

**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 Rules

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BILL: CS/CS/SB 662

INTRODUCER: Military and Veterans Affairs and Space Committee; Education Committee; and Senator Wright

SUBJECT: Education and the Military

DATE: February 24, 2020      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sagues</u>	<u>Sikes</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
3.	<u>Sagues</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 662 gives greater flexibility to transitioning students from military families by considering a student a resident of the school district at the point in time in which the parent is transferred or pending transfer to a military installation within the state rather than within the district, for purposes of enrollment and preferential treatment in special programs.

The bill also modifies the school grading model for high schools by adding to the calculation the percentage of students who earn a Category II Armed Forces Qualification Test score or higher on the Armed Services Vocational Aptitude Battery as a school grade college and career acceleration component. Only the scores of students who have participated for 2 years in JROTC; enlisted in the military; been accepted into a U.S. military academy; or received documented military career counseling from a military recruiter may be included in the calculation. The school grading model currently is based on the percentage of students who were eligible to earn credit by exam through Advanced Placement, International Baccalaureate, and the Advanced International Certificate of Education; through dual enrollment; or who actually earned national industry certification.

Although the bill takes effect July 1, 2020, its provisions modify the school grading model starting with the 2021-2022 school year.

## II. Present Situation:

### **Military Families and Student Transfer to a Public School**

Special accommodations are provided to students of military families transitioning between schools.

A dependent child of active duty military personnel who meets the eligibility criteria for a special academic program at a public school is given preference for admission even if the program is offered through a different public school than the school at which the student would be assigned. A special academic program is a magnet school, advanced study program, advanced placement, dual enrollment, Advanced International Certificate of Education, and International Baccalaureate.<sup>1</sup>

Additionally, a student whose parent is transferred or is pending a transfer to a military installation within a school district pursuant to a military order is considered a resident of the school district for purposes of enrollment at the point in time in which the order is submitted to the district, and is given preferential treatment in the controlled open enrollment process.<sup>2</sup>

### **Junior Reserve Officers' Training Corp**

The U.S. Army Junior Reserve Officers' Training Corps (JROTC) is one of the largest youth character development and citizenship programs in the world. The National Defense Act of 1916 established organized JROTC programs at public and private educational institutions. In 1964, Congress expanded the program to require each military service to have a JROTC program.<sup>3</sup> The U.S. Army's JROTC program operates in more than 1,700 public and private high schools, military institutions, and correctional centers both in the U.S. and overseas.<sup>4</sup> Almost 4,000 instructors who are retired from active duty, reserve duty, or National Guard Army service comprise JROTC faculty. Instructors are trained and qualified in accordance with the National Defense Authorization Act of 2007 to teach and mentor approximately 314,000 JROTC students (cadets) annually.<sup>5</sup> JROTC curriculum includes teaching lessons on leadership, health and wellness, physical fitness, first aid, geography, American history and government, communications, and emotional intelligence.<sup>6</sup>

Since 2005, the U.S. Army JROTC program has been accredited as a Special Purpose Program by AdvancED, now known as Cognia, a national accrediting agency.<sup>7</sup>

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<sup>1</sup> Section 1003.05(3), F.S.

<sup>2</sup> Section 1003.05(4), F.S.

<sup>3</sup> U.S. Army JROTC, *Army Junior ROTC Program Overview*, available at [http://www.usarmyjrotc.com/general/program\\_overview.php](http://www.usarmyjrotc.com/general/program_overview.php) (last visited Feb. 13, 2020). Specifically, the Secretary of each military department must establish and maintain the JROTC at each public and private secondary education institution which applies for a unit provided that they meet specified standards and criteria (10 U.S.C. § 2031).

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

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Cognia, *Accreditation & Certification*, available at <https://www.cognia.org/accreditation-certification/> (last visited Feb. 13, 2020).

## Armed Services Vocational Aptitude Battery

The Armed Services Vocational Aptitude Battery (ASVAB) is a multiple choice test, administered by the United States Military Entrance Processing Command, used to determine qualification for enlistment in the United States' Armed Forces.<sup>8</sup>

The ASVAB is a timed multi-aptitude test, which is given at over 14,000 schools and Military Entrance Processing Stations nationwide and is developed and maintained by the Department of Defense.<sup>9</sup> The test measures a young adult's strengths and potential for success in military training.

