

**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: SPB 7004

INTRODUCER: For consideration by the Education Pre-K -12 Committee

SUBJECT: Deregulation of Public Schools/Assessment and Accountability, Instruction, and Education Choice

DATE: November 13, 2023      REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Palazesi/Sabitsch</u>	<u>Bouck</u>		<b><u>Pre-meeting</u></b>

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**I. Summary:**

SPB 7004 builds on the deregulation of public schools provisions in House Bill 1 (Ch. 2023-16, Laws of Fla.) and provides to school districts additional authority related to prekindergarten programs, retention and graduation, assessments, school improvement, instructional materials, and reporting. Specifically, the bill modifies the following:

- Relating to the Voluntary Prekindergarten (VPK) program, the bill:
  - Removes the requirement that each public school district offer the summer VPK program, modifies summer VPK funding and program attendance systems, and provides access to school district summer reading camps.
  - Removes early learning coalition monitoring of public school VPK programs.
- Relating to assessments, the bill:
  - Creates an additional good cause exemption from third-grade retention to specify that a parent may determine promotion to grade 4 is in the best interest of the student.
  - Eliminates the requirement for students to pass the Algebra 1 end of course and grade 10 English Language Arts assessment to earn a standard high school diploma.
  - Eliminates requirements relating to the uniform assessment calendar, and that school districts submit the district-wide assessment calendar to the Department of Education.
  - Authorizes district school superintendents to determine the timeframe for applications for extraordinary exemptions from assessments for students with disabilities.
  - Removes the requirement for administration of the common assessment for students in Department of Juvenile Justice (DJJ) prevention, residential, or day treatment programs.
- Relating to public school accountability and improvement, the bill:
  - Specifies that changes made by the State Board of Education (SBE) to the school grades model or scale may not go into effect until the following school year.
  - Extends from 2 to 4 years the time for a school district to implement a district managed turnaround plan. The bill provides a school exits district-managed turnaround with two consecutive grades of “C,” or a grade of “A” or “B.”
  - Expands school turnaround options to include conversion to a community partnership school.

- Prohibits the use of the value added model (VAM) as the sole determinate in recruiting instructional personnel.
- Removes the requirement that district school boards take action on a provider contract for DJJ educational programs that continue to underperform within six months after a monitoring plan.
- Relating to instructional materials, the bill:
  - Requires the Commissioner of Education, beginning in the 2026 adoption cycle, to publish the list of adopted instructional materials not later than July 31 of the year preceding the beginning of the adoption period.
  - Provides districts school boards additional authority in the provision of adequate instructional materials and major tools of instruction for students in core subject areas.
  - Modifies dates for superintendent reporting regarding requisitioned instructional materials and alignment of materials to state standards.
  - Provides to principals the authority to determine collection of funds for lost or damaged instructional materials.
- Regarding district programs, the bill:
  - Authorizes schools to schedule the 100 minutes of required recess over the course of a week, rather than 20 consecutive minutes daily.
  - Changes district school board capacity determinations for controlled open enrollment and from every 12 weeks to twice annually.
  - Authorizes school district virtual instruction programs to provide equipment to all students, regardless of income status.
  - Repeals the Competency-Based Pilot Program and the single-gender programs requirements.

The bill also repeals reporting relating to fine arts, charter technical career centers, middle grades career courses, academically high performing school districts, Committee of Practitioners under the No Child Left Behind Act, and implementation of school improvement and accountability.

The bill is effective July 1, 2024.

## **II. Present Situation:**

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

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

### **Voluntary Prekindergarten Programs in Public Schools**

#### ***Present Situation***

Since the inception of the Voluntary Prekindergarten (VPK) program, public schools have been instrumental in delivering the program. Public schools deliver both the 540 hour school year

VPK program<sup>1</sup> and the 300 hour summer VPK program.<sup>2</sup> In general, public schools comprise just over 20 percent of the overall VPK programs during the entire program year.<sup>3</sup>

Public schools are required to contract through the early learning coalitions and are subject to the same requirements as non-public programs in terms of implementing instructional standards, personnel requirements, and program accountability. While both public schools and private providers offer the school year prekindergarten program, public school districts are required to offer the summer VPK program, consisting of 300 hours of instruction, to any parent who enrolls his or her child in the program.<sup>4</sup> Participation in the summer VPK program has steadily declined from 2016-2017 to 2022-2023. For example, in the 2016-2017 summer VPK program there were 5,272 children enrolled, and in the 2022-2023 summer program there were 2,620 children enrolled.<sup>5</sup> According to 2022-2023 summer VPK program data, there were 1,330 children enrolled in summer VPK public school programs across 42 school districts.<sup>6</sup> These enrollments are in contrast to the 153,638 school year VPK enrollment for 2022-2023.<sup>7</sup>

Public school district funding for the summer VPK program requires that the number of children funded is divisible by 12.<sup>8</sup> For example, if a district serves only 2 children for the summer VPK program, the district is funded for 12 children. Based on data for the 2022-2023 program, 36 districts received additional funding for 196 full-time equivalent enrollments over the actual program enrollment, for a total of \$469,028.<sup>9</sup>

In general, VPK programs in public schools are subject to the same oversight as private VPK programs, including requirements for use of the state contract, instructor to child ratios, instructor training, attendance and reporting, accountability, and methods regarding reimbursement for the VPK program. Early learning coalitions are required to monitor the compliance of public school VPK programs in their county or multi-county service region for both school year<sup>10</sup> and summer<sup>11</sup> VPK programs.

### ***Effect of Proposed Changes***

The bill removes several requirements related to VPK programs operated by public schools.

The bill modifies s. 1002.53, F.S., to remove the requirement for public school districts to offer the summer VPK program. Accordingly, because the summer VPK program would be optional

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<sup>1</sup> Section 1002.63(1), F.S.

<sup>2</sup> Section 1002.61(1), F.S.

<sup>3</sup> Florida Department of Education, *Division of Early Learning Annual Report 2021-2022*, available at: <https://www.fldoe.org/core/fileparse.php/20628/urlt/2122-DEL-AnnualReport.pdf>.

<sup>4</sup> Section 1002.53(6)(b), F.S.

<sup>5</sup> Office of Economic & Demographic Research, *Early Learning Programs Estimating Conference Prekindergarten Education Program, Conference Package* (Aug. 10, 2023), available at <http://edr.state.fl.us/Content/conferences/vpk/VPKResults.pdf>.

