

By the Committees on Appropriations; and Judiciary; and Senator Diaz

576-04464-21

20211108c2

1 A bill to be entitled
2 An act relating to education; amending s. 1001.23,
3 F.S.; authorizing the Department of Education to hold
4 patents, copyrights, trademarks, and service marks;
5 authorizing the department to take specified actions
6 to enforce its rights under certain circumstances;
7 requiring the department to notify the Department of
8 State in writing when property rights by patent,
9 copyright, trademark, or service marks are secured by
10 the department; requiring, except for educational
11 materials and products, any proceeds received by the
12 department from the exercise of its rights to be
13 deposited in the department's Operating Trust Fund;
14 creating s. 1002.334, F.S.; establishing the
15 Innovative Blended Learning and Real-Time Student
16 Assessment Pilot Program within the department;
17 providing the purpose of the program; defining the
18 term "innovative blended learning"; specifying program
19 eligibility; requiring program applicants to submit
20 applications to the department in a format prescribed
21 by the department; requiring program applications to
22 include specified information; requiring applications
23 to be considered only for synchronous innovative
24 blended learning programs; requiring the Commissioner
25 of Education to select applicants to participate in
26 the program; providing a start date for the program;
27 providing for funding; authorizing the commissioner to
28 remove an approved applicant from the program under
29 certain circumstances; providing for future

576-04464-21

20211108c2

30 expiration; amending s. 1003.4282, F.S.; deleting
31 obsolete language; requiring certain students to take
32 a specified assessment relating to civic literacy;
33 providing that such assessment meets certain
34 postsecondary requirements under specified
35 circumstances; conforming a cross-reference; amending
36 s. 1007.25, F.S.; requiring certain postsecondary
37 students to complete a civic literacy course and pass
38 a specified assessment to demonstrate competency in
39 civic literacy; authorizing students to meet the
40 assessment requirements in high school; providing for
41 rulemaking; authorizing the development of new civic
42 literacy courses; providing requirements for such
43 courses; amending s. 1008.212, F.S.; conforming cross-
44 references; amending s. 1008.22, F.S.; revising the
45 purpose of the assessment program; deleting obsolete
46 language; requiring that certain assessments be given
47 in a paper-based format; requiring school districts to
48 provide the SAT or ACT to grade 11 students beginning
49 in a specified school year; requiring school districts
50 to choose which assessment to administer; deleting
51 specified reporting requirements; deleting a
52 requirement that the Commissioner of Education
53 maintain a specified item bank; deleting specified
54 requirements for the date of the administration of
55 specified assessments; revising a deadline for the
56 publication of certain assessments; conforming
57 provisions to changes made by the act; amending s.
58 1008.24, F.S.; revising the tests that are included

576-04464-21

20211108c2

59 under test administration and security rules; amending
60 ss. 1008.34 and 1008.3415, F.S.; conforming cross-
61 references; amending s. 1009.286, F.S.; providing an
62 additional exception to credit hours used when
63 calculating baccalaureate degrees; providing an
64 effective date.

65

66 Be It Enacted by the Legislature of the State of Florida:

67

68 Section 1. Subsection (5) is added to section 1001.23,
69 Florida Statutes, to read:

70 1001.23 Specific powers and duties of the Department of
71 Education.—In addition to all other duties assigned to it by law
72 or by rule of the State Board of Education, the department
73 shall:

74 (5) Notwithstanding the provisions of chapter 286, have the
75 authority to hold patents, copyrights, trademarks, and service
76 marks. The department may take any action necessary to enforce
77 its rights with respect to such patents, copyrights, trademarks,
78 and service marks or enter into a transaction to sell, lease,
79 license, or transfer such rights for monetary gain or other
80 consideration at the discretion of the department. The
81 department shall notify the Department of State in writing when
82 property rights by patent, copyright, trademark, or service
83 marks are secured by the department. Except for educational
84 materials and products, any proceeds received by the department
85 from the exercise of such rights shall be deposited in the
86 department's Operating Trust Fund.

87 Section 2. Section 1002.334, Florida Statutes, is created

576-04464-21

20211108c2

88 to read:

89 1002.334 Innovative Blended Learning and Real-Time Student
90 Assessment Pilot Program.—

91 (1) There is created within the Department of Education the
92 Innovative Blended Learning and Real-Time Student Assessment
93 Pilot Program. The purpose of the program is to develop and
94 measure innovative blended learning and real-time weekly student
95 assessment educational models that improve the educational
96 progress of this state's students and help close achievement
97 gaps for this state's traditionally underserved students.

