

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB KTS 14-03 Middle Grades Education

**SPONSOR(S):** K-12 Subcommittee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	13 Y, 0 N	Brink	Ahearn

### SUMMARY ANALYSIS

The bill requires each school that includes any of grades 6, 7, or 8 to implement an early warning system that uses early warning indicators to identify students at risk of not graduating from high school. The bill identifies early warning indicators for use in the early warning systems, including attendance below 90 percent, course failure in English language arts or mathematics, one or more in-school or out-of-school suspensions, and a Level 1 score on the statewide, standardized assessment for either reading or mathematics. The bill provides school districts the option to add additional indicators.

The bill requires a school's child study team or similar team to convene when a student exhibits two or more early warning indicators. The bill makes students identified by an early warning system eligible for dropout prevention and academic intervention programs.

The bill requires the Department of Education (DOE) to provide web-based professional development to districts to help teachers integrate digital instruction into their classrooms. The DOE must also provide access to web-based materials on middle grades instructional techniques.

The bill requires school districts to emphasize middle grades best practices in the districts' professional development systems and to describe the training middle grades instructional personnel and school administrators receive on these best practices.

The bill requires a school that includes any of grades 6, 7, or 8 to report in its school improvement plan information relating to professional development and the school's early warning system, including intervention strategies employed by the school for students identified through the early warning system.

The bill provides weighted full-time equivalent (FTE) funding to schools for industry certifications earned by middle grades students.

The bill requires the State Board of Education (SBE) to remove from the Course Code Directory any middle grades course that does not fully integrate all appropriate curricular content required by the state's academic standards and authorizes the SBE to approve a new course only if the course meets the required curricular content.

The bill extends anti-hazing provisions to include grades 6 through 8 and revises the definition of "hazing". School districts must adopt policies that prohibit hazing and set consequences for violations. The bill requires school districts to report incidents of hazing in grades 6 through 12 to the DOE and modifies existing criminal hazing provisions.

The bill has no fiscal impact on state or local governments.

The bill has an effective date of July 1, 2014.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Middle Grades Reform

##### Legislative History

Middle grades<sup>1</sup> education is a relatively recent construct, originating in the early 1960's, designed to create schools responsive to the needs of young people.<sup>2</sup> Florida's Legislature first launched a statewide middle grades reform effort in 1984 by establishing the Florida Progress in Middle Childhood Education Program (PRIME). The purpose of PRIME was to establish programs that "recognize the developmental diversity and needs of [grades 4 through 8] students and which result in schools which have the structure, organization, curriculum, services, and personnel appropriate to facilitate" the transition from elementary to high school.<sup>3</sup> These programs emphasized instructional practices including interdisciplinary teaming and instruction, middle grades curriculum development, planning and evaluating middle grades programs, in-service training on middle grades best practices, and student progress monitoring.<sup>4</sup>

In 2004, the Legislature enacted the Middle Grades Reform Act,<sup>5</sup> the purpose of which was to add focus to middle school courses so students promoted from grade 8 would be ready to succeed in high school. The Act:

- Required the Department of Education (DOE) to review reading and language arts programs in the middle grades and assist the Commissioner of Education (commissioner) with recommendations for curricula changes;
- Instituted a rigorous reading requirement in schools where less than 75 percent of grade 6, 7, or 8 students were reading on grade level;
- Required the DOE to conduct a study on improving the overall academic performance of middle school students; and
- Established a personalized middle school success plan for all students entering grade 6 who scored below Level 3 on their most recent FCAT Reading assessment.

After the Middle Grades Reform Act was enacted, a Middle Grades Reform Task Force, convened by the DOE, published recommendations for further reforms,<sup>6</sup> many of which were included in HB 7087 in 2006.<sup>7</sup> Among other things, HB 7087 established middle grades course completion requirements for promotion to grade 9. In addition, the legislation required middle grades students to complete both a year-long exploratory wheel course and a career and education planning course which results in an academic and career plan for the student.<sup>8</sup>

In 2013, the Legislature enacted CS/CS/SB 1076, which amended provisions relating to weighted FTE funding for middle grades industry certifications, required that the career and education planning course be internet-based and emphasize entrepreneurship skills, adjusted end-of-course assessment provisions for the required course in civics, and expanded remediation options for middle grades students who earn a Level 1 on the FCAT Reading assessment.

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<sup>1</sup> In Florida, middle grades are comprised of grades 6, 7, and 8. Florida Department of Education, *2013-2014 Course Code Directory and Instructional Personnel Assignments*, available at <http://www.fldoe.org/articulation/CCD/files/CCDNarrative1314.pdf>.

<sup>2</sup> Peter Meyer, *The Middle School Mess*, EDUC. NEXT, Winter 2011, at 42, available at [http://educationnext.org/files/ednext\\_20111\\_Meyer.pdf](http://educationnext.org/files/ednext_20111_Meyer.pdf).

<sup>3</sup> See s. 83, ch. 83-336, L.O.F.

<sup>4</sup> See *id.*

<sup>5</sup> See ch. 2004-255, L.O.F.

<sup>6</sup> See Florida Department of Education, *Middle Grades Reform Recommendations* (Nov. 16, 2004), available at [www.fldoe.org/board/meetings/2004\\_11\\_16/MiddleGrades\\_Pres.pdf](http://www.fldoe.org/board/meetings/2004_11_16/MiddleGrades_Pres.pdf).

<sup>7</sup> Florida Department of Education, Press Release, *Governor Bush Announces Initiative to Increase Rigor and Change Culture of Middle Grades*, [http://www.fldoe.org/news/2005/2005\\_01\\_10-5.asp](http://www.fldoe.org/news/2005/2005_01_10-5.asp) (last visited Dec. 16, 2013).

<sup>8</sup> Section 21, ch. 2006-74, L.O.F.

## Research and Data

Recent research has identified practices that have proven instrumental in decreasing achievement gaps and propelling students into high school on track to graduate ready for college and career.<sup>9</sup> Certain themes pervade the research, such as:

- The need to closely monitor students early in middle school using research-based indicators to identify students in need of additional support or interventions to stay on track to graduate high school college and career ready;
- The importance of small learning communities, interdisciplinary teaching teams, and common planning time so that teachers can better connect with students and understand students' strengths and areas for growth;
- The crucial role effective, relevant, and school-needs focused professional development plays in preparing middle grades teachers to effectively teach middle grades students;
- The connection between high performing schools and the use of data to make decisions about school improvement; and
- The need for high expectations for students and aligning curricula with state standards.<sup>10</sup>

### Early Warning Systems

Research from Johns Hopkins University has shown that students who are at risk of dropping out or failing to graduate from high school on time can be identified, as early as sixth grade, using certain "early warning indicators".<sup>11</sup> These indicators include, for students in the sixth grade, attendance in the range of 80-90 percent or below, receipt of an out-of-school suspension, and course failure in English or mathematics.<sup>12</sup> The research found that students from high-poverty, urban schools in Philadelphia who exhibited any one of these indicators in the sixth grade had less than a 20 percent chance of graduating from high school on time (within one extra year of their expected graduation date).<sup>13</sup> Furthermore, less than 75 percent of students exhibiting one or more of these indicators graduated from high school on time.<sup>14</sup>

Who Didn't Graduate? Predictive Power and Yield of Selected Flags <sup>15</sup>				
Predictive power: % with this flag who...	Flag in Sixth Grade (in 1997)			
	Attended 80% or Less	Failed Math	Failed English	Suspended Out of School
Graduated on time	13	13	12	16
Graduated 1 year late	4	6	6	4
Did not graduate within 1 year late	<b>83</b>	<b>81</b>	<b>82</b>	<b>80</b>
Yield: % of nongraduates flagged	23	21	17	10

Early warning systems predicated on this research have been implemented at a number of middle schools nationwide.<sup>16</sup> These systems are used to monitor students using the attendance, behavior, and course

<sup>9</sup> Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 3, available at [https://www.amle.org/portals/0/pdf/articles/Policy\\_Brief\\_Balfanz.pdf](https://www.amle.org/portals/0/pdf/articles/Policy_Brief_Balfanz.pdf).

