

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 1498

INTRODUCER: Senator Baxley

SUBJECT: Education

DATE: February 19, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Sikes	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1498 modifies multiple provisions of the Florida Education Code, primarily related to school accountability and statewide, standardized assessments. Specifically, the bill:

- Requires school districts to choose either the SAT or ACT for districtwide administration to grade 11 students beginning in the 2020-2021 school year and revises the school grades calculation to incorporate student performance on the SAT or ACT beginning with the 2022-2023 school year.
- Requires all students by grade 12 to take a civic literacy assessment beginning in the 2020-2021 school year. The bill requires postsecondary students to demonstrate civic literacy by successfully completing a civic literacy course and achieving a passing score on the civic literacy assessment.
- Removes the grade 9 English Language Arts (ELA) assessment beginning in 2022-2023.
- Authorizes the discontinuance of the statewide, standardized Geometry end-of-course assessment.
- Requires the statewide, standardized math and ELA assessments in grades 3 through 6 to be paper-based.
- Requires a student's final report card to be issued no later and one week after the last day of school or one week after the receipt of assessment results.
- Revises the school turnaround process by requiring implementation of a district-managed turnaround option after the first year a school earns a grade of "D" or "F". The bill authorizes a school district to request a new turnaround option during the implementation of a

turnaround option and authorizes the State Board of Education to revoke a turnaround plan if a school district fails to follow the terms and conditions of its approved plan.

The bill also:

- Clarifies that a student whose parent is transferred to a military installation within Florida can enroll in another school district through controlled open enrollment.
- Requires the Florida Partnership for Minority and Underrepresented Student Achievement to provide information on resources and opportunities, and identify public and private partnerships to provide college advising services to further increase postsecondary access and success for students.
- Provides the Department of Education (DOE) the authority to hold patents, copyrights, trademarks, and service marks and allows the DOE to sell, lease, license, or transfer rights for monetary gain.
- Authorizes the DOE to establish timeframes for advertisement and submission of bids for the 2020 adoption cycle of instructional materials.
- Excludes from the cost per student station caps any costs associated with a solar energy system located on the property of a school facility.

The bill appropriates \$8 million in recurring funds from the General Revenue Fund to the DOE to implement the SAT or ACT assessment provisions of the bill.

Except as otherwise expressly provided in the bill, the bill takes effect on July 1, 2020.

## II. Present Situation:

The Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act, was signed into law on December 10, 2015. ESSA includes provisions to:<sup>1</sup>

- Help ensure success for students and schools through advancing equity by upholding protections for disadvantaged and high-need students.
- Require that all students be taught to high academic standards that will prepare them to succeed in college and careers.
- Ensure that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students' progress.
- Support and grow local innovations.
- Increase access to high-quality preschool.
- Maintain an expectation that there will be accountability and action to effect positive change in the lowest-performing schools.

ESSA requires that statewide mathematics and English language arts (ELA) assessments be administered in each of grades 3 through 8 and at least once in grades 9 through 12. Statewide

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<sup>1</sup> U.S. Department of Education, *Every Student Succeeds Act (ESSA)*, <https://www.ed.gov/essa?src=rm> (last visited Feb. 6, 2020).

science assessments must be administered at least once in grades 3 through 5, grades 6 through 9, and grades 10 through 12.<sup>2</sup>

ESSA allows flexibility for locally selected, nationally recognized high school academic assessments. Under ESSA, a state may permit districts to use a nationally recognized high school academic assessments in place of the statewide high school assessments. A school district using this flexibility, however, must use the same locally selected, nationally recognized assessment in all of its high schools.<sup>3</sup> To ensure these tests are truly “nationally recognized,” they must be given in multiple states, be recognized by institutions of higher education for the purposes of entrance or placement into courses in postsecondary education or training programs, and provide the same benefits to all students – including English learners and children with disabilities.<sup>4</sup>

Florida’s ESSA plan received approval from the United States Department of Education (DOE) on September 26, 2018.<sup>5</sup>

### **Statewide Assessment Program**

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. The data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars.<sup>6</sup>

The statewide assessment program for Florida’s public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment (grades 5 and 8).<sup>7</sup> Results from the assessments are used to calculate school grades and school improvement ratings,<sup>8</sup> and determine student readiness for promotion to 4<sup>th</sup> grade and high school graduation.<sup>9</sup>

### **School Grading System**

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how

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<sup>2</sup> U.S. Department of Education, *Elementary and Secondary Education Act of 1965, As Amended Through P.S. 115-224, Enacted July 31, 2018* (2018), available at <https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf> at 20.

