

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 7079 PCB PKI 20-02 Education

**SPONSOR(S):** Education Committee, PreK-12 Appropriations Subcommittee, PreK-12 Innovation Subcommittee, Aloupis

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1498

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Innovation Subcommittee	18 Y, 0 N	D'Souza	Brink
1) PreK-12 Appropriations Subcommittee	8 Y, 0 N, As CS	Bailey	Potvin
2) Education Committee	13 Y, 3 N, As CS	D'Souza	Hassell

### SUMMARY ANALYSIS

Florida's statewide accountability system includes, among other things, rigorous academic standards; statewide, standardized assessments; school and district grades; and school improvement requirements.

#### School Grades

Beginning with the 2022-2023 school year, the school grades calculation will include student performance on the SAT and ACT in the English language arts (ELA) and mathematics components of the school grades calculation.

#### Statewide, Standardized Assessments

The bill requires each school district to choose either the SAT or ACT for districtwide administration to grade 11 students beginning in the 2020-2021 school year. The bill authorizes the Commissioner of Education to discontinue the statewide, standardized Geometry end-of-course assessment upon approval from the U.S. Department of Education to use the SAT or ACT as the state's high school mathematics assessment under federal law. The bill discontinues the grade 9 ELA assessment after the 2021-2022 school year.

#### School Improvement

The bill 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." 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. School districts must submit their Turnaround School Supplemental Services Allocation plan to the commissioner for final approval by the Department of Education (DOE).

#### Other Provisions

The bill requires all grade 12 students to take a civic literacy assessment beginning in the 2020-2021 school year and requires postsecondary students to demonstrate civic literacy by successfully completing a civic literacy course and achieving a passing score on the civic literacy assessment. A student who achieves a passing score on the assessment in high school will not be required to take the assessment at a postsecondary institution.

The bill 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 and increase postsecondary access and success for students.

The bill authorizes the DOE to hold, enforce, and sell patents, copyrights, trademarks, and service marks.

The bill appropriates \$8 million in recurring funds from the General Revenue Fund to the DOE. See Fiscal Comments.

The bill provides an effective date of July 1, 2020, except as otherwise provided.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### **Every Student Succeeds Act**

The *Every Student Succeeds Act* (ESSA)<sup>1</sup> is a federal law reauthorizing and substantially revising the *Elementary and Secondary Education Act of 1965* (ESEA). ESSA is the successor to the *No Child Left Behind Act of 2001* (NCLB).<sup>2</sup> Like its predecessors NCLB and ESEA, the goal of ESSA is to improve elementary and secondary education in public schools by conditioning the receipt of federal funds on the implementation of federal requirements. In order to receive Title I funds under ESSA, states must implement a statewide accountability system for K-12 public schools. ESSA also offers competitive and noncompetitive grant funds for teacher and school leader development, family engagement, student support, weighted per-pupil funding, and the development of innovative student progression systems and assessment formats.

ESSA requires each state receiving Title I funds to submit a plan that includes:

- challenging academic standards for reading or English language arts (ELA) and mathematics;<sup>3</sup>
- high quality assessments in ELA, mathematics, and science;<sup>4</sup>
- long-term goals for all students and student subgroups<sup>5</sup> in the state, including measurements of interim progress toward meeting the goals;<sup>6</sup>
- multiple indicators of student success and school quality,<sup>7</sup> including:
  - academic achievement as measured by statewide assessments in ELA and mathematics;
  - a 4-year graduation rate for high schools;
  - for elementary and middle schools, student growth or another academic indicator;
  - progress of English language learners<sup>8</sup> (ELLs) toward English proficiency;
  - an additional indicator of school quality or student success;
  - annual meaningful differentiation (i.e., levels of performance) based on the system's indicators;<sup>9</sup> and
- identification of schools, based on annual meaningful differentiation, that require comprehensive support and improvement or targeted support and improvement for specific student subgroups.<sup>10</sup>

#### **Florida's Statewide Accountability System**

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<sup>1</sup> Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.*

<sup>2</sup> Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

<sup>3</sup> 20 U.S.C. s. 6311(b)(1).

<sup>4</sup> 20 U.S.C. s. 6311(b)(2).

<sup>5</sup> For purposes of statewide accountability systems, student subgroups include economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners. 20 U.S.C. s. 6311(c)(2).

<sup>6</sup> 20 U.S.C. s. 6311(c)(4)(A).

<sup>7</sup> 20 U.S.C. s. 6311(c)(4)(B).

<sup>8</sup> An English learner is between 3 to 21 years old; is enrolled or preparing to enroll in an elementary or secondary school; was not born in the U.S. or has a native language other than English; and has difficulties in speaking, reading, writing, or understanding the English language such that the student cannot meet the state's academic standards, cannot achieve in a classroom with instruction in English, or does not have the opportunity to participate fully in society. *See* 20 U.S.C. s. 7801(20).