<sup>6</sup> Email, Florida Department of Education, Legislative Affairs (Oct. 27, 2023).

<sup>7</sup> *Id.*

<sup>8</sup> Section 1002.71(3)(d), F.S.

<sup>9</sup> Email, Florida Department of Education, Legislative Affairs (Oct. 27, 2023). The amount is based on the 2022-23 summer VPK base student allocation of \$2,393.

<sup>10</sup> Section 1002.63(9)(a), F.S.

<sup>11</sup> Section 1002.61(10)(a), F.S.

for school districts, the bill modifies s. 1002.71, F.S., to remove the additional payment to school districts for operating a summer VPK program that funds enrollment divisible by 12. The bill modifies s. 1002.61, F.S., to specify that students who did not participate in the school year VPK program and do not have access to a summer VPK program in the county in which they reside are eligible to attend a school district summer reading camp.

The bill modifies ss. 1002.61 and 1002.63, F.S., to remove the requirement, for both school year and summer VPK programs, that early learning coalitions verify statutory compliance by school district-operated VPK programs. This aligns oversight of the school district VPK program with other district-operated educational programs.

Finally, the bill removes the requirement in s. 1002.71, F.S., for district school board policy to require parents to sign monthly attendance forms and retain those forms for two years. The school district will be required to certify attendance on the single point of entry system that is used for payment of VPK program attendance. The revision offers flexibility to school districts to utilize existing attendance tracking methods without duplication due to required forms.

### **Third Grade Retention and Supports**

#### ***Present Situation***

More than half of all states have a third grade retention policy that either allows school districts or requires them to retain students based on a student's mastery of literacy.<sup>12</sup> Florida has long been a national leader in investments and policy ideas targeted at improving early grades literacy. Specifically, over the past five years, the legislature has passed several policies that provide targeted supports for early grades literacy, such as:

- Implementing a coordinated screening and progress monitoring system in grades VPK-3 to allow educators to make real-time adjustments to instruction throughout the school year.<sup>13</sup>
- Enhancing the requirements for educators earning the reading endorsement.<sup>14</sup>
- Providing books to eligible student in grades K-5 through the New Worlds Reading Initiative.<sup>15</sup>
- Inclusion of a grade 3 English Language Arts (ELA) component in the school grades model.<sup>16</sup>

#### **Interventions and Required Supports for Struggling Readers**

Students in kindergarten through grade 3 who exhibit a substantial reading deficiency, based on locally collected data, statewide assessments, or through teacher observations, must be given intensive reading instruction immediately following the identification of the deficiency.<sup>17</sup> A school may not wait for a student to receive a failing grade at the end of a grading period to

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<sup>12</sup> Sarah Schwartz, *3<sup>rd</sup> Grade Reading Retention: Why the Research is Complicated*, (Aug. 29, 2023), <https://www.edweek.org/teaching-learning/3rd-grade-reading-retention-why-the-research-is-complicated/2023/08> (last visited Nov. 8, 2023).

<sup>13</sup> Ch. 2021-10, Laws of Fla.

<sup>14</sup> Ch. 2021-09, Laws of Fla.

<sup>15</sup> Ch. 2021-193, Law of Fla.

<sup>16</sup> Ch. 2023-39, Laws of Fla.

<sup>17</sup> Section 1008.25(5)(a), F.S.

identify the student as having a substantial reading deficiency and initiate intensive reading interventions.<sup>18</sup> A student's reading proficiency must be monitored and the intensive interventions must continue until the student demonstrates grade level proficiency in a manner determined by the school district, which may include achieving a Level 3 on the statewide, standardized ELA assessment.<sup>19</sup>

Students who do not achieve a Level 3 or above on the statewide, standardized ELA assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.<sup>20</sup> District school boards are required to prioritize remedial and supplemental instruction resources first to students in kindergarten through grade 3 who have a substantial reading deficiency and then to students who fail to meet performance levels required for promotion under the school district's student progression plan.<sup>21</sup>

A student who is not meeting school district or state requirements for satisfactory performance in ELA must be covered by one of the following plans:<sup>22</sup>

- A federally required student plan such as an individual education plan (IEP);
- A school wide system of progress monitoring for all students, except that a student who scores Level 4 or above on the ELA assessment may be exempted from participation by the principal; or
- An individualized progress monitoring plan.

School districts have a variety of intervention and progress monitoring options available to help students improve their academic performance. Retention is mandatory for grade 3 students who score at Level 1 on the statewide, standardized ELA assessment.<sup>23</sup> Any student retained in grade 3 because of his or her statewide, standardized ELA assessment score must receive intensive interventions and be taught by a "highly-effective" teacher with a reading endorsement or certification in reading.<sup>24</sup> Interventions must include:<sup>25</sup>

- Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.
- Participation in the school district's summer reading camp.
- A minimum of 90 minutes of daily, uninterrupted reading instruction. This instruction may include coordinated integration of content-rich texts in science and civic literacy; small group instruction; reduced teacher-student ratios; more frequent progress monitoring, tutoring or mentoring; transition classes containing and grades 3 and 4 students; and extended school day, week, or year.

<sup>18</sup> Section 1008.25(5)(a), F.S. *See also* s. 1003.57, F.S. For purposes of this section, a licensed professional means an individual licensed pursuant to ch. 490, F.S.

<sup>19</sup> Section 1008.25(5)(a), F.S.

<sup>20</sup> Section 1008.25(4)(a), F.S.

<sup>21</sup> Section 1008.25(3), F.S.

<sup>22</sup> Section 1008.25(4)(b), F.S.

<sup>23</sup> Section 1008.25(5)(c), F.S. A student may be promoted if he or she meets a "good cause" exception as provided in s. 1008.25(6)(b), F.S.

<sup>24</sup> *See* ss. 1008.25(7)(b)3. and 1012.34(2)(e), F.S.

<sup>25</sup> Section 1008.25(7)(a), F.S.

Additionally, each school district must establish at each school, when applicable, an intensive reading acceleration course for any student retained in grade 3 who was previously retained in kindergarten, grade 1, or grade 2. The intensive reading acceleration course must provide the following:<sup>26</sup>

- Uninterrupted reading instruction for the majority of student contact time each day and opportunities to master the grade 4 state academic standards in other core subject areas through content-rich texts.
- Small group instruction.
- Reduced teacher-student ratios.
- The use of explicit, systematic, and multisensory reading interventions, including intensive language, phonics, and vocabulary instruction, and use of a speech-language therapist if necessary, that have proven results in accelerating student reading achievement within the same school year.
- A read-at-home plan.