<sup>10</sup> See Office of Program Policy and Government Accountability, *Middle Grades Best Practices*, Research Memorandum (Sept. 30, 2013).

<sup>11</sup> See *Id.* See also Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 EDUCATIONAL PSYCHOLOGIST 223 (2007), available at [web.jhu.edu/sebin/q/b/preventingstudentdisengagement.pdf](http://web.jhu.edu/sebin/q/b/preventingstudentdisengagement.pdf).

<sup>12</sup> *Id.* at 227.

<sup>13</sup> See *Id.* at 226-28, 230.

<sup>14</sup> Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 4.

<sup>15</sup> Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 EDUCATIONAL PSYCHOLOGIST 223, at 228 (using data from the School District of Philadelphia).

<sup>16</sup> Diplomas Now, *Where We Work*, <http://diplomasnow.org/about/where-we-work/> (last visited Jan. 22, 2014).

performance indicators shown by the research to be reliable indicators of students at risk of dropping out.<sup>17</sup> Once a student is identified as being off track, research-based intervention techniques are initiated to help the student back on track to graduate on time.<sup>18</sup> The systems have been identified as a key tool to promote student achievement and a benchmark against which the nation can chart its progress against problems with student dropouts.<sup>19</sup>

In the Miami-Dade County School District, a collaborative program called Diplomas Now, formed for the purpose of implementing the early warning research of Johns Hopkins University, has established early warning systems at six schools to identify at-risk students and provide interventions to help these students get back on track to graduate.<sup>20</sup> The program has helped 186 students improve their attendance, with 41 percent of those students improving their attendance significantly enough to no longer be identified as at risk based on the attendance indicator. Likewise, the program has helped 240 students improve their behavior, 64 percent of whom were put back on track for graduation by the end of the year. Finally, the program has helped 198 students improve their English grades and 212 improve their mathematics grades, with 54 percent in English and 46 percent of students in mathematics getting back on track.<sup>21</sup>

Additional research has reaffirmed the importance of utilizing early warning and intervention systems in improving student achievement in the middle grades.<sup>22</sup> Benefits of these systems include:

- The ability to pinpoint and address student disengagement on an individual student basis;
- Decreased reliance on broader socioeconomic markers of demographics and economic status to identify at-risk students;
- The ability to target resources to improve student achievement by focusing on academic performance and thereby reduce the interference of unfavorable nonacademic factors on student success; and
- Identification of patterns in early warning indicators at the school and district levels to identify systemic weaknesses in schools that are increasing the likelihood of student dropouts.<sup>23</sup>

### *Professional Development*

Research on middle grades reform emphasizes that professional development is crucial in improving student academic performance. The Southern Regional Education Board reported that the most improved middle

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<sup>17</sup> The 2007 report published in the Educational Psychologist journal states that the attendance, behavior, and course performance indicators were used to identify 60% of the participating students who would not graduate from high school. See Robert Balfanz, Lisa Herzog, & Douglas J. Mac Iver, *Preventing Student Disengagement and Keeping Students on the Graduation Path in urban Middle-Grades Schools: Early Identification and Effective Interventions*, 42 EDUCATIONAL PSYCHOLOGIST at 223.

<sup>18</sup> Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 10-11; Diplomas Now, *Diplomas Now Benefits Students, their Schools, and Communities: hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

<sup>19</sup> Everyone Graduates Center, *On Track for Success: The Use of Early Warning Indicator and Intervention Systems to Build a Grad Nation* (November 2011), available at [http://new.every1graduates.org/wp-content/uploads/2012/03/on\\_track\\_for\\_success.pdf](http://new.every1graduates.org/wp-content/uploads/2012/03/on_track_for_success.pdf).

<sup>20</sup> Diplomas Now, *Where we Work*, <http://diplomasnow.org/about/where-we-work/> (last visited Jan. 22, 2014).

<sup>21</sup> Diplomas Now, *Diplomas Now Benefits Students, their Schools, and Communities: hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

<sup>22</sup> Trish Williams, Matthew Rosin, & Michael W. Kirst, *Gaining Ground in the Middle Grades*, EDUC. OUTLOOK, January 2011, at 1; Southern Regional Education Board, *Improved Middle Grades Schools for Improved High School Readiness: Ten Best Practices in the Middle Grades* (2012), at 17, available at [publications.sreb.org/2012/12V05\\_MiddleGrades\\_10\\_Best\\_Practices.pdf](http://publications.sreb.org/2012/12V05_MiddleGrades_10_Best_Practices.pdf); Southern Regional Education Board, *A New Mission for the Middle Grades: Preparing Students for a Changing World* (2011), at 13, available at [publications.sreb.org/2011/11E15\\_Mid\\_Grades\\_Com.pdf](http://publications.sreb.org/2011/11E15_Mid_Grades_Com.pdf); Education Commission of the States, *Middle Grades: 15 Actions Your State Can Take to Maximize Young Adolescents' Readiness for Grade 9—and College and Careers*, THE PROGRESS OF EDUC. REFORM, August 2009, at 2; Alliance for Excellent Education, *Using Early-Warning Data to Improve Graduation Rates: Closing Cracks in the Education System* (2008), available at <http://www.all4ed.org/wp-content/uploads/EWI.pdf>.

<sup>23</sup> Alliance for Excellent Education, *Using Early-Warning Data to Improve Graduation Rates: Closing Cracks in the Education System* (2008), at 2-3, available at <http://www.all4ed.org/wp-content/uploads/EWI.pdf>.

schools surveyed as part of its *Making Middle Grades Work* initiative<sup>24</sup> provide extensive professional development to staff in a variety of areas, including use of project-based learning, active student participation in the learning process, adapting teaching methods to the learning styles of different students, use of reading and writing for learning in the content area and across curriculum, use of interdisciplinary themes or units, and other research-based areas.<sup>25</sup> The most-improved schools also sustained staff development programs over time while providing incentives that encourage teachers to participate, reflect on what they learn, and apply the practices in their classrooms.<sup>26</sup> Other research has shown that professional development is critical to integrating digital instruction into the classroom<sup>27</sup> and implementing interdisciplinary teaching.<sup>28</sup>