<sup>9</sup> 20 U.S.C. s. 6311(c)(4)(C).

<sup>10</sup> 20 U.S.C. s. 6311(c)(4)(D).

Florida's statewide accountability system comprises, among other things, the following:

- Rigorous academic standards that establish what knowledge and skills K-12 students need to learn.<sup>11</sup>
- Statewide, standardized assessments to measure student achievement of the standards in specified subject areas and grade levels.<sup>12</sup>
- School and district grades based on student achievement of the standards and other indicators of school and district quality as well as school improvement ratings based on student learning growth.<sup>13</sup>
- School recognition funds that award schools for improving or achieving high levels of performance.<sup>14</sup>
- School improvement requirements to help struggling schools incorporate best practices and, when needed, to fundamentally restructure schools that continue to fail.<sup>15</sup>

### *Florida's Academic Standards*

Together, all of Florida's academic standards comprise the Next Generation Sunshine State Standards (NGSSS), which establish the core content of the curricula to be taught and specify the core content knowledge and skills that K-12 public school students are expected to acquire in ELA, science, mathematics, social studies, visual and performing arts, physical education, health, and foreign languages.<sup>16</sup> The State Board of Education (SBE) is responsible for adopting the NGSSS in rule based upon review and recommendations by the Commissioner of Education in consultation with Florida educators, school administrators, and state colleges and universities.<sup>17</sup>

On January 31, 2019, Governor DeSantis issued an executive order directing the commissioner to comprehensively review Florida's academic standards for kindergarten through grade 12 students by January 1, 2020, and provide recommended revisions to the governor.<sup>18</sup> The recommendations provided to Governor DeSantis are known as Florida's Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards.<sup>19</sup> On February 12, 2020, the SBE approved the B.E.S.T. Standards and established a timeline for incorporating the new standards by the 2022-2023 school year.<sup>20</sup>

### *Florida's Statewide, Standardized Assessments*

Under ESSA, states must implement high quality statewide, standardized assessments for all students:<sup>21</sup>

- Annual ELA and mathematics assessments for all students in grades 3 through 8.
- At least one ELA and one mathematics assessment in high school.
- At least one science assessment during grades 3 through 5, 6 through 9, and 10 through 12.

Under ESSA, students in grade 8 who take a high school end-of-course (EOC) mathematics assessment used in the accountability system may be exempted from the grade-level mathematics

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<sup>11</sup> Section 1003.41, F.S.; rule 6A-1.09401, F.A.C.

<sup>12</sup> Section 1008.22(3), F.S.

<sup>13</sup> Section 1008.34, F.S. Alternative schools may receive a school improvement rating pursuant to s. 1008.341, F.S.; exceptional student education centers may receive a school improvement rating pursuant to s. 1008.3415, F.S.

<sup>14</sup> Section 1008.36, F.S.

<sup>15</sup> Section 1008.33, F.S.; Rule 6A-1.099811, F.A.C.

<sup>16</sup> Section 1003.41(1) and (2), F.S.

<sup>17</sup> See s. 1003.41(3), F.S.

<sup>18</sup> Office of the Governor, *Executive Order 19-32: Commitment to Eliminating Common Core, Ensuring High-Quality Academic Standards and Raising the Bar for Civic Literacy* (January 31, 2019), [https://www.flgov.com/wp-content/uploads/orders/2019/EO\\_19-32.pdf](https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-32.pdf).

<sup>19</sup> Florida Department of Education, *February 12, 2020 – Meeting Agenda*, <http://www.fldoe.org/policy/state-board-of-edu/meetings/2020/2020-02-12> (last visited February 14, 2020). See rule 6A-1.09401, F.A.C.

<sup>20</sup> *Id.*

<sup>21</sup> 20 U.S.C. s. 6311(b)(2).

assessment, but only if they will take a higher level mathematics assessment in high school that is also used in the accountability system.<sup>22</sup>

Each state’s standardized assessments must also provide for the appropriate accommodations (i.e. interoperability with, and the ability to use assistive technology) necessary to measure the academic achievement of students with disabilities.<sup>23</sup>

Florida’s statewide, standardized assessments measure the extent to which students have mastered the NGSSS.<sup>24</sup> The requirements for students in Florida are as follows:<sup>25</sup>

ELA	Mathematics	Science	Social Studies
Grades 3-10: annual participation in the ELA Florida Standards Assessment (FSA)	<ul style="list-style-type: none"> <li>Grades 3-8: annual participation in the mathematics FSA</li> <li>High school: Algebra I and Geometry EOC assessments</li> </ul>	<ul style="list-style-type: none"> <li>Grades 5 and 8: Statewide Science Assessments</li> <li>High school: Biology I EOC assessment</li> </ul>	<ul style="list-style-type: none"> <li>Middle school: Civics EOC assessment</li> <li>High school: U.S. History EOC assessment</li> </ul>