### Third Grade Retention and Good Cause Exemptions

Since 2002, Florida has mandated that third grade students who score at an achievement level 1 on a statewide, standardized assessment be retained unless a student meets a good cause exemption.<sup>27</sup> Students can meet a good cause exemption if one of the following criteria is met:<sup>28</sup>

- Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.
- Students with disabilities whose IEP indicates that participation in the statewide assessment program is not appropriate.
- Students who demonstrate an acceptable level of performance on an alternative standardized reading or ELA assessment approved by the State Board of Education.
- A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized ELA assessment.
- Students with disabilities who take the statewide, standardized ELA assessment and who have an IEP or a Section 504 plan that reflects that the student has received intensive instruction in reading or ELA for more than 2 years but still demonstrates a deficiency and was previously retained in prekindergarten, kindergarten, grade 1, grade 2, or grade 3.
- Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

In the 2021-22 school year, 52,451 third grade students scored at an achievement level 1 on the statewide standardized grade 3 ELA assessment.<sup>29</sup> Of the 52,451 students who scored at an achievement level 1, 31,884 students were promoted to grade 4 by meeting one of the good cause

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<sup>26</sup> Section 1008.25(7)(b)4., F.S.

<sup>27</sup> Ch. 2002-387, Laws of Fla.

<sup>28</sup> Section 1008.25(7)(b)1.-6., F.S.

<sup>29</sup> Florida Department of Education, *Know Your Schools Advanced Reporting, Assessment Map*, [https://knowyourdatafl.org/views/PK12-Assessments/ASSESSMENTMAP?:showAppBanner=false&:display\\_count=n&:showVizHome=n&:origin=viz\\_share\\_link&:isGuestRedirectFromVizportal=y&:embed=y](https://knowyourdatafl.org/views/PK12-Assessments/ASSESSMENTMAP?:showAppBanner=false&:display_count=n&:showVizHome=n&:origin=viz_share_link&:isGuestRedirectFromVizportal=y&:embed=y) (last visited Nov. 5, 2023).

exemptions.<sup>30</sup> In total, approximately 43,000 students in grades k-5 were retained, 21,000 of those retained students were in the third grade.<sup>31</sup>

### *Effect of Proposed Changes*

The bill modifies s. 1008.25, F.S., to expand parental rights in accordance with ch. 1014, which specifies that it is a fundamental right of parents to direct the education of their child. The bill requires that a parent must approve a good cause exemption for his or her child to be promoted to the fourth grade. Additionally, the bill adds a good cause exemption by allowing that if a parent determines his or her child must be promoted, the parent and the school must develop a student intervention plan that is approved by the parent. Finally, the bill provides that the intervention plan may include but is not limited to the following interventions and supports:<sup>32</sup>

- Read-at-home plan
- Evidence-based, explicit, systematic, and multisensory reading instruction grounded in the science of reading, in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.
- Participation in the school district's summer reading camp, which must incorporate instructional and intervention strategies, that place rigor and grade-level learning at the forefront.
- A minimum of 90 minutes of daily, uninterrupted reading instruction incorporating instructional and intervention strategies. This instruction may include:
  - Coordinated integration of content-rich texts in science and civic literacy within the 90-minute block.
  - Targeted small group instruction.
  - Explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.
  - Reduced teacher-student ratios.
  - More frequent progress monitoring of the reading skills of each student throughout the school year and the adjustment of instruction according to student need.
  - Tutoring or mentoring.
  - Transition classes containing 3rd and 4th grade students.
  - Extended school day, week, or year.
  - Before school or after school, or both, supplemental evidence-based reading interventions grounded in the science of reading delivered by a teacher who is certified or endorsed in reading and is rated highly effective as determined by the teacher's performance evaluation.

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<sup>30</sup> Florida Department of Education, *Retentions and Non-Promotions, 3<sup>rd</sup> Grade Promotions: Good Cause Exemptions, 2021-22*, <https://origin.fldoe.org/core/fileparse.php/7584/urlt/3rdPromotionExemption2122.xlsx>, (last visited Nov. 5, 2023).

<sup>31</sup> Florida Department of Education, *Retentions and Non-Promotions, Non-promotions in Florida Public Schools, 2021-22*, <https://origin.fldoe.org/core/fileparse.php/7584/urlt/2122NonPromotions.xlsx>, (last visited Nov. 5, 2023).

<sup>32</sup> Section 1008.25(5)(e) and (8), F.S.

## High School Graduation Requirements

### *Present Situation*

Nearly all states have established minimum credit and course requirements to earn a standard diploma, but graduation requirements may also serve to assess specific skills and content knowledge prioritized by the state, evaluate college and career readiness, or offer multiple pathways to a diploma.<sup>33</sup> At least 34 states and the District of Columbia, require students to complete specific assessments to meet a graduation requirement.<sup>34</sup> Eleven states require that students must pass an English Language Arts (ELA) and/or a mathematics assessment to earn a standard high school diploma.<sup>35</sup>

### Florida's High School Graduation Requirements

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>36</sup>

The 24 option for a standard diploma includes:<sup>37</sup>

- Four credits in ELA I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.

All students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and must pass the statewide, standardized Algebra I end-of-course (EOC) assessment, or earn a comparative score, in order to earn a standard high school diploma.<sup>38</sup> Students may satisfy the assessment requirement using a specified score on the SAT, ACT, Classic Learning Test, PSAT/NMSQT. The use of concordant and comparative scores has significantly increased over the past 5 years, from 27.5 percent of graduates in 2018 satisfying assessment requirements using a comparative score to 41.8 percent in 2022.<sup>39</sup>

<sup>33</sup> Education Commission of the States, *50- State Comparison: High School Graduation Requirements*, <https://www.ecs.org/50-state-comparison-high-school-graduation-requirements-2023/>, (last visited November 2, 2023).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* Of those 11 states, two allow the use of a portfolio of work in lieu of passing an assessment and two states require students to pass the assessments if they do not choose a graduation pathway.

<sup>36</sup> Section 1003.4282(1)(a), F.S.

<sup>37</sup> Section 1003.4282(3)(a)-(g), F.S.

<sup>38</sup> Section 1003.4282(3), F.S. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns a specified score is not required to take the corresponding EOC assessment. Section 1008.22(3)(b)6., F.S.

