

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1255 Education Accountability

SPONSOR(S): K-20 Competitiveness Subcommittee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Competitiveness Subcommittee	14 Y, 0 N, As CS	Valenstein	Ahearn

SUMMARY ANALYSIS

This bill amends various provisions of the Florida School Code related to public school accountability. More specifically the bill:

- Amends the good cause exemption for voluntary prekindergarten program providers.
- Expands access to virtual education by requiring school districts to provide access both during and after school, rather than one or the other.
- Authorizes the Commissioner of Education to require school districts to participate in the administration of international assessments.
- Provides the Commissioner of Education limited flexibility to extend the schedule for reporting student results on statewide assessments.
- Eliminates the requirement that certain students take the Algebra I end-of-course assessment.
- Establishes a limited exemption from the intensive reading course requirement for certain students.
- Amends the formula for calculating school grades to include end-of-course assessments taken by middle school students and the achievement score and learning gains of students in a hospital homebound program.
- Establishes, by State Board of Education rule, a minimum percentage of students that must be proficient in reading in order not to receive a school grade of "F," with exception.
- Amends how school grades are determined for purposes of differentiated accountability and eligibility for the Opportunity Scholarship Program.
- Establishes a waiver from the results of end-of-course assessments for certain students.
- Authorizes a middle school principal to determine if a transfer student who has already successfully completed a civics education course needs to take the civics end-of-course assessment.
- Authorizes school districts to provide digital curriculum for students in grades 6 through 12.
- Authorizes the establishment of middle school Career and Professional Academies.
- Requires industry certification, when available, for certain career and technical education teachers.
- Requires individualized education plan teams to arrange to complete an assistive technology assessment within 60 days.
- Eliminates the requirement that the Commissioner of Education review the budgets for school districts and Florida College System institutions.
- Eliminates the requirement for Department of Education approval of the budgets for district school boards.
- Establishes budget transparency by requiring school districts to post each proposed, tentative, and official budget on their websites and encouraging school districts to provide additional information on their websites.
- Establishes a gift ban for school board members.

This bill does not appear to have a fiscal impact.

This bill provides an effective date of July 1, 2011, except as otherwise expressly provided.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

This bill amends various provisions of the Florida School Code related to public school accountability, described below in further detail.

Voluntary Prekindergarten Education Program

Current Law

In 2002, the Florida voters amended the State Constitution to require the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year. In 2004, the Legislature established the Voluntary Prekindergarten Education (VPK) Program. The VPK program is a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.¹ A child must be a Florida resident and attain four years of age on or before September 1 of the academic year to be eligible for the VPK program. Parents may choose either a school year or summer program offered by either a private or public school provider. The child remains eligible for the VPK program until he or she is eligible for kindergarten in a public school or is admitted to kindergarten, whichever occurs first.² A child may not attend the summer VPK program earlier than the summer immediately before the academic year in which the child becomes eligible for kindergarten.³

Within the first 30 days of an academic year, school districts must screen each kindergarten student to determine his or her readiness for kindergarten. From the results of this screening, the kindergarten readiness rate is calculated for each VPK provider. The kindergarten readiness rate is the percentage of students that participated in the provider's VPK program that are deemed ready for kindergarten. Currently, the readiness rate may not be set higher than a rate below which 15 percent of the VPK providers would fall.⁴

If a provider falls below the minimum readiness rate the provider must submit and implement an improvement plan. If the provider then falls below the minimum readiness rate for two consecutive years, the provider is placed on probation and is required to take certain corrective actions, including using curriculum approved by the Department of Education (DOE).⁵ If a provider remains on probation for two consecutive years without receiving a good cause exemption, the provider loses eligibility to deliver the VPK program and may no longer receive state funds for the program.⁶

A good cause exemption may be granted for a provider that meets certain criteria established by the State Board of Education (SBE). A provider may receive an exemption if it can show learning gains of children served in the VPK program, if the provider has served at least twice the statewide percentage of children with disabilities or children identified as limited English proficient, and if the provider shows that local and state health and safety requirements are met. A provider must still implement its improvement plan and continue necessary corrective actions after receiving a good cause exemption.⁷

¹ Section 1, ch. 2004-484, L.O.F., part V, ch. 1002, F.S., s. 1(b) and (c), Art. IX of the State Constitution.