The commissioner assists and supports districts in measuring student performance on the state standards by maintaining a statewide item bank, facilitating the sharing of developed tests or test items among school districts, and providing technical assistance in best assessment practices.<sup>26</sup> The commissioner may discontinue the item bank if he or she determines that district participation is insufficient for its sustainability.<sup>27</sup>

To promote transparency in the statewide, standardized assessment program, the DOE must solicit cost proposals for publication of the state assessments on its website in any procurement for the statewide, standardized ELA assessment in grades 3 through 10 and the statewide, standardized mathematics assessment in grades 3 through 8. Each statewide, standardized assessment<sup>28</sup> and EOC assessment,<sup>29</sup> excluding assessment retakes, must be published at least once on a triennial basis pursuant to a schedule determined by the commissioner.<sup>30</sup> The first set of assessments must be published no later than June 30, 2021, and must include, at a minimum, the statewide, standardized grade 3 ELA and mathematics assessments, the statewide, standardized grade 10 ELA assessment, and the Algebra I EOC assessment.<sup>31</sup>

A local education agency is authorized under ESSA to administer a locally selected assessment in lieu of the statewide, standardized high school ELA, mathematics, or science assessments.<sup>32</sup> However, any such assessment must:<sup>33</sup>

- be approved by the state;
- be nationally recognized;
- be aligned to the state’s academic standards;<sup>34</sup>
- address the depth and breadth of such standards;
- be equivalent in its content coverage, difficulty, and quality to the state assessments;

<sup>22</sup> 20 U.S.C. s. 6311(b)(2)(C).

<sup>23</sup> 20 U.S.C. s. 6311(b)(2)(B)(vi)(II). Includes students with the most significant cognitive disabilities and students with a disability who are provided under an Act other than the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

<sup>24</sup> See s. 1008.22(3), F.S.

<sup>25</sup> See s. 1008.22(3)(a) and (b), F.S.

<sup>26</sup> Section 1008.22(6)(b), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> See s. 1008.22(3)(a), F.S.

<sup>29</sup> See s. 1008.22(3)(b)1., F.S.

<sup>30</sup> Section 1008.22(8)(a), F.S.

<sup>31</sup> Section 1008.22(8)(b), F.S.

<sup>32</sup> See 20 U.S.C. s. 6311(b)(2)(H).

<sup>33</sup> 20 U.S.C. s. 6311(b)(2)(H)(i)-(v).

<sup>34</sup> See Section 1003.41(1) and (2), F.S. The NGSSS for Florida.

- provide comparable, valid, and reliable data on academic achievement, as compared to the state assessment, for all students and for each subgroup of students, with results expressed in terms consistent with the state’s academic achievement standards (i.e., Level 1, Level 2, etc.);
- meet the same technical requirements as the state assessments; and
- provide unbiased, rational, and consistent differentiation between schools within the state in order to meet the requirements of the state accountability system.

The Michigan Department of Education (MDE) has received conditional approval from the U.S. Secretary of Education to administer the SAT as its high school ELA and mathematics assessment.<sup>35</sup> The MDE participated in a peer review and submitted evidence to the U.S. Department of Education, which found that Michigan’s administration of the SAT as its high school ELA and mathematics assessment substantially met the requirements of ESSA. While MDE met more of the requirements related to state administration of the SAT, there are still significant concerns related to test design and alignment with Michigan’s academic content standards that have not yet been addressed. The MDE must submit satisfactory evidence to the U.S. Department of Education to address this issue and receive full approval.<sup>36</sup>

### School Grades

School grades are used to explain a school’s performance in a familiar, easy-to-understand manner for parents and the public.<sup>37</sup> School grades are also used to determine whether a school must select or implement a turnaround option<sup>38</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>39</sup>

The annual reports must identify schools as having one of the following grades:<sup>40</sup>

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

School Grades Models							
Basic/Elementary (700 Points)			Middle School (Basic +200 Points)		High School (Basic+300 Points)		
English Language Arts	Mathematics	Science	Civics EOC Assessment	Acceleration Success	U.S. History EOC Assessment	Graduation Rate	Acceleration Success

<sup>35</sup> U.S. Department of Education, *Michigan 9: Reading/language arts and mathematics general assessments for high school* (December 30, 2019), <https://www2.ed.gov/admins/lead/account/nclbfinalassess/michigan9.pdf>.

<sup>36</sup> *Id.*; U.S. Department of Education, *ESEA Waivers*, <https://www2.ed.gov/admins/lead/account/stateplan17/waivers/index.html> (last visited January 29, 2020). The Arizona and Virginia Departments of Education have requested that the U.S. Secretary of Education approve a waiver from the ESSA requirement that high school students in the same grade to take the same statewide, standardized mathematics assessment. These states have requested to administer the SAT or ACT as a locally-selected assessment in lieu of their respective statewide, standardized mathematics assessment. The U.S. Secretary of Education has denied these waivers because evidence has not shown that these assessments meet the assessment requirements under ESSA.