<sup>39</sup> Florida Department of Education, *Know Your Data Advanced Reports: High School Graduate Pathways*, <https://knowyourdatafl.org/views/PK12-PathwaystoGraduation/GRADUATEPATHWAYS->



### High School Graduation Requirements for Transfer Students and English Language Learners

Students who transfer to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss. 6301 et seq.<sup>40</sup>

If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score.<sup>41</sup>

For students who enter a Florida public school in grade 11 or 12 from out of state or out of country, in order to receive a standard high school diploma students must pass the grade 10 ELA assessment, or earn a concordant score and must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score.<sup>42</sup> Students who have been enrolled in an English for Speakers of Other Languages program for less than 2 school years and have met all requirements for the standard high school diploma except for passage the grade 10 ELA assessment may meet the requirement by satisfactorily demonstrating grade-level expectations on formative assessments.<sup>43</sup>

### High School Equivalency Diploma Program

The High School Equivalency Diploma offers students who are no longer enrolled in high school an opportunity to earn a high school diploma by successfully passing the standard GED tests. A candidate for a high school equivalency diploma must be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16.<sup>44</sup> School districts may not require a student who has reached the age of 16 to take any course before taking the examination unless the student fails to achieve a passing score on the GED practice test.<sup>45</sup> In the 2021-2022 graduation cohort, 392 students earned a GED-based diploma.<sup>46</sup>

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[MAP?:showAppBanner=false&:display\\_count=n&:showVizHome=n&:origin=viz\\_share\\_link&:isGuestRedirectFromVizportal=y&:embed=y](#), (last visited, Nov. 3, 2023). Florida Department of Education Emergency Orders No. 2020-EO-1 and No. 2021-EO-2 exempted students in the 2019-20 and 2020-21 graduation cohorts from the statewide standardized assessment requirements.

<sup>40</sup> Section 1003.4282(6), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> Section 1003.433(1), F.S.

<sup>43</sup> Section 1003.433(3)(b), F.S.

<sup>44</sup> Section 1003.435(4), F.S.

<sup>45</sup> *Id.*

<sup>46</sup> Florida Department of Education, *Florida's High School Cohort 2021-22 Graduation Rate*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2122.pdf>, (last visited Nov. 6, 2023).

### ***Effect of Proposed Changes***

The bill modifies s. 1003.4282, F.S., to eliminate the requirement that students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. The bill does not remove the requirement for students to meet the course requirements for the 24 credit diploma option, or for the EOC requirement to count as 30 percent of the final course grade. This change could lead to more students graduating, raising Florida's high school graduation rate, similar to the graduation rates when the DOE implemented Florida Department of Education Emergency Orders No. 2020-EO-1 and No. 2021-EO-2 exempting students in the 2019-20 and 2020-21 graduation cohorts from the statewide standardized assessment requirements.

The bill modifies s. 1003.435 to provide that students who are 16 and 17 years old may take the assessment for a high school equivalency diploma, without an extraordinary exemption, provided the student has parent permission.

### **Instructional Materials**

#### ***Present Situation***

##### Instructional Materials State Adoption Process

The Florida Department of Education (DOE) facilitates the statewide instructional materials adoption process through evaluation of materials submitted by publishers and manufacturers.<sup>47</sup> Expert reviewers chosen by the DOE must objectively evaluate materials based on alignment to Florida's state-adopted standards, accuracy, and appropriateness for age and grade level.<sup>48</sup> Based on reviewer recommendations of materials that are "suitable, usable, and desirable," the Commissioner of Education (commissioner) then selects and adopts instructional materials for each grade and subject under consideration.<sup>49</sup> Currently, there is not a required timeline for DOE to adopt or publish a list of adopted instructional materials, often leading to the overlapping of the state-level adoption and district-level adoption of instructional materials. The DOE must provide training to instructional materials reviewers on competencies for making valid, culturally sensitive, and objective recommendations regarding the content and rigor of instructional materials prior to the beginning of the review and selection process.<sup>50</sup>

After adoption, the DOE must make the final report of instructional materials available at all times for public inspection. The DOE Office of Instructional Materials announces the adoption by publicly posting the list on its website, as well as emailing district instructional materials contacts with the newly approved materials.<sup>51</sup>

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<sup>47</sup> Section 1006.34(1), F.S.

<sup>48</sup> Section 1006.31, F.S.

<sup>49</sup> Section 1006.34(2)(a), F.S. Generally, the commissioner adopts instructional materials according to a 5-year rotating schedule. The commissioner may approve a shorter schedule if the content area requires more frequent revision. Section 1006.36(1), F.S.

<sup>50</sup> Section 1006.29(5), F.S.

<sup>51</sup> Florida Department of Education, *Instructional Materials, Archive*, <https://www.fldoe.org/academics/standards/instructional-materials/archive/> (last visited Jan. 18, 2022). The DOE website has all adopted instructional materials lists from 2005 to present.

### Instructional Materials Purchase and Reporting

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students.<sup>52</sup> Adequate instructional materials is defined as a sufficient number of student or site licenses or set or materials that are available in bound, unbound, kit or package form and may consist of textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media and computer courseware or software that serve as the basis for instruction for each student in the core subject areas.<sup>53</sup> The core subject areas are mathematics, language arts, social studies, science, reading and literature. Each district school board is required to purchase current instructional materials to provide for each student in grades k-12 with a major tool of instruction for core courses. Purchases are required to be made within the first three years after the effective date of the adoption cycle for materials adopted by the state.<sup>54</sup>

Each district school board or a consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instruction materials.<sup>55</sup> Procedures for the adoption of instructional materials by school districts or a consortium of school districts are specified in law.<sup>56</sup>

The district school superintendent is required to certify to the DOE annually by March 31 that all instructional materials for core courses used by the district are aligned to state standards.<sup>57</sup> In addition, each district school superintendent is required to annually notify the DOE by April 1 of the state adopted materials that will be requisitioned for use in the district. The notification includes providing a plan for instructional materials use to verify that adequate instructional materials were requisitioned.<sup>58</sup>

Each school principal is charged with duties related to instructional materials including; proper use of instructional materials, collections for lost or damaged materials, sale of materials, disposition of funds collected for materials, accounting for materials, and selection of library media center materials.<sup>59</sup> For lost, destroyed, or unnecessarily damaged materials, the school principal is required to collect from each student or the student's parent the purchase price of the material. Failure to pay may subject the student to suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to district school board policies.<sup>60</sup>

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<sup>52</sup> Section 1006.28(2), F.S.

<sup>53</sup> Section 1006.28(1)(a)1., F.S.

