

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 creating s. 1002.334, F.S.; establishing the
8 Innovative Blended Learning and Real-Time Student
9 Assessment Pilot Program within the department;
10 providing the purpose of the program; defining the
11 term "innovative blended learning"; specifying program
12 eligibility; requiring program applicants to submit
13 applications to the department in a format prescribed
14 by the department; requiring program applications to
15 include specified information; requiring applications
16 to be considered only for synchronous innovative
17 blended learning programs; requiring the Commissioner
18 of Education to select applicants to participate in
19 the program; providing a start date for the program;
20 providing for funding; authorizing the commissioner to
21 remove an approved applicant from the program under
22 certain circumstances; providing for future
23 expiration; amending s. 1003.42, F.S.; requiring
24 character development curriculum for certain grades to
25 include instruction on voting using a specified

26 | ballot; amending s. 1003.4282, F.S.; removing obsolete
27 | language; requiring certain students to take a
28 | specified assessment relating to civic literacy;
29 | providing that such assessment meets certain
30 | postsecondary requirements under specified
31 | circumstances; correcting a cross-reference to changes
32 | made by the act; amending s. 1003.433, F.S.;
33 | authorizing certain students to meet the grade 10
34 | English Language Arts assessment requirements in a
35 | specified manner; creating s. 1006.185, F.S.;
36 | requiring certain athletic associations to create
37 | bylaws, policies, or procedures allowing opening
38 | remarks at specified events; providing requirements
39 | for such remarks; requiring certain announcements
40 | before such opening remarks; providing that opening
41 | remarks at specified events are at the discretion of
42 | each school; amending s. 1007.25, F.S.; requiring
43 | certain postsecondary students to complete a civic
44 | literacy course and pass a specified assessment to
45 | demonstrate competency in civic literacy; authorizing
46 | students to meet the assessment requirements in high
47 | school; providing for rulemaking; authorizing the
48 | development of new civic literacy courses; providing
49 | requirements for such courses; amending s. 1008.212,
50 | F.S.; conforming cross-references to changes made by

51 the act; amending s. 1008.22, F.S.; revising the
52 purpose of the assessment program; removing obsolete
53 language; requiring certain assessments be given in a
54 paper-based format; requiring school districts to
55 provide the SAT or ACT to grade 11 students beginning
56 in a specified school year; requiring school districts
57 to choose which assessment to administer; deleting
58 specified reporting requirements; deleting a
59 requirement that the Commissioner of Education
60 maintain a specified item bank; deleting specified
61 requirements for the date of the administration of
62 specified assessments; revising a deadline for the
63 publication of certain assessments; amending s.
64 1008.24, F.S.; revising the tests which are included
65 under test administration and security rules; amending
66 ss. 1008.34 and 1008.3415, F.S.; conforming cross-
67 reference to changes made by this act; amending s.
68 1009.286, F.S.; providing an additional exception to
69 credit hours used when calculating baccalaureate
70 degrees; providing an effective date.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. Subsection (5) is added to section 1001.23,
75 Florida Statutes, to read:

76 1001.23 Specific powers and duties of the Department of
77 Education.—In addition to all other duties assigned to it by law
78 or by rule of the State Board of Education, the department
79 shall:

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

93 Section 2. Section 1002.334, Florida Statutes, is created
94 to read:

95 1002.334 Innovative Blended Learning and Real-Time Student
96 Assessment Pilot Program.—

97 (1) There is created within the Department of Education
98 the Innovative Blended Learning and Real-Time Student Assessment
99 Pilot Program. The purpose of the program is to develop and
100 measure innovative blended learning and real-time weekly student

101 assessment educational models that improve the educational
102 progress of this state's students and help close achievement
103 gaps for this state's traditionally underserved students.

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

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

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

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

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

118 (b) A high-performing charter school system under s.
119 1002.332; or

120 (c) An academically high-performing school district
121 pursuant to s. 1003.621.

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

125 (a) A plan for the synchronous technological and resource

126 design, curriculum, classroom operation, school or district
127 management, privacy protection and teacher professional
128 development, and at least weekly progress monitoring of real-
129 time student performance in innovative blended learning
130 programs.

131 (b) A plan to reduce achievement gaps through innovative
132 blended learning.

133 (c) A requirement that distance learning will always be at
134 the choosing of the student or the student's parent or guardian
135 and that a family will never be coerced to choose distance
136 learning.