<sup>37</sup> Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

<sup>38</sup> See s. 1008.33(4), F.S.

<sup>39</sup> See s. 1008.26, F.S.

<sup>40</sup> Section 1008.34(2), F.S.; Rule 6A-1.09981(4)(d), F.A.C.

<b>Achievement (0% to 100%)</b>	Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Percentage of students who pass high school EOC assessments & industry certifications (0% to 100%)	Achievement (0% to 100%)	Overall, 4-year graduation rate (0% to 100%)	Percent of students eligible to earn college credit through AP, IB, AICE, dual enrollment, or earn industry certification (0% to 100%)
<b>Learning Gains (0% to 100%)</b>	Learning Gains (0% to 100%)						
<b>Learning Gains of Low 25% (0% to 100%)</b>	Learning Gains of Low 25% (0% to 100%)						

Learning gains measure growth in ELA and mathematics from one year to the next for the purposes of calculating school grades.<sup>41</sup> Students with 2 consecutive years of valid FSA scores may demonstrate learning gains by:<sup>42</sup>

- increasing at least one Achievement Level<sup>43</sup> on the FSA in the same subject area;
- scoring below Achievement Level 3 on the FSA in the prior year and advancing from one subcategory<sup>44</sup> within Achievement Level 1 or 2 in the prior year to a higher subcategory in the current year in the same subject area;
- remaining at Achievement Level 3 or 4 on the FSA in the current year and having a scale score that is greater in the current year than in the prior year;<sup>45</sup> or
- scoring at Achievement Level 5 in the prior year on the FSA and scoring at the same Achievement Level in the current year in the same subject area.

### *School Improvement*

Florida's system of improving low-performing schools is referred to as "school improvement" (SI). Under SI, intervention and support is provided to traditional public schools earning a letter grade of "D," or "F,"<sup>46</sup> with intensive intervention and support strategies applied to schools that earn two consecutive grades of "D" or a grade of "F" through turnaround option plans.<sup>47</sup>

All Florida public schools that earn a grade of "D" or "F" must have a school improvement plan, which is developed and implemented by the school's advisory council.<sup>48</sup> It is the responsibility of each district school board to approve school improvement plans.<sup>49</sup>

### *Intervention and Support Strategies*

<sup>41</sup> See Section 1008.34(1)(b), F.S.; Rule 6A-1.09981(2)(b), F.A.C.

<sup>42</sup> Rule 6A-1.09981(2)(b)1.a.-d., F.A.C.

<sup>43</sup> See Section 1008.34(1)(a), F.S. "Achievement level," "student achievement," or "achievement" describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment administered pursuant to s. 1008.22(3)(a) and (b). There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5.

<sup>44</sup> Rule 6A-1.09981(2)(b)1.b., F.A.C. Achievement Level 1 is composed of three equal subcategories, and Achievement Level 2 is comprised of two equal subcategories. Subcategories are determined by dividing the scale of Achievement Level 1 into three equal parts and dividing the scale of Achievement Level 2 into two equal parts. If the scale range cannot be evenly divided into three equal parts for Achievement Level 1 or into two equal parts for Achievement Level 2, no subcategory may be more than one scale score point larger than the other subcategories; the highest subcategories shall be the smallest.

<sup>45</sup> Rule 6A-1.09981(2)(b)1.c., F.A.C. This does not apply to student who scored in a different Achievement Level in the prior year in the same subject area.

<sup>46</sup> Section 1008.33(3)(b), F.S.

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

<sup>48</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. (requiring charter school earning a "D" or "F" to submit a school improvement plan to the sponsor).

<sup>49</sup> Section 1001.42(18), F.S.

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. Districts with a SI school must coordinate with the 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>50</sup>

Florida law specifies seven general types of intervention and support strategies for traditional public schools. These strategies 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>51</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>52</sup> The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.<sup>53</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. If the school’s grade does not improve to a “C” or higher after the additional year (its fourth consecutive grade below a “C”), or after the first full year of implementation if an additional year is not granted, the school must select from the following turnaround options:<sup>54</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.

The SBE may allow a school an additional year of implementation before the school must implement a different turnaround option 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.<sup>55</sup>

Based on traditional public schools that received grades in 2018 and 2019:<sup>56</sup>

- 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.

Corrective actions are required for charter schools earning three consecutive grades below a “C.” The governing board of such a charter school may choose to:<sup>57</sup>

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<sup>50</sup> Rule 6A-1.099811(5)(a), F.A.C.