<sup>54</sup> Section 1006.40(3)(a), F.S.

<sup>55</sup> Section 1006.283(1), F.S.

<sup>56</sup> Section 1006.28(2), F.S.

<sup>57</sup> Section 1006.283(1), F.S.

<sup>58</sup> Section 1006.28(3)(b), F.S.

<sup>59</sup> Section 1006.28(4), F.S.

<sup>60</sup> Section 1006.28(4)(b), F.S.

### *Effect of Proposed Changes*

The bill modifies ss. 1006.33 and 1006.34, F.S., to require the DOE to publish a list of state-adopted materials prior to the start of the local district adoption process. Specifically, the bill requires the DOE, beginning in 2026, to solicit bids for instructional materials on or before October 15 of any year, two years before any instructional materials adoption period. The bill also requires the Commissioner of Education, beginning in the 2026 adoption cycle, to publish the list of adopted instructional materials not later than July 31 of the year preceding the beginning of the adoption period.

The bill modifies ss. 1006.28 and 1006.40, F.S., to remove and clarify requirements regarding instructional materials for core subject areas in public schools. The bill clarifies that school districts are not required to purchase materials for each student enrolled for core subject areas, which authorizes that sharing of materials, if appropriate, is within the scope of the districts' obligation to provide adequate instructional materials. District school boards are also authorized, if deemed appropriate, to approve an exemption for certain core courses from the requirement that the district purchase a major tool of instruction for each core course.

The bill also modifies several dates relating to instructional materials purchasing and reporting. Specifically, the bill modifies:

- Section 1006.283, F.S., to remove the March 1 date for the superintendent to certify alignment of instructional materials to state standards, in favor of annual reporting determined by the superintendent.
- Section 1006.28, F.S., to remove the April 1 date for district school superintendents to report the requisitioned state-adopted instructional materials, in favor of annual reporting.
- Section 1006.40, F.S., to authorize the district school board to purchase instructional materials for up to five years, rather than three, within the completion of the adoption cycle of those materials.

Finally, the bill modifies s. 1006.28, F.S., to remove the requirement for a school principal to collect monies for lost or damaged instructional materials and instead allows the principal to recoup those cost when the principal deems it appropriate.

## **PreK-12 Assessment, School Improvement, and Accountability**

### *Present Situation*

#### Pre-K-12 Assessments

The Department of Education (DOE) is required to operate a statewide assessment program designed to accurately measure the core curricula content of the state educational standards.<sup>61</sup> Participation in the assessment program is mandatory for all school districts and all students attending public schools.<sup>62</sup>

The statewide, standardized coordinated screening and progress monitoring system (system) is used to measure student progress in public schools and in the Voluntary Prekindergarten (VPK)

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<sup>61</sup> Section 1008.22(3), F.S.

<sup>62</sup> *Id.*

program to identify the educational strengths and needs of students.<sup>63</sup> The system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English Language Arts (ELA) and mathematics standards. For students in VPK through grade 3, the system measures student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level. The system must be administered at least three times in the school year and summer VPK programs.<sup>64</sup>

Florida allows for an extraordinary exemption for a student with a disability to receive an extraordinary exemption from an assessment if the Individual Education Plan (IEP) team determines the student would be prevented from demonstrating mastery of skills that have been acquired and are measured by a state-wide assessment or an alternate assessment.<sup>65</sup> The IEP team, including the parent, may submit to the superintendent a written request for an extraordinary exemption at any time during the school year but not later than 60 days prior to the current year's assessment administration.<sup>66</sup>

By January of each year, the Commissioner of Education must publish on the DOE's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules must include.<sup>67</sup>

- Whether the assessment is a district-required assessment or a state-required assessment.
- The specific date or dates that each assessment will be administered, including administrations of the coordinated screening and progress monitoring system.
- The time allotted to administer each assessment.
- Whether the assessment is a computer-based assessment or a paper-based assessment.
- The grade level or subject area associated with the assessment.
- The date that the assessment results are expected to be available to teachers and parents.
- The type of assessment, the purpose of the assessment, and the use of the assessment results.
- A glossary of assessment terminology.
- Estimates of average time for administering state-required and district-required assessments, by grade level.

School districts are required establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. Each school district is required publish the testing schedules on its website using the uniform calendar and submit the schedules to the DOE by October 1 of each year, however the DOE is not required to post the assessment calendars on its

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<sup>63</sup> Section 1008.25(8)(a)1., F.S.

<sup>64</sup> Section 1008.25(9)(b), F.S.

<sup>65</sup> Section 1008.212(2), F.S.

<sup>66</sup> Section 1008.212(3), F.S.

<sup>67</sup> Section 1008.22(7)(b), F.S.

website. Each public school must publish schedules for statewide, standardized assessments and district-required assessments on its website using the uniform calendar.<sup>68</sup>

### Student Assessment for Department of Juvenile Justice Programs

The State Board of Education (SBE) must adopt rules prescribing expectations for education programs in Department of Juvenile Justice (DJJ) prevention, day treatment, residential, and detention programs.<sup>69</sup> The rules include, but are not limited to, assessment procedures that require:

- A common assessment for students in DJJ prevention, residential, or day treatment programs with a career assessment and academic assessment designed to benchmark student-level learning gains in ELA and mathematics between entry and exit from a DJJ education program.<sup>70</sup>
- A determination of areas of academic need and strategies for intervention and instruction for students in a DJJ detention center.

The DOE, with school districts and juvenile justice education providers, selects an assessment instrument to measure learning gains in English language arts and mathematics for a student in a juvenile justice education program.<sup>71</sup> Not only must students complete the common assessment, but all students in DJJ programs must participate in the statewide, standardized coordinated screening and progress monitoring system as well as assessments for high school graduation.<sup>72</sup>

SBE rules must also include an accountability system for educational programs by district school boards in DJJ programs that fail to meet standards in law, rule, or policy. If the DJJ education program does not meet minimum standards at the end of a three-year monitoring period the school district must enter into a provider contract, or terminate an existing provider, as applicable, within no more than six months.<sup>73</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>74</sup> School grades are also used to determine whether a school must select or implement a turnaround option<sup>75</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>76</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.

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<sup>68</sup> Section 1008.22(7)(d), F.S.

<sup>69</sup> Section 1003.51(2), F.S.