98 (2) As used in this section, the term "innovative blended
99 learning" means:

100 (a) A mode of learning where in-person and remote students
101 are combined in one classroom environment where the education,
102 instruction, and engagement occurs at the same time with the
103 teacher and other students physically present in the classroom;
104 and

105 (b) For a given course, students learn in part through
106 online delivery of content and instruction with some element of
107 student control over time, place, path, or pace and in part at a
108 traditional supervised classroom location away from home.

109 (3) To be eligible to work with the program, an applicant
110 must be:

111 (a) A high-performing charter school under s. 1002.331;

112 (b) A high-performing charter school system under s.
113 1002.332; or

114 (c) An academically high-performing school district
115 pursuant to s. 1003.621.

116 (4) A program applicant must submit an application to the

576-04464-21

20211108c2

117 department in a format prescribed by the department. The
118 application must include all of the following:

119 (a) A plan for the synchronous technological and resource
120 design, curriculum, classroom operation, school or district
121 management, privacy protection and teacher professional
122 development, and at least weekly progress monitoring of real-
123 time student performance in innovative blended learning
124 programs.

125 (b) A plan to reduce achievement gaps through innovative
126 blended learning.

127 (c) A requirement that distance learning will always be at
128 the choosing of the student or the student's parent or guardian
129 and that a family will never be coerced to choose distance
130 learning.

131 (d) A requirement that a participating classroom may not be
132 fully virtual such that at least two-thirds of the students in a
133 class must be present for in-person learning on any regularly
134 scheduled school day.

135 (e) A requirement that any struggling student who is
136 participating in this program and who, according to progress
137 monitoring data, is on pace to learn less than a year's content
138 in a year's time must return to learning in person.

139 (f) A requirement that any student can choose to switch
140 learning modalities, in person or distance, on any given day,
141 without notice and therefore a seat must always be available for
142 every student registered to take any participating course.

143 (g) A requirement that the applicant provide all requested
144 student-level data from participating schools, including, as
145 necessary, benchmark historical data for up to the prior 3

576-04464-21

20211108c2

146 school years, to the department upon request.

147 (5) Applications may be considered only for synchronous
148 innovative blended learning programs.

149 (6) The Commissioner of Education shall select applicants
150 to participate in the program.

151 (7) Districts and schools may not begin approved
152 synchronous innovative blended learning programs until October
153 1, 2021.

154 (8) (a) Applicants approved by the commissioner shall
155 receive funding based upon the number of full-time equivalent
156 students being educated under the pilot program, as if each
157 student were being educated full-time in person at his or her
158 respective school.

159 (b) The commissioner may remove an approved applicant from
160 program participation if the applicant fails to maintain the
161 designations listed in subsection (3) or the applicant fails to
162 meet any of the requirements listed in subsection (4).

163 (9) This section expires July 1, 2024.

164 Section 3. Paragraphs (a) and (d) of subsection (3),
165 subsection (7), and paragraph (e) of subsection (10) of section
166 1003.4282, Florida Statutes, are amended to read:

167 1003.4282 Requirements for a standard high school diploma.—

168 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
169 REQUIREMENTS.—

170 (a) *Four credits in English Language Arts (ELA).*—The four
171 credits must be in ELA I, II, III, and IV. A student must pass
172 the statewide, standardized grade 10 ~~Reading assessment or, when~~
173 ~~implemented, the grade 10~~ ELA assessment, or earn a concordant
174 score, in order to earn a standard high school diploma.

576-04464-21

20211108c2

175 (d) *Three credits in social studies.*—A student must earn
176 one credit in United States History; one credit in World
177 History; one-half credit in economics; and one-half credit in
178 United States Government. The United States History EOC
179 assessment constitutes 30 percent of the student's final course
180 grade. Beginning with the 2021-2022 school year, students taking
181 the United States Government course are required to take the
182 assessment of civic literacy identified by the State Board of
183 Education pursuant to s. 1007.25(4). Students earning a passing
184 score on the assessment are exempt from the postsecondary civic
185 literacy assessment required by s. 1007.25(4).