<sup>3</sup> U.S. Department of Education, *Every Student Succeeds Act, Assessments under Title I, Part A and B: Summary of Final Regulations* (December, 2017), available at <https://www2.ed.gov/policy/elsec/leg/essa/essaassessmentfactsheet1207.pdf>

<sup>4</sup> *Id.*

<sup>5</sup> Florida Department of Education, *Every Student Succeeds Act (ESSA)*, <http://www.fldoe.org/academics/essa.stml> (last visited Feb. 10, 2020).

<sup>6</sup> Section 1008.22(1), F.S.

<sup>7</sup> Sections 1008.22(3) and 1003.4156, F.S.

<sup>8</sup> *See* ss. 1008.34 and 1008.341, F.S.

<sup>9</sup> *See* ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

well each school is serving its students.<sup>10</sup> School grades are used in the state system of school improvement and accountability to determine the need for school intervention and support,<sup>11</sup> or to determine whether a school is eligible for school recognition funds.<sup>12</sup>

Schools are graded using one of the following grades:<sup>13</sup>

- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).
- “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in ELA, mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains.<sup>14</sup> Middle and high school models include additional components beyond the basic model.<sup>15</sup>

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on following components:<sup>16</sup>

- The 4-year high school graduation rate of the school as defined by State Board of Education (SBE) rule.<sup>17</sup>
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement (AP) examinations, International Baccalaureate examinations, dual enrollment courses, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the SBE.

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<sup>10</sup> Florida Department of Education, *2019 School Grades Overview (2019)*, available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview19.pdf>.

<sup>11</sup> See s. 1008.33(4), F.S.

<sup>12</sup> See s. 1008.36, F.S.

<sup>13</sup> Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

<sup>14</sup> Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.

<sup>15</sup> See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

<sup>16</sup> Section 1008.34(3)(b)2., F.S., and rule 6A-1.09981(4)(c)2. and 3., F.A.C.

<sup>17</sup> The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.

## **Information on Student Performance**

### ***Report Cards***

Each school district must establish and publish policies requiring the content and regular issuance of student report cards for all students.<sup>18</sup> Report cards must clearly depict and grade the student's:<sup>19</sup>

- Academic performance in each class or course;
- Conduct and behavior; and
- Attendance, including absences and tardiness.

A student's final report card for a school year must contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or non-promotion.<sup>20</sup> The law does not provide a date by which report cards must be issued after the end of the school year.

### ***Assessment Results***

A student's performance results on statewide, standardized assessments, EOC assessments, and Florida Alternative Assessments must be provided to the student's teachers and parents by the end of the school year, unless the Commissioner of Education (commissioner) determines that extenuating circumstances exist and reports the extenuating circumstances to the SBE.<sup>21</sup>

The results of statewide, standardized ELA and math assessments, including assessment retakes, must be reported<sup>22</sup> in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student's current teacher of record and teacher of record for the subsequent school year; however, in any case, the district must provide the results within one week after receiving the results from the DOE.<sup>23</sup>

## **United States Government Course and Civic Literacy**

As part of the 24 credits required to graduate from high school, students must earn three credits in social studies, including:<sup>24</sup>

- One credit in United States History;
- One credit in World History;
- One-half credit in economics; and
- One-half credit in the United States Government.

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<sup>18</sup> Section 1003.33(1), F.S.

