

20211108e1

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

20211108e1

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. 1003.4996, F.S.; extending the timeframe for the  
37 Competency-Based Education Pilot Program; amending s.  
38 1007.25, F.S.; requiring certain postsecondary  
39 students to complete a civic literacy course and pass  
40 a specified assessment to demonstrate competency in  
41 civic literacy; authorizing students to meet the  
42 assessment requirements in high school; providing for  
43 rulemaking; authorizing the development of new civic  
44 literacy courses; providing requirements for such  
45 courses; amending s. 1008.212, F.S.; conforming cross-  
46 references; amending s. 1008.22, F.S.; revising the  
47 purpose of the assessment program; deleting obsolete  
48 language; requiring that certain assessments be given  
49 in a paper-based format; requiring school districts to  
50 provide the SAT or ACT to grade 11 students beginning  
51 in a specified school year; requiring school districts  
52 to choose which assessment to administer; deleting  
53 specified reporting requirements; deleting a  
54 requirement that the Commissioner of Education  
55 maintain a specified item bank; deleting specified  
56 requirements for the date of the administration of  
57 specified assessments; revising a deadline for the  
58 publication of certain assessments; conforming

20211108e1

59 provisions to changes made by the act; amending s.  
60 1008.24, F.S.; revising the tests that are included  
61 under test administration and security rules; amending  
62 ss. 1008.34 and 1008.3415, F.S.; conforming cross-  
63 references; amending s. 1009.286, F.S.; providing an  
64 additional exception to credit hours used when  
65 calculating baccalaureate degrees; providing an  
66 effective date.

67  
68 Be It Enacted by the Legislature of the State of Florida:

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

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

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

20211108e1

88 department's Operating Trust Fund.

89 Section 2. Section 1002.334, Florida Statutes, is created  
90 to read:

91 1002.334 Innovative Blended Learning and Real-Time Student  
92 Assessment Pilot Program.—

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

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

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

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

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

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

114 (b) A high-performing charter school system under s.  
115 1002.332; or

116 (c) An academically high-performing school district

20211108e1

117 pursuant to s. 1003.621.

118 (4) A program applicant must submit an application to the  
119 department in a format prescribed by the department. The  
120 application must include all of the following:

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

127 (b) A plan to reduce achievement gaps through innovative  
128 blended learning.

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

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

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

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

145 (g) A requirement that the applicant provide all requested

20211108e1

146 student-level data from participating schools, including, as  
147 necessary, benchmark historical data for up to the prior 3  
148 school years, to the department upon request.

149 (5) Applications may be considered only for synchronous  
150 innovative blended learning programs.

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

153 (7) Districts and schools may not begin approved  
154 synchronous innovative blended learning programs until October  
155 1, 2021.

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

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

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

166 Section 3. Paragraphs (a) and (d) of subsection (3),  
167 subsection (7), and paragraph (e) of subsection (10) of section  
168 1003.4282, Florida Statutes, are amended to read:

169 1003.4282 Requirements for a standard high school diploma.—

170 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
171 REQUIREMENTS.—

172 (a) *Four credits in English Language Arts (ELA).*—The four  
173 credits must be in ELA I, II, III, and IV. A student must pass  
174 the statewide, standardized grade 10 ~~Reading assessment or, when~~

20211108e1

175 ~~implemented, the grade 10 ELA assessment, or earn a concordant~~  
176 ~~score, in order to earn a standard high school diploma.~~

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

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

20211108e1

204 ~~or, when implemented, the grade 10~~ ELA assessment, or earn a  
205 concordant score. If a transfer student's transcript shows a  
206 final course grade and course credit in Algebra I, Geometry,  
207 Biology I, or United States History, the transferring course  
208 final grade and credit shall be honored without the student  
209 taking the requisite statewide, standardized EOC assessment and  
210 without the assessment results constituting 30 percent of the  
211 student's final course grade.

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

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

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

228 Section 4. Section 1003.4996, Florida Statutes, is amended  
229 to read:

230 1003.4996 Competency-Based Education Pilot Program.—  
231 Beginning with the 2016-2017 school year, the Competency-Based  
232 Education Pilot Program is created within the Department of



20211108e1

233 Education to be administered for a period of 7 ~~5~~ years. The  
234 purpose of the pilot program is to provide an educational  
235 environment that allows students to advance to higher levels of  
236 learning upon the mastery of concepts and skills through  
237 statutory exemptions relating to student progression and the  
238 awarding of credits.