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

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

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

149 (g) A requirement that the applicant provide all requested
150 student-level data from participating schools, including, as

151 necessary, benchmark historical data for up to the prior 3
152 school years, to the department upon request.

153 (5) Applications may be considered only for synchronous
154 innovative blended learning programs.

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

157 (7) Districts and schools may not begin approved
158 synchronous innovative blended learning programs until October
159 1, 2021.

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

165 (b) The commissioner may remove an approved applicant from
166 program participation if the applicant fails to maintain the
167 designations listed in subsection (3) or the applicant fails to
168 meet any of the requirements listed in subsection (4).

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

170 Section 3. Paragraph (s) of subsection (2) of section
171 1003.42, Florida Statutes, is amended to read:

172 1003.42 Required instruction.—

173 (2) Members of the instructional staff of the public
174 schools, subject to the rules of the State Board of Education
175 and the district school board, shall teach efficiently and

176 faithfully, using the books and materials required that meet the
177 highest standards for professionalism and historical accuracy,
178 following the prescribed courses of study, and employing
179 approved methods of instruction, the following:

180 (s) A character development program in the elementary
181 schools, similar to Character First or Character Counts, which
182 is secular in nature. Beginning in school year 2004-2005, the
183 character development program shall be required in kindergarten
184 through grade 12. Each district school board shall develop or
185 adopt a curriculum for the character development program that
186 shall be submitted to the department for approval.

187 1. The character development curriculum shall stress the
188 qualities of patriotism; responsibility; citizenship; kindness;
189 respect for authority, life, liberty, and personal property;
190 honesty; charity; self-control; racial, ethnic, and religious
191 tolerance; and cooperation.

192 2. The character development curriculum for grades 9
193 through 12 shall, at a minimum, include instruction on
194 developing leadership skills, interpersonal skills, organization
195 skills, and research skills; creating a resume; developing and
196 practicing the skills necessary for employment interviews;
197 conflict resolution, workplace ethics, and workplace law;
198 managing stress and expectations; and developing skills that
199 enable students to become more resilient and self-motivated.

200 3. The character development curriculum for grades 11 and

201 12 shall include instruction on voting using the uniform primary
 202 and general election ballot described in s. 101.151(9).

203
 204 The State Board of Education is encouraged to adopt standards
 205 and pursue assessment of the requirements of this subsection. A
 206 character development program that incorporates the values of
 207 the recipients of the Congressional Medal of Honor and that is
 208 offered as part of a social studies, English Language Arts, or
 209 other schoolwide character building and veteran awareness
 210 initiative meets the requirements of paragraphs (s) and (t).

211 Section 4. Paragraphs (a) and (d) of subsection (3),
 212 subsection (7), and paragraph (e) of subsection (10) of section
 213 1003.4282, Florida Statutes, are amended to read:

214 1003.4282 Requirements for a standard high school
 215 diploma.—

216 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
 217 REQUIREMENTS.—

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

223 (d) Three credits in social studies.—A student must earn
 224 one credit in United States History; one credit in World
 225 History; one-half credit in economics; and one-half credit in

226 United States Government. The United States History EOC
227 assessment constitutes 30 percent of the student's final course
228 grade. Beginning with the 2021-2022 school year, the United
229 States Government course shall require students to take the
230 assessment of civic literacy identified by the State Board of
231 Education pursuant to s. 1007.25(4). Students earning a passing
232 score on the assessment are exempt from the postsecondary civic
233 literacy assessment required by s. 1007.25(4).

234 (7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning
235 with the 2012-2013 school year, if a student transfers to a
236 Florida public high school from out of country, out of state, a
237 private school, or a home education program and the student's
238 transcript shows a credit in Algebra I, the student must pass
239 the statewide, standardized Algebra I EOC assessment in order to
240 earn a standard high school diploma unless the student earned a
241 comparative score, passed a statewide assessment in Algebra I
242 administered by the transferring entity, or passed the statewide
243 mathematics assessment the transferring entity uses to satisfy
244 the requirements of the Elementary and Secondary Education Act,
245 as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C.
246 ss. 6301 et seq. If a student's transcript shows a credit in
247 high school reading or English Language Arts II or III, in order
248 to earn a standard high school diploma, the student must take
249 and pass the statewide, standardized grade 10 ~~Reading assessment~~
250 ~~or, when implemented, the grade 10 ELA assessment~~, or earn a

251 concordant score. If a transfer student's transcript shows a
252 final course grade and course credit in Algebra I, Geometry,
253 Biology I, or United States History, the transferring course
254 final grade and credit shall be honored without the student
255 taking the requisite statewide, standardized EOC assessment and
256 without the assessment results constituting 30 percent of the
257 student's final course grade.