<sup>19</sup> Section 1003.33(1)(a)-(c), F.S. The academic performance of a student in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria, and must include the student's performance or nonperformance at his or her grade level.

<sup>20</sup> Section 1003.33(2), F.S.

<sup>21</sup> Section 1008.22(3)(g)2., F.S.

<sup>22</sup> See s. 1008.22(7)(h)1.-6., F.S.

<sup>23</sup> Section 1008.22(7)(h), F.S.

<sup>24</sup> Section 1003.4282(3)(d), F.S.

Each student entering a Florida College System (FCS) institution or state university must demonstrate competency in civic literacy through successful completion of a civic literacy course or by achieving a passing score on an assessment.<sup>25</sup>

The Board of Governors of the State University System (BOG) has adopted the following assessments and passing scores to meet this requirement:<sup>26</sup>

- U.S. Citizenship and Immigration Services Naturalization Test – Civics with supplemental questions with a score of 60 or higher.
- AP Government and Politics with a score of 3 or higher.
- AP United States History with a score of 4 or higher.
- College-Level Examination Program (CLEP) American Government with a score of 50 or higher.

While the SBE has adopted the same AP and CLEP assessments and respective passing scores for students in FCS institutions to meet this requirement, it has not adopted the U.S. Citizenship and Immigration Services Naturalization Test.<sup>27</sup>

### **Students of Military Families**

Controlled open enrollment allows a school district to use a parent's indicated preferential educational choice as a significant factor in making student school assignments.<sup>28</sup> Each district school board or charter school must allow a parent from any Florida school district to enroll his or her student in any public school, including charter schools, that has not reached capacity.<sup>29</sup>

A student whose parent is transferred or pending transfer to a military installation within a school district while on active military duty pursuant to an official military order must be considered a resident of the school district for purposes of enrollment when the order is submitted to the school district and must be provided preferential treatment in the school district's controlled open enrollment process.<sup>30</sup>

### **The Florida Partnership for Minority and Underrepresented Student Achievement**

In 2004, the Legislature passed the Florida Partnership for Minority and Underrepresented Student Achievement Act<sup>31</sup> recognizing the importance of not only access to college but also success in college for all students. The mission of the partnership is to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary.<sup>32</sup> As part of the partnership, staff from College Board provide professional development and technical assistance to school

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<sup>25</sup> Section 1007.25(4), F.S.

<sup>26</sup> Florida Board of Governors Regulation 8.006.

<sup>27</sup> See rule 6A-10.02413(2), F.S.

<sup>28</sup> Section 1002.31(1), F.S.

<sup>29</sup> Section 1002.31(2)(a), F.S. The student must not be subject to a current expulsion or suspension. School capacity is subject to the maximum class sizes. See s. 1003.03, F.S.

<sup>30</sup> Section 1003.05(4), F.S.

<sup>31</sup> Ch. 2004-63, L.O.F.

<sup>32</sup> Section 1007.35(2)(b), F.S.; See Florida Department of Education, *Annual Evaluation Report for Florida Partnership 2017-2018* (September 2018), <http://www.fldoe.org/core/fileparse.php/7749/urlt/FloridaPartnership-c.pdf>.

and district-level administrators, along with guidance counselors, teachers, and other school staff in targeted school districts.<sup>33</sup>

By September 30 of each year, the partnership is required to submit a report to the DOE that contains an evaluation of the delivered services and activities on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools.<sup>34</sup> Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or the PreACT testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.<sup>35</sup>

The DOE contributes to the evaluation process by providing access to student and teacher information necessary to match against databases containing teacher professional development data and databases containing assessment data for the PSAT/NMSQT, SAT, ACT, PreACT, AP, and other appropriate measures.<sup>36</sup> The DOE also provides student-level data on student progress from middle school through high school and into college and the workforce, if available, in order to support longitudinal studies.<sup>37</sup>

