

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education Pre-K -12

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BILL: CS/SB 926

INTRODUCER: Senators Rodriguez and Jones

SUBJECT: Florida Virtual School

DATE: April 5, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	<b>Fav/CS</b>
2.			GO	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

To provide additional support to military children who are out-of-state due to the duty station of their military parent, SB 926 creates a process by which a parent can request flexibility in assessment administration to permit a Florida Virtual School (FLVS) full-time student to participate in statewide, standardized assessments while out-of-state.

The fiscal impact of the bill is indeterminate. See Section V.

The bill takes effect on July 1, 2023.

**II. Present Situation:**

**Florida Virtual School**

The Florida Virtual School (FLVS) was established to develop and deliver online and distance learning education,<sup>1</sup> and is part of Florida's public school system.<sup>2</sup> The Commissioner of Education is charged with monitoring the performance of the FLVS.<sup>3</sup> The FLVS is required to

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<sup>1</sup> Section 1002.37(1)(a), F.S.

<sup>2</sup> Section 1000.04(5), F.S.

<sup>3</sup> Section 1002.37(1)(a), F.S.

serve any student in the state who meets the profile for success in online and distance learning education, giving priority to students:<sup>4</sup>

- 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.

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.<sup>5</sup>

The FLVS is authorized to provide full-time and part-time instruction for students in kindergarten through grade 12.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

During the 2021-2022 school year, the FLVS served 11,832 unduplicated students in the full-time program and completed 361,362 semester enrollments in the part-time program.<sup>9</sup>

Currently there are 172 military family full-time students enrolled in the FLVS. Of these:<sup>10</sup>

- Sixty-one are enrolled in grades K-5, of which 21 are stationed out-of-state.
- Fifty-nine are enrolled in grades 6-8, of which 21 are living out-of-state and 7 are enrolled in courses requiring a statewide standardized end-of-course assessment (EOC).<sup>11</sup>
- Fifty-two are in grades 9-12, of which 11 are living out-of-state and 8 are enrolled in courses requiring a statewide standardized EOC assessment.<sup>12</sup>

### Statewide Assessments

Florida's statewide, standardized assessments measure the extent to which students have mastered the state academic standards.<sup>13</sup> 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 3<sup>rd</sup> grade.<sup>14</sup> Federal law also requires that students

<sup>4</sup> Section 1002.37(1)(b)1.-3., F.S.

<sup>5</sup> Section 1002.37(1)(b), F.S.

<sup>6</sup> Section 1002.37(9)(a), F.S.

<sup>7</sup> Section 1002.37(10)(a)-(b), F.S.

<sup>8</sup> Section 1002.37(10)(d), F.S.

<sup>9</sup> Florida Department of Education, *Fact Sheet, Florida's Public Virtual Education Programs (2022)*, available at <https://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

<sup>10</sup> Email, Keenen Vernon, Deputy Director of Legislative Affairs, Florida Department of Education, (March 31, 2023).

<sup>11</sup> Sections 1003.4156(1)(b) and 1003.4282(3), F.S.

<sup>12</sup> Section 1003.4282(3), F.S.

<sup>13</sup> Section 1008.22(3), F.S.

<sup>14</sup> Section 1008.22(3)(a), F.S.; 20 U.S.C. s. 6311(b)(2)(v)(I).

participate in a standardized science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.<sup>15</sup> Additionally, federal law allows a state to use multiple statewide interim assessments<sup>16</sup> that result in a single summative score,<sup>17</sup> a single summative assessment,<sup>18</sup> or computer adaptive assessments for the purposes of meeting federal requirements.<sup>19</sup> The requirements for students in Florida are as follows:<sup>20</sup>

- English Language Arts:
  - Grades 3-10: Annual participation in the statewide, standardized assessment.
- Mathematics:
  - Grades 3-8: Annual participation in the statewide, standardized assessment.
  - High school: Algebra I and Geometry statewide, standardized EOC assessments.
- Science:
  - Grades 5 and 8: Participation in the statewide, standardized assessment.
  - High school: Participation in the Biology I statewide, standardized EOC assessment.
- Social Studies:
  - Middle school: Participation in the Civics statewide, standardized EOC assessment.
  - High school: Participation in the 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.<sup>21</sup>

EOC assessments count as 30 percent of a student's final course grade.<sup>22</sup> Results from assessments are used to calculate school grades and school improvement ratings<sup>23</sup> and determine student readiness for promotion to 4<sup>th</sup> grade and high school graduation.<sup>24</sup> In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.<sup>25</sup>

The State Board of Education must adopt test security rules for the statewide, standardized assessment program.<sup>26</sup> 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.<sup>27</sup>

<sup>15</sup> See 20 U.S.C. s. 6311(b)(2)(v)(II).

<sup>16</sup> An interim assessment is used to evaluate students' knowledge and skills relative to a specific set of academic goals.

<sup>17</sup> 34 C.F.R. s. 200.2(b)(10)(i)-(ii).

<sup>18</sup> A summative assessment is generally administered once, typically at the end of the school year to evaluate performance against a set of content standards.

<sup>19</sup> 34 C.F.R. s. 200.2(c)(1).

<sup>20</sup> Section 1008.22(3)(a) and (b), F.S.; Rule 6A-1.09422(4), F.A.C.

<sup>21</sup> Section 1008.22(3)(a)2., F.S.

<sup>22</sup> Sections 1003.4156(1)(b) and 1003.4282(3), F.S.

<sup>23</sup> Sections 1008.34 and 1008.341, F.S.

<sup>24</sup> Sections 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

<sup>25</sup> Section 1012.34(3)(a)1., F.S.; Rule 6A-5.030(2)(a), F.A.C.

<sup>26</sup> Section 1008.24, F.S.; see Rule 6A-10.042, F.A.C.

<sup>27</sup> Section 1008.24(2), F.S.

### **III. Effect of Proposed Changes:**

To provide additional support to military children who are out-of-state due to the duty station of their military parent or guardian, CS/SB 926 creates s. 1008.213, F.S. and modifies s. 1008.22, F.S., to establish 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 an 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 must 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 State Board of Education (SBE) rule.

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 Florida Department of Education (FDOE) 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 FDOE as soon as practicable. The FDOE 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 FDOE'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.

The bill takes effect on July 1, 2023.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The fiscal impact of the bill is indeterminate. Florida Virtual School and the Florida Department of Education may incur additional expenses to provide assessment flexibility to military family students stationed out-of-state.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1008.22 of the Florida Statutes.

This bill creates section 1008.213 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education PreK-12 on April 4, 2023:**

The committee substitute removes from the bill the following provisions:

- Providing an exception to reemployment after retirement limitations and authorizing the Florida Virtual School (FLVS) Board of Trustees to reemploy a retiree as a substitute or hourly teacher, or education paraprofessional, and administrative and support personnel on a noncontractual or contractual basis after the retiree has been retired for one calendar month.
- Expressly authorizing FLVS instructional personnel to participate in the Deferred Retirement Option Program for up to 36 calendar months beyond the 60 month period and adding such authorization for administrative and support personnel.
- Requiring a student of the FLVS to be funded for each credit completion, regardless of the number of surveys the student is reported in.
- Removing the 1.0 full-time equivalent (FTE) cap on the number of FLVS credit completions a student may be funded for, as long as the student seeks accelerated access to courses in order to obtain a high school diploma at least one semester early.

- B. **Amendments:**

None.