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

261 (e) Any waiver of the statewide, standardized assessment
262 requirements by the individual education plan team, pursuant to
263 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, must be approved by the
264 parent and is subject to verification for appropriateness by an
265 independent reviewer selected by the parent as provided for in
266 s. 1003.572.

267
268 The State Board of Education shall adopt rules under ss.
269 120.536(1) and 120.54 to implement this subsection, including
270 rules that establish the minimum requirements for students
271 described in this subsection to earn a standard high school
272 diploma. The State Board of Education shall adopt emergency
273 rules pursuant to ss. 120.536(1) and 120.54.

274 Section 5. Subsection (3) of section 1003.433, Florida
275 Statutes, is amended to read:

276 1003.433 Learning opportunities for out-of-state and out-
277 of-country transfer students and students needing additional
278 instruction to meet high school graduation requirements.-

279 (3) Students who have been enrolled in an ESOL program for
280 less than 2 school years and have met all requirements for the
281 standard high school diploma except for passage of any must-pass
282 assessment under s. 1003.4282 or s. 1008.22 or alternate
283 assessment may:

284 (a) Receive immersion English language instruction during
285 the summer following their senior year. Students receiving such
286 instruction are eligible to take the required assessment or
287 alternate assessment and receive a standard high school diploma
288 upon passage of the required assessment or alternate assessment.
289 This paragraph subsection shall be implemented to the extent
290 funding is provided in the General Appropriations Act.

291 (b) Beginning with the 2022-2023 school year, meet the
292 requirement to pass the statewide, standardized grade 10 English
293 Language Arts assessment by satisfactorily demonstrating grade-
294 level expectations on formative assessments, in accordance with
295 state board rule.

296 Section 6. Section 1006.185, Florida Statutes, is created
297 to read:

298 1006.185 Opening remarks at high school athletic
299 contests.-Each athletic association whose membership includes
300 public schools shall adopt bylaws, policies, or procedures that

301 provide each school participating in a high school championship
302 contest, or series of contests, under the direction and
303 supervision of the association, the opportunity to make brief
304 opening remarks, if requested by the school, using the public
305 address system at the event. Such remarks may not be longer than
306 2 minutes per school. The athletic association may not control,
307 monitor, or review the content of the opening remarks and may
308 not control the school's choice of speaker. Before the opening
309 remarks, an announcement must be made that the content of any
310 opening remarks by a participating school are not endorsed by
311 and do not reflect the views and opinions of the athletic
312 association. The decision to allow opening remarks before
313 regular season contests is at the discretion of each school.

314 Section 7. Subsection (4) of section 1007.25, Florida
315 Statutes, is amended to read:

316 1007.25 General education courses; common prerequisites;
317 other degree requirements.—

318 (4) (a) Beginning with students initially entering a
319 Florida College System institution or state university in the
320 2018-2019 school year and thereafter, each student must
321 demonstrate competency in civic literacy. Students must have the
322 option to demonstrate competency either through successful
323 completion of a civic literacy course or by achieving a passing
324 score on an assessment. The State Board of Education must adopt
325 in rule and the Board of Governors must adopt in regulation at

326 | least one existing assessment that measures competencies
 327 | consistent with the required course competencies outlined in
 328 | subparagraph (b)2 ~~paragraph (b)~~.

329 | (b) Beginning with students initially entering a Florida
 330 | College System institution or state university in the 2021-2022
 331 | school year and thereafter, each student must demonstrate
 332 | competency in civic literacy by achieving a passing score on an
 333 | assessment and by successfully completing a civic literacy
 334 | course. Credits earned for such courses via articulated
 335 | acceleration mechanisms in s. 1007.27 will count toward the
 336 | civic literacy competency requirement. The State Board of
 337 | Education and the Board of Governors shall adopt by rule and
 338 | regulation, respectively, approved assessments that address the
 339 | competencies in subparagraph 2. and courses that meet the
 340 | requirements in subparagraph 1. The chair of the State Board of
 341 | Education and the chair of the Board of Governors, or their
 342 | respective designees, shall jointly appoint a faculty committee
 343 | to:

344 | 1. ~~(a)~~ Develop one or more a new courses ~~course~~ in civic
 345 | literacy or revise an existing general education core course in
 346 | American History or American Government to include, at a
 347 | minimum, opportunities to engage synchronously in political
 348 | discussions and civil debates with multiple points of view, and
 349 | master the ability to synthesize information to inform civic
 350 | decisionmaking ~~civic literacy~~.