### **Improvement of Low Performing Schools**

Florida's system of improving low-performing schools is referred to as "school improvement" (SI),<sup>38</sup> Under SI, intervention and support is provided to traditional public schools earning a letter grade of "D," or "F."<sup>39</sup> Intensive intervention and support strategies are applied to schools that earn two consecutive grades of "D" or a grade of "F" through turnaround option plans.<sup>40</sup>

All Florida public schools that earn grade of "D" or "F" must have a school improvement plan, which is developed and implemented by the school's advisory council.<sup>41</sup> It is the responsibility of each district school board to approve school improvement plans.<sup>42</sup>

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<sup>33</sup> Florida Department of Education, *Annual Evaluation Report for Florida Partnership 2017-2018* (September 2018), <http://www.fldoe.org/core/fileparse.php/7749/urlt/FloridaPartnership-c.pdf>.

<sup>34</sup> Section 1007.35(8)(a), F.S.

<sup>35</sup> *Id.*

<sup>36</sup> Section 1007.35(8)(b), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> Rule 6A-1.099811(1), F.A.C.

<sup>39</sup> Section 1008.33(3)(b), F.S.

<sup>40</sup> Section 1008.33(3)(c), F.S.

<sup>41</sup> Sections 1001.42(18)(a) and 1001.452(2), F.S. School advisory councils (SACs) are composed of principals, teachers, educational support personnel, parents, students, local business representatives, and community members. Section 1001.452(1)(a), F.S. SACs are responsible for developing and implementing the school's improvement plan, assisting in the development of the school's budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards. Sections 1001.452(2) and 1008.36(4), F.S. *See also* Section 1002.33(9)(n), F.S. Requires a charter school earning a "D" or "F" to submit a school improvement plan to the sponsor.

<sup>42</sup> Section 1001.42(18)(a), F.S.

### ***Intervention and Support Strategies***

If a school earns two consecutive grades of “D” or a grade of “F,” it must immediately implement a differentiated matrix of intervention and support strategies.<sup>43</sup> Districts with a school improvement school must coordinate with the Department of Education (DOE), the Regional Executive Director or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.<sup>44</sup>

Florida law specifies seven general types of intervention and support strategies for traditional public schools to address student performance. The intervention and support strategies may include school improvement planning; leadership and educator quality improvement; professional development; curriculum review, pacing and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes.<sup>45</sup>

### ***School Turnaround Options***

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district managed turnaround plan through which the school district manages the 2-year turnaround plan at the school.<sup>46</sup> The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.<sup>47</sup>

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year.<sup>48</sup> If the school’s grade does not improve to a “C”, the school must select from the following turnaround options:<sup>49</sup>

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.
- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.
  - The external operator may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

Based on traditional public schools that received grades in 2018 and 2019:<sup>50</sup>

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<sup>43</sup> Section 1008.33(4)(a), F.S.

<sup>44</sup> Rule 6A-1.099811(5)(a), F.A.C.

<sup>45</sup> Section 1008.33(3)(c), F.S.; *see* rule 6A-1.099811(5)(b)1.-9., F.A.C.

<sup>46</sup> Rule 6A-1.099811(5)(a)-(b), F.A.C.

<sup>47</sup> Section 1008.33(4)(a), F.S.

<sup>48</sup> The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation. *Id.*

<sup>49</sup> Section 1008.33(4)(b)1.-3., F.S.

<sup>50</sup> Florida Department of Education, *School Improvement Presentation to the House PreK-12 Innovation Subcommittee* (October 16, 2019), *available at*



- 70 percent of schools graded “D” or “F” improved their grade in 2019;
- 77 percent of schools graded “F” in 2018 improved their grade in 2019; and
- 85 percent of first year turnaround schools in 2018 improved their grade to a “C” or higher and exited turnaround in 2019.

For the 2019-2020 school year, 142 schools are in SI requiring intervention and support, including:<sup>51</sup>

- 91 schools earning a grade of “D” for the first time.
- 3 schools earning a grade of “F” for the first time.
- 20 schools earning two grades of “D” or a “D” and an “F” for their last two school grades.