² Section 1002.53, F.S.

³ Section 1002.61(2)(c), F.S.

⁴ Section 1002.69(6)(b), F.S.

⁵ Section 1002.67(3)(c), F.S.

⁶ Section 1002.69(7), F.S.

⁷ Section 1002.69(7)(b), F.S.

Effect of Bill

The bill requires the SBE to periodically review and revise the performance standards for statewide kindergarten screening. The SBE must align these standards to the standards for the expectations of student performance on statewide assessments.

The bill requires a VPK provider to be placed on probation if it fails to meet the minimum kindergarten readiness rate established by the State Board of Education. Previously, a provider had to fail to meet the standards for two consecutive years. This will require providers to begin corrective actions sooner and will thus improve the quality of VPK providers.

The bill eliminates the restrictions placed on increasing the kindergarten readiness rates and the requirement that no more than 15 percent of the VPK providers can fall below the minimum readiness rate. The readiness rates may now be increased regardless of how many public and private VPK providers will fail to meet them.

The bill amends the criteria the SBE may use to grant good cause exemptions for public and private VPK providers by eliminating the exemption for providers serving at least twice the statewide percentage of children with disabilities or children identified as limited English proficient. However, the bill establishes a good cause exemption to a provider if the provider submits data, in accordance with the criteria established by the SBE, which documents the achievement and progress of the children served, as measured by a standardized pre and post assessment approved by the DOE. The pre assessment must be administered by either the Early Learning Coalition or a second party approved by the DOE. The assessment must be approved by the DOE and administered within the first 30 days of each school year for which a good cause exemption is sought. The provider must also administer a post assessment to measure learning gains for the year or the summer, as appropriate. Providers must submit this data to the DOE within 30 days of the administration of each assessment. This change shifts the emphasis for a good cause exemption from simply what types of students a provider has (inputs) to how much student learning has occurred (outputs).

Virtual Education

Current Law

The Florida Virtual School (FLVS) is a public online school providing students with virtual education options, offering over 100 courses in core subjects, world languages, electives, honors, and Advanced Placement.⁸ The FLVS offers individual course enrollments to all Florida students in grades 6 through 12, including public school, private school, and home education students.⁹ School districts are required to provide students with access to enroll in courses available through the FLVS during or after the normal school day and through summer school enrollment.

The FLVS is currently required to be administratively housed within the Office of Technology and Information Services (OTIS) within the DOE. The OTIS is responsible for developing a systemwide technology plan and assisting school districts in securing Internet access and telecommunications services, among other things.¹⁰ A board of trustees appointed by the governor governs the FLVS. The performance of FLVS is monitored by the Commissioner of Education and reported to the State Board of Education (SBE) and the Legislature.¹¹

Virtual education is also provided through school district virtual instruction programs. These programs of instruction provide an interactive learning environment created through technology in which students

⁸ See s. 1002.37, F.S.; see also Florida Department of Education, Florida Public Virtual Schools, *FLVS FAQ*, <http://www.fldoe.org/Schools/virtual-schools/faqs.asp> (last visited March 17, 2011).

⁹ *Id.*

¹⁰ Sections 1001.02 and 1002.37, F.S.

¹¹ Section 1002.37(1) and (2), F.S.

are separated from their teachers by time or space, or both.¹² Each school district is required to provide a full-time virtual instruction program for students in kindergarten through grade 12 and a full-time or part-time virtual instruction program for students in grades 9 through 12 enrolled in dropout prevention and academic intervention programs, Department of Juvenile Justice programs, core-curricula courses to meet class size requirements, or community colleges offering a school district virtual instruction program.¹³

In order to provide the required virtual instruction program a school district may contract with the FLVS or establish a franchise of the FLVS; contract with a provider approved by the DOE; contract with a Florida College System institution; or enter into an agreement with another school district to allow its students to participate in a virtual instruction program provided by the other school district.

