

**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 Fiscal Policy

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BILL: CS/CS/SB 1402

INTRODUCER: Appropriations Committee on Pre-K - 12 Education; Education Pre-K - 12 Committee;  
and Senator Yarborough

SUBJECT: Students Enrolled in Dropout Retrieval Programs

DATE: April 1, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Fav/CS</u>
3.	<u>Palazesi</u>	<u>Siples</u>	<u>FP</u>	<u>Favorable</u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1402 defines dropout retrieval programs as programs that serve students who have officially withdrawn from high school and were not engaged in the education system at the time of enrollment in the dropout retrieval program. The bill also requires all dropout retrieval programs to choose between receiving a school improvement rating or a school grade.

The bill requires that each Virtual Instruction Provider (VIP) receives a school grade or school improvement rating for each district with which it contracts, based on the assessment scores of all students served within those districts. The bill also exempts a VIP operating as a dropout retrieval program from receiving a district grade.

This bill takes effect July 1, 2025.

This bill does not have a fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

## II. Present Situation:

### Virtual Instruction Programs

A virtual instruction program (VIP) is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>1</sup> Florida law establishes a variety of options to make virtual instruction accessible to K-12 students. These options include:

- Full-time or part-time enrollment in a school district virtual instruction program;<sup>2</sup>
- Full-time enrollment in a virtual charter school;<sup>3</sup>
- Enrollment in individual virtual courses offered by school districts and approved by the Department of Education (DOE);<sup>4</sup> and
- Full-time and part-time enrollment in Florida Virtual Schools (FLVS) or school district FLVS franchises.<sup>5</sup>

The VIP providers that are approved by the DOE must meet the following requirements:

- Align virtual course curriculum and course content to the state academic standards.
- Offer instruction that is designed to enable a student to gain proficiency in each virtual instruction course of study.
- Provide each student enrolled in the virtual instruction program with all the necessary instructional materials.
- Provide each full-time student enrolled in the virtual instruction program who qualifies for free or reduced-price school lunches and who does not have a computer or internet access in his or her home with the equipment necessary for participants in the virtual instruction program.<sup>6</sup>

Accel Schools East, Connections Education of Florida, LLC, FLVS, Graduation Alliance, Imagine Learning, K12 Florida, Mater Virtual Academy, Optima Academy Online, and Somerset Virtual Academy are the current DOE-approved statewide VIP programs.<sup>7</sup>

Each approved VIP must participate in the statewide assessment program and receive a school grade or school improvement rating. Each statewide VIP provider's school improvement rating or school grade is based on the aggregated assessment scores of all students served by the provider statewide. Additionally, each approved virtual instruction program provider receives a district grade based upon the aggregated assessment scores of all students served by the VIP

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<sup>1</sup> Section 1002.45(1), F.S.

<sup>2</sup> Section 1002.45, F.S.

<sup>3</sup> Sections 1002.33(1) and 1002.45(1), F.S.

<sup>4</sup> Section 1003.498, F.S.

<sup>5</sup> Section 1002.45(2), F.S.; see also Florida Department of Education, List of Approved Program and Course Providers, <https://www.fldoe.org/schools/school-choice/virtual-edu/provider-resources/approved-providers/> (last visited March 19, 2025).

<sup>6</sup> Section 1002.45(3) F.S.

<sup>7</sup> Florida Department of Education, *List of Approved Program and Course Providers*, available at <https://www.fldoe.org/schools/school-choice/virtual-edu/provider-resources/approved-providers/> (last visited March 19, 2025).

statewide and a separate school grade for each school district with which it contracts based upon the assessment scores of all students served within the school district.<sup>8</sup>

### **Dropout Prevention and Academic Intervention**

Dropout prevention and academic intervention programs differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and must employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Dropout prevention and academic intervention are required to provide curricula, character development and law education, and related services that support the program goals and lead to improved performance in the areas of academic achievement, attendance, and discipline.<sup>9</sup> Educational alternative programs, disciplinary programs, dropout retrieval programs, alternative to expulsion programs, teenage parent programs, and city and county jail programs are considered dropout prevention programs.

Dropout retrieval programs are designed for students who have officially dropped out of school, re-enrolled and are persevering towards graduation with a primary focus on credit recovery and career planning. In the 2023-2024 school year, 3,095 students at all grade levels participated in a dropout retrieval program and the outcome data for students in dropout retrieval programs reveal the following:

- 530 (42.6 percent) of 1,244 students in grade 12 graduated with a high school diploma.
- 177 (6.3 percent) of 2,810 students in grades nine-12 dropped out of school.
- 1,851 (59.8 percent) of 3,095 students were promoted to a higher grade.
- 1,825 (59 percent) of 3,095 students missed 10 percent or more school days; and
- No students were suspended for more than 10 days or expelled.<sup>10</sup>

### **School Grades**

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.<sup>11</sup> School grades are also used to determine whether a school must select or implement a turnaround option<sup>12</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>13</sup>

Elementary, middle and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model. Combination school models include the additional components for the grades served (*e.g.*, a school serving grades k-12 would include the additional components for the middle and high

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<sup>8</sup> Section 1002.45(7) F.S.