<sup>51</sup> Section 1008.33(3)(c), F.S.; *See* Rule 6A-1.099811(5)(b)1.-9., F.A.C.

<sup>52</sup> Rule 6A-1.099811(5)(a)-(b), F.A.C.

<sup>53</sup> *Id.*

<sup>54</sup> Section 1008.33(4)(b)1.-4., F.S.; Rule 6-A 1.099811(6)(b), F.A.C

<sup>55</sup> Section 1008.33(4)(a), F.S.

<sup>56</sup> Florida Department of Education, *School Improvement Presentation to the House PreK-12 Innovation Subcommittee* (October 16, 2019),

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting Packets&FileName=pki\\_10-16-19.pdf](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting%20Packets&FileName=pki_10-16-19.pdf).

<sup>57</sup> Section 1002.33(9)(n)2.a.

- contract for educational services to be provided directly to students, instructional personnel, and school administrators;
- contract with an outside entity with a track record of effectiveness to operate the school;
- hire a new director or principal who has authority to hire new staff; or
- voluntarily close the school.

Corrective actions are no longer required if the charter school grade improves to a “C” or higher. However, the school must continue to implement its school improvement plan.<sup>58</sup>

A charter school’s contract is automatically terminated if the school earns two consecutive grades of “F,” unless the charter school:<sup>59</sup>

- is established to turn around the performance of a district public school;
- serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of “F” in the year before the charter school opened and the charter school earns at least a grade of “D” in its third year of operation; or
- is granted a waiver of termination by the SBE.

The director and a representative of a charter school that is required to implement a school improvement plan or corrective action must annually appear before the sponsor to report the progress of the corrective strategies being implemented by the school.<sup>60</sup>

#### *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>61</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>62</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 submit its approved plan to the commissioner by September 1 of each year.<sup>63</sup> At a minimum the plan must:<sup>64</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 4 continuous fiscal years while implementing a turnaround option.<sup>65</sup> In addition, a school that improves to

<sup>58</sup> Section 1002.33(9)(n)2.d.

<sup>59</sup> Section 1002.33(9)(n)3.

<sup>60</sup> Section 1002.33(9)(n)4.

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

<sup>62</sup> Section 1011.62(21)(a)1., F.S.

<sup>63</sup> Section 1011.62(21)(b) and (d), F.S.

<sup>64</sup> Section 1011.62(21)(c)1.-7., F.S.

<sup>65</sup> Section 1011.62(21)(f), F.S.



a grade of “C” or higher remains eligible to receive the allocation for a maximum of 2 continuous fiscal years after exiting turnaround status.<sup>66</sup>

## **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>67</sup> These report cards must clearly depict and grade.<sup>68</sup>

- the students’ academic performance in each class or course;<sup>69</sup>
- the student’s conduct and behavior; and
- the student’s 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 nonpromotion.<sup>70</sup> The law does not specify when report cards must be issued.

### *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 determines that extenuating circumstances exist and reports the extenuating circumstances to the SBE.<sup>71</sup>

### *Reporting Assessment Results*

The results of statewide, standardized ELA and mathematics assessments, including assessment retakes, must be reported<sup>72</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 1 week after receiving the results from the DOE.<sup>73</sup>

## **U.S. 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.<sup>74</sup> One-half of the three credits must be earned in the U.S. Government course.<sup>75</sup>

Each student entering a Florida College System (FCS) institution or state university must demonstrate competency in civic literacy through two options: successful completion of a civic literacy course or achieving a passing score on an assessment.<sup>76</sup>

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<sup>66</sup> *Id.*

<sup>67</sup> Section 1003.33(1), F.S.

<sup>68</sup> Section 1003.33(1)(a)-(c), F.S.

<sup>69</sup> Section 1003.33(1)(a), 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>70</sup> Section 1003.33(2), F.S.

<sup>71</sup> Section 1008.22(3)(g)2., F.S.

<sup>72</sup> *See s.* 1008.22(7)(h)1.-6., F.S.

<sup>73</sup> Section 1008.22(7)(h), F.S.

<sup>74</sup> Section 1003.4282(3)(d), F.S.

<sup>75</sup> *Id.*

<sup>76</sup> Section 1007.25(4), F.S.

The chairs of the SBE and the Board of Governors (BOG), or their respective designees, must jointly appoint a faculty committee to:<sup>77</sup>

- develop a new course in civic literacy or revise an existing general education core course in American History or American Government to include civic literacy; and
- establish course competencies and identify outcomes that include, at a minimum:
  - an understanding of the basic principles of American democracy and how they are applied in our republican form of government;
  - an understanding of the United States Constitution,
  - knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance; and
  - an understanding of landmark Supreme Court cases and their impact on law and society.