239 (1) PARTICIPATION.—The P.K. Yonge Developmental Research  
240 School and the Lake, Palm Beach, Pinellas, and Seminole County  
241 School Districts may submit an application in a format  
242 prescribed by the department to participate in the pilot  
243 program.

244 (2) APPLICATION.—The application to participate in the  
245 pilot program must, at a minimum, include:

246 (a) The vision and timelines for the implementation of  
247 competency-based education within the school district, including  
248 a list of the schools that will participate in the pilot program  
249 during the first school year and the list of schools that will  
250 be integrated into the program in subsequent school years.

251 (b) The annual goals and performance outcomes for  
252 participating schools, including, but not limited to:

- 253 1. Student performance as defined in s. 1008.34.
- 254 2. Promotion and retention rates.
- 255 3. Graduation rates.
- 256 4. Indicators of college and career readiness.

257 (c) A communication plan for parents and other  
258 stakeholders, including local businesses and community members.

259 (d) The scope of and timelines for professional development  
260 for school instructional and administrative personnel.

261 (e) A plan for student progression based on the mastery of

20211108e1

262 content, including mechanisms that determine and ensure that a  
263 student has satisfied the requirements for grade-level promotion  
264 and content mastery.

265 (f) A plan for using technology and digital and blended  
266 learning to enhance student achievement and facilitate the  
267 competency-based education system.

268 (g) The proposed allocation of resources for the pilot  
269 program at the school and district levels.

270 (h) The recruitment and selection of participating schools.

271 (i) The rules to be waived for participating schools  
272 pursuant to subsection (3) to implement the pilot program.

273 (3) EXEMPTION FROM RULES.—In addition to the waivers  
274 authorized in s. 1001.10(3), the State Board of Education may  
275 authorize the commissioner to grant an additional waiver of  
276 rules relating to student progression and the awarding of  
277 credits.

278 (4) STUDENT FUNDING.—Students enrolled in a participating  
279 school shall be reported for and generate funding pursuant to s.  
280 1011.62.

281 (5) DEPARTMENT DUTIES.—The department shall:

282 (a) Compile the student and staff schedules of  
283 participating schools before and after implementation of the  
284 pilot program.

285 (b) Provide participating schools with access to statewide,  
286 standardized assessments required under s. 1008.22.

287 (c) Annually, by June 1, provide to the Governor, the  
288 President of the Senate, and the Speaker of the House of  
289 Representatives a report summarizing the activities and  
290 accomplishments of the pilot program and any recommendations for

20211108e1

291 statutory revisions.

292 (6) RULES.—The State Board of Education shall adopt rules  
293 to administer this section.

294 Section 5. Subsection (4) of section 1007.25, Florida  
295 Statutes, is amended to read:

296 1007.25 General education courses; common prerequisites;  
297 other degree requirements.—

298 (4) (a) Beginning with students initially entering a Florida  
299 College System institution or state university in the 2018-2019  
300 school year and thereafter, each student must demonstrate  
301 competency in civic literacy. Students must have the option to  
302 demonstrate competency either through successful completion of a  
303 civic literacy course or by achieving a passing score on an  
304 assessment. The State Board of Education must adopt in rule and  
305 the Board of Governors must adopt in regulation at least one  
306 existing assessment that measures competencies consistent with  
307 the required course competencies outlined in subparagraph (b)2  
308 ~~paragraph (b)~~.

309 (b) Beginning with students initially entering a Florida  
310 College System institution or state university in the 2021-2022  
311 school year and thereafter, each student must demonstrate  
312 competency in civic literacy by achieving a passing score on an  
313 assessment and by successfully completing a civic literacy  
314 course. Credits earned for such courses via articulated  
315 acceleration mechanisms in s. 1007.27 will count toward the  
316 civic literacy competency requirement. The State Board of  
317 Education and the Board of Governors shall adopt by rule and  
318 regulation, respectively, approved assessments that address the  
319 competencies in subparagraph 2. and courses that meet the

20211108e1

320 requirements in subparagraph 1. The chair of the State Board of  
321 Education and the chair of the Board of Governors, or their  
322 respective designees, shall jointly appoint a faculty committee  
323 to:

324 1.~~(a)~~ Develop one or more ~~a new~~ courses ~~course~~ in civic  
325 literacy or revise an existing general education core course in  
326 American History or American Government to include, at a  
327 minimum, opportunities to engage synchronously in political  
328 discussions and civil debates with multiple points of view and  
329 to master the ability to synthesize information that informs  
330 civic decisionmaking ~~civic literacy~~.