The ASVAB consists of 10 subtests, and the scores on those subtests are used to determine the best jobs for those entering a branch of the military. Scores from four of the math and verbal domain subtests are used to calculate the Armed Forces Qualification Test (AFQT) score, which determines eligibility for military enlistment.<sup>10</sup>

Each branch of the military has different standards. Minimum scores that each branch of the military requires depends on whether a potential recruit has a high school diploma or a high school equivalency diploma (GED). Students with a GED need a higher minimum AFQT score than students with a high school diploma. An AFQT score of 60 indicates that the examinee scored as well as or better than 60 percent of the nationally representative sample. For high school graduates with a diploma, requirements by military branch are:<sup>11</sup>

- Air-Force recruits are required to have a minimum AFQT score of 36.
- Army recruits are required to have a minimum AFQT score of 31.
- Coast-Guard recruits are required to have a minimum AFQT score of 40.
- Marine recruits are required to have a minimum AFQT score of 32.
- National-Guard recruits are required to have a minimum AFQT score of 31.
- Navy recruits are required to have a minimum AFQT score of 35.

AFQT scores are divided into these categories, and Category V recruits are ineligible to enlist in any of the military services:<sup>12</sup>

- Category I - 93-99.
- Category II - 65-92.
- Category IIIa - 50-64.
- Category IIIb - 31-49.
- Category IVa - 21-30.
- Category IVb - 16-20.
- Category IVc - 10-15.
- Category V - 0-9.

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<sup>8</sup> Official ASVAB, *ASVAB Fact Sheet* (2018), available at [http://www.officialasvab.com/docs/asvab\\_fact\\_sheet.pdf](http://www.officialasvab.com/docs/asvab_fact_sheet.pdf). (last visited Feb. 13, 2020).

<sup>9</sup> Military.com, *The ASVAB Test*, available at <https://www.military.com/join-armed-forces/asvab> (last visited Feb. 13, 2020).

<sup>10</sup> US Military Careers, *How the ASVAB Score is Computed*, available at <https://www.thebalancecareers.com/how-the-asvab-afqt-score-is-computed-3354094> (last visited Feb. 13, 2020).

<sup>11</sup> *Id.*

<sup>12</sup> Military Aptitude Tests, *Armed Services Vocational Aptitude Battery: Introduction*, available at <http://www.militaryaptitudetests.com/asvab> (last visited Feb. 13, 2020).

### ***Junior Reserve Officers' Training Corp in Florida***

Under Florida law, a school district may not ban any branch of the United States Armed Forces or the United States Department of Homeland Security from establishing, maintaining, or operating a unit of the Junior Reserve Officers' Training Corps at a public high school, and:<sup>13</sup>

- A school district must allow a student attending a public high school in the district to enroll in the JROTC at another public school under certain conditions.<sup>14</sup>
- A school district must grant military recruiters of the United States Armed Forces and United States Department of Homeland Security the same access to secondary school students, and to school facilities and grounds, that the district grants to postsecondary educational institutions or prospective employers of students.<sup>15</sup>

### **Every Student Succeeds Act (ESSA)**

The Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), was signed into federal law December 10, 2015. ESSA includes provisions to:<sup>16</sup>

- Help ensure success for students and schools through advancing equity by upholding protections for disadvantaged and high-need students.
- Require all students to be taught to high academic standards that will prepare them to succeed in college and in a career.
- Ensure that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure student 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.

The United States Department of Education approved Florida's ESSA plan on September 26, 2018. The state ESSA includes the college and career acceleration component of the school grading formula that awards points for students who earn accelerated credit during their high school career.<sup>17</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 well each school serves students.<sup>18</sup> School grades are used in the state system of school

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<sup>13</sup> Section 1003.451(1), F.S.

<sup>14</sup> Section 1003.451(2)(a), F.S.

<sup>15</sup> Section 1003.451(3)(a), F.S.

<sup>16</sup> U.S. Department of Education, *Every Student Succeeds Act (ESSA)*, available at <https://www.ed.gov/essa?src=rn> (last visited Feb. 13, 2020).

<sup>17</sup> Florida Department of Education, *Every Student Succeeds Act (ESSA) State Plan* (2018), available at <http://www.fldoe.org/core/fileparse.php/14196/urlt/FL-ESSA-StatePlan.pdf>, pg. 20 (last visited Feb. 13, 2020).