### **Florida Education Finance Program**

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.<sup>52</sup> The number of FTE students in each of the funded education programs is multiplied by cost factors<sup>53</sup> relative to each program to obtain weighted FTE student values.<sup>54</sup> The base student allocation from state and local funds is determined annually by the Legislature in the General Appropriations Act (GAA) and is a component in the calculation of each school district’s base funding.<sup>55</sup> In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes, such as the turnaround school supplemental services allocation.

### ***Turnaround School Supplemental Services Allocation***

The turnaround school supplemental services allocation (TSSSA) provides funding to schools in, or exiting, turnaround status with funds to offer services designed to improve the overall academic and community welfare of the schools’ students and their families.<sup>56</sup> Services funded by the TSSSA may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.<sup>57</sup>

Before distribution of the TSSSA, the school district must develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year, then

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<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting%20Packets&FileName=pki%2010-16-19.pdf>.

<sup>51</sup> *Id.*

<sup>52</sup> *See* s. 1011.62, F.S.

<sup>53</sup> Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

<sup>54</sup> Section 1011.62, F.S.; Department of Education, *2019-20 Funding for Florida School Districts* (2019), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

<sup>55</sup> *Id.* at 17.

<sup>56</sup> Section 1011.62(21), F.S.

<sup>57</sup> Section 1011.62(21)(a)1., F.S.

submit its approved plan to the commissioner by September 1 of each year.<sup>58</sup> At a minimum the plan must.<sup>59</sup>

- Establish comprehensive support services that develop family and community partnerships;
- Establish clearly defined and measurable high academic and character standards;
- Increase parental involvement and engagement in the child's education;
- Describe how instructional personnel will be identified, recruited, retained, and rewarded;
- Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards;
- Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and
- Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of "C" or higher.

Subject to legislative appropriation, each school remains eligible for the TSSSA for a maximum of four continuous fiscal years while implementing a turnaround option.<sup>60</sup> In addition, a school that improves to a grade of "C" or higher remains eligible to receive the allocation for a maximum of two continuous fiscal years after exiting turnaround status.<sup>61</sup>

### **Specific Powers and Duties of the Department of Education**

In addition to other duties as provided for in law or in SBE rule, the DOE must:<sup>62</sup>

- Adopt the statewide kindergarten screening in accordance with law.
- Implement a training program to develop among state and district educators a cadre of facilitators of school improvement.
- Identify the needs of the state system of public education as they relate to the development and production of materials used in instruction.
- After complying with records management provisions, photograph, microphotograph, or reproduce on film or print, document, records, data, and information of a permanent character and destroy any of the documents after they have been photographed and after audit of the department has been completed for the period embracing the dates of the instruments.

### **Authority of the Department of State**

The Department of State is authorized to do and perform any and all things necessary to secure letters patent, copyright and trademark on any invention and to enforce the rights of the state to include.<sup>63</sup>

- License, lease, assign, or otherwise give written consent to any person, firm or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the department deems proper;

<sup>58</sup> Section 1011.62(21)(b) and (d), F.S.

<sup>59</sup> Section 1011.62(21)(c)1.-7., F.S.

<sup>60</sup> Each school district's allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of \$500 or as provided in the GAA. Section 1011.62(21)(e) and (f), F.S.

<sup>61</sup> 1011.62(21)(f), F.S.

<sup>62</sup> Section 1001.23, F.S.

<sup>63</sup> Section 286.031, F.S.

- Take any and all action necessary, including legal actions, to protect the same against improper or unlawful use or infringement, and to enforce the collection of any sums due the state and department for the manufacture or use thereof by any other party;
- Sell any of the same and to execute any and all instruments on behalf of the state necessary to consummate any such sale; and
- Do any and all other acts necessary and proper for the execution of powers and duties conferred upon the department for the benefit of the state.

