

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 537 Student Achievement

SPONSOR(S): Education & Employment Committee, Education Quality Subcommittee, Valdés and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 590

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|-------------------------------------|------------------|---------|--|
| 1) Education Quality Subcommittee | 16 Y, 0 N, As CS | Wolff | Sanchez |
| 2) Appropriations Committee | 25 Y, 0 N | Potvin | Pridgeon |
| 3) Education & Employment Committee | 17 Y, 0 N, As CS | Wolff | Hassell |

SUMMARY ANALYSIS

Currently a Florida high school student who earns the required 24 credits for a standard high school diploma, or the required 18 credits through the Academically Challenging Curriculum to Enhance Learning (ACCEL) options graduation pathway, but fails to pass the required statewide assessments or achieve a 2.0 GPA must be awarded a certificate of completion. However, a student who is otherwise entitled to a certificate of completion may elect to remain in high school for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.

The bill deletes all the provisions of the education code related to the certificate of completion, whereby removing the certificate as an option for students that have sufficient high school credits but fail to meet the standardized assessment or GPA requirements for graduation with a standard high school diploma. However, the bill maintains the provision that permits a student to remain in high school either as a full-time or part-time student for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.

This bill establishes a two-year Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program within the Department of Education (DOE). The program is intended to assist school districts in adopting music-based supplemental materials that support STEM courses for middle school students. The bill provides that the DOE is responsible for the implementation of the mSCALES pilot program subject to appropriation by the Legislature.

The bill does not have a fiscal impact. See Fiscal Comments.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida High School Diploma

Present Situation

Requirements for Standard High School Diploma

Florida law establishes academic requirements for earning a standard high school diploma to include five options:

- 24-credit program;¹
- 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) option;²
- Career and Technical Education (CTE) Pathway option;³
- an International Baccalaureate (IB) curriculum;⁴ or
- an Advanced International Certificate of Education (AICE) curriculum.⁵

The 24 credits required for a standard high school diploma include:⁶

- four credits in English Language Arts (ELA);
- four credits in mathematics;
- three credits in science;
- three credits in social studies;
- one credit in fine or performing arts, speech, and debate, or practical arts;
- one credit in physical education;
- one-half credit in personal financial literacy; and
- seven and one-half credits in electives.

In addition to successful completion of the required courses, a student must earn a cumulative grade point average (GPA) of 2.0 on a 4.0 scale⁷ and must pass the following required statewide standardized assessments:

- grade 10 ELA assessment or earn a concordant score on the SAT, ACT, or Classic Learning Test (CLT);⁸ and
- Algebra I end-of-course (EOC) assessment or, earn a comparative score on the Math section of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), the SAT, the ACT, the CLT, or the Geometry EOC assessment.⁹

The 18-credit ACCEL option requirements are similar to those of the 24-credit option, with the following exceptions:

- three elective credits instead of eight;
- a physical education credit is not required; and

¹ Section 1003.4282(1)(a), F.S.

² Section 1002.3105(5), F.S.

³ Section 1003.4282(10), F.S.

⁴ Section 1003.4282(1)(a), F.S.

⁵ *Id.*

⁶ Section 1003.4282(3)(a)-(h), F.S.

⁷ Section 1003.4282(5)(a), F.S.

⁸ Section 1003.4282(3)(a), F.S.; Rule 6A-1.09422(8)(a)2., F.A.C. Beginning with students who entered grade 9 in the 2018-2019 school year, students and adults who have not earned the required passing score on the Grade 10 FSA ELA assessment, may meet the testing requirement to earn a high school diploma by earning a specified concordant score.

⁹ Section 1003.4282(3)(b)1., F.S.; Rule 6A-1.09422(8)(b)2., F.A.C. Beginning with students who entered grade 9 in the 2018-2019 school year, students and adults who have not earned the required passing score on the Algebra I EOC assessment, may meet the testing requirements to earn a high school diploma by earning a specified comparative score.