186 (7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with
187 the 2012-2013 school year, if a student transfers to a Florida
188 public high school from out of country, out of state, a private
189 school, or a home education program and the student's transcript
190 shows a credit in Algebra I, the student must pass the
191 statewide, standardized Algebra I EOC assessment in order to
192 earn a standard high school diploma unless the student earned a
193 comparative score, passed a statewide assessment in Algebra I
194 administered by the transferring entity, or passed the statewide
195 mathematics assessment the transferring entity uses to satisfy
196 the requirements of the Elementary and Secondary Education Act,
197 as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C.
198 ss. 6301 et seq. If a student's transcript shows a credit in
199 high school reading or English Language Arts II or III, in order
200 to earn a standard high school diploma, the student must take
201 and pass the statewide, standardized grade 10 ~~Reading assessment~~
202 ~~or, when implemented, the grade 10 ELA assessment~~, or earn a
203 concordant score. If a transfer student's transcript shows a

576-04464-21

20211108c2

204 final course grade and course credit in Algebra I, Geometry,
205 Biology I, or United States History, the transferring course
206 final grade and credit shall be honored without the student
207 taking the requisite statewide, standardized EOC assessment and
208 without the assessment results constituting 30 percent of the
209 student's final course grade.

210 (10) STUDENTS WITH DISABILITIES.—Beginning with students
211 entering grade 9 in the 2014-2015 school year, this subsection
212 applies to a student with a disability.

213 (e) Any waiver of the statewide, standardized assessment
214 requirements by the individual education plan team, pursuant to
215 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, must be approved by the
216 parent and is subject to verification for appropriateness by an
217 independent reviewer selected by the parent as provided for in
218 s. 1003.572.

219
220 The State Board of Education shall adopt rules under ss.
221 120.536(1) and 120.54 to implement this subsection, including
222 rules that establish the minimum requirements for students
223 described in this subsection to earn a standard high school
224 diploma. The State Board of Education shall adopt emergency
225 rules pursuant to ss. 120.536(1) and 120.54.

226 Section 4. Subsection (4) of section 1007.25, Florida
227 Statutes, is amended to read:

228 1007.25 General education courses; common prerequisites;
229 other degree requirements.—

230 (4) (a) Beginning with students initially entering a Florida
231 College System institution or state university in the 2018-2019
232 school year and thereafter, each student must demonstrate

576-04464-21

20211108c2

233 competency in civic literacy. Students must have the option to
234 demonstrate competency either through successful completion of a
235 civic literacy course or by achieving a passing score on an
236 assessment. The State Board of Education must adopt in rule and
237 the Board of Governors must adopt in regulation at least one
238 existing assessment that measures competencies consistent with
239 the required course competencies outlined in subparagraph (b)2
240 ~~paragraph (b)~~.

241 (b) Beginning with students initially entering a Florida
242 College System institution or state university in the 2021-2022
243 school year and thereafter, each student must demonstrate
244 competency in civic literacy by achieving a passing score on an
245 assessment and by successfully completing a civic literacy
246 course. Credits earned for such courses via articulated
247 acceleration mechanisms in s. 1007.27 will count toward the
248 civic literacy competency requirement. The State Board of
249 Education and the Board of Governors shall adopt by rule and
250 regulation, respectively, approved assessments that address the
251 competencies in subparagraph 2. and courses that meet the
252 requirements in subparagraph 1. The chair of the State Board of
253 Education and the chair of the Board of Governors, or their
254 respective designees, shall jointly appoint a faculty committee
255 to:

256 1. ~~(a)~~ Develop one or more ~~a new~~ courses ~~course~~ in civic
257 literacy or revise an existing general education core course in
258 American History or American Government to include, at a
259 minimum, opportunities to engage synchronously in political
260 discussions and civil debates with multiple points of view and
261 to master the ability to synthesize information that informs

576-04464-21

20211108c2

262 civic decisionmaking ~~civic literacy~~.

263 2.~~(b)~~ Establish course competencies and identify outcomes
264 that include, at a minimum, an understanding of the basic
265 principles of American democracy and how they are applied in our
266 republican form of government, an understanding of the United
267 States Constitution, knowledge of the founding documents and how
268 they have shaped the nature and functions of our institutions of
269 self-governance, and an understanding of landmark Supreme Court
270 cases and their impact on law and society.