The SBE must adopt in rule and the BOG must adopt in regulation at least one existing assessment that measures competencies consistent with the required course competencies.<sup>78</sup> The BOG has adopted the following assessments and passing scores to meet this requirement:<sup>79</sup>

Assessment	Passing Score
U.S. Citizenship Services Naturalization Test – Civics (with supplemental questions)	60
AP Government and Politics: United States	3
AP U.S. History	4
CLEP American Government	50

While the SBE has adopted the same Advanced Placement and College-Level Examination Program assessments and respective passing scores for students to meet this requirement, it has not adopted the U.S. Citizenship Services Naturalization Test.<sup>80</sup>

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

In 2004, the Legislature established the Florida Partnership for Minority and Underrepresented Student Achievement (FLP).<sup>81</sup> 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 education.<sup>82</sup> In support of the FLP, staff from College Board’s Florida office provides professional development and technical assistance to school and district-level administrators, along with guidance counselors, teachers, and other school staff in targeted school districts.<sup>83</sup> Funding for the FLP is provided in the General Appropriations Act, with \$4 million appropriated to the FLP in 2019.<sup>84</sup>

Under the FLP, as provided in law, each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, must provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or the PreACT to all enrolled grade 10 students.<sup>85</sup> Test results provide each high school with a database of student assessment data which certified school counselors must use to identify students who are prepared or

<sup>77</sup> Section 1007.25(4)(a)-(b), F.S.

<sup>78</sup> Section 1007.25(4), F.S.

<sup>79</sup> Florida Board of Governors Regulation 8.006.

<sup>80</sup> See rule 6A-10.02413(2), F.S.

<sup>81</sup> Ch. 2004-63, L.O.F.

<sup>82</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>.

<sup>83</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>84</sup> Section 1007.35(9)(b), F.S.; ch. 2019-115, L.O.F.

<sup>85</sup> Section 1007.35(5), F.S. However, a written notice shall be provided to each parent which must include the opportunity to exempt his or her child from taking the PSAT/NMSQT or the PreACT.

who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.<sup>86</sup>

By September 30 of each year, the FLP must submit a report to the DOE that contains an evaluation of the effectiveness of delivered services and activities at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools.<sup>87</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 grade 10 PSAT/NMSQT or the PreACT testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.<sup>88</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>89</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>90</sup>

In addition to its support of the FLP, the College Board implements an Opportunity Scholarships Program that awards scholarships through a lottery process to high school students for completing necessary components for college applications.<sup>91</sup> These components include:<sup>92</sup>

- practicing for the SAT;
- completing the Free Application for Student Aid (FAFSA); and
- applying to colleges.

The College Board collects student data on these components through self-reporting when students have completed these components to qualify for scholarship awards.<sup>93</sup>

## **Effect of Proposed Changes**

### **Florida's Statewide, Standardized Assessments**

Beginning in the 2020-2021 school year, the bill requires each school district to choose either the SAT or ACT for districtwide administration to each public school student in grade 11, including students attending public high schools, alternative schools, and centers of the Department of Juvenile Justice.

The bill also authorizes the commissioner to discontinue the Geometry end-of-course assessment upon approval from the U.S. Department of Education to use the SAT or ACT as the state's high school mathematics assessment under ESSA, which may be through a waiver from high school mathematics testing requirements under ESSA or modification of the state's ESSA plan. The bill also phases out the grade 9 ELA assessment after the 2021-2022 school year.

The bill includes the statewide, standardized science and social studies assessments with the assessments that must be published on the DOE's website. The bill 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.

### **School Grades**

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<sup>86</sup> Section 1007.35(5)(a), F.S.

<sup>87</sup> Section 1007.35(8)(a), F.S.

<sup>88</sup> *Id.*

<sup>89</sup> Section 1007.35(8)(b), F.S.

<sup>90</sup> *Id.*

<sup>91</sup> College Board, *Opportunity Scholarships*, <https://opportunity.collegeboard.org/> (last visited February 14, 2020).

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

The bill includes the percentage of eligible students passing the relevant portions of the SAT and ACT in the ELA and mathematics achievement components of the school grades calculation, 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.

If the DOE attains approval from U.S. Department of Education to use results from the mathematics portion of the SAT or ACT in the accountability system, performance and learning gains based on the Geometry EOC assessment will no longer be included in the school grades calculation. Beginning in the 2022-2023 school year, student performance on the statewide, standardized grade 9 ELA assessment will no longer be included in the school grades calculation.

The bill redefines “learning gains” to mean the degree of student growth over time, rather than from one school year to the next.

### **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>94</sup> Algebra I final grade and credit must be honored if his or her transcript shows a credit in Algebra I, regardless of his or her performance on the statewide, standardized Algebra I EOC assessment.