### *Interdisciplinary Teaching and Small Learning Communities*

Interdisciplinary teaching entails the formation of small teams of teachers who share students and meet regularly to discuss student progression.<sup>29</sup> This practice allows the teams to ease the transition between elementary school and middle school, provide a more accelerated curriculum, and create a more personalized learning environment for students.<sup>30</sup> Furthermore, interdisciplinary teaching has been proven to increase student achievement as measured on state reading and mathematics assessments, even in high-poverty schools.<sup>31</sup>

Small learning communities are individualized learning units within larger school settings.<sup>32</sup> In a small learning community, a team of teachers instruct a smaller group of common students, which allows for greater interdisciplinary teaching, individualized instruction, and relationship building between students, teachers, and parents.<sup>33</sup> It has long been considered a best practice in middle grades instruction.<sup>34</sup>

### *Integration of Digital Instruction*

Recent middle grades reform research emphasizes the need for schools to have the technological capacity to prepare students for the information and digital age, handle increasing technological demands on teachers for tools to advance student learning, and sufficiently monitor student progression.<sup>35</sup> Furthermore, it is important that schools integrate digital instruction into the classroom and course curricula, offering a broad span of techniques and tools to individualize education and supplement classroom instruction. Blending technology with classroom instruction can improve student performance and motivation beyond classroom or internet-based courses alone.<sup>36</sup>

Integration of technology into the classroom, also called “blended learning,” allows for greater personalization of instruction to drive student engagement, helps reduce student dropouts, closes achievement gaps, and

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<sup>24</sup> Southern Regional Education Board, *Making Middle Grades Work*, [http://www.sreb.org/page/1080/making\\_middle\\_grades\\_work.html](http://www.sreb.org/page/1080/making_middle_grades_work.html) (last visited Jan. 2, 2014).

<sup>25</sup> Southern Regional Education Board, *Improved Middle Grades Schools for Improved High School Readiness: Ten Best Practices in the Middle Grades*, at 24-25.

<sup>26</sup> *Id.* at 26.

<sup>27</sup> Advancing Education, Inc., *Commonalities of Georgia’s Successful Middle Schools* (2011), available at [http://www.gpee.org/fileadmin/files/PDFs/Middle\\_Sch\\_Rpt\\_-\\_SS.pdf](http://www.gpee.org/fileadmin/files/PDFs/Middle_Sch_Rpt_-_SS.pdf).

<sup>28</sup> Christopher M. Cook & Shawn A. Faulkner, *The Use of Common Planning Time: A Case Study of Two Kentucky Schools to Watch*, 34 RESEARCH IN MIDDLE LEVEL EDUC. ONLINE (No. 2) 1 (2010).

<sup>29</sup> Office of Program Policy and Government Accountability, *Middle Grades Best Practices*, Research Memorandum, at 2 (Sept. 30, 2013).

<sup>30</sup> *Id.* at 2.

<sup>31</sup> *Id.* at 2.

<sup>32</sup> California Department of Education, *Small Learning Communities*, <http://pubs.cde.ca.gov/tcsii/ch5/smlrngcmunities.aspx> (last visited Jan. 23, 2014).

<sup>33</sup> *See Id.* *See also* Paul S. George, *What is a Middle School—Really?; hearing before hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

<sup>34</sup> California Department of Education, *Small Learning Communities*, <http://pubs.cde.ca.gov/tcsii/ch5/smlrngcmunities.aspx> (last visited Jan. 23, 2014).

<sup>35</sup> Southern Regional Education Board, *A New Mission for the Middle Grades: Preparing Students for a Changing World* (2011), at 7.

<sup>36</sup> *See id.* at 8.

better prepares students for college and career.<sup>37</sup> Further, blended learning can accelerate educational opportunities through a wider variety of subjects, instructional strategies and delivery, and curriculum and content relevant to students.<sup>38</sup> A digitally enhanced personalized learning experience can build upon individual learning styles, connect with student interests and abilities, and allow students to work at their own pace.<sup>39</sup>

### *Competency-Based Education*

As blended learning has become more prevalent across the country, the expanded options for personalized instruction has resulted in a growing demand for student-centered digital learning using competency-based education.<sup>40</sup>

Competency-based education, also known as proficiency-, standards-, mastery-, or performance-based education, is an instructional approach in which students progress to more advanced work upon demonstration of mastery of academic content, as opposed to time spent in a course.<sup>41</sup> Virtual instruction is an example of competency-based instruction in Florida—high school students earn credits toward graduation and middle grades students progress from grade to grade by successfully completing courses, not by time spent in a class.<sup>42</sup>

Competency-based education has been cited as a method to:

- Help traditionally underserved students learn to achieve high state standards;
- Increase college and career readiness;
- Strengthen the economy through a workforce prepared to succeed in a global, knowledge-based economy; and
- Increase student engagement and provide acceleration mechanisms for students at-risk of not graduating high school because they are significantly behind in credits, coursework, or skills.<sup>43</sup>

When used in conjunction with integrated digital instruction, competency-based education can empower personalized instruction and allow students to learn at their own place at any time or any place.<sup>44</sup>

### *Data on Middle Grades in Florida*

Representatives of the DOE appeared before the House Education K-12 Subcommittee on November 5, 2013, to present data on the current state of middle grades education. Among other things, the data reflected the performance of Florida's 4<sup>th</sup> and 8<sup>th</sup> grade students on the National Assessment of Educational Progress (NAEP), learning gains as measured by state assessments for 4<sup>th</sup> through 8<sup>th</sup> grade students, statewide attendance numbers, the percentage of middle grades students reported as dropouts, and instances of student discipline (suspensions and expulsions).<sup>45</sup>

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<sup>37</sup> Alliance for Excellent Education, *The Digital Imperative: How Technology and Teaching Meet Today's Education Challenges* (June 2012), at 12, available at <http://all4ed.org/wp-content/uploads/2012/01/DigitalLearningImperative.pdf>

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 12.

<sup>40</sup> International Association for K-12 Online Learning, *Re-Engineering Information Technology: Design Considerations for Competency Education* (2013), available at <http://www.inacol.org/resources/publications/competency-education/>.

<sup>41</sup> Edudemic, *How Competency-Based Learning Actually Works* (2013), <http://www.edudemic.com/how-competency-based-learning-actually-works/> (last visited Jan. 3, 2014).

<sup>42</sup> Sections 1002.37(a)1.-2. and 1001.42(23), F.S.

<sup>43</sup> International Association for K-12 Online Learning, *Necessary for Success, Building Mastery of World-Class Skills: A state Policymakers Guide to Competency Education* (2013), at 11, available at <http://www.inacol.org/resources/publications/competency-education/>.

<sup>44</sup> International Association for K-12 Online Learning, *Re-Engineering Information Technology: Design Considerations for Competency Education* (2013), at 5.