351 2.~~(b)~~ Establish course competencies and identify outcomes
352 that include, at a minimum, an understanding of the basic
353 principles of American democracy and how they are applied in our
354 republican form of government, an understanding of the United
355 States Constitution, knowledge of the founding documents and how
356 they have shaped the nature and functions of our institutions of
357 self-governance, and an understanding of landmark Supreme Court
358 cases and their impact on law and society.

359 Section 8. Paragraph (a) of subsection (1) and subsection
360 (2) of section 1008.212, Florida Statutes, are amended to read:

361 1008.212 Students with disabilities; extraordinary
362 exemption.—

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

364 (a) "Circumstance" means a situation in which
365 accommodations allowable for use on the statewide standardized
366 assessment, a statewide standardized end-of-course assessment,
367 or an alternate assessment pursuant to s. 1008.22(3)(d) ~~s.~~
368 ~~1008.22(3)(e)~~ are not offered to a student during the current
369 year's assessment administration due to technological
370 limitations in the testing administration program which lead to
371 results that reflect the student's impaired sensory, manual, or
372 speaking skills rather than the student's achievement of the
373 benchmarks assessed by the statewide standardized assessment, a
374 statewide standardized end-of-course assessment, or an alternate
375 assessment.

376 (2) A student with a disability for whom the individual
377 education plan (IEP) team determines is prevented by a
378 circumstance or condition from physically demonstrating the
379 mastery of skills that have been acquired and are measured by
380 the statewide standardized assessment, a statewide standardized
381 end-of-course assessment, or an alternate assessment pursuant to
382 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~ shall be granted an
383 extraordinary exemption from the administration of the
384 assessment. A learning, emotional, behavioral, or significant
385 cognitive disability, or the receipt of services through the
386 homebound or hospitalized program in accordance with rule 6A-
387 6.03020, Florida Administrative Code, is not, in and of itself,
388 an adequate criterion for the granting of an extraordinary
389 exemption.

390 Section 9. Paragraph (a) of subsection (1), paragraphs
391 (a), (b), (c), (d), and (g) of subsection (3), subsection (6),
392 paragraphs (a), (b), (c), and (h) of subsection (7), subsections
393 (8) and (9), and paragraphs (e) and (f) of subsection (12) of
394 section 1008.22, Florida Statutes, are amended, and a new
395 paragraph (c) is added to subsection (3) of that section, to
396 read:

397 1008.22 Student assessment program for public schools.—

398 (1) PURPOSE.—The primary purpose of the student assessment
399 program is to provide student academic achievement and learning
400 gains data to students, parents, teachers, school

401 administrators, and school district staff. This data is to be
402 used by districts to improve instruction; by students, parents,
403 and teachers to guide learning objectives; by education
404 researchers to assess national and international education
405 comparison data; and by the public to assess the cost benefit of
406 the expenditure of taxpayer dollars. The program must be
407 designed to:

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

411 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
412 Commissioner of Education shall design and implement a
413 statewide, standardized assessment program aligned to the core
414 curricular content established in the Next Generation Sunshine
415 State Standards. The commissioner also must develop or select
416 and implement a common battery of assessment tools that will be
417 used in all juvenile justice education programs in the state.
418 These tools must accurately measure the core curricular content
419 established in the Next Generation Sunshine State Standards.
420 Participation in the assessment program is mandatory for all
421 school districts and all students attending public schools,
422 including adult students seeking a standard high school diploma
423 under s. 1003.4282 and students in Department of Juvenile
424 Justice education programs, except as otherwise provided by law.
425 If a student does not participate in the assessment program, the

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

430 (a) Statewide, standardized comprehensive assessments.—The
431 statewide, standardized ~~Reading assessment shall be administered~~
432 ~~annually in grades 3 through 10. The statewide, standardized~~
433 ~~Writing assessment shall be administered annually at least once~~
434 ~~at the elementary, middle, and high school levels. When the~~
435 ~~Reading and Writing assessments are replaced by English Language~~
436 ~~Arts (ELA) assessments, ELA assessments shall be administered to~~
437 students in grades 3 through 10. Retake opportunities for the
438 ~~grade 10 Reading assessment or, upon implementation, the grade~~
439 ~~10 ELA assessment must be provided. Students taking the ELA~~
440 ~~assessments shall not take the statewide, standardized~~
441 ~~assessments in Reading or Writing.~~ Reading passages and writing
442 prompts for ELA assessments shall incorporate grade-level core
443 curricula content from social studies. The statewide,
444 standardized Mathematics assessments shall be administered
445 annually in grades 3 through 8. ~~Students taking a revised~~
446 ~~Mathematics assessment shall not take the discontinued~~
447 ~~assessment.~~ The statewide, standardized Science assessment shall
448 be administered annually at least once at the elementary and
449 middle grades levels. In order to earn a standard high school
450 diploma, a student who has not earned a passing score on the