In addition to the results of the statewide, standardized ELA and mathematics assessments, the bill requires the results of the statewide, standardized science and social studies assessments to also be reported in an easy-to-read and understandable format to students, parents, and teachers. The bill deletes an inconsistent requirement that statewide, standardized assessment results be provided by the end of the school year. The school district will provide the statewide, standardized assessment results to students’ teachers and parents within 1 week after receiving the results from the DOE.

### **School Improvement**

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

#### *School Turnaround Options*

The bill revises school turnaround options by requiring implementation of a district-managed turnaround option after the first year a school earns a grade of “D.” The bill also conditions approval of the option to close a school upon the recommendation of the commissioner. Students of a closed school must be reassigned to another school with a school grade of “C” or higher, be provided additional services to address deficiencies and improve performance, and be monitored for progress for 3 school years.

The bill authorizes a school district to request a new turnaround option during the implementation of a turnaround option and authorizes the SBE to revoke a turnaround plan if a school district fails to follow the terms of its approved plan. Before revoking a turnaround plan, the SBE must consider any curative action taken or proposed by the school district and the feasibility to improve performance under the plan during the remainder of the approval period. Upon revocation of its initial plan, the school district must submit a new turnaround plan or select a new turnaround option.

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<sup>94</sup> See s. 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.

The contract with an external operator must allow unilateral cancellation by the school district upon revocation of the turnaround plan. In addition to district-managed charter schools, the bill includes providers authorized by the State University System or FCS as allowable external operators.

Beginning with the 2023-2024 school year, the bill limits the turnaround options for a school that earns a grade of “D” or “F” within 3 years after improving to a grade of “C” or higher to: converting to a charter school; contracting with an external operator; or closing the school.

#### *Turnaround School Supplemental Services Allocation*

The bill requires a school district to submit its school board approved implementation plan to the commissioner by September 1 of each fiscal year for final approval by the DOE.

In order to be eligible for TSSSA funds, the bill requires a school district to include in its annually submitted TSSSA plan a memorandum of agreement with a charter school or an external operator when a school in its district completes its first year of district-managed turnaround. The TSSSA plan must also describe how instructional personnel will be identified, recruited, retained, and rewarded using value-added model (VAM)<sup>95</sup> data, if available, or using fair and reliable alternative measures of student learning growth or achievement for instructional personnel without VAM data.

Additionally, the bill requires that a school demonstrate sustainability of improvement in order to continue receiving TSSSA funds for up to 2 years after exiting turnaround status.

#### **U.S. Government Course and Civic Literacy**

Beginning in the 2020-2021 school year, the bill requires all grade 12 students to take the civic literacy assessment identified by the SBE for students entering FCS institutions.

The bill revises the civic literacy requirement for postsecondary students by requiring students to successfully complete a civic literacy course and achieve a passing score on the civic literacy assessment. A student who passes the assessment in high school fulfills the civic literacy assessment requirement but must still complete the postsecondary civic literacy course once enrolled in a state university or FCS institution.

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

To further increase postsecondary access and success for students in low-performing schools, the bill requires the FLP to:

- provide information on resources and opportunities, such as available financial aid and how to apply for such aid, to help students achieve the necessary means to transition to postsecondary education; and
- identify public and private partnerships that provide college advising services to assist students in the postsecondary education application process.

Additionally, the bill revises the FLP reporting requirements to include the number of students who submit at least one postsecondary application and the number of students who submit an application for financial aid to help pay for postsecondary expenses to be included in the annual report.

#### **Other Provisions**

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

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<sup>95</sup> Florida Department of Education, *Performance Evaluation*, <http://www.fldoe.org/teaching/performance-evaluation/> (last visited February 5, 2020). The VAM model measures the difference in each student’s actual performance on a statewide assessment from that student’s expected performance, which takes into account specific student and classroom factors that impact the learning process. VAM scores represent the amount the teacher contributed to student learning growth, on average, to the students they taught while controlling for factors that impact student learning growth.

The bill provides the DOE with the authority to hold patents, copyrights, trademarks, and service marks and 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.

### *Instructional Materials*

The bill authorizes the DOE to establish timeframes for advertisement and submission of bids for the 2020 adoption cycle of instructional materials.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 1001.23, F.S.; authorizing the DOE to hold patents, copyrights, trademarks, and service marks; authorizing the DOE to take specified actions to enforce its rights under certain circumstances; requiring the DOE to notify the Department of State under certain circumstances; and requiring certain proceeds to be deposited into a specified trust fund.

**Section 2.** Amends s. 1003.33, F.S.; requiring final report cards to be issued within a specified timeframe; and providing an exception.

**Section 3.** Amends s. 1003.4156, F.S.; conforming provisions to changes made by the act.

**Section 4.** Amends s. 1003.4282, F.S.; deleting obsolete language; requiring students to take a specified assessment relating to civic literacy; and providing that such assessment meets certain postsecondary requirements under specified circumstances.

**Section 5.** Amends s. 1003.4285, F.S.; revising the requirements for earning the scholar designation on a standard high school diploma.