<sup>45</sup> Florida Department of Education, *Middle Grades Descriptive Data; hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

The data presented on NAEP scores showed that, as of 2013, Florida's 8<sup>th</sup> grade students score lower than the national average in mathematics at both basic and proficient levels while nearly level with the national average in reading at both levels.<sup>46</sup> Data on student attendance indicated that, statewide, about 6.7 percent of 6<sup>th</sup> graders, 8.8 percent of 7<sup>th</sup> graders, and 9.9 percent of 8<sup>th</sup> graders were absent from school 21 or more days, a number correlated with a significant drop in student performance,<sup>47</sup> during the 2011-2012 school year. Moreover, in the 2011-2012 school year, 18.1 percent of 6<sup>th</sup> graders, 21.2 percent of 7<sup>th</sup> graders, and 21 percent of 8<sup>th</sup> graders statewide received an in-school suspension or out-of-school suspension or were expelled.<sup>48</sup> Finally, 0.7 percent of 6<sup>th</sup> grade students, 0.5 percent of 7<sup>th</sup> graders, and 0.9 percent of 8<sup>th</sup> graders were reported by districts as dropouts in the 2011-2012 school year.<sup>49</sup>

## Background

### *General Requirements*

In order for a student to be promoted to grade 9,<sup>50</sup> the student must successfully complete the following academic courses:

- Three middle grades or higher courses in English language arts;
- Three middle grades or higher courses in mathematics;
- Three middle grades or higher courses in social studies, one semester of which must include the study of state and federal government and civics education;
- Three middle grades or higher courses in science; and
- One course in career and education planning to be completed in 6<sup>th</sup>, 7<sup>th</sup>, or 8<sup>th</sup> grade.<sup>51</sup>

Beginning in the 2013-14 school year, the required civics course must include an end-of-course (EOC) assessment in civics education which constitutes 30 percent of the student's final course grade.<sup>52</sup>

### *Acceleration*

Each school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit.<sup>53</sup> For high school level Algebra I, Geometry, and Biology I courses tested by a statewide, standardized, EOC assessment, a middle grades student's successful completion of that course is not contingent upon the student's performance on the EOC assessment. However, a middle grades student must earn a passing score on the Algebra I EOC assessment in order to receive high school credit in Algebra I. A middle grades student taking Geometry or Biology I must take the EOC assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course, in order to earn high school credit for the course.<sup>54</sup>

### *Statewide Middle Grades Standards and Assessments*

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<sup>46</sup> For reading, 33 percent of Florida 8<sup>th</sup> graders scored at or above proficient level against a national average of 34 percent. Seventy-seven percent scored at or above basic level, matching the national average of 77 percent. In mathematics, 31 percent of Florida's 8<sup>th</sup> graders scored at or above proficient level against a national average of 34 percent. Seventy percent scored at or above basic level

<sup>47</sup> Florida Department of Education, *Impact of Absenteeism in Early Grades; hearing before the House Education Committee* (Jan. 7, 2014).

<sup>48</sup> Florida Department of Education, *Middle Grades Descriptive Data; hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

<sup>49</sup> *Id.*

<sup>50</sup> Students in grades 6, 7, or 8 who are not enrolled in a school with a middle grades configuration are subject to the same promotion requirements as students enrolled in a school with a middle grades configuration. Section 1003.4156(2), F.S.

<sup>51</sup> Section 1003.4156(1)(a), F.S.

<sup>52</sup> Section 1003.4156(1)(c), F.S.

<sup>53</sup> Section 1003.4156(1)(b), F.S.

<sup>54</sup> Section 1003.4156(1)(b) and (d), F.S.

Legislation enacted in 2008 provided for the replacement of the Sunshine State Standards (SSS) with more rigorous Next Generation Sunshine State Standards (NGSSS).<sup>55</sup> Among other things, the legislation directed the Commissioner of Education to establish an expedited schedule for this transition, to be completed by December 1, 2011. The transition from the SSS to the NGSSS was completed in December 2010. The NGSSS establish the core curricular content for English language arts, Science, Mathematics, Social Studies, Visual and Performing Arts, Physical Education, and Foreign Languages for the public K-12 system, including middle grades.<sup>56</sup>

The statewide assessment program measures student mastery of the NGSSS.<sup>57</sup> The statewide assessment program for public schools includes the FCAT and statewide, standardized EOC assessments.<sup>58</sup> FCAT assesses reading (grades 3-10), mathematics (grades 3-8), science (grades 5 and 8), and writing (grades 4, 8, and 10).<sup>59</sup> Florida transitioned to FCAT 2.0 assessments aligned to the more rigorous NGSSS in reading and mathematics in the 2010-2011 school year and in science in the 2011-2012 school year.<sup>60</sup> Administration of high school FCAT Mathematics was discontinued for students entering 9<sup>th</sup> grade in the 2010-2011 school year and thereafter.<sup>61</sup>

Public middle grades students are required to participate in the statewide assessment program. They fulfill this requirement by taking the FCAT 2.0 each year for their respective grade level.<sup>62</sup> In addition, each middle grades student must successfully complete, prior to promotion to high school, a civics course that is at least one semester long. Beginning in 2013-2014, each student must take a statewide, standardized civics EOC assessment which constitutes 30 percent of the student's final grade.<sup>63</sup>

Middle grades students who take Algebra I, Geometry, or Biology I must sit for the corresponding statewide standardized assessment.<sup>64</sup> Successful completion of the assessment for these courses for high school promotion purposes is not contingent upon the student passing the exam.<sup>65</sup> However, in order to earn high school credit, a middle grades student taking Algebra I must pass the statewide, standardized EOC assessment.<sup>66</sup> For Geometry and Biology I, a student's performance on the statewide, standardized assessment comprises 30 percent of the student's final grade, and the student must pass the course in order to earn high school credit.<sup>67</sup>

### *Remediation Requirements*

Prior to the 2013-2014 school year, middle grades students who scored a Level 1 on FCAT Reading were required to receive remediation through an intensive remediation course. Legislation enacted in 2013 allows flexibility for these students to participate in the required remediation either through a remedial course or a content area course which incorporates remediation strategies.<sup>68</sup> In addition, students who score a Level 2 on the FCAT Reading are also subject to the remediation requirements.<sup>69</sup>

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<sup>55</sup> Section 8, ch. 2008.235, L.O.F.

<sup>56</sup> Section 1003.41(1)-(2), F.S.; *see, e.g.*, Florida Department of Education, *Next Generation Sunshine State Standards*, <http://www.fldoe.org/bii/curriculum/sss/> (last visited March 10, 2013).

<sup>57</sup> Section 1008.22(1)(a), F.S.

<sup>58</sup> Section 1008.22(3)(c)1. and 2., F.S.

<sup>59</sup> Section 1008.22(3)(a), F.S.

<sup>60</sup> Florida Department of Education, *2011 FCAT 2.0 Fact Sheet*, at 1 (Feb. 2011), available at <http://fcats.fldoe.org/fcat2/pdf/ffs2.pdf>; Rule 6A-1.09422(3)(b), F.A.C.

<sup>61</sup> Section 1008.22(3)(c)2.a.

<sup>62</sup> Section 1008.22(3)(a), F.S.

<sup>63</sup> Section 1003.4156(1)(c), F.S.

<sup>64</sup> Section 1003.4156(1), F.S.

<sup>65</sup> *Id.*

<sup>66</sup> Section 1003.4156(1)(b), F.S.

<sup>67</sup> Section 1003.4156(1)(b) and (d), F.S.

<sup>68</sup> Section 13, ch. 2013-27, L.O.F.

<sup>69</sup> Section 1003.4156(2), F.S.



