Proposed Changes

The bill removes the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction. Accordingly, the bill facilitates a seamless transition for an exceptional student with a disability who is placed in a residential facility by requiring the receiving district to provide a free and appropriate education as required under federal law.

¹⁰³ Section 1003.57(2)(a), F.S.

¹⁰⁴ "Agency" means the Department of Children Families, the Agency for Persons with Disabilities, and the Agency for Healthcare Administration. Section 1003.57(3)(a).

¹⁰⁵ *Id.* at (3)(b).

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at (3)(c).

¹⁰⁸ *Id.*

¹⁰⁹ Section 1003.57(3)(c), F.S.

¹¹⁰ *Id.*

Public School Attendance Policies

Present Situation

Florida law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness.¹¹¹ Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.¹¹² The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.¹¹³ If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the absences to be excused.¹¹⁴ In such cases, the physician's excuse justifies absences beyond the maximum number of days permitted under the district school board's attendance policy.¹¹⁵

State law and state board rule also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays or because religious tenets forbid secular activity during the school day.¹¹⁶

Effect of Proposed Changes

The bill also requires changes to school district attendance policies. Specifically, the bill:

- Requires each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder.
- Authorizes a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner, which includes, but is not limited to, applied behavior analysis, speech therapy, and occupational therapy.
- Revises an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

As a result, the bill facilitates access to specialized therapy and treatment by requiring school districts to provide attendance allowances for students with autism spectrum disorder who need these services.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹¹¹ Section 1003.24, F.S.

¹¹² *Id.*

¹¹³ Section 1003.26, F.S.

¹¹⁴ Section 1003.24(4), F.S.

¹¹⁵ *Id.*

¹¹⁶ Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; Rule 6A-1.09514(1) and (2), F.A.C.

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:

None.

C. Government Sector Impact:

The fiscal impact of CS/CS/SB 926 is indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1002.51, 1003.21, 1003.24, 1003.4156, 1003.4282, 1003.4285, 1003.455, 1003.57, 1008.22, 1008.25, 1009.60, 1009.605, 1011.62, and 1012.34.

This bill creates the following sections of the Florida Statutes: 1001.4205 and 1008.222.

This bill creates an unnumbered 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/CS by Rules on April 19, 2017:

The committee substitute adds provisions to the bill that:

- Eliminate the cap on bonuses awarded to teachers of International Baccalaureate, Advanced International Certificate of Education, Advanced Placement, and Career

and Professional Education courses, whose students earn specified scores on the applicable examination.

- Define a public school prekindergarten provider to include a charter school that is eligible to deliver the school year VPK education program or summer VPK education program.
- Require each district school board to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5.
- Delete the requirement for students who participate in two full seasons of an interscholastic sport to pass a competency test on personal fitness in order to satisfy the physical education credit required for graduation with a standard high school diploma.
- Remove the option for the school district receiving an exceptional student with a disability, who resides in a residential facility, to decline to provide or contract for educational instruction.
- Authorize a parent to request and be granted permission student's absence from school for treatment of autism spectrum disorder by a licensed healthcare practitioner; and:
 - Require each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder.
 - Revise an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder.

CS by Education on April 3, 2017:

The committee substitute differs from the bill in the following ways:

- Adds provisions related to K-12 student assessments to:
 - Require a school district to provide student performance results on statewide, standardized assessments to students' parents in an easy-to-read and understandable format.
 - Require the Commissioner of Education (commissioner) to contract for an independent study to determine nationally recognized high school assessment alternatives for Florida Standards Assessment (i.e., grade 9 and grade 10 ELA) and Algebra I end-of-course (EOC) assessments for high school students; and to submit a report on the findings of the study to the Governor and the Legislature by January 1, 2018.
 - Require the commissioner to identify, by the first day of the 2017-2018 school year, concordant or comparative scores on specified articulated acceleration mechanisms, which satisfy high school graduation requirements; and requires the scores of students who pass such assessments to be incorporated into the school grade calculations.
 - Eliminate the Geometry, Algebra II, and United States History EOC assessments for purposes of meeting high school graduation requirements and earning scholar designation on the standard high school diploma except that a student must take one statewide, standardized mathematics assessment in high school, which must be Algebra I, Geometry, or Algebra II. Additionally, the bill eliminates the Civics EOC assessment for purposes of middle grades promotion.

- Require the commissioner to make available a nonelectronic option for all statewide assessments to reduce the time spent on testing, increase instructional time for students, and ensure students demonstrate a mastery of standards assessed. Additionally, a district school superintendent must notify the commissioner that the district will use a nonelectronic option for the entire district or for specific grade levels throughout the district by the beginning of the school year in which the nonelectronic option is used.
- Require the Department of Education (DOE) to study each of the achievement levels used for statewide, standardized assessments to better communicate the meaning of such levels to students, parents, and teachers.
- Authorize each school district to measure student learning growth using formulas developed by the commissioner.
- Adds provisions related to:
 - Minority teacher education scholars program (program) to expand the program to authorize a student to use the program scholarship toward a graduate degree with a major in education, leading to an initial certification.
 - Committee on Early Childhood Development to create the committee within the DOE, to develop a proposal for establishing and implementing a coordinated system focused on developmental milestones and outcomes for the school readiness program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Screener.
 - Intensive reading instruction to authorize a school district to provide the required intensive reading instruction for the 90 minutes daily over the course of the school day to students who are retained in grade 3, and eliminates the requirement to provide such instruction for 90 continuous minutes daily.
 - School visitation to authorize an individual member of a district school board to visit any district or charter school in his or her school district on any day and at any time, at his or her pleasure.

B. Amendments:

None.