271 Section 5. Paragraph (a) of subsection (1) and subsection
272 (2) of section 1008.212, Florida Statutes, are amended to read:

273 1008.212 Students with disabilities; extraordinary
274 exemption.—

275 (1) As used in this section, the term:

276 (a) "Circumstance" means a situation in which
277 accommodations allowable for use on the statewide standardized
278 assessment, a statewide standardized end-of-course assessment,
279 or an alternate assessment pursuant to s. 1008.22(3)(d) ~~s.~~
280 ~~1008.22(3)(e)~~ are not offered to a student during the current
281 year's assessment administration due to technological
282 limitations in the testing administration program which lead to
283 results that reflect the student's impaired sensory, manual, or
284 speaking skills rather than the student's achievement of the
285 benchmarks assessed by the statewide standardized assessment, a
286 statewide standardized end-of-course assessment, or an alternate
287 assessment.

288 (2) A student with a disability for whom the individual
289 education plan (IEP) team determines is prevented by a
290 circumstance or condition from physically demonstrating the

576-04464-21

20211108c2

291 mastery of skills that have been acquired and are measured by
292 the statewide standardized assessment, a statewide standardized
293 end-of-course assessment, or an alternate assessment pursuant to
294 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~ shall be granted an
295 extraordinary exemption from the administration of the
296 assessment. A learning, emotional, behavioral, or significant
297 cognitive disability, or the receipt of services through the
298 homebound or hospitalized program in accordance with rule 6A-
299 6.03020, Florida Administrative Code, is not, in and of itself,
300 an adequate criterion for the granting of an extraordinary
301 exemption.

302 Section 6. Present paragraph (c) of subsection (3) of
303 section 1008.22, Florida Statutes, is redesignated as paragraph
304 (d), a new paragraph (c) is added to that subsection, and
305 paragraph (a) of subsection (1), paragraphs (a) and (b), present
306 paragraph (d), and paragraph (g) of subsection (3), subsection
307 (6), paragraphs (a), (b), (c), and (h) of subsection (7),
308 subsections (8) and (9), and paragraph (e) of subsection (12) of
309 that section are amended, to read:

310 1008.22 Student assessment program for public schools.—

311 (1) PURPOSE.—The primary purpose of the student assessment
312 program is to provide student academic achievement and learning
313 gains data to students, parents, teachers, school
314 administrators, and school district staff. This data is to be
315 used by districts to improve instruction; by students, parents,
316 and teachers to guide learning objectives; by education
317 researchers to assess national and international education
318 comparison data; and by the public to assess the cost benefit of
319 the expenditure of taxpayer dollars. The program must be

576-04464-21

20211108c2

320 designed to:

321 (a) Assess the achievement level and ~~annual~~ learning gains
322 of each student in English Language Arts and mathematics and the
323 achievement level in all other subjects assessed.

324 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
325 Commissioner of Education shall design and implement a
326 statewide, standardized assessment program aligned to the core
327 curricular content established in the Next Generation Sunshine
328 State Standards. The commissioner also must develop or select
329 and implement a common battery of assessment tools that will be
330 used in all juvenile justice education programs in the state.
331 These tools must accurately measure the core curricular content
332 established in the Next Generation Sunshine State Standards.
333 Participation in the assessment program is mandatory for all
334 school districts and all students attending public schools,
335 including adult students seeking a standard high school diploma
336 under s. 1003.4282 and students in Department of Juvenile
337 Justice education programs, except as otherwise provided by law.
338 If a student does not participate in the assessment program, the
339 school district must notify the student's parent and provide the
340 parent with information regarding the implications of such
341 nonparticipation. The statewide, standardized assessment program
342 shall be designed and implemented as follows:

343 (a) *Statewide, standardized comprehensive assessments.*—The
344 ~~statewide, standardized Reading assessment shall be administered~~
345 ~~annually in grades 3 through 10. The statewide, standardized~~
346 ~~Writing assessment shall be administered annually at least once~~
347 ~~at the elementary, middle, and high school levels. When the~~
348 ~~Reading and Writing assessments are replaced by~~ English Language