331 2.~~(b)~~ Establish course competencies and identify outcomes  
332 that include, at a minimum, an understanding of the basic  
333 principles of American democracy and how they are applied in our  
334 republican form of government, an understanding of the United  
335 States Constitution, knowledge of the founding documents and how  
336 they have shaped the nature and functions of our institutions of  
337 self-governance, and an understanding of landmark Supreme Court  
338 cases and their impact on law and society.

339 Section 6. Paragraph (a) of subsection (1) and subsection  
340 (2) of section 1008.212, Florida Statutes, are amended to read:  
341 1008.212 Students with disabilities; extraordinary  
342 exemption.—

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

344 (a) "Circumstance" means a situation in which  
345 accommodations allowable for use on the statewide standardized  
346 assessment, a statewide standardized end-of-course assessment,  
347 or an alternate assessment pursuant to s. 1008.22(3)(d) ~~s.~~  
348 ~~1008.22(3)(e)~~ are not offered to a student during the current

20211108e1

349 year's assessment administration due to technological  
350 limitations in the testing administration program which lead to  
351 results that reflect the student's impaired sensory, manual, or  
352 speaking skills rather than the student's achievement of the  
353 benchmarks assessed by the statewide standardized assessment, a  
354 statewide standardized end-of-course assessment, or an alternate  
355 assessment.

356 (2) A student with a disability for whom the individual  
357 education plan (IEP) team determines is prevented by a  
358 circumstance or condition from physically demonstrating the  
359 mastery of skills that have been acquired and are measured by  
360 the statewide standardized assessment, a statewide standardized  
361 end-of-course assessment, or an alternate assessment pursuant to  
362 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~ shall be granted an  
363 extraordinary exemption from the administration of the  
364 assessment. A learning, emotional, behavioral, or significant  
365 cognitive disability, or the receipt of services through the  
366 homebound or hospitalized program in accordance with rule 6A-  
367 6.03020, Florida Administrative Code, is not, in and of itself,  
368 an adequate criterion for the granting of an extraordinary  
369 exemption.

370 Section 7. Present paragraph (c) of subsection (3) of  
371 section 1008.22, Florida Statutes, is redesignated as paragraph  
372 (d), a new paragraph (c) is added to that subsection, and  
373 paragraph (a) of subsection (1), paragraphs (a) and (b), present  
374 paragraph (d), and paragraph (g) of subsection (3), subsection  
375 (6), paragraphs (a), (b), (c), and (h) of subsection (7),  
376 subsections (8) and (9), and paragraph (e) of subsection (12) of  
377 that section are amended, to read:

20211108e1

378 1008.22 Student assessment program for public schools.—

379 (1) PURPOSE.—The primary purpose of the student assessment  
380 program is to provide student academic achievement and learning  
381 gains data to students, parents, teachers, school  
382 administrators, and school district staff. This data is to be  
383 used by districts to improve instruction; by students, parents,  
384 and teachers to guide learning objectives; by education  
385 researchers to assess national and international education  
386 comparison data; and by the public to assess the cost benefit of  
387 the expenditure of taxpayer dollars. The program must be  
388 designed to:

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

392 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
393 Commissioner of Education shall design and implement a  
394 statewide, standardized assessment program aligned to the core  
395 curricular content established in the Next Generation Sunshine  
396 State Standards. The commissioner also must develop or select  
397 and implement a common battery of assessment tools that will be  
398 used in all juvenile justice education programs in the state.  
399 These tools must accurately measure the core curricular content  
400 established in the Next Generation Sunshine State Standards.  
401 Participation in the assessment program is mandatory for all  
402 school districts and all students attending public schools,  
403 including adult students seeking a standard high school diploma  
404 under s. 1003.4282 and students in Department of Juvenile  
405 Justice education programs, except as otherwise provided by law.  
406 If a student does not participate in the assessment program, the

20211108e1

407 school district must notify the student's parent and provide the  
408 parent with information regarding the implications of such  
409 nonparticipation. The statewide, standardized assessment program  
410 shall be designed and implemented as follows:

411 (a) *Statewide, standardized comprehensive assessments.*—The  
412 statewide, standardized Reading assessment shall be administered  
413 annually in grades 3 through 10. The statewide, standardized  
414 Writing assessment shall be administered annually at least once  
415 at the elementary, middle, and high school levels. When the  
416 Reading and Writing assessments are replaced by English Language  
417 Arts (ELA) assessments, ~~ELA assessments~~ shall be administered to  
418 students in grades 3 through 10. Retake opportunities for the  
419 grade 10 Reading assessment or, upon implementation, the grade  
420 10 ELA assessment must be provided. ~~Students taking the ELA~~  
421 ~~assessments shall not take the statewide, standardized~~  
422 ~~assessments in Reading or Writing.~~ Reading passages and writing  
423 prompts for ELA assessments shall incorporate grade-level core  
424 curricula content from social studies. The statewide,  
425 standardized Mathematics assessments shall be administered  
426 annually in grades 3 through 8. ~~Students taking a revised~~  
427 ~~Mathematics assessment shall not take the discontinued~~  
428 ~~assessment.~~ The statewide, standardized Science assessment shall  
429 be administered annually at least once at the elementary and  
430 middle grades levels. In order to earn a standard high school  
431 diploma, a student who has not earned a passing score on the  
432 grade 10 Reading assessment or, upon implementation, the grade  
433 ~~10~~ ELA assessment must earn a passing score on the assessment  
434 retake or earn a concordant score as authorized under subsection  
435 (9). Statewide, standardized ELA and Mathematics assessments in

20211108e1

436 grades 3 through 6 must be delivered in a paper-based format.

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

440 1. EOC assessments for Algebra I, Geometry, Biology I,  
441 United States History, and Civics shall be administered to  
442 students enrolled in such courses as specified in the course  
443 code directory.

444 2. Students enrolled in a course, as specified in the  
445 course code directory, with an associated statewide,  
446 standardized EOC assessment must take the EOC assessment for  
447 such course and may not take the corresponding subject or grade-  
448 level statewide, standardized assessment pursuant to paragraph  
449 (a). Sections 1003.4156 and 1003.4282 govern the use of  
450 statewide, standardized EOC assessment results for students.

451 3. The commissioner may select one or more nationally  
452 developed comprehensive examinations, which may include  
453 examinations for a College Board Advanced Placement course,  
454 International Baccalaureate course, or Advanced International  
455 Certificate of Education course, or industry-approved  
456 examinations to earn national industry certifications identified  
457 in the CAPE Industry Certification Funding List, for use as EOC  
458 assessments under this paragraph if the commissioner determines  
459 that the content knowledge and skills assessed by the  
460 examinations meet or exceed the grade-level expectations for the  
461 core curricular content established for the course in the Next  
462 Generation Sunshine State Standards. Use of any such examination  
463 as an EOC assessment must be approved by the state board in  
464 rule.



20211108e1

465 4. Contingent upon funding provided in the General  
466 Appropriations Act, including the appropriation of funds  
467 received through federal grants, the commissioner may establish  
468 an implementation schedule for the development and  
469 administration of additional statewide, standardized EOC  
470 assessments that must be approved by the state board in rule. If  
471 approved by the state board, student performance on such  
472 assessments constitutes 30 percent of a student's final course  
473 grade.

474 5. All statewide, standardized EOC assessments must be  
475 administered online except as otherwise provided in paragraph  
476 (d) ~~(e)~~.

477 6. A student enrolled in an Advanced Placement (AP),  
478 International Baccalaureate (IB), or Advanced International  
479 Certificate of Education (AICE) course who takes the respective  
480 AP, IB, or AICE assessment and earns the minimum score necessary  
481 to earn college credit, as identified in s. 1007.27(2), meets  
482 the requirements of this paragraph and does not have to take the  
483 EOC assessment for the corresponding course.