- a one-half credit in personal finance is not required.¹⁰

Certificate of Completion

A student who earns the required 24 credits, or the required 18 credits through the ACCEL options graduation pathway, but fails to pass the required statewide assessments or achieve a 2.0 GPA must be awarded a certificate of completion in a form prescribed by the State Board of Education (SBE).¹¹ However, a student who is otherwise entitled to a certificate of completion may elect to remain in high school either as a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.¹²

During the transition planning process,¹³ a parent of a student with a disability must declare an intention for the student to graduate from high school with either a standard high school diploma or a certificate of completion. A certificate of completion must be awarded to a student with a disability who does not satisfy the standard high school diploma requirements.¹⁴ A student with a disability who receives a certificate of completion may continue to receive Free Appropriate Public Education (FAPE) until their 22nd birthday, or, until the end of the school semester or year in which the student turns 22.¹⁵

Certificate of Completion- Admission to Postsecondary Education

Current law requires a student who has been awarded a certificate of completion to be eligible to enroll in certificate career education programs at a Florida College System (FCS) institution.¹⁶ A certificate career education program is defined as a course of study that leads to at least one occupational completion point.¹⁷ The program may also confer credit that may articulate with a diploma or career degree education program, if authorized by rules of the SBE.¹⁸

Florida Education Finance Program

The Florida Education Finance Program (FEFP) allocates funds to each school district based on student enrollment.¹⁹ The FEFP uses a unit of measure for each student called a full-time equivalent (FTE). One FTE equals one school year of instruction provided to a student.²⁰ Districts may earn an add-on weight for certain FTE students who meet qualifying student attainment metrics in specific programs or courses.²¹

Effect of Proposed Changes

The bill deletes all the provisions of the education code related to the certificate of completion, thereby removing the certificate as an option for students that have sufficient high school credits but fail to meet the standardized assessment or GPA requirements for graduation with a standard high school diploma.

¹⁰ Section 1002.3105, F.S.

¹¹ Section 1003.4282(6)(c), F.S.

¹² *Id.*

¹³ Section 1003.5716(1), F.S. An individualized education plan (IEP) team must identify the need for transition services before a student with a disability enters high school to ensure quality planning for postsecondary education and career opportunities. The plan must be ready for implementation by the first day of the student's first year in high school. *Id.*

¹⁴ Section 1003.4282(9)(a), F.S.

¹⁵ Paul O. Burns, EdD., *High School Graduation and Completion Options*, presentation before the Education Quality Subcommittee (Feb. 8, 2023).

¹⁶ Section 1007.263(4), F.S.

¹⁷ Section 1004.02(20), F.S.; *see also* s. 1004.02(21), F.S. An occupational completion point means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program.

¹⁸ *Id.*

¹⁹ *See* s. 1011.62(1)(d)1., F.S.

²⁰ Section 1011.61(1)(a), F.S.

²¹ Section 1011.61(1)(l)-(p), F.S. Bonus FTE programs include Advanced Placement (AP) exams, College Board AP Capstone Diploma, International Baccalaureate exams, International Baccalaureate Diploma, Advanced International Certificate of Education exams, Advanced International Certification of Education diploma, Career and Professional Education, and Early High School Graduation. *Id.*

However, the bill maintains the provision that permits a student that fails to pass the required assessments or achieve a 2.0 GPA to remain in high school either as a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.

Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program

Present Situation

Some studies have indicated a positive correlation between instruction in music and math.²² Additionally, a variety of aspects of cognitive development have been shown to be positively linked with music instruction in school, including spatial-temporal abilities, selective attention, and memory for verbal stimuli.²³ Some research has even identified a positive association between music education and increases in student self-esteem, academic success, and discipline.²⁴

Early Childhood Music Education Incentive Program

The Legislature established the Early Childhood Music Education Incentive Pilot Program in 2017 to assist certain school districts in implementing comprehensive music education programs in kindergarten through grade 2, beginning with the 2017-2018 school year.²⁵ Based on an evaluation of the program following the 2021-2022 school year, students participating in the program showed significant growth in reading and math, as measured by progress monitoring scores; however, the analysis noted that the lack of a control group during the program made it unclear the extent to which academic growth was attributable to the program.²⁶ In 2023, the Early Childhood Music Education Incentive Pilot Program was converted into a permanent program administered by the Department of Education (DOE).²⁷

For a school district to be eligible for participation in the program, the district school superintendent must certify to the DOE that specified elementary schools within the district have established a comprehensive music education program that:

- includes all students enrolled at the school in kindergarten through grade 2;
- is staffed by certified music educators;
- provides music instruction for at least 30 consecutive minutes two days a week;
- complies with class size requirements under the law; and
- complies with the DOE's standards for early childhood music education programs for students in kindergarten through grade 2.