## **Educational Facilities**

### ***Solar Energy Systems in Schools***

Under current law, school districts are encouraged to invest in energy conservation measures including the use of “renewable energy systems, such as solar, biomass, and wind”.<sup>64</sup> Florida law defines “solar energy system” as “the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity”.<sup>65</sup> For hot water systems in newly-constructed educational facilities, Florida law requires that each school facility with a demand for hot water exceeding 1,000 gallons a day be constructed with a solar energy system as the primary energy source so long as it is physically and economically feasible. The solar energy system must also provide at least 65 percent of the facility’s estimated needs.<sup>66</sup>

### ***Cost Per Student Station***

In Florida, construction costs for traditional K-12 public school facilities are reported based on the cost per student station.<sup>67</sup> In 2005, the Department of Education (DOE) conducted a study on overall inflation of school construction costs, including the Consumer Price Index (CPI) and other factors. The cost per student station levels adopted in 2006 were based on the DOE’s study recommendations and is adjusted to reflect increases and decreases in the CPI.<sup>68</sup> The DOE and the Office of Economic and Demographic Research (EDR)<sup>69</sup> work together to calculate and disseminate the new statutory caps.

The December 2019 forecast by EDR for the January 2020 cost per student station caps are:<sup>70</sup>

- \$23,275 for an elementary school.
- \$25,135 for a middle school.
- \$32,648 for a high school.

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<sup>64</sup> Section 1013.23, F.S.

<sup>65</sup> Section 212.02(26), F.S.

<sup>66</sup> Section 1013.44(2), F.S.

<sup>67</sup> Section 1013.64(6), F.S.

<sup>68</sup> Section 1013.64(6)(b)1., F.S.

<sup>69</sup> The Office of Economic and Demographic Research (EDR) is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations. Office of Economic and Demographic Research, *Welcome*, <http://edr.state.fl.us/Content/> (last visited February 17, 2020).

<sup>70</sup> Office of Economic and Demographic Research, *Student Station Cost Factors* (January 8, 2020), available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf>.

The cost per student station includes contract costs, fees of architects and engineers, and the cost of furniture and equipment.<sup>71</sup> Contract costs include costs for construction within five feet of the building, including materials and supplies, as well as any furniture or equipment permanently attached to the building.<sup>72</sup> Cost per student station does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, or the cost of related site or offsite improvements.<sup>73</sup> Further excluded from the cost per student station are costs for school safety and hardening items and other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.<sup>74</sup>

### III. Effect of Proposed Changes:

The bill makes a number of modifications to the Florida Education Code<sup>75</sup> related to school assessments and graduation requirements, accountability for low performing schools, as well as other provisions.

#### Florida's Statewide, Standardized Assessments

The bill authorizes the discontinuance of the statewide, standardized Geometry end-of-course (EOC) assessment and authorizes school districts to use the SAT or ACT as the state's high school math assessment under federal law. The bill requires school districts to choose either the SAT or ACT for districtwide administration to grade 11 students beginning in the 2020-2021 school year.

The bill requires all students take the State Board of Education (SBE) adopted civic literacy assessment by grade 12. The bill also requires students to both successfully complete a civic literacy course and achieve a passing score on a civic literacy assessment to satisfy the postsecondary civic literacy requirements, whereas students are currently only required to achieve either criteria.

The bill requires the statewide, standardized English language arts (ELA) and math assessments in grades 3 through 6 to be delivered in a paper-based format and removes the grade 9 ELA assessment beginning in the 2022-2023 school year.

The bill includes the statewide, standardized science and social studies assessments to the assessments that must be published on the Department of Education's (DOE's) website and revises the date of the initial publication of assessments to no later than June 30, 2024, to correspond with the changes in the proposed assessment schedule.

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<sup>71</sup> Section 1013.64(6)(d), F.S. See flush left.

<sup>72</sup> Florida Department of Education, *Review and Adjustment for Florida's Cost per Student Station* (January 1, 2020), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2020AnnCSSR.pdf>.

<sup>73</sup> Section 1013.64(6)(d), F.S. See flush left.

<sup>74</sup> Section 1013.64(6)(d), F.S. See flush left.

<sup>75</sup> Section 1000.01(1), F.S. Chapters 1000 through 1013 are known and cited as the "Florida K-20 Education Code".