451 grade 10 ~~Reading assessment or, upon implementation, the grade~~
452 ~~10~~ ELA assessment must earn a passing score on the assessment
453 retake or earn a concordant score as authorized under subsection
454 (9). Statewide, standardized ELA and mathematics assessments in
455 grades 3 through 6 must be delivered in a paper-based format.

456 (b) End-of-course (EOC) assessments.—EOC assessments must
457 be statewide, standardized, and developed or approved by the
458 Department of Education as follows:

459 1. EOC assessments for Algebra I, Geometry, Biology I,
460 United States History, and Civics shall be administered to
461 students enrolled in such courses as specified in the course
462 code directory.

463 2. Students enrolled in a course, as specified in the
464 course code directory, with an associated statewide,
465 standardized EOC assessment must take the EOC assessment for
466 such course and may not take the corresponding subject or grade-
467 level statewide, standardized assessment pursuant to paragraph
468 (a). Sections 1003.4156 and 1003.4282 govern the use of
469 statewide, standardized EOC assessment results for students.

470 3. The commissioner may select one or more nationally
471 developed comprehensive examinations, which may include
472 examinations for a College Board Advanced Placement course,
473 International Baccalaureate course, or Advanced International
474 Certificate of Education course, or industry-approved
475 examinations to earn national industry certifications identified

476 in the CAPE Industry Certification Funding List, for use as EOC
477 assessments under this paragraph if the commissioner determines
478 that the content knowledge and skills assessed by the
479 examinations meet or exceed the grade-level expectations for the
480 core curricular content established for the course in the Next
481 Generation Sunshine State Standards. Use of any such examination
482 as an EOC assessment must be approved by the state board in
483 rule.

484 4. Contingent upon funding provided in the General
485 Appropriations Act, including the appropriation of funds
486 received through federal grants, the commissioner may establish
487 an implementation schedule for the development and
488 administration of additional statewide, standardized EOC
489 assessments that must be approved by the state board in rule. If
490 approved by the state board, student performance on such
491 assessments constitutes 30 percent of a student's final course
492 grade.

493 5. All statewide, standardized EOC assessments must be
494 administered online except as otherwise provided in paragraph
495 (d) ~~(e)~~.

496 6. A student enrolled in an Advanced Placement (AP),
497 International Baccalaureate (IB), or Advanced International
498 Certificate of Education (AICE) course who takes the respective
499 AP, IB, or AICE assessment and earns the minimum score necessary
500 to earn college credit, as identified in s. 1007.27(2), meets

501 the requirements of this paragraph and does not have to take the
 502 EOC assessment for the corresponding course.

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

509 (d)~~(e)~~ Students with disabilities; Florida Alternate
 510 Assessment.—

511 1. Each district school board must provide instruction to
 512 prepare students with disabilities in the core content knowledge
 513 and skills necessary for successful grade-to-grade progression
 514 and high school graduation.

515 2. A student with a disability, as defined in s. 1007.02,
 516 for whom the individual education plan (IEP) team determines
 517 that the statewide, standardized assessments under this section
 518 cannot accurately measure the student's abilities, taking into
 519 consideration all allowable accommodations, shall have
 520 assessment results waived for the purpose of receiving a course
 521 grade and a standard high school diploma. Such waiver shall be
 522 designated on the student's transcript. The statement of waiver
 523 shall be limited to a statement that performance on an
 524 assessment was waived for the purpose of receiving a course
 525 grade or a standard high school diploma, as applicable.

526 3. The State Board of Education shall adopt rules, based
527 upon recommendations of the commissioner, for the provision of
528 assessment accommodations for students with disabilities and for
529 students who have limited English proficiency.

530 a. Accommodations that negate the validity of a statewide,
531 standardized assessment are not allowed during the
532 administration of the assessment. However, instructional
533 accommodations are allowed in the classroom if identified in a
534 student's IEP. Students using instructional accommodations in
535 the classroom that are not allowed on a statewide, standardized
536 assessment may have assessment results waived if the IEP team
537 determines that the assessment cannot accurately measure the
538 student's abilities.