Middle grades students who score a Level 1 or Level 2 on FCAT Mathematics or, when implemented, the new statewide, standardized mathematics assessment, must receive remediation the following year.<sup>70</sup> The remediation may be integrated into the student's required mathematics courses.<sup>71</sup>

### *Attendance Requirements*

In Florida, children 6 to 16 years of age must regularly attend school.<sup>72,73</sup> Upon attaining 16 years of age, a student is not subject to compulsory school attendance if he or she files with the district school board a formal declaration of intent to terminate school enrollment, which must be signed by the student's parent.<sup>74</sup> A student terminating school enrollment must complete an exit interview and survey prescribed by the Department of Education and explain the reasons for terminating enrollment.<sup>75</sup>

In addition to attendance in public school, compulsory school attendance may be achieved through regular attendance in a private school; a parochial, religious, or denominational school; a home education program; or a private tutoring program.<sup>76</sup>

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.<sup>77</sup> The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.<sup>78</sup> If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the absences to be excused. In such cases, the physician's excuse justifies absences beyond the maximum number of days permitted under the district school board's attendance policy.<sup>79</sup>

State law and state board rule also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays, or because religious tenets forbid secular activity during the school day.<sup>80</sup>

School districts must implement the following steps to enforce regular attendance:

*Contact:* Each time a student has an unexcused absence or absence for which the reason is unknown, the school principal or his or her designee must contact the student's parent to determine the reason for the absence. If the reason for the absence is determined to fall within the district's policy for excused absences, the school must allow the student to make up assigned work. The student may not be penalized unless such work is not made up within a reasonable time.<sup>81</sup>

*Refer:* If a student exhibits a "pattern of nonattendance,"<sup>82</sup> his or her teacher must report the behavior to the school principal. Unless there is clear evidence that the absences are not a pattern of nonattendance, the

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<sup>70</sup> Section 1003.4156(3), F.S.

<sup>71</sup> *Id.*

<sup>72</sup> Sections 1002.20(2)(a) and 1003.21(1)(a)1., F.S. (a child who is 6 years of age, or who will be 6 years old by February 1 of the school year, or older is subject to compulsory school attendance).

<sup>73</sup> Although not required to attend public school, children with disabilities who have attained the age of 3 years are eligible for admission to public special education programs. Similarly, children younger than 3 years of age with disabilities may be eligible for special programs and services. Section 1003.21(1)(e), F.S.

<sup>74</sup> Section 1003.21(1)(c), F.S. A student who is 18 years of age is not required to obtain parental consent when terminating school enrollment. *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> Sections 1002.20(2)(b) and 1003.01(13), F.S.

<sup>77</sup> Section 1003.24, F.S. (flush-left provisions at end of section).

<sup>78</sup> Section 1003.26, F.S.

<sup>79</sup> Section 1003.24(4), F.S.

<sup>80</sup> Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; rule 6A-1.09514(1) and (2), F.A.C.

<sup>81</sup> Section 1003.26(1)(a), F.S.

<sup>82</sup> If a student has at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within 90 calendar days, the student's primary teacher must report to the school principal that the student may be exhibiting a "pattern of nonattendance." Section 1003.26(1)(b), F.S.

principal must refer the case to the school's child study team<sup>83</sup> to determine whether early patterns of truancy are developing.<sup>84</sup> If a child study team finds a pattern of truancy developing, the principal must notify the district superintendent and the district contact for home education programs.<sup>85</sup>

The child study team must meet with the student's parent to identify potential remedies and, if that meeting does not resolve the problem, the team must implement:

- Frequent attempts at communication between the teacher and the family;
- Evaluation for alternative education programs; and
- Attendance contracts.<sup>86</sup>

The child study team may also implement other interventions, including referral to other agencies for family services or recommendations for filing a truancy petition,<sup>87</sup> and must report the case to the district superintendent only after all reasonable intervention efforts have been exhausted.<sup>88</sup>

Florida law holds parents responsible for their student's regular school attendance and for participating in the efforts of a child study team.<sup>89</sup> A parent who knowingly refuses or fails to do either of the aforementioned requirements may be criminally prosecuted for a second degree misdemeanor, which is punishable by imprisonment for up to 60 days.<sup>90</sup> In addition to imprisonment, the court may require the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship, perform community service hours at the school, or participate in counseling or other services.<sup>91,92</sup>

If a student is found by the court to be a habitual truant,<sup>93</sup> the court must order him or her to make up all school work missed and may order him or her to pay a civil penalty of up to \$2 for each day of school missed; perform up to 25 community service hours at the school; or participate in counseling or other services, as appropriate.<sup>94</sup> For a second or subsequent finding of habitual truancy, the court must order the student to make up all school work missed and may order the him or her to pay a civil penalty of up to \$5 for each day of school missed; perform up to 50 community service hours at the school; or participate in counseling or other services, as appropriate.<sup>95</sup>

## Dropout Prevention and Academic Intervention

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<sup>83</sup> A child study team is typically synonymous with other multidisciplinary school teams, such as "problem solving teams," intervention support teams, school based intervention teams, response to intervention teams, and student support teams. Along with its statutory duties concerning student attendance, the child study team meets to collect and review information about students who are referred for learning and/or behavioral concerns. See Florida Department of Education, *Glossary*, <http://www.fldoe.org/military/generaled/glossary.asp> (last visited Aug. 15, 2013).

<sup>84</sup> Section 1003.26(1)(b), F.S.

<sup>85</sup> *Id.*

<sup>86</sup> Section 1003.26(1)(c), F.S.

<sup>87</sup> "Truancy petition" means a petition filed by the superintendent of schools alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151, F.S. Section 984.03(55), F.S.

<sup>88</sup> Section 1003.26(1), F.S.

<sup>89</sup> Section 1003.24, F.S.

<sup>90</sup> Sections 1003.24, 1003.26(1)(e) and (f), and 1003.27(2) and (7)(a), F.S.

<sup>91</sup> Section 1003.27(7)(a)3., F.S.

<sup>92</sup> A parent is not responsible for a child's nonattendance if the absence is: authorized by the head of the school; without the parent's knowledge or consent; due to the parent's financial inability to provide necessary clothing for the child; or due to the child's sickness, injury, or other insurmountable condition. Section 1003.27(7)(d)1., F.S.

<sup>93</sup> "Habitual truant" is a legal status determined by the court upon the filing of a petition by the school superintendent. In order for the court to declare a student habitually truant, the court must find that the student is subject to compulsory school attendance; the student has had 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent; and a child study team has conducted intervention activities and attempted unsuccessfully to remediate the student's truant behavior. Section 1003.01(8), F.S.

<sup>94</sup> Section 1003.27(7)(d)1., F.S.

<sup>95</sup> Section 1003.27(7)(d)2., F.S.