576-04464-21

20211108c2

349 Arts (ELA) assessments, ~~ELA assessments~~ shall be administered to
350 students in grades 3 through 10. Retake opportunities for the
351 ~~grade 10 Reading assessment or, upon implementation, the grade~~
352 10 ELA assessment must be provided. ~~Students taking the ELA~~
353 ~~assessments shall not take the statewide, standardized~~
354 ~~assessments in Reading or Writing.~~ Reading passages and writing
355 prompts for ELA assessments shall incorporate grade-level core
356 curricula content from social studies. The statewide,
357 standardized Mathematics assessments shall be administered
358 annually in grades 3 through 8. ~~Students taking a revised~~
359 ~~Mathematics assessment shall not take the discontinued~~
360 ~~assessment.~~ The statewide, standardized Science assessment shall
361 be administered annually at least once at the elementary and
362 middle grades levels. In order to earn a standard high school
363 diploma, a student who has not earned a passing score on the
364 grade 10 ~~Reading assessment or, upon implementation, the grade~~
365 ~~10~~ ELA assessment must earn a passing score on the assessment
366 retake or earn a concordant score as authorized under subsection
367 (9). Statewide, standardized ELA and Mathematics assessments in
368 grades 3 through 6 must be delivered in a paper-based format.

369 (b) *End-of-course (EOC) assessments.*—EOC assessments must
370 be statewide, standardized, and developed or approved by the
371 Department of Education as follows:

372 1. EOC assessments for Algebra I, Geometry, Biology I,
373 United States History, and Civics shall be administered to
374 students enrolled in such courses as specified in the course
375 code directory.

376 2. Students enrolled in a course, as specified in the
377 course code directory, with an associated statewide,

576-04464-21

20211108c2

378 standardized EOC assessment must take the EOC assessment for
379 such course and may not take the corresponding subject or grade-
380 level statewide, standardized assessment pursuant to paragraph
381 (a). Sections 1003.4156 and 1003.4282 govern the use of
382 statewide, standardized EOC assessment results for students.

383 3. The commissioner may select one or more nationally
384 developed comprehensive examinations, which may include
385 examinations for a College Board Advanced Placement course,
386 International Baccalaureate course, or Advanced International
387 Certificate of Education course, or industry-approved
388 examinations to earn national industry certifications identified
389 in the CAPE Industry Certification Funding List, for use as EOC
390 assessments under this paragraph if the commissioner determines
391 that the content knowledge and skills assessed by the
392 examinations meet or exceed the grade-level expectations for the
393 core curricular content established for the course in the Next
394 Generation Sunshine State Standards. Use of any such examination
395 as an EOC assessment must be approved by the state board in
396 rule.

397 4. Contingent upon funding provided in the General
398 Appropriations Act, including the appropriation of funds
399 received through federal grants, the commissioner may establish
400 an implementation schedule for the development and
401 administration of additional statewide, standardized EOC
402 assessments that must be approved by the state board in rule. If
403 approved by the state board, student performance on such
404 assessments constitutes 30 percent of a student's final course
405 grade.

406 5. All statewide, standardized EOC assessments must be

576-04464-21

20211108c2

407 administered online except as otherwise provided in paragraph
408 (d) ~~(e)~~.

409 6. A student enrolled in an Advanced Placement (AP),
410 International Baccalaureate (IB), or Advanced International
411 Certificate of Education (AICE) course who takes the respective
412 AP, IB, or AICE assessment and earns the minimum score necessary
413 to earn college credit, as identified in s. 1007.27(2), meets
414 the requirements of this paragraph and does not have to take the
415 EOC assessment for the corresponding course.

416 (c) Nationally recognized high school assessments.—Each
417 school district shall, by the 2021-2022 school year and subject
418 to appropriation, select either the SAT or ACT for districtwide
419 administration to each public school student in grade 11,
420 including students attending public high schools, alternative
421 schools, and Department of Juvenile Justice education programs.

422 ~~(d) Implementation schedule.—~~

423 ~~1. The Commissioner of Education shall establish and~~
424 ~~publish on the department's website an implementation schedule~~
425 ~~to transition from the statewide, standardized Reading and~~
426 ~~Writing assessments to the ELA assessments and to the revised~~
427 ~~Mathematics assessments, including the Algebra I and Geometry~~
428 ~~EOC assessments. The schedule must take into consideration~~
429 ~~funding, sufficient field and baseline data, access to~~
430 ~~assessments, instructional alignment, and school district~~
431 ~~readiness to administer the assessments online. All such~~
432 ~~assessments must be delivered through computer-based testing,~~
433 ~~however, the following assessments must be delivered in a~~
434 ~~computer-based format, as follows: the grade 3 Mathematics~~
435 ~~assessment beginning in the 2016-2017 school year; the grade 4~~