539 b. If a student is provided with instructional
540 accommodations in the classroom that are not allowed as
541 accommodations for statewide, standardized assessments, the
542 district must inform the parent in writing and provide the
543 parent with information regarding the impact on the student's
544 ability to meet expected performance levels. A parent must
545 provide signed consent for a student to receive classroom
546 instructional accommodations that would not be available or
547 permitted on a statewide, standardized assessment and
548 acknowledge in writing that he or she understands the
549 implications of such instructional accommodations.

550 c. If a student's IEP states that online administration of

551 a statewide, standardized assessment will significantly impair
552 the student's ability to perform, the assessment shall be
553 administered in hard copy.

554 4. For students with significant cognitive disabilities,
555 the Department of Education shall provide for implementation of
556 the Florida Alternate Assessment to accurately measure the core
557 curricular content established in the Next Generation Sunshine
558 State Standards.

559 ~~(d) Implementation schedule.—~~

560 ~~1. The Commissioner of Education shall establish and~~
561 ~~publish on the department's website an implementation schedule~~
562 ~~to transition from the statewide, standardized Reading and~~
563 ~~Writing assessments to the ELA assessments and to the revised~~
564 ~~Mathematics assessments, including the Algebra I and Geometry~~
565 ~~EOC assessments. The schedule must take into consideration~~
566 ~~funding, sufficient field and baseline data, access to~~
567 ~~assessments, instructional alignment, and school district~~
568 ~~readiness to administer the assessments online. All such~~
569 ~~assessments must be delivered through computer-based testing,~~
570 ~~however, the following assessments must be delivered in a~~
571 ~~computer-based format, as follows: the grade 3 Mathematics~~
572 ~~assessment beginning in the 2016-2017 school year; the grade 4~~
573 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
574 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
575 ~~school year. Notwithstanding the requirements of this~~

576 ~~subparagraph, statewide, standardized EIA and mathematics~~
577 ~~assessments in grades 3 through 6 must be delivered only in a~~
578 ~~paper-based format, beginning with the 2017-2018 school year,~~
579 ~~and all such assessments must be paper-based no later than the~~
580 ~~2018-2019 school year.~~

581 ~~2. The Department of Education shall publish minimum and~~
582 ~~recommended technology requirements that include specifications~~
583 ~~for hardware, software, networking, security, and broadband~~
584 ~~capacity to facilitate school district compliance with the~~
585 ~~requirements of this section.~~

586 (g) Contracts for assessments.-

587 ~~1.~~ The commissioner shall provide for the assessments to
588 be developed or obtained, as appropriate, through contracts and
589 project agreements with private vendors, public vendors, public
590 agencies, postsecondary educational institutions, or school
591 districts. The commissioner may enter into contracts for the
592 continued administration of the assessments authorized and
593 funded by the Legislature. Contracts may be initiated in 1
594 fiscal year and continue into the next fiscal year and may be
595 paid from the appropriations of either or both fiscal years. The
596 commissioner may negotiate for the sale or lease of tests,
597 scoring protocols, test scoring services, and related materials
598 developed pursuant to law.

599 ~~2. A student's performance results on statewide,~~
600 ~~standardized assessments, EOC assessments, and Florida~~

601 ~~Alternative Assessments administered pursuant to this subsection~~
602 ~~must be provided to the student's teachers and parents by the~~
603 ~~end of the school year, unless the commissioner determines that~~
604 ~~extenuating circumstances exist and reports the extenuating~~
605 ~~circumstances to the State Board of Education. This subparagraph~~
606 ~~does not apply to existing contracts for such assessments, but~~
607 ~~shall apply to new contracts and any renewal of existing~~
608 ~~contracts for such assessments.~~

609 ~~3. If liquidated damages are applicable, the department~~
610 ~~shall collect liquidated damages that are due in response to the~~
611 ~~administration of the spring 2015 computer-based assessments of~~
612 ~~the department's Florida Standards Assessment contract with~~
613 ~~American Institutes for Research, and expend the funds to~~
614 ~~reimburse parties that incurred damages.~~

615 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE
616 STANDARDS.—

617 ~~(a)~~ Measurement of student performance is the
618 responsibility of school districts except in those subjects and
619 grade levels measured under the statewide, standardized
620 assessment program described in this section. When available,
621 instructional personnel must be provided with information on
622 student achievement of standards and benchmarks in order to
623 improve instruction.