## Present Situation

Each district school board may establish dropout presentation and academic intervention programs at the elementary, middle, or high school level.<sup>96</sup> These programs must use instructional teaching methods appropriate to the specific needs of each student participating in the program.<sup>97</sup> Any school that establishes a dropout prevention and academic intervention program must reflect the program in its school improvement plan.<sup>98</sup>

Dropout prevention and academic intervention programs may differ from traditional programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and must employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students.<sup>99</sup>

Eligibility for participation in a dropout prevention and academic intervention program is limited to students in grades 1 through 12.<sup>100</sup> Such students are eligible for dropout prevention and academic programs if they are academically unsuccessful, exhibit a pattern of excessive absenteeism or have been identified as a habitual truant, or have a history of disruptive behavior in school or have committed an offense that warrant out-of-school suspension or expulsion from school.<sup>101</sup> Student participation in a dropout prevention and academic intervention program is voluntary.<sup>102</sup>

School districts must report eligible students in the appropriate basic cost factor in the Florida Education Finance Program (FEFP), and the strategies and supports provided to eligible students are funded through the General Appropriations Act.<sup>103</sup> Such strategies and supports may include, but are not limited to, those services identified on a student's academic intervention plan.<sup>104</sup> Funding for these programs is paid from the Supplemental Academic Instruction (SAI) Categorical Fund and are in addition to the funds appropriated on the basis of full-time equivalent (FTE) student membership in the FEFP.<sup>105</sup> Each district with one or more of the 100 lowest-performing elementary schools must first use SAI funds and funds from the district research-based reading instruction to provide an additional hour of intensive reading instruction each day.<sup>106</sup> After this requirement has been met, the SAI funds may be used for other purposes which may include dropout prevention and academic intervention.<sup>107</sup>

District school boards that receive state funding for dropout prevention and academic intervention must submit an annual report to the DOE documenting the extent of the district's success in using dropout prevention and academic intervention programs to improve the district's graduation rate, dropout rate, attendance rate, and retention/promotion rate.<sup>108</sup> In addition, school boards that provide a dropout prevention and academic intervention program must maintain for each participating student records documenting the student's eligibility, the length of the student's participation, the type of program to which the student was assigned or type of

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<sup>96</sup> Section 1003.53(2)(a), F.S.

<sup>97</sup> *Id.*

<sup>98</sup> Section 1003.53(2)(b), F.S.

<sup>99</sup> Section 1003.53(1)(a), F.S.

<sup>100</sup> Section 1003.53(1)(b), F.S.

<sup>101</sup> Section 1003.53(1)(c), F.S. Under certain circumstances, school districts may assign students in grades 6 through 10, who are habitually truant or who have been disruptive or violent, to a second chance school. *See s. 1003.53(1)(d), F.S.*

<sup>102</sup> Section 1003.53(1)(a), F.S.

<sup>103</sup> Section 1003.53(1)(b), F.S.

<sup>104</sup> *Id.*

<sup>105</sup> Section 1011.62(1)(f)2., F.S.

<sup>106</sup> *Id.* In the 2013 General Appropriations Act, Specific Appropriations 7 and 87, s. 2, ch. 2013-40, L.O.F., the Legislature allocated a total sum of \$639,296,226 for SAI. In each district with one or more of the 100 lowest-performing elementary schools, the first \$15,000,000 of the district's allocation was required to be first used to provide the additional hour of intensive reading instruction. *See Specific Appropriation 87, s. 2, ch. 2013-40, L.O.F.*

<sup>107</sup> *See id.*

<sup>108</sup> Section 1003.53(3), F.S.

academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program.<sup>109</sup>

Prior to a student's placement in a dropout prevention and academic intervention program, the school principal must provide written notice to the student's parent.<sup>110</sup> The student's parent must return acknowledgement of the written notice within 3 days of receipt. The notice must inform the parent that he or she is entitled to administrative review, under ch. 120, F.S., of any action by school personnel relating to the student's placement.<sup>111</sup>

District school boards must establish procedures to ensure that teachers assigned to dropout prevention and academic intervention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of students placed in the program.<sup>112</sup>

### Effect of Proposed Changes

The bill requires each school that includes any of grades 6, 7, or 8 to implement an early warning system to identify students who are at risk of not graduating from high school. The bill identifies four early warning indicators that schools must use to monitor students:

- Attendance below 90 percent;
- Course failure in English language arts or mathematics;
- One or more in-school or out-of-school suspensions; and
- Scoring a Level 1 score on the statewide, standardized reading or mathematics assessments.

The bill allows each district to prescribe additional early warning indicators for use in its schools' early warning systems.

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,<sup>113</sup> or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student. The team may be the student's individualized education program (IEP) team, if applicable, or any other team the school establishes for the purpose of academic intervention. The school must provide to the student's parent at least 10 days' written notice of the meeting. The notice must indicate the meeting's purpose, time, and location. The school must also provide the parent the opportunity to participate in the meeting.

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan the following information and data on the school's early warning system:

- A list of the early warning indicators used in the system;
- The number of students identified by the system as exhibiting two or more early warning indicators;
- The number of students by grade level that exhibit each indicator; and
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

The bill provides that students identified by a school's early warning system are eligible for dropout prevention and academic intervention programs.

### **Professional Development**

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<sup>109</sup> Section 1003.53(5), F.S.

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> Section 1003.53(4), F.S.

<sup>113</sup> School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

## Present Situation

Florida law requires a number of entities, including the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.<sup>114</sup>

Part of the DOE's responsibility in the professional development system is to disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs.<sup>115</sup> At least one method of dissemination must be through a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.<sup>116</sup> In addition, the DOE must disseminate, using the web-based statewide performance-support system, proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, and meeting identified school needs.<sup>117</sup> The DOE must also disseminate, using web-based technology, research-based best practice methods by which the state and district school boards may evaluate and improve the professional development system.<sup>118</sup>

Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System (FCS) institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.<sup>119</sup> The system must:

- Be approved by the DOE, with all substantial revisions thereto also approved by the DOE;
- Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students;
- Provide inservice activities with followup support appropriate to accomplish district-level and school-level improvement goals and standards;
- Include a master plan for inservice activities, which must be aligned to and support school-based inservice plans and school improvement plans and be approved annually by the district school board;
- Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management;
- Provide for systemic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs;
- Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs; and
- Provide for the continuous evaluation of the quality and effectiveness of professional developmental programs in order to eliminate ineffective programs and strategies and expand effective ones.<sup>120</sup>

A district school board may contract with independent entities for professional development services and inservice education if the district school board can demonstrate to the Commissioner of Education that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.<sup>121</sup>

## Effect of Proposed Changes

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<sup>114</sup> Section 1012.98(1), F.S.

<sup>115</sup> Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.

<sup>116</sup> *Id.*

<sup>117</sup> Section 1012.98(11), F.S.

<sup>118</sup> Section 1012.98(7), F.S.

<sup>119</sup> Section 1012.98(4)(b), F.S.

<sup>120</sup> *Id.*

<sup>121</sup> Section 1012.98(9), F.S.

The bill requires professional development activities designed to implement the School Community Professional Development Act<sup>122</sup> to provide middle grades instructional personnel and school administrators the knowledge, skills, and best practices necessary to support excellence in classroom instruction and educational leadership.

The bill requires the DOE to include in its web-based statewide performance support system, subject to appropriation, materials related to middle grades classroom instruction, including integrated digital instruction and competency-based instruction, classroom management, student behavior and interaction, extended learning opportunities for students, and instructional leadership.

In addition, the DOE must disseminate, using web-based technology, professional development in the use of integrated digital instruction at schools that include middle grades. The professional development must provide training and materials that districts can use to provide instructional personnel with the necessary knowledge, skills, and strategies to effectively blend digital instruction into subject-matter curricula. The professional development must emphasize online learning and research techniques, reading instruction, the use of digital devices to supplement the delivery of curricular content to students, and digital device management and security. The bill encourages school districts to incorporate the professional development as part of their professional development system.