576-04464-21

20211108c2

436 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
437 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
438 ~~school year. Notwithstanding the requirements of this~~
439 ~~subparagraph, statewide, standardized ELA and mathematics~~
440 ~~assessments in grades 3 through 6 must be delivered only in a~~
441 ~~paper-based format, beginning with the 2017-2018 school year,~~
442 ~~and all such assessments must be paper-based no later than the~~
443 ~~2018-2019 school year.~~

444 ~~2. The Department of Education shall publish minimum and~~
445 ~~recommended technology requirements that include specifications~~
446 ~~for hardware, software, networking, security, and broadband~~
447 ~~capacity to facilitate school district compliance with the~~
448 ~~requirements of this section.~~

449 ~~(g) *Contracts for assessments.*~~

450 ~~1. The commissioner shall provide for the assessments to be~~
451 ~~developed or obtained, as appropriate, through contracts and~~
452 ~~project agreements with private vendors, public vendors, public~~
453 ~~agencies, postsecondary educational institutions, or school~~
454 ~~districts. The commissioner may enter into contracts for the~~
455 ~~continued administration of the assessments authorized and~~
456 ~~funded by the Legislature. Contracts may be initiated in 1~~
457 ~~fiscal year and continue into the next fiscal year and may be~~
458 ~~paid from the appropriations of either or both fiscal years. The~~
459 ~~commissioner may negotiate for the sale or lease of tests,~~
460 ~~scoring protocols, test scoring services, and related materials~~
461 ~~developed pursuant to law.~~

462 ~~2. A student's performance results on statewide,~~
463 ~~standardized assessments, EOC assessments, and Florida~~
464 ~~Alternative Assessments administered pursuant to this subsection~~

576-04464-21

20211108c2

465 ~~must be provided to the student's teachers and parents by the~~
466 ~~end of the school year, unless the commissioner determines that~~
467 ~~extenuating circumstances exist and reports the extenuating~~
468 ~~circumstances to the State Board of Education. This subparagraph~~
469 ~~does not apply to existing contracts for such assessments, but~~
470 ~~shall apply to new contracts and any renewal of existing~~
471 ~~contracts for such assessments.~~

472 ~~3. If liquidated damages are applicable, the department~~
473 ~~shall collect liquidated damages that are due in response to the~~
474 ~~administration of the spring 2015 computer-based assessments of~~
475 ~~the department's Florida Standards Assessment contract with~~
476 ~~American Institutes for Research, and expend the funds to~~
477 ~~reimburse parties that incurred damages.~~

478 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE
479 STANDARDS.—

480 ~~(a)~~ Measurement of student performance is the
481 responsibility of school districts except in those subjects and
482 grade levels measured under the statewide, standardized
483 assessment program described in this section. When available,
484 instructional personnel must be provided with information on
485 student achievement of standards and benchmarks in order to
486 improve instruction.

487 ~~(b) The Commissioner of Education shall assist and support~~
488 ~~districts in measuring student performance on the state~~
489 ~~standards by maintaining a statewide item bank, facilitating the~~
490 ~~sharing of developed tests or test items among school districts,~~
491 ~~and providing technical assistance in best assessment practices.~~
492 ~~The commissioner may discontinue the item bank if he or she~~
493 ~~determines that district participation is insufficient for its~~

576-04464-21

20211108c2

494 ~~sustainability.~~

495 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

496 (a) The Commissioner of Education shall establish schedules
497 for the administration of statewide, standardized assessments
498 and the reporting of student assessment results. The
499 commissioner shall consider the observance of religious and
500 school holidays when developing the schedules. The assessment
501 and reporting schedules must provide the earliest possible
502 reporting of student assessment results to the school districts,
503 ~~consistent with the requirements of paragraph (3)(g).~~ Assessment
504 results for the statewide, standardized ELA and mathematics
505 assessments and all statewide, standardized EOC assessments must
506 be made available no later than June 30, except for results for
507 the grade 3 statewide, standardized ELA assessment, which must
508 be made available no later than May 31. School districts shall
509 administer statewide, standardized assessments in accordance
510 with the schedule established by the commissioner.

511 (b) By January of each year, ~~beginning in 2018,~~ the
512 commissioner shall publish on the department's website a uniform
513 calendar that includes the assessment and reporting schedules
514 for, at a minimum, the next 2 school years. The uniform calendar
515 must be provided to school districts in an electronic format
516 that allows each school district and public school to populate
517 the calendar with, at minimum, the following information for
518 reporting the district assessment schedules under paragraph (d):

519 1. Whether the assessment is a district-required assessment
520 or a state-required assessment.