<sup>9</sup> Section 1003.53(1), F.S.

<sup>10</sup> Florida Department of Education, *Dropout Prevention and Academic Intervention Programs 2023-2024 Annual Report*, available at <https://www.fldoe.org/file/5576/2324DropoutPreventReport.pdf>.

<sup>11</sup> Section 1008.34(1), F.S.

<sup>12</sup> Section 1008.33(4), F.S.

<sup>13</sup> Section 1008.36, F.S.

school models). Each school must receive a school grade based on the school's performance in the following components:<sup>14</sup>

- The percentage of eligible students passing statewide, standardized assessments in ELA, mathematics, science, and social studies.
- The percentage of eligible students who make learning gains in ELA and mathematics as measured by statewide, standardized assessments.
- The percentage of eligible students in the lowest 25 percent in ELA and mathematics, as identified by prior year performance on statewide, standardized assessments, who make learning gains as measured by statewide, standardized ELA assessments.
- For schools comprised of grade levels that include grade three, the percentage of eligible students who score an achievement level three or higher on the grade three statewide, standardized ELA assessment.
- For schools comprised of middle grades six through eight or grades seven and eight, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to SBE rule.<sup>15</sup>

For a school comprised of grades nine-12, or 10-12, the school's grade includes the following components:

- The four-year high school graduation rate of the school.
- The percentage of students who were eligible to earn college and career credit in a specified acceleration mechanism, who earn a specified industry certification, or who participate in Junior Reserve Officers' Training Corps courses and earn a qualifying score on the Armed Services Vocational Aptitude Battery.<sup>16</sup>

### **School Improvement Ratings for Alternative Schools**

An alternative school, for the purposes of school accountability, is a school that provides dropout prevention and academic intervention services. An alternative school may choose to receive a school improvement rating or a school grade. School improvement ratings are calculated using student learning gains on statewide, standardized English Language Arts and mathematics assessments for all eligible students who are enrolled in the school and who have assessment scores or comparable scores for the preceding school year.<sup>17</sup> Schools that improve their ratings by at least one level or maintain a "commendable" rating are eligible for school recognition awards. The school improvement rating identifies an alternative school as having one of the following ratings:

- Commendable: a significant percentage of the students attending the school are making learning gains.
- Maintaining: a sufficient percentage of the students attending the school are making learning gains.

<sup>14</sup> Section 1008.34(3)(b), F.S.<sup>15</sup> Section 1008.34(3), F.S.; *See also* Rule 6A-1.09981(4)(a)-(c), F.A.C.

<sup>15</sup> Section 1008.34(3), F.S.; *See also* Rule 6A-1.09981(4)(a)-(c), F.A.C.

<sup>16</sup> Section 1008.34(3)(b), F.S.

<sup>17</sup> Section 1008.34(3), F.S.

- Unsatisfactory: an insufficient percentage of the students attending the school are making learning gains.<sup>18</sup>

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

This bill amends section 1002.45, F.S., to require that each Virtual Instruction Provider (VIP) receive a school grade or school improvement rating for each district with which it contracts, based on the assessment scores of all students served within those districts. The bill also exempts VIP providers that operate as a dropout retrieval program from receiving a district grade.

The bill also amends s. 1003.53, F.S., to define a dropout retrieval program as a program serving students who have officially withdrawn from high school before graduation and were not engaged in the education system at the time of enrollment. The bill also requires all dropout retrieval programs to choose between receiving a school improvement rating or a school grade.

This act takes effect July 1, 2025.

### **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.

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<sup>18</sup> Section 1008.341(2), F.S.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill does not have a fiscal impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.45 and 1003.53.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Appropriations Committee on Pre-K - 12 Education on March 25, 2025:**

The committee substitute requires all dropout retrieval programs to choose between receiving a school improvement rating or a school grade.

**CS by Education Pre-K - 12 on March 17, 2025:**

The committee substitute requires that each Virtual Instruction Provider (VIP) receive a school grade or school improvement rating for each district with which it contracts, based on the assessment scores of all students served within those districts. The committee substitute also exempts a VIP operating as a dropout retrieval program from receiving a district grade. Finally, the committee substitute moves the definition of a dropout retrieval program from the original bill to the dropout prevention and academic intervention statute.

**B. Amendments:**

None.