

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1597 Florida Virtual School

SPONSOR(S): Choice & Innovation Subcommittee, Gossett-Seidman

TIED BILLS: None. **IDEN./SIM. BILLS:** CS/SB 926

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	14 Y, 0 N, As CS	Wolff	Sleap
2) Education & Employment Committee	20 Y, 0 N	Wolff	Hassell

SUMMARY ANALYSIS

To provide additional support to military children that are out-of-state due to the duty station of their military parent, the bill creates a process by which the parent can request flexibility in assessment administration to permit the student to participate in statewide, standardized assessments while out-of-state. The bill permits the parent or guardian of students enrolled full-time at the Florida Virtual School but living out-of-state due to the location of their military parent or guardian's military duty station to make a written request for flexibility in assessment administration. If granted, the flexibility in assessment administration permits the students to take the assessment in-person in a secure, proctored setting at the military duty station.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Virtual School

The Florida Virtual School (FLVS) was established to develop and deliver online and distance learning education,¹ and is part of Florida's public school system.² The Commissioner of Education is charged with monitoring the performance of the FLVS.³ The FLVS is required to serve any student in the state who meets the profile for success in online and distance learning education, giving priority to students:⁴

- Who need expanded access to courses in order to meet their educational goals.
- Seeking accelerated access to obtain a high school diploma at least one semester early.
- Who are children of an active duty member of the United States Armed Forces whose home of record or state of legal residence is Florida.

Students who are children of military personnel not stationed in Florida are considered Florida residents for purposes of enrollment in the FLVS if their home of record or state of legal residence is Florida. This allows such students to enroll in the FLVS without having to pay tuition.⁵

The FLVS is authorized to provide full-time and part-time instruction for students in kindergarten through grade 12.⁶ Public school students receiving full-time instruction by the FLVS must take all required statewide assessments and students receiving part-time instruction in courses requiring statewide end-of-course assessments must take all required assessments.⁷ Existing law requires that unless an alternative testing site is mutually agreed to by the FLVS and the school district or a qualified contractor, all industry certification examinations, national assessments, progress monitoring, and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas.⁸

Statewide Assessments

Florida's statewide, standardized assessments measure the extent to which students have mastered the state academic standards.⁹ Florida and federal law require that all public school students participate in statewide, standardized English Language Arts (ELA) and mathematics assessments at least annually beginning in the 3rd grade.¹⁰ Federal law also requires that students participate in a standardized science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.¹¹ Additionally, federal law allows a state to use multiple statewide interim assessments¹² that result in a single summative score,¹³ a single summative assessment,¹⁴ or computer adaptive

¹ Section 1002.37(1)(a), F.S.

² Section 1000.04(5), F.S.

³ Section 1002.37(1)(a), F.S.

⁴ Section 1002.37(1)(b)1.-3., F.S.

⁵ Section 1002.37(1)(b), F.S.

⁶ Section 1002.37(9)(a), F.S.

⁷ Section 1002.37(10)(a)-(b), F.S.

⁸ Section 1002.37(10)(d), F.S.

⁹ Section 1008.22(3), F.S.

¹⁰ Section 1008.22(3)(a), F.S.; 20 U.S.C. s. 6311(b)(2)(v)(I).

¹¹ See 20 U.S.C. s. 6311(b)(2)(B)(v)(II).

¹² An interim assessment is used to evaluate students' knowledge and skills relative to a specific set of academic goals.

¹³ 34 C.F.R. s. 200.2(b)(10)(i)-(ii).

¹⁴ A summative assessment is generally administered once, typically at the end of the school year to evaluate performance against a set of content standards.

assessments for the purposes of meeting federal requirements.¹⁵ The requirements for students in Florida are as follows:¹⁶

ELA	Mathematics	Science	Social Studies
Grades 3-10: annual participation in the statewide, standardized assessment.	Grades 3-8: annual participation in statewide, standardized assessment. High school: Algebra I and Geometry statewide, standardized end-of-course (EOC) assessments.	Grades 5 and 8: statewide, standardized assessment. ¹⁷ High school: Biology I statewide, standardized EOC assessment.	Middle school: Civics statewide, standardized EOC assessment. High school: U.S. History statewide, standardized EOC assessment.