521 2. The specific date or dates that each assessment will be
522 administered.

576-04464-21

20211108c2

- 523 3. The time allotted to administer each assessment.
- 524 4. Whether the assessment is a computer-based assessment or
525 a paper-based assessment.
- 526 5. The grade level or subject area associated with the
527 assessment.
- 528 6. The date that the assessment results are expected to be
529 available to teachers and parents.
- 530 7. The type of assessment, the purpose of the assessment,
531 and the use of the assessment results.
- 532 8. A glossary of assessment terminology.
- 533 9. Estimates of average time for administering state-
534 required and district-required assessments, by grade level.
- 535 (c) ~~Beginning with the 2018-2019 school year,~~ The spring
536 administration of the statewide, standardized assessments in
537 paragraphs (3)(a) and (b), excluding assessment retakes, must be
538 in accordance with the following schedule:
- 539 1. The grade 3 statewide, standardized ELA assessment and
540 the writing portion of the statewide, standardized ELA
541 assessment ~~for grades 4 through 10~~ must be administered no
542 earlier than April 1 each year within an assessment window not
543 to exceed 2 weeks.
- 544 2. With the exception of assessments identified in
545 subparagraph 1., any statewide, standardized assessment that is
546 delivered in a paper-based format must be administered no
547 earlier than May 1 each year within an assessment window not to
548 exceed 2 weeks.
- 549 3. With the exception of assessments identified in
550 subparagraphs 1. and 2., any statewide, standardized assessment
551 must be administered within a 4-week assessment window that

576-04464-21

20211108c2

552 opens no earlier than May 1 each year.

553

554 ~~Each school district shall administer the assessments identified~~
555 ~~under subparagraphs 2. and 3. no earlier than 4 weeks before the~~
556 ~~last day of school for the district.~~

557 (h) The results of statewide, standardized assessment in
558 ELA and mathematics, science, and social studies assessments,
559 including assessment retakes, shall be reported in an easy-to-
560 read and understandable format and delivered in time to provide
561 useful, actionable information to students, parents, and each
562 student's current teacher of record and teacher of record for
563 the subsequent school year; however, in any case, the district
564 shall provide the results pursuant to this paragraph within 1
565 week after receiving the results from the department. A report
566 of student assessment results must, at a minimum, contain:

567 1. A clear explanation of the student's performance on the
568 applicable statewide, standardized assessments.

569 2. Information identifying the student's areas of strength
570 and areas in need of improvement.

571 3. Specific actions that may be taken, and the available
572 resources that may be used, by the student's parent to assist
573 his or her child based on the student's areas of strength and
574 areas in need of improvement.

575 4. Longitudinal information, if available, on the student's
576 progress in each subject area based on previous statewide,
577 standardized assessment data.

578 5. Comparative information showing the student's score
579 compared to other students in the school district, in the state,
580 or, if available, in other states.

576-04464-21

20211108c2

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

586 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
587 the statewide assessment program, in any procurement for the
588 statewide, standardized assessment in ELA, ~~assessment in grades~~
589 ~~3 through 10~~ and the mathematics, science, and social studies
590 ~~assessment in grades 3 through 8~~, the Department of Education
591 shall solicit cost proposals for publication of the state
592 assessments on its website in accordance with this subsection.

593 (a) The department shall publish each assessment
594 administered under paragraph (3) (a) and subparagraph (3) (b)1.,
595 excluding assessment retakes, at least once on a triennial basis
596 pursuant to a schedule determined by the Commissioner of
597 Education. Each assessment, when published, must have been
598 administered during the most recent school year and be in a
599 format that facilitates the sharing of assessment items.

600 (b) The initial publication of assessments must occur no
601 later than June 30, 2024 ~~June 30, 2021~~, subject to
602 appropriation, and must include, at a minimum, the grade 3 ELA
603 and mathematics assessments, the grade 10 ELA assessment, and
604 the Algebra I EOC assessment.

605 (c) The department must provide materials on its website to
606 help the public interpret assessment information published
607 pursuant to this subsection.