A provider approved by the DOE is required to be nonsectarian, comply with antidiscrimination provisions, require all instructional staff to be Florida-certified teachers, conduct background screenings for all employees or contracted personnel, have prior successful experience offering online courses to K-12 students, and be accredited by a specified accrediting agency. Once a provider is approved, it retains its approved status for a period of three years after the date of the DOE's approval as long as the provider continues to comply with program requirements.¹⁴

Effect of Bill

The bill eliminates the requirement that the FLVS be administratively housed in the OTIS within the DOE.

The bill also changes the requirement that a school district provide students access to enroll in FLVS courses during or after the school day by requiring school districts to provide students access to FLVS courses during and after the normal school day. This change increases a student's access to the FLVS.

The bill amends the length of time a virtual instruction provider maintains its approved provider status. Virtual instruction providers approved by DOE are currently approved for a period of 3 years from the date of approval. The bill changes that to "3 school years" after the date of approval. Since providers are currently approved in February, changing the length of approved provider status to correlate with the school year will prevent the loss of approved provider status in the middle of a school year.

Assessments

Current Law

The Commissioner of Education is required to direct Florida school districts to participate in the administration of the National Assessment of Educational Progress (NAEP), or a similar national assessment program.¹⁵

The commissioner is also required to design and implement a statewide program of educational assessment. As part of this responsibility, the commissioner is required to establish schedules for the administration of the assessments and the reporting of student test results. The commissioner is required to consider religious and school holidays when establishing the schedules. Currently, the schedule for reporting student test results on the FCAT is no later than the week of June 8 and for end-of-course assessment results no later than a week after the school district completes testing for each course.

¹² Section 1002.45(1)(a), F.S.

¹³ Section 1002.45(1)(b)2., F.S.

¹⁴ Section 1002.45(2), F.S.

¹⁵ Section 1008.22(2), F.S.

Effect of Bill

The bill authorizes the commissioner to direct school districts to participate in the administration of an international assessment in addition to the administration of the NAEP. This will authorize the commissioner to direct school districts to participate in assessments like the Program for International Student Assessment and the Trends in International Mathematics and Science Study assessment.

The bill provides the commissioner limited flexibility with the reporting schedule of student test results by authorizing the commissioner to extend the reporting schedule under exigent circumstances.

Algebra I End of Course Assessment Exemption

Current Law

Beginning in the 2011-12 school year, entering ninth grade students must take and pass the statewide end-course-assessment (EOC) for Algebra I, to earn course credit.¹⁶ Although students have been required to take and pass Algebra I to earn high school credit, students were not previously required to take and pass an EOC associated with the course.¹⁷

Beginning in the 2010-11 school year, there will no longer be a ninth grade Mathematics FCAT and beginning in the 2011-12 school year, there will no longer be a tenth grade Mathematics FCAT.¹⁸ Federal law requires that all public school students be tested in reading and mathematics at least once at the elementary, middle, and high school level.¹⁹ To comply with the federal law, a high school student who earned high school credit for Algebra I while in middle school in the 2007-08 through 2009-10 school years and who would not be able to take the tenth grade Mathematics FCAT because of its discontinuance are required to take the Algebra I EOC.²⁰ This provision was enacted to satisfy the federal testing requirements. The DOE estimates that approximately 39,600 students completed Algebra I in the middle grades, and will not take the 10th grade Mathematics FCAT; therefore they would be required to take the Algebra I EOC in May 2010.²¹

Although students who take high school level courses in the middle grades will, most likely, enroll in sequentially more rigorous courses, some school districts raised concerns that the lapse in time between taking the course in middle school and sitting for the EOC assessment in high school would be unfair. In addition, these students will have already earned their course credit in Algebra I and do not need to pass the EOC assessment to earn course credit or graduate from high school. Accordingly, there were concerns that these students had no reason to perform well, yet their test results would be included in the school's grade. As a result, the Department of Education submitted a request to the U.S. Department of Education for a waiver from the federal law for the specific cohort of students who are affected. The waiver was granted on January 19, 2011.²²

Effect of Bill

This bill eliminates the requirement that all students who took Algebra I in middle school during the 2007-08 through 2009-10 school years take the EOC assessment in the 2010-11 school year. These students are no longer required to take the EOC assessment because the DOE obtained a waiver from the U.S. Department of Education. Without removing this requirement, approximately 39,600 students will unnecessarily be required to take the Algebra I EOC assessment in May.