<sup>70</sup> Section 1003.51(2)(g)1. *See also* Florida Department of Education, *FAQs on the Common Assessment for DJJ Programs*, available at <https://www.fldoe.org/schools/k-12-public-schools/school-improvement/faq.shtml> (last visited Nov. 6, 2023).

<sup>71</sup> Section 1003.52(3)(d), F.S.

<sup>72</sup> Rule 6A-6.05281, F.A.C.

<sup>73</sup> Section 1003.51(2)(r), F.S. *See also* Rule 6A-1.099812, F.A.C.

<sup>74</sup> Section 1008.34(1), F.S.

<sup>75</sup> *See* s. 1008.33(4), F.S.

<sup>76</sup> *See* s. 1008.36, F.S.

Middle and high school models include additional components beyond the basic model.<sup>77</sup> 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 school models).

Each school must receive a school grade based on the school's performance on the following components:<sup>78</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 3, the percentage of eligible students who score an achievement level 3 or higher on the grade 3 statewide, standardized ELA assessment.
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, 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.

For a school comprised of grades 9-12, or 10-12 the school's grade is based on the following components:<sup>79</sup>

- The 4-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.

The SBE must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustments and explain the reasons for the adjustment and the impact it will have on school grades.<sup>80</sup>

### School Improvement and Turnaround

Florida's system of improving low-performing schools is referred to as "school improvement" (SI). Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.<sup>81</sup> Intervention and support is required for traditional public schools earning a letter grade of "D,"

<sup>77</sup> See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

<sup>78</sup> Section 1008.34(3)(b)1.a.-j., F.S.

<sup>79</sup> Section 1008.34(3)(b)2., F.S.

<sup>80</sup> Section 1008.34(3)(c)1., F.S.

<sup>81</sup> Section 1008.33(2)(b) and (4), F.S.; see rule 6A-1.099811, F.A.C. School improvement requirements were originally established under the 2002 reauthorization of ESEA, otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

or “F.”<sup>82</sup> Upon receipt of its first grade of “D,” a school is considered a Tier I SI school in need of support and intervention from the school district and the DOE.<sup>83</sup> Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of “D” or a grade of “F.”<sup>84</sup>

The DOE requires that a school that has been identified as an SI school must meet the following educator staff requirements:<sup>85</sup>

- Provide a literacy coach who has a record of effectiveness as an English Language Arts teacher or coach with a VAM rating of Highly Effective or Effective;
- Provide a mathematics coach who has a record of effectiveness as a mathematics teacher or coach with a VAM rating of Highly Effective or Effective;
- Staff the SI school so that the percentage of instructional personnel with a VAM rating that is below effective is less than the district average if the district has more than five (5) total schools and less than the state average, if the district has five (5) or fewer schools;

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district-managed turnaround plan through which the school district manages the 2-year turnaround plan at the school.<sup>86</sup> The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.<sup>87</sup>

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year. If the school’s grade does not improve to a “C” or higher after the second year, the school must select from the following turnaround options:<sup>88</sup>

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.
- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.

The SBE may allow a school an additional year of implementation before the school must implement a different turnaround option if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.<sup>89</sup>

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<sup>82</sup> Section 1008.33(3)(b), F.S.

<sup>83</sup> Rule 6A-1.099811(3)(a), F.A.C.

<sup>84</sup> Section 1008.33(4)(a), F.S.

<sup>85</sup> Rule 6A-1.099811, F.A.C. VAM is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.

<sup>86</sup> Section 1008.33(4)(a), F.S.; Rule 6A-1.099811(6)(a)-(b), F.A.C.

<sup>87</sup> Section 1008.33(4)(a), F.S.

<sup>88</sup> Section 1008.33(4)(b)1.-3., F.S.; rule 6-A 1.099811(6)(b), F.A.C

<sup>89</sup> Section 1008.33(4)(a), F.S.



Through section 1003 of Title I, the United States Department of Education administers three grants specifically targeted to improving student performance at schools in need of improvement:<sup>90</sup>

- Unified School Improvement Grant (UniSIG) grant – 2023-24 State Allocation of \$72,623,399. The UniSIG grant, approx. \$72 million, is allocated to school districts to serve traditional and charter Title I public schools implementing comprehensive support and improvement activities to:
  - Support goals and priorities identified in the school’s school improvement plan; and
  - Provide adequate resources to substantially raise the achievement of students in the lowest-performing schools.
- UniSIG Supplemental Teacher and Administrator Allocation (STAA) - 2023-24 State Allocation of \$30,000,000. The UniSIG STAA grant allocates funding for districts to recruit teachers, to schools identified as CSI, who have a rating of highly effective or effective according to VAM. Educators who teach in grades K-3, ESE and ESOL certified teachers, and science teachers are often not eligible for the STAA award because they do not earn a VAM score.
- UniSIG Closing Achievement Gaps Between Subgroups and All Students (CAGSS) 2023-24 State Allocation of \$98,193,480. The UniSIG CAGSS support Local Educational Agencies that are serving low-performing subgroups of students in schools implementing targeted and comprehensive support and improvement activities.

### *Effect of Proposed Changes*

#### Pre-K-12 Assessments

The bill modifies s. 1008.22, F.S., to eliminate the requirement of the uniform assessment calendar and that school districts submit the district-wide assessment calendar to the DOE. The bill requires that school districts to post an assessment calendar on their website and provide it in the school district’s parent guide, which specifies whether an assessment is state- or district-required and the grade-bands or subject area associated with the assessments by November 1. However, the bill maintains the prohibition on school districts from scheduling more than 5 percent of a student’s total school hours in a school year to administer statewide, standardized assessments; the coordinated screening and progress monitoring system and district-required local assessments.

The bill modifies s. 1008.25, F.S., to specify that, because of the shorter timeframe of the summer VPK program, the coordinated screening and progress monitoring system must be administered only twice, at the beginning and end of the summer program.

The bill modifies s. 1008.212, F.S., to remove the specific requirement that a request for an extraordinary exemption from an assessment on behalf of a student with disabilities be made 60 days prior to the current year’s assessment administration. The bill allows the district school superintendent to establish deadlines for submission of a request for exemption. The provision allows districts to manage the process and recognizes that the first assessment administration is now within the first 30 days of the school year.

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<sup>90</sup> Email, Florida Department of Education, Division of Public Schools, (Sept. 19, 2023).

### Student Assessment for Department of Juvenile Justice Programs

The bill modifies s. 1003.51, F.S., to remove the requirement for administration of the common assessment for students in DJJ prevention, residential, or day treatment programs. Students will be assessed on English language arts and mathematics using only the statewide, standardized coordinated screening and progress monitoring system. This should reduce the assessment time required of such students.