608 (9) CONCORDANT SCORES.—The Commissioner of Education must
609 identify scores on the SAT and ACT that if achieved satisfy the

576-04464-21

20211108c2

610 graduation requirement that a student pass the grade 10
611 ~~statewide, standardized Reading assessment or, upon~~
612 ~~implementation, the grade 10~~ ELA assessment. The commissioner
613 may identify concordant scores on assessments other than the SAT
614 and ACT. If the content or scoring procedures change for the
615 grade 10 ~~Reading assessment or, upon implementation, the grade~~
616 ~~10~~ ELA assessment, new concordant scores must be determined. If
617 new concordant scores are not timely adopted, the last-adopted
618 concordant scores remain in effect until such time as new scores
619 are adopted. The state board shall adopt concordant scores in
620 rule.

621 (12) REPORTS.—The Department of Education shall annually
622 provide a report to the Governor, the President of the Senate,
623 and the Speaker of the House of Representatives which shall
624 include the following:

625 ~~(c) The number of students who after 8th grade enroll in~~
626 ~~adult education rather than other secondary education, which is~~
627 ~~defined as grades 9 through 12.~~

628 Section 7. Subsection (1) of section 1008.24, Florida
629 Statutes, is amended to read:

630 1008.24 Test administration and security; public records
631 exemption.—

632 (1) A person may not knowingly and willfully violate test
633 security rules adopted by the State Board of Education for
634 mandatory tests administered by or through the State Board of
635 Education or the Commissioner of Education to students,
636 educators, or applicants for certification or administered by
637 school districts pursuant to ss. 1002.69, 1003.52, 1003.56,
638 1007.25, 1007.35, 1008.22, 1008.25, and 1012.56 ~~s. 1008.22~~, or,

576-04464-21

20211108c2

639 with respect to any such test, knowingly and willfully to:

640 (a) Give examinees access to test questions prior to
641 testing;

642 (b) Copy, reproduce, or use in any manner inconsistent with
643 test security rules all or any portion of any secure test
644 booklet;

645 (c) Coach examinees during testing or alter or interfere
646 with examinees' responses in any way;

647 (d) Make answer keys available to examinees;

648 (e) Fail to follow security rules for distribution and
649 return of secure test as directed, or fail to account for all
650 secure test materials before, during, and after testing;

651 (f) Fail to follow test administration directions specified
652 in the test administration manuals; or

653 (g) Participate in, direct, aid, counsel, assist in, or
654 encourage any of the acts prohibited in this section.

655 Section 8. Paragraph (a) of subsection (1) of section
656 1008.34, Florida Statutes, is amended to read:

657 1008.34 School grading system; school report cards;
658 district grade.—

659 (1) DEFINITIONS.—For purposes of the statewide,
660 standardized assessment program and school grading system, the
661 following terms are defined:

662 (a) "Achievement level," "student achievement," or
663 "achievement" describes the level of content mastery a student
664 has acquired in a particular subject as measured by a statewide,
665 standardized assessment administered pursuant to s.

666 1008.22(3)(a) and (b). There are five achievement levels. Level
667 1 is the lowest achievement level, level 5 is the highest

576-04464-21

20211108c2

668 achievement level, and level 3 indicates satisfactory
669 performance. A student passes an assessment if the student
670 achieves a level 3, level 4, or level 5. For purposes of the
671 Florida Alternate Assessment administered pursuant to s.
672 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, the state board shall provide,
673 in rule, the number of achievement levels and identify the
674 achievement levels that are considered passing.

675 Section 9. Subsection (2) of section 1008.3415, Florida
676 Statutes, is amended to read:

677 1008.3415 School grade or school improvement rating for
678 exceptional student education centers.—

679 (2) Notwithstanding s. 1008.34, the achievement levels and
680 Learning Gains of a student with a disability who attends an
681 exceptional student education center and has not been enrolled
682 in or attended a public school other than an exceptional student
683 education center for grades K-12 within the school district
684 shall not be included in the calculation of the home school's
685 grade if the student is identified as an emergent student on the
686 alternate assessment described in s. 1008.22(3)(d) ~~s.~~
687 ~~1008.22(3)(e)~~.

688 Section 10. Paragraph (i) is added to subsection (4) of
689 section 1009.286, Florida Statutes, to read:

690 1009.286 Additional student payment for hours exceeding
691 baccalaureate degree program completion requirements at state
692 universities.—

693 (4) For purposes of this section, credit hours earned under
694 the following circumstances are not calculated as hours required
695 to earn a baccalaureate degree:

696 (i) Credit hours earned to meet the requirements of s.

576-04464-21

20211108c2

697 1007.25(4).

698 Section 11. This act shall take effect July 1, 2021.

699