624 ~~(b) The Commissioner of Education shall assist and support~~
625 ~~districts in measuring student performance on the state~~

626 ~~standards by maintaining a statewide item bank, facilitating the~~
627 ~~sharing of developed tests or test items among school districts,~~
628 ~~and providing technical assistance in best assessment practices.~~
629 ~~The commissioner may discontinue the item bank if he or she~~
630 ~~determines that district participation is insufficient for its~~
631 ~~sustainability.~~

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

633 (a) The Commissioner of Education shall establish
634 schedules for the administration of statewide, standardized
635 assessments and the reporting of student assessment results. The
636 commissioner shall consider the observance of religious and
637 school holidays when developing the schedules. The assessment
638 and reporting schedules must provide the earliest possible
639 reporting of student assessment results to the school districts,
640 ~~consistent with the requirements of paragraph (3)(g).~~ Assessment
641 results for the statewide, standardized ELA and mathematics
642 assessments and all statewide, standardized EOC assessments must
643 be made available no later than June 30, except for results for
644 the grade 3 statewide, standardized ELA assessment, which must
645 be made available no later than May 31. School districts shall
646 administer statewide, standardized assessments in accordance
647 with the schedule established by the commissioner.

648 (b) By January of each year, ~~beginning in 2018,~~ the
649 commissioner shall publish on the department's website a uniform
650 calendar that includes the assessment and reporting schedules

651 for, at a minimum, the next 2 school years. The uniform calendar
652 must be provided to school districts in an electronic format
653 that allows each school district and public school to populate
654 the calendar with, at minimum, the following information for
655 reporting the district assessment schedules under paragraph (d):

656 1. Whether the assessment is a district-required
657 assessment or a state-required assessment.

658 2. The specific date or dates that each assessment will be
659 administered.

660 3. The time allotted to administer each assessment.

661 4. Whether the assessment is a computer-based assessment
662 or a paper-based assessment.

663 5. The grade level or subject area associated with the
664 assessment.

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

667 7. The type of assessment, the purpose of the assessment,
668 and the use of the assessment results.

669 8. A glossary of assessment terminology.

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

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

676 1. The grade 3 statewide, standardized ELA assessment and
677 the writing portion of the statewide, standardized ELA
678 assessment ~~for grades 4 through 10~~ must be administered no
679 earlier than April 1 each year within an assessment window not
680 to exceed 2 weeks.

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

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

690
691 ~~Each school district shall administer the assessments identified~~
692 ~~under subparagraphs 2. and 3. no earlier than 4 weeks before the~~
693 ~~last day of school for the district.~~

694 (h) The results of statewide, standardized assessment in
695 ELA and mathematics, science, and social studies ~~assessments~~,
696 including assessment retakes, shall be reported in an easy-to-
697 read and understandable format and delivered in time to provide
698 useful, actionable information to students, parents, and each
699 student's current teacher of record and teacher of record for
700 the subsequent school year; however, in any case, the district

701 shall provide the results pursuant to this paragraph within 1
702 week after receiving the results from the department. A report
703 of student assessment results must, at a minimum, contain:

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

706 2. Information identifying the student's areas of strength
707 and areas in need of improvement.

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

712 4. Longitudinal information, if available, on the
713 student's progress in each subject area based on previous
714 statewide, standardized assessment data.

715 5. Comparative information showing the student's score
716 compared to other students in the school district, in the state,
717 or, if available, in other states.

718 6. Predictive information, if available, showing the
719 linkage between the scores attained by the student on the
720 statewide, standardized assessments and the scores he or she may
721 potentially attain on nationally recognized college entrance
722 examinations.

723 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
724 the statewide assessment program, in any procurement for the
725 statewide, standardized assessment in ELA, ~~assessment in grades~~

726 ~~3 through 10 and the~~ mathematics, science, and social studies
727 ~~assessment in grades 3 through 8,~~ the Department of Education
728 shall solicit cost proposals for publication of the state
729 assessments on its website in accordance with this subsection.

730 (a) The department shall publish each assessment
731 administered under paragraph (3)(a) and subparagraph (3)(b)1.,
732 excluding assessment retakes, at least once on a triennial basis
733 pursuant to a schedule determined by the Commissioner of
734 Education. Each assessment, when published, must have been
735 administered during the most recent school year and be in a
736 format that facilitates the sharing of assessment items.