¹⁶ s. 1008.22(3)(c) 2.a.(I), F.S.

¹⁷ s. 1008.22(3)(c)2.a.(I), F.S.

¹⁸ s. 1008.22(3)(c)1., F.S.

¹⁹ See s. 1111(b)(3)(C)(v)(I)(cc) of the Elementary and Secondary Education Act (ESEA), *available at*, <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html>.

²⁰ s. 1008.22(3)(c)2.a.(I), F.S.

²¹ Email, Florida Department of Education, on file with the committee (March 7, 2011).

²² Letter to Commissioner of Education Eric Smith from the Assistant Secretary of the U.S. Department of Education, on file with the committee (Jan. 19, 2011).

This provision will take effect upon becoming law.

Intensive Reading Course Exemption

Current Law

Students in grades 6 through 12 who score a Level 1 on FCAT Reading must be enrolled in and complete an intensive reading course the following year. The reading needs of a student that scores a Level II on FCAT Reading must be assessed to determine whether the student needs to be placed in an intensive reading course or a content area course in which reading strategies are delivered.

Effect of Bill

The bill provides an exemption for a student who scores a Level 1 or 2 on FCAT Reading from the intensive reading requirement, so long as the student has not scored below Level 3 on FCAT Reading in the previous three years. The bill requires the student to have an approved academic improvement plan already in place and signed by the school and a parent or guardian for the year the exemption is granted. This change allows a student to avoid taking an intensive reading course when one test result is out of the ordinary.

School Grades

Current Law

School grades for public schools in Florida are determined each year based upon a point system. The school's points are based upon student achievement and annual learning gains.²³ Middle school grades are currently based upon student scores on the FCAT in Reading, Mathematics, Science, and Writing. Beginning in the 2013-14 school year, middle school grades will also include the aggregate scores of all eligible students enrolled in the school who have been assessed on the civics education end-of-course (EOC) examination.

Beginning in the 2009-10 school year, the calculation for high school grades incorporated other factors in addition to student achievement and annual learning gains. These factors include a high school's graduation rate; a high school's graduation rate of certain at-risk students; and student performance and participation in Advanced Placement, International Baccalaureate, dual enrollment, and Advanced International Certificate of Education courses.²⁴

The school grading formula does not include, for the "home school"²⁵ student achievement and annual learning gains for its students attending a hospital homebound program. The assessment data is assigned to the hospital homebound program, not the home school to which the student is assigned.

The grade a school receives is used to determine categories of differentiated accountability and eligibility for the Opportunity Scholarship Program (OSP). Differentiated accountability is a system of categorizing schools based upon student achievement and determining appropriate interventions. Each category is based upon the school's grade, progress towards adequate yearly progress under the federal No Child Left Behind requirements, and changes in student performance. School grades are also used to determine if a child is eligible for an Opportunity Scholarship. The OSP provides parents whose children are assigned to a school that has received an "F" twice in a four-year period the opportunity to send their children to a higher performing school.

²³ Section 1008.34, F.S.; rule 6A-1.09981, F.A.C.

²⁴ Section 1008.34

²⁵ Home school refers to the school where the student is zoned.

Effect of Bill

The bill requires the school grade for schools comprised of middle school grades 6 through 8 or grades 7 and 8, to include the performance and participation of its students enrolled in high school level courses with end-of-course assessments. The performance and participation of students in these courses must be weighted equally in the calculation of school grades.

The bill also requires the achievement score and learning gains of a student designated as hospital or homebound to be assigned to that student's home school. A home school is defined as the school the student would be assigned if the student were not assigned to a hospital or homebound program.

The bill requires a school to receive a school grade of "F," unless it meets a minimum percentage of students proficient in reading. In addition, the bill allows the DOE to grant an exception if the school made significant gains in reading proficiency from the prior year. The SBE must establish the minimum percentage required to receive an exception.