The DOE is required to approve school districts to participate in the program, subject to legislative appropriation, according to a needs-based criteria established by the SBE. Selected school districts must annually receive \$150 per full-time equivalent (FTE) student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.

²² J.D. Walsh and B.K. Coleman, *Using Music to Teach Math in Middle School*, 2 South Carolina Association for Middle Level Education Journal 144-151 (2023), available at <https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=1028&context=scamle>; see also M.F. Gardiner, et al, *Learning Improved by Arts Training*, 381 Nature 284 (1996) (last visited Feb. 12, 2024).

²³ See, e.g., Lois Hetland, *Learning to Make Music Enhances Spatial Reasoning*, 34 J. Aesthetic Ed. 179 (2000); J. Goopy, 'Extra-musical effects' and Benefits of Programs Founded on the Kodaly Philosophy, 2 AUSTRALIAN JOURNAL OF MUSIC EDUCATION 71-78 (2013); Yim-Chi Ho, et al, *Music Training Improves Verbal but Not Visual Memory: Cross-Sectional and Longitudinal Explorations in Children*, 17 NEUROPSYCHOLOGY 439 (2003).

²⁴ See e.g., Cecil Adderley, et al, "A home away from home": The world of the high school music classroom, 51 J. MUSIC RES. 190 (2003).

²⁵ Chapter 2017-116, L.O.F.

²⁶ Serephine, Anne, and Miller, David, University of Florida, College of Education, *Evaluation Report Early Childhood Education Incentive Pilot Program 2021-2022*, at 92, on file with the Education Quality Subcommittee.

²⁷ Chapter 2023-168, L.O.F.

The SBE is authorized to adopt rules to administer the program.²⁸

The Legislature appropriated \$400,000 in recurring funds and \$10 million in nonrecurring funds for the DOE to implement the Early Childhood Music Education Program in the 2023-2024 fiscal year.²⁹ Based on applications received, the DOE anticipates that the program will serve 19,346 students in 78 schools across 13 school districts in the 2023-2024 fiscal year. The DOE projects expenditures of \$3,205,248 for the 2023-2024 fiscal year.³⁰

Middle Grades Mathematics Teachers

Specialization requirements for teacher certification as a middle grades mathematics instructor require a bachelor's or higher degree with a mathematics or middle grades mathematics major, or at least 18 semester hours in mathematics, including:

- calculus, precalculus, or trigonometry;
- geometry; and
- probability or statistics.³¹

As of the 2021-2022 school year, there were 17,786 mathematics teacher certifications in Florida.³² The maximum number of students assigned to each teacher who is teaching middle school mathematics may not exceed 22 students.³³

The Florida Center for Partnerships in Arts-Integrated Teaching

The Florida Center for Partnerships in Arts-Integrated Teaching, commonly referred to as PAInT, is a state-wide resource in arts-integrated pedagogy. The Center for PAInT is an essential part of the collaborative strategic planning for the arts in Florida.³⁴ The goals of the center include research in arts-integrated teaching, technical assistance and support, professional development, and examination of arts integrated teaching in Science, Technology, Engineering, and Math (STEM) educational courses.³⁵

Effect of Proposed Changes

This bill establishes a two-year Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program within the DOE. The program is intended to assist school districts that participated in the Early Childhood Music Education Incentive Program in adopting music-based supplemental materials to support STEM courses for middle school students.

The bill requires the use of music-based supplemental materials at least twice per week to supplement mathematics instruction by teachers who are certified to teach mathematics. Participating districts are required to annually certify to the DOE that they are complying with this requirement and also class size requirements. Subject to legislative appropriation, participating school districts receive \$6 per FTE student participating in the pilot program. Participating middle schools must be in the same attendance zone as an elementary school that participated in the Early Childhood Music Education Incentive Program.