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

490 ~~(d) Implementation schedule.—~~

491 ~~1. The Commissioner of Education shall establish and~~  
492 ~~publish on the department's website an implementation schedule~~  
493 ~~to transition from the statewide, standardized Reading and~~

20211108e1

494 ~~Writing assessments to the ELA assessments and to the revised~~  
495 ~~Mathematics assessments, including the Algebra I and Geometry~~  
496 ~~EOC assessments. The schedule must take into consideration~~  
497 ~~funding, sufficient field and baseline data, access to~~  
498 ~~assessments, instructional alignment, and school district~~  
499 ~~readiness to administer the assessments online. All such~~  
500 ~~assessments must be delivered through computer-based testing,~~  
501 ~~however, the following assessments must be delivered in a~~  
502 ~~computer-based format, as follows: the grade 3 Mathematics~~  
503 ~~assessment beginning in the 2016-2017 school year; the grade 4~~  
504 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~  
505 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~  
506 ~~school year. Notwithstanding the requirements of this~~  
507 ~~subparagraph, statewide, standardized ELA and mathematics~~  
508 ~~assessments in grades 3 through 6 must be delivered only in a~~  
509 ~~paper-based format, beginning with the 2017-2018 school year,~~  
510 ~~and all such assessments must be paper-based no later than the~~  
511 ~~2018-2019 school year.~~

512 ~~2. The Department of Education shall publish minimum and~~  
513 ~~recommended technology requirements that include specifications~~  
514 ~~for hardware, software, networking, security, and broadband~~  
515 ~~capacity to facilitate school district compliance with the~~  
516 ~~requirements of this section.~~

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

518 ~~1. The commissioner shall provide for the assessments to be~~  
519 ~~developed or obtained, as appropriate, through contracts and~~  
520 ~~project agreements with private vendors, public vendors, public~~  
521 ~~agencies, postsecondary educational institutions, or school~~  
522 ~~districts. The commissioner may enter into contracts for the~~

20211108e1

523 continued administration of the assessments authorized and  
524 funded by the Legislature. Contracts may be initiated in 1  
525 fiscal year and continue into the next fiscal year and may be  
526 paid from the appropriations of either or both fiscal years. The  
527 commissioner may negotiate for the sale or lease of tests,  
528 scoring protocols, test scoring services, and related materials  
529 developed pursuant to law.

530 ~~2. A student's performance results on statewide,~~  
531 ~~standardized assessments, EOC assessments, and Florida~~  
532 ~~Alternative Assessments administered pursuant to this subsection~~  
533 ~~must be provided to the student's teachers and parents by the~~  
534 ~~end of the school year, unless the commissioner determines that~~  
535 ~~extenuating circumstances exist and reports the extenuating~~  
536 ~~circumstances to the State Board of Education. This subparagraph~~  
537 ~~does not apply to existing contracts for such assessments, but~~  
538 ~~shall apply to new contracts and any renewal of existing~~  
539 ~~contracts for such assessments.~~

540 ~~3. If liquidated damages are applicable, the department~~  
541 ~~shall collect liquidated damages that are due in response to the~~  
542 ~~administration of the spring 2015 computer-based assessments of~~  
543 ~~the department's Florida Standards Assessment contract with~~  
544 ~~American Institutes for Research, and expend the funds to~~  
545 ~~reimburse parties that incurred damages.~~

546 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE  
547 STANDARDS.—

548 ~~(a)~~ Measurement of student performance is the  
549 responsibility of school districts except in those subjects and  
550 grade levels measured under the statewide, standardized  
551 assessment program described in this section. When available,

20211108e1

552 instructional personnel must be provided with information on  
553 student achievement of standards and benchmarks in order to  
554 improve instruction.

555 ~~(b) The Commissioner of Education shall assist and support~~  
556 ~~districts in measuring student performance on the state~~  
557 ~~standards by maintaining a statewide item bank, facilitating the~~  
558 ~~sharing of developed tests or test items among school districts,~~  
559 ~~and providing technical assistance in best assessment practices.~~  
560 ~~The commissioner may discontinue the item bank if he or she~~  
561 ~~determines that district participation is insufficient for its~~  
562 ~~sustainability.~~

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

564 (a) The Commissioner of Education shall establish schedules  
565 for the administration of statewide, standardized assessments  
566 and the reporting of student assessment results. The  
567 commissioner shall consider the observance of religious and  
568 school holidays when developing the schedules. The assessment  
569 and reporting schedules must provide the earliest possible  
570 reporting of student assessment results to the school districts,  
571 ~~consistent with the requirements of paragraph (3)(g).~~ Assessment  
572 results for the statewide, standardized ELA and mathematics  
573 assessments and all statewide, standardized EOC assessments must  
574 be made available no later than June 30, except for results for  
575 the grade 3 statewide, standardized ELA assessment, which must  
576 be made available no later than May 31. School districts shall  
577 administer statewide, standardized assessments in accordance  
578 with the schedule established by the commissioner.