The bill also removes the requirement that SBE rule include a provision that district school boards, for programs that still fail to meet standards, take action on a provider contract within six months after a monitoring plan. This will provide greater flexibility to the SBE to determine improvement measures for district school board education programs.

### School Grades

The bill modifies s. 1008.34, F.S., to specify that if the SBE makes any changes to the school grades model or scale that the changes may not go into effect until the following school year, at the earliest.

### School Improvement and Turnaround

The bill modifies s. 1008.33, F.S., to extend from 2 to 4 years the time for a school district to implement a district-managed turnaround plan. The bill provides that a school exits district-managed turnaround with two consecutive grades of “C,” or a grade of “A” or “B.” The bill directs the DOE to adopt, in rule, a timeline for the approval of a district’s turnaround plan and a timeline for the release of the UniSIG funding, which should not exceed 20 calendar days after the school improvement plan has been approved by the DOE. The bill also prohibits the use of VAM<sup>91</sup> as the sole determinate in recruiting instructional personnel to provide school districts more flexibility in staffing schools who have been identified as a school in need of improvement. Finally, the bill expands the school turnaround options by allowing school districts to select a community partnership school<sup>92</sup> as a turnaround option.

## **Education Choice and Virtual Instruction Programs**

### ***Present Situation***

#### Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents’ indicated preferential educational choice as a significant factor.<sup>93</sup> Each school district or charter school is required to allow a parent from any school district in the state whose child is not subject to a current expulsion or suspension to enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity in the district.<sup>94</sup> School districts and charter school are

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<sup>91</sup> VAM is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.

<sup>92</sup> A community partnership school is a school service model that utilizes a long-term partnership among a school district, a community organization, a college or university, and a health care provider to establish, develop, and sustain a system for addressing student, family, and community needs during and outside of the school day. Section 1003.64, F.S.

<sup>93</sup> Section 1002.31 (1), F.S.

<sup>94</sup> Section 1002.31 (2)(a), F.S.

required to make school capacity determinations for their schools, by grade level, every 12 weeks. The school capacity determinations must be made based specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under the school district educational facilities plan.<sup>95</sup>

#### Accelerated options and Academically Challenging Curriculum (ACCEL)

Each Florida school is required to offer Academically Challenging Curriculum to Enhance Learning (ACCEL) options.<sup>96</sup> At a minimum each school must offer ACCEL options that include but are not limited to: whole grade and midyear promotion; subject matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program. Parents may request student participation in an ACCEL option, however, when the option is requested by the parent a performance contract must be executed between the student, parent and principal with specified criteria for participation.<sup>97</sup>

#### Virtual Instruction Program

Virtual instruction programs are 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>98</sup> School districts are required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.<sup>99</sup> School districts must also provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year.<sup>100</sup>

School district virtual instruction programs must meet the following requirements:<sup>101</sup>

- 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 under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home with:
  - All equipment necessary for participants in the virtual instruction program, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the virtual instruction program; and
  - Access to or reimbursement for all Internet services necessary for online delivery of instruction.

<sup>95</sup> Section 1002.31 (2)(b), F.S.

<sup>96</sup> Section 1002.3105, F.S.

<sup>97</sup> Section 1002.3105(4)(c), F.S.

<sup>98</sup> Section 1002.45 (1)(a)3., F.S.

<sup>99</sup> Section 1002.45(1)(b)1., F.S.

<sup>100</sup> *Id.*

<sup>101</sup> Section 1002.45(3), F.S.

***Effect of Proposed Changes*****Controlled Open Enrollment**

The bill modifies s. 1002.32, F.S., to authorize district school boards to determine how to make capacity determinations for controlled open enrollment and reduces required capacity determinations from every 12 weeks to twice annually.

**Accelerated options and Academically Challenging Curriculum (ACCEL)**

The bill modifies s. 1002.3105, F.S., to remove the requirement for a performance contract when the request for an ACCEL option is made by the parent. This aligns to the flexibility offered a principal for a school-initiated ACCEL program.

**Virtual Instruction Program**

The bill modifies s. 1002.45, F.S., to authorize school district virtual instruction programs to determine the manner of timely notification to parents of enrollment options, and authorizes a school district virtual program to provide equipment necessary for participation to all students, not limited to those who meeting specified criteria.

**Recess in Traditional Public Schools*****Present Situation***

Each district school board must provide 150 minutes of physical education each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades, so that on any day during which physical education instruction is conducted there are at least 30 consecutive minutes per day.<sup>102</sup>

In 2017<sup>103</sup> each district school board was also required to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 at traditional public schools. Such recess must involve at least 20 consecutive minutes of free-play per day.<sup>104</sup>

***Effect of Proposed Changes***

The bill retains the required 100 minutes of recess, but modifies s. 1003.455, F.S. to provide scheduling flexibility to school districts by allowing districts to schedule the 100 minutes of required recess, over the course of a week instead of requiring districts to provide 20 consecutive minutes daily.

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<sup>102</sup> Section 1003.455(3), F.S. The equivalent of one class period per day of physical education for one semester of each year is required for students in grades 6 through 8. *Id.*

<sup>103</sup> Ch. 2017-116, Laws of Fla.

<sup>104</sup> Section 1003.455(6), F.S. The required recess does not apply to charter schools.

## School District and Department of Education Required Reports

### *Present Situation*

#### Fine Arts Report

The Commissioner of Education (commissioner) is required to prepare an annual report that includes a description, based on annual reporting by schools, of student access to and participation in fine arts courses, which are visual arts, music, dance, and theatre courses; the number and certification status of educators providing instruction in the courses; educational facilities designed and classroom space equipped for fine arts instruction; and the manner in which schools are providing the core curricular content for fine arts established in the state academic standards. The report is to be posted on the Department of Education's (DOE's) website and updated annually through the Know Your Schools portal.<sup>105</sup>

#### Charter Technical Career Centers Report

A charter technical career center is a public school or a public technical center operated under a charter granted by a district school board or Florida College System (FCS) institution board of trustees, or a consortium of districts and FCS institutions...<sup>106</sup>

The commissioner must provide for an annual comparative evaluation of charter technical career centers and public technical centers. By December 30 of each year, the commissioner must submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Senate and House committees that have responsibility for secondary and postsecondary career and technical education a report of the comparative evaluation completed for the previous school year.<sup>107</sup> There is only one charter technical center operating in Florida, Lake Technical College.<sup>108</sup>

#### Middle Grades Career and Professional Academy Courses and Career-themed Courses Report

Each district school board, in collaboration with local workforce development boards, economic development agencies, and state-approved postsecondary institutions, are required to include plans to implement a career and professional academy or a career-themed course in at least one middle school in the district as part of the strategic 3-year plan.<sup>109</sup> The DOE is required to collect and report student achievement data for students enrolled in an academy or a career-themed course.<sup>110</sup>

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<sup>105</sup> Section 1003.4995, F.S.