The bill changes how school grades are determined for purposes of differentiated accountability. The bill requires high school grades to be based solely upon the portion of school's grade derived from statewide assessments, including the FCAT and end-of-course assessments, and the level and rate of change in student performance in the areas of reading and mathematics. The formula for calculating high school grades changed in the 2009-10 school year to incorporate other factors, including high school graduation rates and student participation and performance in certain accelerated courses. Because of the additional factors included in the high school grading formula, the DOE will not be able to categorize schools until after the following school year begins. Accordingly, by changing the law to focus on statewide assessment results, which are provided before the end of the school year, a school may be more quickly categorized. This allows the DOE, school districts, and schools to more timely provide the necessary type and intensity of intervention for schools in need of improvement.

The bill changes how school grades are determined for purposes of the OSP. The bill requires high school grades to be based solely upon student achievement and annual learning gains to determine eligibility for the OSP. Because incorporating the additional factors into the high school grading formula takes more time, a parent must wait until as late as November to determine if their child is eligible to participate in the OSP. Changing how the school grades are calculated for the OSP will allow parents to decide if they want their child to participate in the OSP before the school year begins.

Middle Grades Promotion

Current Law

In order for students to be promoted to high school, the student must successfully complete three middle school or higher courses in English, mathematics, science, and social studies, including one semester of state and federal government and civics education, and one course in career and education planning to be completed in grades 7 or 8.²⁶ Beginning in the 2012-13 school year, the required civics course must include an end-of-course assessment. By the 2014-15 school year, all students must pass the civics EOC assessment to pass the course and receive course credit.²⁷

Effect of Bill

The bill authorizes the individual education plan (IEP) team to waive the EOC assessment results for students with disabilities.²⁸ The IEP team must determine that the EOC assessment cannot accurately

²⁶ Section 1003.4156, F.S.

²⁷ Section 1008.22(3)(c), F.S.

²⁸ To be eligible for this waiver, a student must be documented as having an intellectual disability, a hearing impairment, including deafness, a speech or language impairment, a visual impairment, including blindness, an emotional or behavioral disability, an orthopedic or other health impairment, an autism spectrum disorder, a traumatic brain injury, or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia, s. 1007.02(2), F.S.

measure the student's abilities even after considering all allowable accommodations. This exemption will allow middle grade students with disabilities the opportunity to pass a course and receive course credit without passing the EOC assessment; however, the student is still required to take the assessment. The waiver only exempts the student from passing the EOC assessment, not taking the EOC assessment.

The bill also authorizes middle school principals to determine whether a student that transfers to the middle school and has already completed a civics education course prior to transfer must take the civics education EOC assessment. The middle school principal must make this determination in accordance with SBE rules. Allowing a principal to make this determination will allow civics education course credit to transfer with a student.

Digital Curriculum

Current Law

School boards are not currently required or specifically authorized to provide digital curriculum; however, school boards are not prohibited from providing this type of instruction. In fact, many schools currently offer courses in computer programming, web design, and in other information technology areas. Computer and other digital curriculum are included under the Fine Arts subject area of the Sunshine State Standards and the Next Generation Sunshine State Standards. These standards establish the core content of the curricula to be taught and specify the core content knowledge and skills that K-12 public school students are expected to acquire.²⁹

Effect of Bill

The bill authorizes district school boards to develop and implement a digital curriculum for students in grades 6 through 12. The curriculum will enable students to attain competencies in web communications and web design and may include web-based skills, web-based core technologies, web design, use of digital technologies and markup language to evidence competency in computer skills. The curriculum should use web-based core technologies to design creative, informational, and content standards for web-based digital products that demonstrate proficiency in creating, publishing, testing, monitoring, and maintaining a website. The digital curriculum may be integrated into another subject area or may be offered as a separate course, subject to available funding.

The DOE is required to develop a model digital curriculum to provide school boards a guide in the development of a digital curriculum. To provide school boards additional guidance on providing digital curriculum instruction, school boards are authorized to seek partnerships with private businesses and consultants to offer classes and instruction to both teachers and students.