Beginning with the 2022-2023 school year, the end-of-year comprehensive progress monitoring assessment administered to students is the statewide, standardized ELA assessment for students in grades 3 through 10 and the statewide, standardized Mathematics assessment for students in grades 3 through 8.¹⁸

EOC assessments count as 30 percent of a student's final course grade.¹⁹ Results from assessments are used to calculate school grades and school improvement ratings²⁰ and determine student readiness for promotion to 4th grade and high school graduation.²¹ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.²²

The State Board of Education (SBE) must adopt test security rules for the statewide, standardized assessment program.²³ Violation of the test security rules for assessments administered pursuant to the student assessment program for public schools is a misdemeanor in the first degree.²⁴

Effect of Proposed Changes

To provide additional support to military children that are out-of-state due to the duty station of their military parent or guardian, the bill creates a process by which the parent or guardian can request flexibility in assessment administration to permit the student to participate in statewide, standardized assessments while out-of-state.

The bill defines "child of a military family residing outside this state eligible for flexibility in assessment administration" to mean a FLVS full-time student of a military family residing outside of Florida who is prevented by his or her parent's or guardian's out-of-state military duty station's location from participating in a Florida-based FLVS secure and proctored exam.

The bill requires that the flexibility in assessment administration provided allow an eligible student to participate in statewide, standardized assessments administered securely by a licensed, certified instructor or education services officer test administrator at his or her parent's or guardian's current military duty station. The administrator of the assessment must complete the training adopted in SBE rule.

¹⁵ 34 C.F.R. s.200.2(c)(1).

¹⁶ Section 1008.22(3)(a)-(b), F.S.; r. 6A-1.09422(4), F.A.C.

¹⁷ Rule 6A-1.09422(3)(c), F.A.C.

¹⁸ Section 1008.22(3)(a)2., F.S.

¹⁹ Sections 1003.4156(1)(b) and 1003.4282(3), F.S.

²⁰ Sections 1008.34 and 1008.341, F.S.

²¹ Sections 1008.25(5) and 1003.4282(3)(a)-(b), F.S.

²² Section 1012.34(3)(a)1., F.S.; r. 6A-5.030(2)(a), F.A.C.

²³ Section 1008.24, F.S.; *see* r. 6A-10.042, F.A.C.

²⁴ Section 1008.24(2), F.S.

The flexibility in assessment administration authorized by the bill may be used by the student to take a statewide, standardized comprehensive assessment, a statewide, standardized end-of-course assessment, or a DOE approved alternate assessment.

The request for flexibility in assessment administration must be made in writing by the student's parent or guardian to the FLVS at least 90 days prior to the assessment and include written, official documentation of the family's current out-of-state military duty station. The FLVS must review and make a recommendation regarding granting or denying the request to the DOE as soon as practicable. The DOE must make a final determination on the requested flexibility in assessment administration, and report this determination to the FLVS, within 14 days. Upon receipt of the DOE's determination, the FLVS must notify the parent or guardian whether the flexibility in assessment administration has been granted or denied.

The FLVS must maintain data regarding the number of requests for flexibility in assessment administration made, the number of requests for flexibility in assessment administration granted, and data regarding student performance on statewide, standardized assessments and make such data available to the Legislature upon request.

The bill requires the SBE to adopt rules governing the flexibility in assessment administration process established by the bill.

B. SECTION DIRECTORY:

Section 1: Creates s. 1008.213, F.S.; providing for flexibility in the administration of specified assessments for Florida Virtual School full-time students of military families residing outside this state; providing that such assessments for students granted such flexibility must be administered securely by persons who meet specified criteria at a certain location; providing a process for the parents or guardians of such students to request the flexibility in assessment administration from the Florida Virtual School; providing requirements for such parents or guardians, the Florida Virtual School, and the Department of Education in such process; authorizing the Legislature to request a report from the Florida Virtual School regarding requests for flexibility in assessment administration; requiring the State Board of Education to adopt rules.

Section 2: Amends s. 1008.22, F.S.; providing flexibility in the administration of specified assessments for certain Florida Virtual School students; defining the term "child of a military family residing outside this state eligible for flexibility in assessment administration"; providing requirements for such flexibility in assessment administration.

Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to implement the flexibility in assessment administration for military children.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 27, 2023, the Choice & Innovation Subcommittee adopted a Proposed Committee Substitute (PCS) and reported the PCS favorably as a committee substitute. The PCS differed from HB 1597 in the following ways:

- removed provisions authorizing exceptions to Florida Retirement System reemployment restrictions for FLVS staff;
- removed provisions adjusting how FLVS is compensated for students taking accelerated coursework;
- removed annual reporting requirements related to flexibility in assessment administration provided for in the bill;
- amended the requirement that a parent or guardian apply for flexibility in assessment administration from 60 days to 90 days prior to assessment administration; and
- replaced the definition of “a student residing outside of the state” with a definition for “child of a military family residing outside this state eligible for flexibility in assessment administration.”

The bill analysis is drafted to the committee substitute adopted by the Choice & Innovation Subcommittee.