**Section 6.** Amends s. 1006.33, F.S.; authorizing the DOE to establish timeframes for specified purposes relating to instructional materials for a certain adoption cycle.

**Section 7.** Amends s. 1007.25, F.S.; requiring postsecondary students to complete a civic literacy course and pass a specified assessment to demonstrate competency in civic literacy; and authorizing students to meet the assessment requirements in high school.

**Section 8.** Amends s. 1007.35, F.S.; requiring the Florida Partnership for Minority and Underrepresented Student Achievement to provide specified information to students relating to transitioning to postsecondary education; and revising reporting requirements.

**Section 9.** Amends s. 1008.212, F.S.; conforming cross-references to changes made by the act.

**Section 10.** Amends s. 1008.22, F.S.; deleting obsolete language; discontinuing a specified ELA assessment at a certain time; requiring certain statewide, standardized assessments to be administered in a paper-based format; providing for the discontinuation of the geometry EOC assessment; requiring school districts to provide the SAT or ACT to grade 11 students beginning in a specified school year; requiring school districts to choose which assessment to administer; deleting reporting requirements; authorizing the commissioner to discontinue the Geometry EOC assessment under certain circumstances; deleting a requirement that the commissioner maintain a specified item bank; deleting specified requirements for the date of the administration of specified assessments; and revising the deadline for the publication of certain assessments.

**Section 11.** Amends s. 1008.25, F.S.; revising which assessments a high school must use to advise students of specified deficiencies.

**Section 12.** Amends s. 1008.33, F.S.; revising requirements for certain intervention and support strategies; providing requirements for the SBE to allow a school an additional year of implementation of a district-managed turnaround plan; revising the requirements for turnaround options for specified schools; revising the criteria for a school to implement such options; revising the components of such turnaround options; authorizing a school district to request a new turnaround option; providing requirements for certain schools that reenter the turnaround system beginning in a specified school year; authorizing the SBE to revoke a turnaround plan under certain circumstances; and providing requirements for such revocation.

**Section 13.** Amends s. 1008.34, F.S.; revising definitions; revising school grade calculations to include specified assessment results beginning in a specified school year; and conforming a cross-reference to changes made by the act.

**Section 14.** Amends s. 1008.3415, F.S.; conforming a cross-references to changes made by the act.

**Section 15.** Amends s. 1011.62, F.S.; revising the eligibility criteria for the TSSSA; revising the required contents for a specified plan; and requiring the DOE to provide final approval of specified plans.

**Section 16.** Provides an appropriation.

**Section 17.** Provides an effective date of July 1, 2020, except as otherwise provided.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The fiscal impact to the state is \$8 million which has been appropriated in the bill. See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

Currently, the SAT and ACT cost approximately \$50 per test “off the shelf”. However, the DOE has researched other states’ contracts with these vendors and estimates that costs to Florida would not

exceed \$40 per student. Approximately 200,000 tests would be provided each year, so the estimated cost for each student to take either the SAT or ACT once would cost approximately \$8 million per year.<sup>96</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

None.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2020, the PreK-12 Innovation Subcommittee adopted four amendments and reported the proposed committee bill favorably. The amendments:

- remove association of the civic literacy assessment with the U.S. Government course, by requiring all grade 12 students to take the assessment;
- extend the elimination of the grade 9 ELA assessment to 2021-2022;
- remove the limitation that only statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be paper-based;
- clarify that the DOE attain approval from the U.S. Department of Education to use the SAT or ACT as the state's high school mathematics assessment under ESSA with either a waiver or an approved plan; and
- extend the date by which the SBE must set passing scores for the SAT and ACT from 2020-2021 to 2022-2023.

On February 10, 2020, PreK-12 Appropriations Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment appropriates for fiscal year 2020-2021, the recurring sum of \$8 million from the General Revenue Fund to the DOE to provide the SAT or ACT to all grade 11 students.

On February 18, 2020, the Education Committee adopted three amendments and reported the bill favorably as a committee substitute. The amendments:

- limit turnaround options for a school that earns a grade of "D" or "F" within 3 years, rather than within 4 years, after improving to a grade of "C," beginning with the 2023-2024 school year;
- require a school district's annually submitted TSSSA plan to include a memorandum of agreement with a charter school or an external operator when a school in its district completes its first year of district-managed turnaround, rather than requiring the TSSSA plan to establish at least one contract with a charter school or an external operator to provide services; and
- make the DOE's authority to establish timeframes for advertisement and submission of bids for the 2020 adoption cycle of instructional materials effective upon the bill becoming law.

The bill analysis is drafted to the committee substitute adopted by the Education Committee.

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<sup>96</sup> Email, Suzanne Pridgeon, Deputy Commissioner, Florida Department of Education (February 4, 2020).