Career and Professional Academies

Current Law

A career and professional academy (academy) is a public high school career and technical education program that leads to a high school diploma, industry certification, and opportunities for students to simultaneously earn postsecondary credit. Each school board is required to operate at least one academy, which may be established as a school within an existing high school or as a total school configuration offering multiple academies. School boards are required to develop a five year strategic plan in partnership with local workforce boards, employers, and state-approved postsecondary institutions to better align academy programs with local workforce needs.³⁰

²⁹ See Florida Department of Education, *Sunshine State Standards*, <http://www.fldoe.org/bii/curriculum/sss> (last visited March 20, 2011).

³⁰ Sections 1003.491(1) and 1003.493(1) and (2), F.S.

Courses offered in an academy must lead to industry certification or postsecondary credit linked directly to the career theme of the course. At least 50 percent of students enrolled in an academy course must achieve industry certifications or college credits during the second year the course is offered in order for the course to be offered a third year and at least 66 percent in the third year for the course to be offered a fourth year.³¹

Effect of Bill

The bill authorizes, but does not require, the establishment of middle school career and professional academies (middle school academies). A middle school academy must provide students the opportunity to earn an industry certification, earn high school credit, and participate in career planning, job shadowing, and leadership-development opportunities. The curriculum for middle school academies must be aligned with high school career and professional academies (high school academies).

Middle school academies must include one or more partnerships with high schools, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. These partnerships must provide the opportunity for: instruction from highly-skilled professionals; internships and externships; maximum articulation of course credits; personalized student advisement; instruction in careers designated as high growth, high demand, and high pay; academic content that is delivered through instruction relevant to a career; courses that combine academic content with technical skills; instruction resulting in competency; and an evaluation plan.

The bill also deletes obsolete language regarding the Okaloosa County School District CHOICE Institutes. This provision expired July 1, 2010.

Career and Technical Education Teachers

Current Law

Qualifications for certain nondegreed teachers of career programs must be based primarily upon successful occupational experience rather than academic training. The qualifications for these teachers include filing a complete set of fingerprints and documentation of education and successful occupational experience. These qualifications apply to agriculture, business, health occupations, family and consumer sciences, industrial, marketing, career specialist, and public service education teachers.

Effect of Bill

The bill creates a new qualification for nondegreed teachers of career and technical education courses. In addition to the current qualifications, the bill requires documentation of industry certification, when state or national industry certifications are available and applicable. This qualification is for teachers teaching courses for program clusters that are recognized by the state. The bill eliminates the specific references to individual industry areas. Program clusters are not defined in law.

Assistive Technology Devices

Current Law

Currently, certain agencies are required to enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices in accordance with the student's individualized family support plan, individual support plan, or an IEP. The required agencies include the Florida Infants and Toddlers Early Intervention Program in the Division of Children's Medical Services of the Department of Health, the Division of Blind Services and the Division of Vocational Rehabilitation of the Department of Education, and the Voluntary Prekindergarten Education Program administered by the

³¹ Section 1003.493(5), F.S.

Department of Education and the Agency for Workforce Innovation.³² The interagency agreements provide the framework for ensuring that students with disabilities, their families, educators, and post-graduation support agencies coordinate services. These agreements also ensure that all agencies are informed about the needed assistive technology, the content of the transition plan, and the post-school support required to meet the student's transition goals.³³

Assistive technology devices are defined as manual and motorized wheelchairs, motorized scooters, voice-synthesized computer modules, optical scanners, talking software, Braille printers, environmental control devices for use by a person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to in effect speak, personal transfer systems, and specialty beds, including a demonstrator, that a consumer purchases or accepts transfer of in this state for use by a person with a disability.³⁴

Effect of Bill

Within 60 school days after receiving a request for an assistive technology assessment for a student with a disability, the IEP team must seek consent from the parent and the district must complete the assessment. The assistive technology assessment is performed to determine what type of assistive technology is needed to maintain or improve the functional capabilities of the student with disabilities and consequently provide greater benefit from the educational program.