737 (b) The initial publication of assessments must occur no
738 later than June 30, 2024 ~~June 30, 2021,~~ subject to
739 appropriation, and must include, at a minimum, the grade 3 ELA
740 and mathematics assessments, the grade 10 ELA assessment, and
741 the Algebra I EOC assessment.

742 (c) The department must provide materials on its website
743 to help the public interpret assessment information published
744 pursuant to this subsection.

745 (9) CONCORDANT SCORES.—The Commissioner of Education must
746 identify scores on the SAT and ACT that if achieved satisfy the
747 graduation requirement that a student pass the grade 10
748 ~~statewide, standardized Reading assessment or, upon~~
749 ~~implementation, the grade 10 ELA assessment.~~ The commissioner
750 may identify concordant scores on assessments other than the SAT

751 and ACT. If the content or scoring procedures change for the
752 grade 10 ~~Reading assessment or, upon implementation, the grade~~
753 ~~10~~ ELA assessment, new concordant scores must be determined. If
754 new concordant scores are not timely adopted, the last-adopted
755 concordant scores remain in effect until such time as new scores
756 are adopted. The state board shall adopt concordant scores in
757 rule.

758 (12) REPORTS.—The Department of Education shall annually
759 provide a report to the Governor, the President of the Senate,
760 and the Speaker of the House of Representatives which shall
761 include the following:

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

765 (e)~~(f)~~ Any plan or intent to establish or implement new
766 statewide, standardized assessments.

767 Section 10. Subsection (1) of section 1008.24, Florida
768 Statutes, is amended to read:

769 1008.24 Test administration and security; public records
770 exemption.—

771 (1) A person may not knowingly and willfully violate test
772 security rules adopted by the State Board of Education for
773 mandatory tests administered by or through the State Board of
774 Education or the Commissioner of Education to students,
775 educators, or applicants for certification or administered by

776 school districts pursuant to ss. 1002.69, 1003.52, 1003.56,
 777 1007.25, 1007.35, 1008.22, 1008.25, and 1012.56 ~~s. 1008.22~~, or,
 778 with respect to any such test, knowingly and willfully to:

779 (a) Give examinees access to test questions prior to
 780 testing;

781 (b) Copy, reproduce, or use in any manner inconsistent
 782 with test security rules all or any portion of any secure test
 783 booklet;

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

786 (d) Make answer keys available to examinees;

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

790 (f) Fail to follow test administration directions
 791 specified in the test administration manuals; or

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

794 Section 11. Paragraph (a) of subsection (1) of section
 795 1008.34, Florida Statutes, is amended to read:

796 1008.34 School grading system; school report cards;
 797 district grade.—

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

801 (a) "Achievement level," "student achievement," or
 802 "achievement" describes the level of content mastery a student
 803 has acquired in a particular subject as measured by a statewide,
 804 standardized assessment administered pursuant to s.
 805 1008.22(3)(a) and (b). There are five achievement levels. Level
 806 1 is the lowest achievement level, level 5 is the highest
 807 achievement level, and level 3 indicates satisfactory
 808 performance. A student passes an assessment if the student
 809 achieves a level 3, level 4, or level 5. For purposes of the
 810 Florida Alternate Assessment administered pursuant to s.
 811 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, the state board shall provide,
 812 in rule, the number of achievement levels and identify the
 813 achievement levels that are considered passing.

814 Section 12. Subsection (2) of section 1008.3415, Florida
 815 Statutes, is amended to read:

816 1008.3415 School grade or school improvement rating for
 817 exceptional student education centers.—

818 (2) Notwithstanding s. 1008.34, the achievement levels and
 819 Learning Gains of a student with a disability who attends an
 820 exceptional student education center and has not been enrolled
 821 in or attended a public school other than an exceptional student
 822 education center for grades K-12 within the school district
 823 shall not be included in the calculation of the home school's
 824 grade if the student is identified as an emergent student on the
 825 alternate assessment described in s. 1008.22(3)(d) ~~s.~~

826 | ~~1008.22(3)(c).~~

827 | Section 13. Paragraph (i) is added to subsection (4) of
828 | section 1009.286, Florida Statutes, to read:

829 | 1009.286 Additional student payment for hours exceeding
830 | baccalaureate degree program completion requirements at state
831 | universities.—

832 | (4) For purposes of this section, credit hours earned
833 | under the following circumstances are not calculated as hours
834 | required to earn a baccalaureate degree:

835 | (i) Credit hours earned to meet the requirements of s.
836 | 1007.25(4).

837 | Section 14. This act shall take effect July 1, 2021.