The bill requires each school district to include in the district's inservice plan a description of the training that middle grades instructional personnel and school administrators receive on:

- The district's code of student conduct;
- Integrated digital instruction and competency-based instruction;
- Classroom management;
- Student behavior and interaction;
- Extended learning opportunities for students; and
- Instructional leadership.

In addition, the district's professional development system must emphasize, for middle grades:

- Interdisciplinary planning, collaboration, and instruction;
- Alignment of curriculum and instructional materials to the state academic standards; and
- Use of small learning communities;
- Problem-solving, inquiry-driven research and analytical approaches for students;
- Strategies and tools based on student needs;
- Integration of digital instruction and competency-based instruction; and
- Project-based instruction.

The bill requires each school that includes middle grades to include in its school improvement plan a description of the specific strategies used by the school to implement these items emphasized by the district inservice plan.

## **School Improvement Plans**

### Present Situation

District school boards are required to annually approve and require implementation of a school improvement plan for each school in the district.<sup>123</sup> School districts must provide funds to schools for developing and implementing school improvement plans.<sup>124</sup>

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<sup>122</sup> Section 1012.98, F.S.

<sup>123</sup> Section 1001.42(18)(a), F.S.

<sup>124</sup> Section 1001.42(18)(c), F.S.

Schools that earn a grade of D or F are required to prepare a school improvement plan using a form prescribed by the DOE.<sup>125</sup> The form outlines specific expected improvements and data reporting, including data related to early warning systems, and guides the school improvement problem-solving and planning process.<sup>126</sup> The DOE-prescribed school improvement plan also doubles as a Title I Schoolwide Plan, as it is embedded with all required components of a schoolwide and targeted assistance program under the federal No Child Left Behind Act.<sup>127</sup>

## Effect of Proposed Changes

The bill requires schools that include any of grades 6, 7, or 8 to report information and data on early warning systems<sup>128</sup> and professional development, which includes the strategies used by the school to implement each item emphasized by the district professional development system.

## **Middle Grades Career Education**

### Present Situation

Each district school board must develop a strategic 3-year plan, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, to address and meet local and regional workforce demands.<sup>129</sup> The strategic plan must include plans to implement a career and professional academy or career-themed course in at least one middle school in the district.<sup>130</sup> Further, the strategic plan must provide students the opportunity to transfer from a middle school career and professional academy<sup>131</sup> or a career-themed course<sup>132</sup> to a high school career and professional academy or a career-themed course currently operating within the school district.<sup>133</sup>

Each course must be aligned with at least one high school career and professional academy or career-themed course offered in the district while maintaining partnerships with local business and industry and economic development boards. In addition, middle grades career and professional academies and career-themed courses must:

- Lead to careers in occupations designated as high-skill, high-wage, and high-demand in the Industry Certification Funding List approved under rules adopted by the State Board of Education (SBE);
- Integrate content from core subject areas;
- Integrate career and professional academy or career-themed course content with intensive reading, English language arts, and mathematics pursuant to ss. 1003.428 and 1003.4282, F.S.;
- Coordinate with high schools to maximize opportunities for middle grades students to earn high school credit;
- Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle grades students. The virtual instruction courses must be aligned to state curriculum standards for middle grades career and professional academy courses or career-themed courses, with priority given to students who have required course deficits;

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<sup>125</sup> See Rule 6A-1.09981, F.A.C.; Florida Department of Education, *Form SIP-1 School Improvement Plan (2013)*, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03056>.

<sup>126</sup> Rule 6A-1.09981(4) and (5), F.A.C.

<sup>127</sup> See 20 U.S.C. s. 6314(b)

<sup>128</sup> See *Early Warning Systems*, *supra* p. 13.

<sup>129</sup> Section 1003.491(2), F.S.

<sup>130</sup> Section 1003.4935, F.S.

<sup>131</sup> A “career and professional academy” is defined in statute to mean a research-based program offered by a public school district or school that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(a), F.S.

<sup>132</sup> A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

<sup>133</sup> Section 1003.4935(1), F.S.

- Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;
- Offer externships; and
- Provide personalized student advisement that includes a parent-participation component.<sup>134</sup>

Students who complete a middle school career and professional academy or a career-themed course must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.<sup>135</sup>

The DOE must collect and report student achievement data related to certain performance factors identified by statute for each middle school career and professional academy or career themed course implemented by a school district.<sup>136</sup>

Prior to 2013, schools could receive a weighted FTE student membership calculation for each middle grades student who earned an industry certification identified by the SBE's Industry Certification Funding List.<sup>137</sup> If a middle grades student earned an industry certification in the fields of science, technology, engineering, or mathematics identified on the Industry Certification Funding List, the student's school would receive a 0.1 weighted FTE student membership calculation upon that student's promotion to grade 9.<sup>138</sup>

Legislation enacted in 2013 eliminated the provisions that awarded weighted FTE funding to schools based on industry certifications earned by middle grades students.<sup>139</sup> Instead, as a result of the same legislation, schools were to have received bonuses amounting to \$50 for each middle grades student who earns a Florida Digital Tools Certificate, with a minimum of \$1,000 and maximum of \$15,000 per school.<sup>140</sup> Under the Florida Digital Tools Certificate program, a student who masters certain targeted, digital skills necessary to the student's academic work and which the student may need in future employment was to be awarded a certificate to indicate the students' digital skills.<sup>141</sup> The program was to be created by one or more technology companies with DOE-approved industry certifications.<sup>142</sup> However, funding for the Florida Digital Tools Certificates program was vetoed from the 2013 General Appropriations Act by the Governor.<sup>143</sup>

Each district must allocate at least 80 percent of the funds provided for industry certification to the program that generated the funds.<sup>144</sup> The allocation may not be used to supplant funds provided for basic operation of the program.<sup>145</sup> Unless a different amount is specified in the General Appropriations Act, the appropriation for the industry certification calculation is limited to \$60 million annually.<sup>146</sup> If the appropriation is insufficient to fully fund the total calculation, the appropriation is prorated.<sup>147</sup>

### Effect of Proposed Changes

The bill restores language providing weighted FTE student membership for industry certifications earned by middle grades students. If a middle grades student earns an industry certification, the student's school will be awarded an additional 0.1 FTE student membership upon that student's completion of 8<sup>th</sup> grade. Unlike prior

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<sup>134</sup> Section 1003.4935(2), F.S.

<sup>135</sup> Section 1003.4935(1), F.S.

<sup>136</sup> Section 1003.4935(3), F.S.

<sup>137</sup> Section 1011.62(1)(o), F.S. (2012); *See s. 39, ch. 2013-27, L.O.F.*

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

<sup>141</sup> Section 1003.4203(4), F.S.

<sup>142</sup> *Id.*

<sup>143</sup> *See Specific Appropriation 102A, s. 2. ch. 2013-40, L.O.F.*

<sup>144</sup> Section 1011.62(1)(o)2., F.S.

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*



requirements, weighted funding for industry certifications is not limited to the areas of science, technology, engineering, or mathematics.