Budget

Current Law

Currently, district school boards and Florida College System boards of trustees are required to prepare, adopt, and submit to the Commissioner of Education for review an annual operating budget.³⁵ The DOE is also required to approve budgets adopted by district school boards.³⁶

Effect of Bill

The bill removes the requirement that the commissioner review the annual operating budgets for district school boards and Florida College System institutions and also removes the requirement that the DOE approve the budgets of district school boards. Some school districts have attempted to hold the commissioner and the DOE accountable when problems existed with their budgets because the budgets had, in theory, been reviewed and approved. By removing the requirement to review and approve, the school districts will be fully accountable for their budgets.

Budget Transparency

Current Law

District school boards are currently required to post a summary of their tentative budget online and advertise it in a newspaper of general circulation in the district.³⁷

Effect of Bill

The bill requires district school boards to post on their websites their plain language version of each proposed, tentative, and official budget. The document posted on their websites must describe each

³² Section 1003.575, F.S.

³³ Florida Department of Education, Technical Assistance Paper, The Transfer of Assistive Technology to Home, Other Districts, Other Schools, and Other Agencies (Dec. 2005), available at <http://www.fldoe.org/ese/pdf/y2006-6.pdf>.

³⁴ Section 427.802, F.S.

³⁵ Section 1011.01(3)(a), F.S.

³⁶ Section 1011.03(4), F.S.

³⁷ Section 1011.03, F.S.

budget item in terms that are easily understandable to the public. This information must be prominently posted on the website in a manner that is readily accessible to the public.

The bill encourages district school boards to post timely information as to when a budget hearing will be conducted; each contract between the district school board and the teacher's union; each contract between the district school board and noninstructional staff; each contract exceeding \$35,000 between the school board and a vendor of service, supplies, or programs, or a contract for the purchase or lease of lands, facilities, or properties; each contract over \$35,000 that was an emergency procurement or a contract with a single source; recommendations of the citizens' budget advisory committee; and current and archived video recordings of each district school board meeting and workshop.³⁸

The website should also contain links to help explain or provide background information on various budget items that are required by state or federal law; to allow users to navigate to related sites to view supporting detail; and to enable taxpayers, parents, and education advocates to send e-mails asking questions about the budget and enable others to see the questions and responses.

Gift Ban

Current Law

Public officers, employees of agencies, local government attorneys, and candidates for nomination or election are not allowed to accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney or candidate would be influenced by the gift.³⁹ School board members, as elected officials, are included in the definition of public officers.⁴⁰ In addition, school board members, school superintendents, and any business organization in which a school board member or school superintendent has any financial interest are prohibited from contracting with a school district for materials, supplies, and services needed.⁴¹ School board members⁴² must also report any gifts that exceed \$100 in value, for which compensation was not "provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less."⁴³

Effect of Bill

The bill expands the current prohibition to include any gift to a school board member, regardless of whether the gift was accepted to influence a school board member's vote. The bill also expands the gift ban to apply to the relatives of school board members.⁴⁴ A gift is defined to include real property, personal property, preferential rate or terms on debt, forgiveness of indebtedness, transportation, food or beverage, membership dues, entrance fees, plants, flowers, or floral arrangements.

The bill prohibits school board members and their relatives from soliciting or accepting, directly or indirectly, any gift from any person, vendor, potential vendor, or other entity doing business with the

³⁸ These items are included to address some of the issues raised by the grand jury regarding the wasteful utilization of resources and contracts made by the Broward County School Board. *Final Report of the 19th Statewide Grand Jury in the Supreme Court of the State of Florida*, Case No: SC09-1910, at 3 and 24.

³⁹ Section 112.313, F.S.

⁴⁰ Section 112.313(1), F.S.

⁴¹ Section 1001.42(12)(i), F.S.

⁴² School board members are "reporting individuals" for purposes of filing full or limited public disclosure of their financial interests, s. 112.3148(2)(e), F.S.

⁴³ Section 112.3148(8)(a), F.S.

⁴⁴ Relative is defined to include: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the school board member, or any other natural person having the same legal residence as the school board member, s. 112.312(12), F.S.

school district. This change imposes stricter ethics requirements on school board members and their relatives.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.20, F.S., to delete a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Department of Education.

Section 2. Amends s. 1001.42, F.S., to revise the powers and duties of district school boards to require that students be provided with access to Florida Virtual School courses.