## **School Grades**

The bill revises the school grades calculation to include the percentage of eligible students passing the relevant portions of the SAT or ACT, beginning with the 2022-2023 school year. The bill requires the SBE to provide passing scores for the SAT and ACT in rule prior to the 2022-2023 calculation of school grades. It is unclear whether the SAT and ACT align to Florida's Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards<sup>76</sup> recently approved by the SBE. It is also unclear whether students are required to take the SAT or ACT, or if the school district is only required to administer the SAT or ACT.

## **Information on Student Performance**

The bill requires a student's final report card for a school year to be issued no later than 1 week after the last day of school or 1 week after the receipt of assessment results for students enrolled in courses with an associated statewide, standardized EOC assessment. The bill specifies that a transfer student's<sup>77</sup> Algebra I final grade and credit must be honored if his or her transcript shows a credit in Algebra I.

In addition to the results of the statewide, standardized ELA and math assessments, the bill requires the results of the statewide, standardized science and social studies assessments to be reported in an easy-to-read and understandable format to students, parents, and teachers. The bill deletes the requirement that statewide, standardized assessment results be provided by the end of the school year.

## **Improvement of Low Performing Schools**

The bill specifies that a deficient and failing school is a school earning a grade of "D" or "F," and requires that the SBE apply intensive intervention and support strategies to schools earning a grade of "D" or "F." In the first full school year after a school initially earns a grade of "D" or "F," the school district must immediately implement intervention and support strategies.

## ***School Turnaround Options***

The bill provides that unless an additional year of implementation is provided, if a school that completes a district-managed turnaround plan cycle and does not improve to at least a grade of "C" or higher, the school district must implement one of the following:

- Upon recommendation of the Commissioner of Education (commissioner), the State Board of Education (SBE) may choose to allow the school district to close the school, reassign students to another school with a school grade of "C" or higher, and monitor the progress of each reassigned student for three school years;
- Repurpose the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or

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<sup>76</sup> Florida Department of Education, *Florida's B.E.S.T Standards*, available at <http://fldoe.org/core/fileparse.php/19853/urlt/SPS-Pres.pdf>. The B.E.S.T standards were approved by the SBE on February 12, 2020.

<sup>77</sup> See Section 1003.4282(7), F.S. Applicable to students who transfer to a Florida public high school from out of country, out of state, a private school, or home education program.

- Enter into an annual performance contract with an external operator that has a demonstrated record of effectiveness to operate the school. An external operator may include a provider authorized by the State University System or Florida College System (FCS) or a district-managed charter school. In addition, the contract with an external operator must allow unilateral cancellation by the school district upon revocation of the turnaround plan.

The bill authorizes a school district to request a new turnaround option during the implementation of a turnaround option, and adds that the SBE may revoke a turnaround plan when a district fails to follow the terms of its approved plan or to meet the requirements of the plan. Prior to the revocation, the SBE must consider any curative action taken or proposed by the district and the feasibility of improving performance under the plan during the remainder of the approval period. Upon revocation, the SBE may require a district to submit a new plan or select a new turnaround option.

If a school successfully completes a turnaround plan, but earns a grade of “D” or “F” within 4 years of improving to a grade of “C” or higher, the school district must:

- Upon the recommendation of the commissioner and approval by the SBE, close the school and reassign students to another school with a school grade of “C” or higher, provide additional services to reassigned students which are designed to address deficiencies and improve performance, and monitor the progress of each reassigned student for 3 school years;
- Repurpose the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or
- Enter into a performance contract with an external operator that has a demonstrated record of effectiveness to operate the school. The contract must allow unilateral cancellation by the school district upon revocation of the turnaround plan by the SBE. An external operator may include a state university, FCS institution or a district-managed charter school in which all instructional personnel are employees of an independent governing board.