The bill authorizes the school districts in Alachua, Marion, and Miami-Dade counties to participate in the pilot program. To participate, the school district superintendent must contact the DOE.

²⁸ Section 1003.481, F.S.

²⁹ Specific Appropriation 96, s. 2, ch. 2023-239, L.O.F.

³⁰ Email, Florida Department of Education (January 2, 2024), with attachment, on file with the Education Quality Subcommittee.

³¹ Rule 6A-4.0261, F.A.C.

³² Florida Department of Education, *Identification of High Demand Teacher Needs for 2023-2024*, available at <https://www.fldoe.org/core/fileparse.php/20562/urlt/16-2.pdf>, at 4 (last visited Feb. 12, 2024).

³³ Section 1003.03(1), F.S.

³⁴ University of South Florida, Center for PAInT, *Mission, Belief Statement, and Definition of Arts Integration*, <https://www.sarasotamanatee.usf.edu/academics/center-for-paint/#:~:text=The%20Florida%20Center%20for%20Partnerships,for%20the%20Arts%20in%20Florida> (last visited Feb. 12, 2024).

³⁵ Section 1004.344, F.S.

The bill authorizes the DOE to select school districts for participation in the pilot program if sufficient funding is available as appropriated by the Legislature. The DOE is required to prescribe application forms and forms for districts to certify they are meeting the requirements of the pilot program.

The bill requires the College of Education at the University of Florida (UF) to continuously evaluate the program's effectiveness and annually share findings of its evaluations with the DOE and the Legislature. UF's College of Education must prepare a comprehensive report of the program's overall effectiveness. The report must be presented, no later than October 1, 2026, to the DOE, the Legislature, and the University of South Florida Center for Partnerships in Art-Integrated Teaching (PAInT).

The mSCALES pilot program expires June 30, 2026.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.394, F.S.; conforming provisions to changes made by the act.

Section 2: Amends s. 1003.4282, F.S.; deleting provisions providing for the award of a certificate of completion to certain students; conforming provisions to changes made by the act.

Section 3: Amends s. 1003.433, F.S.; conforming provisions to changes made by the act.

Section 4: Amends s. 1007.263, F.S.; conforming provisions to changes made by the act.

Section 5: Creates s. 1003.482, F.S.; creating the Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program within the Department of Education; providing the purpose of the pilot program; providing requirements for the pilot program; providing eligibility; authorizing district school superintendents to contact the department for their district to participate in the pilot program; providing funding requirements, subject to legislative appropriation; requiring participating school districts to maintain eligibility; requiring the College of Education at the University of Florida to evaluate the pilot program's effectiveness and annually share its findings with the department and the Legislature; requiring the college to submit a final report to specified entities by a specified date; providing for expiration of the pilot program.

Section 6: 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:

The provision of the bill authorizing school districts to participate in the mSCALES pilot program is subject to a legislative appropriation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide the SBE with additional rulemaking authority but existing rules may need to be repealed or amended based on the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2024, the Education Quality Subcommittee adopted one Proposed Committee Substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from the original bill in the following ways:

- Deletes all the provisions of the education code related to the certificate of completion, whereby removing the certificate as an option for students.
- Removes provision from the bill relating to academic counseling for certain freshman students.
- Removes provision from the bill prohibiting recipients of a certificate of completion from participating in graduation ceremonies.
- Removes provision from the bill relating to satisfying the Algebra 1 End-of-Course assessment requirement with a formative assessment.
- Removes provision from the bill relating to changes to acceptable concordant scores for standardized assessments.
- Removes an appropriation from the bill.

On February 14, 2024, the Education & Employment Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Removes the requirement that music-based supplemental materials be acquired through the Muzology digital learning system.
- Requires that participating middle schools be in the same attendance zone as elementary schools that participated in the Early Childhood Music Education Incentive Program.
- Authorizes the DOE, rather than the commissioner, to select school districts for participation.
- Updates reporting requirements for the UF College of Education relating to the pilot program and changes the due date of the final report from June 30 to October 1.

The analysis is drafted to the committee substitute adopted by the Education & Employment Committee.