Section 3. Amends s. 1001.421, F.S., to prohibit district school board members from accepting gifts from vendors.

Section 4. Amends s. 1002.37, F.S., to conform provisions to changes made by the act.

Section 5. Amends s. 1002.38, F.S., to revise provisions relating to the Opportunity Scholarship Program to provide that school grades for all schools be based on statewide assessments.

Section 6. Amends s. 1002.45, F.S., to revise language regarding duration of approved status.

Section 7. Amends s. 1002.67, F.S., to require that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening and align to student performance standards for statewide assessments.

Section 8. Amends s. 1002.69, F.S., to eliminate the limitation on setting kindergarten readiness rates and to revise the good cause exemption requirements.

Section 9. Amends s. 1003.4156, F.S., to revise the general requirements for middle grades promotion; provide that a student with a disability may have his or her end-of-course assessment results waived under certain circumstances; and provide that a middle grades student is exempt from the reading remediation requirements under certain circumstances.

Section 10. Creates s. 1003.4203, F.S., to authorize each district school board to develop and implement a digital curriculum for students in grades 6 through 12; specify certain components of a digital curriculum; require the Department of Education to develop a model to serve as a guide for school districts; and authorize partnerships with private businesses and consultants.

Section 11. Amends s. 1003.428, F.S., to revise the general requirements for high school graduation and provide that a high school student is exempt from the reading remediation requirements under certain circumstances.

Section 12. Amends s. 1003.493, F.S., to revise provisions relating to career and professional academies to include middle schools; require that students who are completing a middle school career and professional academy program have an opportunity to earn an industry certification high school credit, and participate in career planning, job shadowing, and leadership development opportunities; require that middle school career and professional academies align with high school career and professional academies; and provide for partnerships with high schools, businesses, industry, employers, economic development organizations, and other local community partners.

Section 13. Amends s. 1003.575, F.S., to revise provisions relating to assistive technology devices for young persons with disabilities to require that any school having an individualized education plan team arrange to complete an assistive technology assessment within a specified number of days after receiving a request for such assessment.

Section 14. Amends s. 1008.22, F.S., to revise provisions relating to the student assessment program for public schools; require that the Commissioner of Education direct school districts to participate in the administration of the national Assessment of Educational Progress or similar national or international assessment program; authorize the school principal to exempt certain students from the end-of-course assessment in civics education.

Section 15. Amends s. 1008.33, F.S., to revise provisions relating to public school improvement; requiring that the Department of education categorize public schools based on the portion of a school's grade that relies on statewide assessments; revise the categorization of the lowest-performing schools.

Section 16. Amends s. 1008.34, F.S., to revise provisions relating to the designation of school grades to conform to changes made by the act, provide for assigning achievement scores and learning gains for students who are hospital or homebound, requiring that a school that does not meet minimal proficiency standards established by the State Board of Education receive a school grade of "F."

Section 17. Amends s. 1011.01, F.S., to revise provisions relating to the annual operating budgets of district school boards and community college boards of trustees.

Section 18. Amends s. 1011.03, F.S., to revise provisions relating to tentative and final district school board budgets, require that an adopted budget be transmitted to the Department of Education.

Section 19. Creates s. 1011.035, F.S., to require each school district to post certain budgetary information on its website.

Section 20. Amends s. 1012.39, F.S., to revise provisions relating to the employment of nondegreed teachers of career education, require that qualifications be established for nondegreed teachers of career and technical education courses for state-recognized program clusters.

Section 21. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules:

- Establishing additional criteria for a voluntary prekindergarten provider seeking a good cause exemption.
- Establishing criteria for a principal to determine when a transfer student may be waived from the civics education end-of-course assessment.

- Establishing the minimum percentage of students proficient in reading and the criteria necessary to receive an exception from the minimum percentage for purposes of school grades.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2011, the K-20 Competitiveness Subcommittee adopted one amendment and the bill was reported favorably as a Committee Substitute. The amendment removed the language “as available” after the requirement that middle school and high school career and professional academies provide opportunities for students to obtain the Florida Ready to Work Certification.