579 (b) By January of each year, ~~beginning in 2018,~~ the  
580 commissioner shall publish on the department's website a uniform

20211108e1

581 calendar that includes the assessment and reporting schedules  
582 for, at a minimum, the next 2 school years. The uniform calendar  
583 must be provided to school districts in an electronic format  
584 that allows each school district and public school to populate  
585 the calendar with, at minimum, the following information for  
586 reporting the district assessment schedules under paragraph (d):

587 1. Whether the assessment is a district-required assessment  
588 or a state-required assessment.

589 2. The specific date or dates that each assessment will be  
590 administered.

591 3. The time allotted to administer each assessment.

592 4. Whether the assessment is a computer-based assessment or  
593 a paper-based assessment.

594 5. The grade level or subject area associated with the  
595 assessment.

596 6. The date that the assessment results are expected to be  
597 available to teachers and parents.

598 7. The type of assessment, the purpose of the assessment,  
599 and the use of the assessment results.

600 8. A glossary of assessment terminology.

601 9. Estimates of average time for administering state-  
602 required and district-required assessments, by grade level.

603 (c) ~~Beginning with the 2018-2019 school year,~~ The spring  
604 administration of the statewide, standardized assessments in  
605 paragraphs (3) (a) and (b), excluding assessment retakes, must be  
606 in accordance with the following schedule:

607 1. The grade 3 statewide, standardized ELA assessment and  
608 the writing portion of the statewide, standardized ELA  
609 assessment ~~for grades 4 through 10~~ must be administered no

20211108e1

610 earlier than April 1 each year within an assessment window not  
611 to exceed 2 weeks.

612 2. With the exception of assessments identified in  
613 subparagraph 1., any statewide, standardized assessment that is  
614 delivered in a paper-based format must be administered no  
615 earlier than May 1 each year within an assessment window not to  
616 exceed 2 weeks.

617 3. With the exception of assessments identified in  
618 subparagraphs 1. and 2., any statewide, standardized assessment  
619 must be administered within a 4-week assessment window that  
620 opens no earlier than May 1 each year.

621  
622 ~~Each school district shall administer the assessments identified~~  
623 ~~under subparagraphs 2. and 3. no earlier than 4 weeks before the~~  
624 ~~last day of school for the district.~~

625 (h) The results of statewide, standardized assessment in  
626 ELA and mathematics, science, and social studies ~~assessments,~~  
627 including assessment retakes, shall be reported in an easy-to-  
628 read and understandable format and delivered in time to provide  
629 useful, actionable information to students, parents, and each  
630 student's current teacher of record and teacher of record for  
631 the subsequent school year; however, in any case, the district  
632 shall provide the results pursuant to this paragraph within 1  
633 week after receiving the results from the department. A report  
634 of student assessment results must, at a minimum, contain:

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

637 2. Information identifying the student's areas of strength  
638 and areas in need of improvement.

20211108e1

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

643           4. Longitudinal information, if available, on the student's  
644 progress in each subject area based on previous statewide,  
645 standardized assessment data.

646           5. Comparative information showing the student's score  
647 compared to other students in the school district, in the state,  
648 or, if available, in other states.

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

654           (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in  
655 the statewide assessment program, in any procurement for the  
656 statewide, standardized assessment in ELA, assessment in grades  
657 3 through 10 and the mathematics, science, and social studies  
658 ~~assessment in grades 3 through 8~~, the Department of Education  
659 shall solicit cost proposals for publication of the state  
660 assessments on its website in accordance with this subsection.

661           (a) The department shall publish each assessment  
662 administered under paragraph (3) (a) and subparagraph (3) (b)1.,  
663 excluding assessment retakes, at least once on a triennial basis  
664 pursuant to a schedule determined by the Commissioner of  
665 Education. Each assessment, when published, must have been  
666 administered during the most recent school year and be in a  
667 format that facilitates the sharing of assessment items.

20211108e1

668 (b) The initial publication of assessments must occur no  
669 later than June 30, 2024 ~~June 30, 2021~~, subject to  
670 appropriation, and must include, at a minimum, the grade 3 ELA  
671 and mathematics assessments, the grade 10 ELA assessment, and  
672 the Algebra I EOC assessment.