<sup>18</sup> Florida Department of Education, *2019 School Grades Overview* (2019), available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview19.pdf>. (last visited Feb. 13, 2020).

improvement and accountability to determine the need for school intervention and support,<sup>19</sup> or whether a school qualifies for school recognition funds.<sup>20</sup>

Schools are graded at one of the following grades:<sup>21</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 english and language arts (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>22</sup> Middle and high school models include additional components beyond the basic model.<sup>23</sup>

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on the following components:<sup>24</sup>

- The 4-year high school graduation rate of the school as defined by State Board of Education (SBE) rule.<sup>25</sup>
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement (AP) examinations, International Baccalaureate (IB) examinations, dual enrollment courses, or Advanced International Certificate of Education (AICE) examinations; or who, at any time during high school, earned national industry certifications identified in the CAPE Industry Certification Funding List, pursuant to rules adopted by the SBE.

### III. Effect of Proposed Changes:

The bill gives greater flexibility to transitioning students from military families by considering a student a resident of the school district when the parent is transferred or pending transfer to a military installation within the state rather than within the district, for purposes of enrollment and preferential treatment in the open enrollment process.

The bill also modifies the school grading model for high schools.

<sup>19</sup> See s. 1008.33(4), F.S.

<sup>20</sup> See s. 1008.36, F.S.

<sup>21</sup> Section 1008.34(2), F.S. and Rule 6A-1.09981(4)(d), F.A.C.

<sup>22</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>23</sup> See s. 1008.34(3)(b), F.S. and Rule 6A-1.09981(4)(a)-(c), F.A.C.

<sup>24</sup> Section 1008.34(3)(b)2., F.S., and Rule 6A-1.09981(4)(c)2. and 3., F.A.C.

<sup>25</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.

The bill also modifies the school grading model for high schools by adding to the calculation the percentage of students who earn a Category II Armed Forces Qualification Test score or higher on the Armed Services Vocational Aptitude Battery as a school grade college and career acceleration component. Only the scores of students who have participated for 2 years in JROTC; enlisted in the military; been accepted into a U.S. military academy; or received documented military career counseling from a military recruiter may be included in the calculation. The school grading model currently is based on the percentage of students who were eligible to earn credit by exam through Advanced Placement, International Baccalaureate, and the Advanced International Certificate of Education; through dual enrollment; or who actually earned national industry certification.

The bill takes effect July 1, 2020, while its provisions apply to the 2021-2022 school year.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenue as specified by Article VII, Section 18 of the State Constitution.

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

None.

##### **C. Trust Funds Restrictions:**

None.

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

None.

##### **E. Other Constitutional Issues:**

None identified.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Fiscal impact is indeterminate. The Department of Education may incur additional costs from collecting and processing the data to be calculated into the school grades acceleration component. The bill also requires the Florida Department of Education (DOE) to amend the state Every Student Succeeds Act (ESSA) plan to reflect the change in how the college and career acceleration component is calculated. After the plan is amended, the DOE must obtain approval of the amended plan by the U.S. Department of Education.<sup>26</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.05 and 1008.34.

**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 Military and Veterans Affairs and Space on February 19, 2020:**

The committee substitute gives greater flexibility to transitioning students from military families by considering a student a resident of the school district when the parent is transferred or pending transfer to a military installation within the state rather than within the district, for purposes of enrollment and preferential treatment in the open enrollment process. The committee substitute also revises the calculation of school grading by requiring that in addition to requiring a student to have earned a minimum of a Category II score on the Armed Forces Qualification Test, that the student had participated for 2 years in JROTC; enlisted in the military; been accepted into a U.S. military academy; or received documented military career counseling from a military recruiter.

**CS by Education on February 10, 2020:**

The committee substitute removes the requirement for students who completed two years of coursework as a participant in the United States Armed Forces Junior Reserve Officers' Training Corps program and earned a score of 31 or higher on the Armed Services Vocational Aptitude Battery as a school grade college and career acceleration component and replaces it with students who earn a Category II Armed Forces Qualification Test score or higher.

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<sup>26</sup> Florida Department of Education, *2020 Agency Legislative Bill Analysis of SB 662* (Oct. 29, 2019) (on file with the Senate Committee on Military and Veterans Affairs and Space).

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The committee substitute also moves the date of implementation from the 2020-2021 school year to the 2021-2022 school year to allow time for the Department of Education to collect the scores prior to modifying the school grade calculation.

**B. Amendments:**

None.