## **Middle Grades Courses and Curricular Content**

### Present Situation

In order for a student's enrollment in a course or program to generate FTE funding through the FEFP, the course or program must, among other requirements, be approved by the SBE for inclusion in its Course Code Directory.<sup>148</sup> In addition, the curricular content for all subjects must integrate:<sup>149</sup>

- Critical-thinking, problem-solving, and workforce-literacy skills;
- Communication, reading, and writing skills;
- Mathematics skills;
- Collaboration skills;
- Contextual and applied-learning skills;
- Technology-literacy skills;
- Information and media-literacy skills; and
- Civic-engagement skills.

Currently, there is no express requirement that any course approved by the SBE integrate all appropriate curricular content as prescribed by the state's academic standards.

### Effect of Proposed Changes

The bill requires the SBE to remove any middle grades course in the Course Code Directory that does not fully integrate all appropriate curricular content required by the state's academic standards. Furthermore, the SBE may approve a new course for inclusion in the Course Code Directory only if the course contains the required curricular content.

## **Hazing<sup>150</sup>**

### Present Situation

Hazing at a high school with grades 9 through 12 is criminally punishable as either a first degree misdemeanor or third degree felony, depending on the nature of the act of hazing.<sup>151</sup> Hazing is defined as:

Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student at a high school with grades 9 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a high school with grades 9 through 12.<sup>152</sup>

Hazing includes, but is not limited to:

- Pressuring or coercing the student into violating state or federal law;
- Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements;
- Forced consumption of any food, liquor, drug, or other substance;
- Forced physical activity that could adversely affect the physical health or safety of a student; or

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<sup>148</sup> See Rule 6A-1.09441, F.A.C. See also s. 1011.62(1)(c), F.S. The Course Code Directory and Instructional Personnel Assignments 2013-2014 can be found at <http://www.flrules.org/gateway/reference.asp?No=Ref-03096>.

<sup>149</sup> Section 1003.41(1), F.S.

<sup>150</sup> This analysis does not address hazing at postsecondary institutions, which is subject to the provisions of s. 1006.63, F.S.

<sup>151</sup> Section 1006.135(1), F.S.

<sup>152</sup> *Id.*

- Any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a student.<sup>153</sup>

The definition of hazing excludes customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.<sup>154</sup>

Hazing constitutes a first degree misdemeanor if a person intentionally or recklessly commits an act of hazing upon another person who is a member of or applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to the other person.<sup>155</sup> If the act of hazing results in serious bodily injury or death of the other person, then the act constitutes a third degree felony.<sup>156</sup>

Attendance and completion of a 4-hour hazing education course is a required condition of any sentence imposed on a person convicted of hazing.<sup>157</sup> A court may also impose a drug or alcohol probation as a condition of the sentence.<sup>158</sup>

It is not a defense to a charge of hazing that:

- Consent of the victim had been obtained;
- The conduct or activity that resulted in death or injury of the victim was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or
- The conduct or activity that resulted in death or injury of the victim was not done as a condition of membership to an organization.<sup>159</sup>

Prosecution for hazing does not preclude prosecution for a more general offense resulting from the same criminal transaction or episode (e.g., battery).<sup>160</sup>

Unlike incidents of bullying or harassment of K-12 students<sup>161</sup> or postsecondary hazing,<sup>162</sup> incidents of hazing at high schools are not reported by school districts to the DOE.

### Effect of Proposed Changes

The bill extends the definition of hazing to include grades 6 through 8 and clarifies what conduct constitutes an act of hazing. The bill also requires each school district to establish a policy that prohibits hazing and sets consequences for violations. The district policy must also include:

- A definition of hazing which must include the definition of hazing provided by statute;
- A procedure for reporting an alleged act of hazing, including provisions that permit a person to anonymously report such an act;<sup>163</sup>
- The requirement that a school with any of grades 9 through 12 report an alleged act of hazing to a local law enforcement agency if the alleged act meets the criteria for criminal hazing;
- A provision for referral of victims and perpetrators of hazing to a certified school counselor; and

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<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> Section 1006.135(3), F.S.

<sup>156</sup> Section 1006.135, (2), F.S.

<sup>157</sup> Section 1006.135,(4), F.S.

<sup>158</sup> *Id.*

<sup>159</sup> Section 1006.135(5), F.S.

<sup>160</sup> Section 1006.135(6), F.S.

<sup>161</sup> Bullying and harassment are prohibited under s. 1006.147, F.S.

<sup>162</sup> Hazing at postsecondary institutions

<sup>163</sup> The bill specifies that disciplinary action for hazing may not be based solely on an anonymous report.

- The requirement that each incident of hazing be reported to the DOE as part of the reporting school's safety and discipline report<sup>164</sup> through the School Environmental Safety Incident Reporting (SESIR) System.<sup>165</sup>

The information provided to the DOE must include the number of hazing incidents reported, the number of incidents that result in disciplinary action taken by the school, and the number of incidents that do not result in either referral to a local law enforcement agency or disciplinary action taken by the school.

The bill modifies criminal hazing provisions by changing the intent standard for misdemeanor and felony hazing from intentional or reckless to "knew or should have known." The bill maintains applicability of criminal penalties only to students in grades 9 through 12 and changes the level of risk required in misdemeanor hazing from "substantial" to "potential". The bill allows courts to require a defendant convicted of hazing to make a public apology to the students and victims at the school and/or participate in a school-sponsored anti-hazing campaign to raise awareness of what constitutes hazing and the penalties for hazing.

## B. SECTION DIRECTORY:

Section 1. Amends s. 1001.42, F.S.; requiring a school that includes certain grades to include information, data, and instructional strategies in its school improvement plan; requiring a school that includes certain grades to implement an early warning system based on indicators to identify students in need of additional academic support.

Section 2. Amends s. 1003.42, F.S.; providing the State Board of Education duties relating to middle grades courses.

Section 3. Amends s. 1003.4935, F.S.; authorizing additional FTE funding for certain industry certifications.

Section 4. Amends s. 1003.53, F.S.; authorizing dropout prevention and academic intervention services for a student identified by a school's early warning system.

Section 5. Amends s. 1006.135, F.S.; including middle grades schools under provisions prohibiting hazing; revising the definition of the term "hazing"; requiring a school district policy that prohibits hazing and establishes consequences for an act of hazing; revising penalty provisions and providing for applicability.

Section 6. Amends s. 1011.62, F.S.; specifying requirements related to additional FTE funding based on completion of certain courses or programs and issuance of industry certification; deleting obsolete provisions.

Section 7. Amends s. 1012.98, F.S.; providing requirements relating to professional development, including inservice plans and instructional strategies, for middle grades educators; requiring the Department of Education to disseminate professional development in the use of integrated digital instruction.

Section 8. Provides an effective date of July 1, 2014.

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<sup>164</sup> Each school principal must report data concerning school safety and discipline to the DOE using forms prescribed by state board rule. Section 1006.09(6), F.S. The principal must develop a plan to verify the accuracy of reported incidents. *Id.*

<sup>165</sup> The SESIR system compiles data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. See Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited Jan. 16, 2014).

## 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:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill requires school districts to adopt an anti-hazing policy in rule.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.