673 (c) The department must provide materials on its website to  
674 help the public interpret assessment information published  
675 pursuant to this subsection.

676 (9) CONCORDANT SCORES.—The Commissioner of Education must  
677 identify scores on the SAT and ACT that if achieved satisfy the  
678 graduation requirement that a student pass the grade 10  
679 ~~statewide, standardized Reading assessment or, upon~~  
680 ~~implementation, the grade 10 ELA assessment.~~ The commissioner  
681 may identify concordant scores on assessments other than the SAT  
682 and ACT. If the content or scoring procedures change for the  
683 grade 10 ~~Reading assessment or, upon implementation, the grade~~  
684 ~~10~~ ELA assessment, new concordant scores must be determined. If  
685 new concordant scores are not timely adopted, the last-adopted  
686 concordant scores remain in effect until such time as new scores  
687 are adopted. The state board shall adopt concordant scores in  
688 rule.

689 (12) REPORTS.—The Department of Education shall annually  
690 provide a report to the Governor, the President of the Senate,  
691 and the Speaker of the House of Representatives which shall  
692 include the following:

693 ~~(e) The number of students who after 8th grade enroll in~~  
694 ~~adult education rather than other secondary education, which is~~  
695 ~~defined as grades 9 through 12.~~

696 Section 8. Subsection (1) of section 1008.24, Florida



20211108e1

697 Statutes, is amended to read:

698 1008.24 Test administration and security; public records  
699 exemption.—

700 (1) A person may not knowingly and willfully violate test  
701 security rules adopted by the State Board of Education for  
702 mandatory tests administered by or through the State Board of  
703 Education or the Commissioner of Education to students,  
704 educators, or applicants for certification or administered by  
705 school districts pursuant to ss. 1002.69, 1003.52, 1003.56,  
706 1007.25, 1007.35, 1008.22, 1008.25, and 1012.56 ~~s. 1008.22~~, or,  
707 with respect to any such test, knowingly and willfully to:

708 (a) Give examinees access to test questions prior to  
709 testing;

710 (b) Copy, reproduce, or use in any manner inconsistent with  
711 test security rules all or any portion of any secure test  
712 booklet;

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

715 (d) Make answer keys available to examinees;

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

719 (f) Fail to follow test administration directions specified  
720 in the test administration manuals; or

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

723 Section 9. Paragraph (a) of subsection (1) of section  
724 1008.34, Florida Statutes, is amended to read:

725 1008.34 School grading system; school report cards;

20211108e1

726 district grade.—

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

730 (a) "Achievement level," "student achievement," or  
731 "achievement" describes the level of content mastery a student  
732 has acquired in a particular subject as measured by a statewide,  
733 standardized assessment administered pursuant to s.  
734 1008.22(3)(a) and (b). There are five achievement levels. Level  
735 1 is the lowest achievement level, level 5 is the highest  
736 achievement level, and level 3 indicates satisfactory  
737 performance. A student passes an assessment if the student  
738 achieves a level 3, level 4, or level 5. For purposes of the  
739 Florida Alternate Assessment administered pursuant to s.  
740 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, the state board shall provide,  
741 in rule, the number of achievement levels and identify the  
742 achievement levels that are considered passing.

743 Section 10. Subsection (2) of section 1008.3415, Florida  
744 Statutes, is amended to read:

745 1008.3415 School grade or school improvement rating for  
746 exceptional student education centers.—

747 (2) Notwithstanding s. 1008.34, the achievement levels and  
748 Learning Gains of a student with a disability who attends an  
749 exceptional student education center and has not been enrolled  
750 in or attended a public school other than an exceptional student  
751 education center for grades K-12 within the school district  
752 shall not be included in the calculation of the home school's  
753 grade if the student is identified as an emergent student on the  
754 alternate assessment described in s. 1008.22(3)(d) ~~s.~~

20211108e1

755 ~~1008.22(3)(c).~~

756 Section 11. Paragraph (i) is added to subsection (4) of  
757 section 1009.286, Florida Statutes, to read:

758 1009.286 Additional student payment for hours exceeding  
759 baccalaureate degree program completion requirements at state  
760 universities.—

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

764 (i) Credit hours earned to meet the requirements of s.  
765 1007.25(4).

766 Section 12. This act shall take effect July 1, 2021.

767