<sup>106</sup> Section 1002.34(3)(a), F.S.

<sup>107</sup> Section 1002.34(19), F.S.

<sup>108</sup> Florida Department of Education, *A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Career Centers, Program Year 2021-2022*, available at <https://www.fldoe.org/core/fileparse.php/9904/urlt/charterreview22.pdf>.

<sup>109</sup> Section 1003.4935 (1), F.S.

<sup>110</sup> Section 1003.4935 (3), F.S.

### Academically High-Performing School District Report

A school district is an academically high-performing school district if it meets the following criteria:<sup>111</sup>

- Earns a grade of “A” for 2 consecutive years; and has no district-operated school that earns a grade of “F”;
- Complies with all class size requirements in s. 1, Art. IX of the State Constitution; and
- Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted.

After a school district is determined to be an academically high-performing school district is required to submit to the State Board of Education and the Legislature an annual report on December 1 which delineates the performance of the school district relative to the academic performance of students at each grade level in reading, writing, mathematics, science, and any other subject that is included as a part of the statewide assessment program.<sup>112</sup>

### Committee of Practitioners Pursuant to the Federal No Child Left Behind Act

The DOE is required to establish a committee of practitioners pursuant to federal requirements of the No Child Left Behind Act of 2001. The committee members shall be appointed by the commissioner and shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1. The committee is required to meet regularly and is authorized to review potential rules and policies that will be considered by the State Board of Education.<sup>113</sup>

### Implementation of State System of School Improvement and Education Accountability

The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, which must include policies and programs.<sup>114</sup> The DOE must provide an annual feedback report that include the following:<sup>115</sup>

- For each school district:
  - The percentage of students, by school and grade level, demonstrating learning growth in English Language Arts and mathematics.
  - The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English Language Arts and mathematics.
  - The information contained in the school district’s annual report required to parents<sup>116</sup> that include progress of the student achieving state and district proficiency.
- Intervention and support strategies used by school districts whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.
- Intervention and support strategies used by school districts whose schools provide educational services to youth in Department of Juvenile Justice programs that demonstrate

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<sup>111</sup> Section 1003.621(1), F.S.

<sup>112</sup> Section 1003.621(4), F.S.

<sup>113</sup> Section 1008.332, F.S.

<sup>114</sup> Section 1008.345, F.S.

<sup>115</sup> Section 1008.345,(5), F.S.

<sup>116</sup>Section 1008.25(10), F.S.

learning growth in English Language Arts and mathematics that exceeds the statewide average learning growth for students in those subjects.

- Intervention and support strategies used by school districts that were effective in improving the reading performance of students, as indicated by student performance data, who are identified as having a substantial reading deficiency.

### ***Effect of Proposed Changes***

The bill repeals the following required reports:

- Fine Arts Report.
- The Charter Technical Center Report.
- Middle Grades Career and Professional Academy Courses and Career-themed Courses Report.
- Academically High-Performing School District Report.
- The Committee of Practitioners pursuant to the No Child Left Behind Act report. The bill also updates references to the Every Student Succeeds Act.
- The report on the Implementation of State Systems of School Improvement and Education accountability.

All of the data used for these reports will still be available for the general public through the DOE's "Know Your Schools" website.

## **School District Programs**

### ***Present Situation***

#### **Competency Based Pilot Program**

Beginning with the 2016-2017 school year, the Competency-Based Education Pilot Program was created within the Department of Education (DOE) to be administered for a period of 7 years (2022-23 school year). The purpose of the pilot program was to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.<sup>117</sup> The program was open to the following school districts:<sup>118</sup>

- The P.K. Yonge Developmental Research School
- Lake County School District
- Palm Beach County School District
- Pinellas County School District
- Seminole County School District

The last year of the program was the 2022-23 school year.

#### **Single-gender Programs**

Florida allows that a district school board may establish and maintain a non-vocational class, extracurricular activity, or school for elementary, middle, or high school students in which

<sup>117</sup> Section 1003.4996, F.S.

<sup>118</sup> Section 1003.4996(1), F.S.

enrollment is limited to a single gender if the school district also makes available a substantially equal:<sup>119</sup>

- Single-gender class, extracurricular activity, or school to students of the other gender; and
- Coeducational class, extracurricular activity, or school to all students.

#### Art in the Capitol Competition

The Art in the Capitol Competition is a statewide visual arts competition for students in grades 6 through 8, administered by the Department of Management Services and the DOE. Each school district must annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8.<sup>120</sup>

#### *Effect of Proposed Changes*

The bill repeals the competency-based pilot program in s. 1003.4996, F.S., and the state authorization for single-gender programs in s. 1002.311, F.S. School districts may still offer single-gender programs, if they align with the federal requirements in 34 C.F.R. s.106.34.<sup>121</sup> Finally, the bill modifies s. 1003.49965, F.S., to make optional school district participation in the Art in the Capitol Competition.

The bill is effective July 1, 2024.

#### **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.

<sup>119</sup> Section 1002.311, F.S.

<sup>120</sup> Section 1003.49965, F.S.

<sup>121</sup> 34 C.F.R. s.106.34 provides federal provisions for education programs for students on the basis of their sex.



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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

There are no increased costs anticipated for the state or for school districts. However, school districts may realize a cost savings for programs no longer required or for additional local authority to implement provisions in law.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1000.05, 1002.31, 1002.3105, 1002.34, 1002.45, 1002.53, 1002.61, 1002.63, 1002.71, 1003.4282, 1003.433, 1003.435, 1003.455, 1003.4935, 1003.49965, 1003.51, 1003.621, 1006.28, 1006.283, 1006.33, 1006.34, 1006.40, 1008.212, 1008.22, 1008.25, 1008.33, 1008.332, 1008.34, and 1008.345.

This bill repeals the following sections of the Florida Statutes: 1002.311, 1003.4995, and 1003.4996.

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

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

None.

**B. Amendments:**

None.