### **Turnaround School Supplemental Services Allocation**

The bill conforms eligibility for the turnaround school supplemental services allocation (TSSSA) to district-managed turnaround schools, schools implementing a charter or external operator turnaround option, and schools that have improved to a “C” or higher and are no longer in turnaround status, as modified in the bill.

### **Other Provisions**

#### ***Department of Education Property Rights***

The bill provides the DOE with the authority to hold patents, copyrights, trademarks, and service marks. The bill authorizes the DOE to take any action necessary to enforce its rights with respect to such patents, copyrights, trademarks, and service marks or enter into a transaction to sell, lease, license, or transfer such rights for monetary gain, or other license at its discretion. The bill requires DOE to notify the Department of State in writing when it secures property rights by patent, copyright, or trademark. Any proceeds from the exercise of these rights, except for educational materials and products, must be deposited in DOE’s Operating Trust Fund.

***Students of Military Families***

The bill clarifies that a student whose parent is transferred to a military installation within Florida can enroll in another school district through controlled open enrollment.

***Instructional Materials***

The bill authorizes the DOE to establish timeframes for advertisement and submission of bids for the 2020 adoption cycle of instructional materials that differ from the current bid process timelines established in law. This provision is effective upon becoming law.

***Solar Energy Systems in Schools***

The bill excludes from the cost per student station caps any costs associated with a solar energy system located on the property of a school facility.

Except as otherwise expressly provided in the bill, the bill takes effect on July 1, 2020.

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

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

C. **Government Sector Impact:**

The bill appropriates \$8 million in recurring funds from the General Revenue Fund to the Department of Education to implement the SAT and ACT provisions of the bill.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.23, 1003.05, 1003.33, 1003.4156, 1003.4282, 1003.4285, 1006.33, 1007.25, 1007.35, 1008.212, 1008.22, 1008.25, 1008.33, 1008.34, 1008.3415, 1011.62, and 1013.44.

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 17, 2020:**

The committee substitute modifies multiple provisions of the Florida Education Code, primarily related to school accountability and statewide, standardized assessments. Specifically, the committee substitute:

- Requires school districts to choose either the SAT or ACT for districtwide administration to grade 11 students beginning in the 2020-2021 school year and revises the school grades calculation to incorporate student performance on the SAT or ACT beginning with the 2022-2023 school year.
- Requires all students by grade 12 to take a civic literacy assessment beginning in the 2020-2021 school year. The bill requires postsecondary students to demonstrate civic literacy by successfully completing a civic literacy course and achieving a passing score on the civic literacy assessment.
- Removes the grade 9 English Language Arts (ELA) assessment beginning in 2022-2023.
- Authorizes the discontinuance of the statewide, standardized Geometry end-of-course assessment.
- Requires the statewide, standardized math and ELA assessments in grades 3 through 6 to be paper-based.
- Requires a student's final report card to be issued no later and one week after the last day of school or one week after the receipt of assessment results.
- Revises the school turnaround process by requiring implementation of a district-managed turnaround option after the first year a school earns a grade of "D" or "F". The bill authorizes a school district to request a new turnaround option during the implementation of a turnaround option and authorizes the State Board of Education to



revoke a turnaround plan if a school district fails to follow the terms and conditions of its approved plan.

The committee substitute also:

- Clarifies that a student whose parent is transferred to a military installation within Florida can enroll in another school district through controlled open enrollment.
- Requires the Florida Partnership for Minority and Underrepresented Student Achievement to provide information on resources and opportunities, and identify public and private partnerships to provide college advising services to further increase postsecondary access and success for students.
- Provides the Department of Education (DOE) the authority to hold patents, copyrights, trademarks, and service marks and allows the DOE to sell, lease, license, or transfer rights for monetary gain.
- Authorizes the DOE to establish timeframes for advertisement and submission of bids for the 2020 adoption cycle of instructional materials.
- Excludes from the cost per student station caps any costs associated with a solar energy system located on the property of a school facility.

The committee substitute appropriates \$8 million in recurring funds from the General Revenue Fund to the DOE to implement the SAT or ACT assessment provisions.

**B. Amendments:**

None.