



Choice & Innovation Subcommittee

Wednesday, February 20, 2013

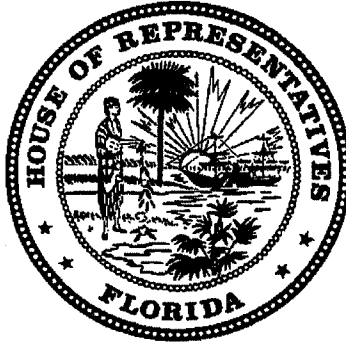
9:00 AM– 11:00 AM

306 HOB

Meeting Packet

**Will Weatherford
Speaker**

**Michael Bileca
Chair**



AGENDA

Choice & Innovation Subcommittee
Wednesday, February 20, 2013
9:00 a.m. – 11:00 a.m.
306 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bills:
 - PCB CIS 13-02 – Education Accountability
 - PCB CIS 13-03 – Digital Learning
- IV. Consideration of the following proposed committee substitute:
 - PCS for HB 189 – Maximum Class Size
- V. Closing Remarks and Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Choice & Innovation Subcommittee

Start Date and Time: Wednesday, February 20, 2013 09:00 am
End Date and Time: Wednesday, February 20, 2013 11:00 am
Location: 306 HOB
Duration: 2.00 hrs

Consideration of the following proposed committee bill(s):

PCB CIS 13-02 -- Education Accountability
PCB CIS 13-03 -- Digital Learning

Consideration of the following proposed committee substitute(s):

PCS for HB 189 -- Maximum Class Size

Pursuant to rule 7.12, the deadline for amendments to bill(s) on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Tuesday, February 19, 2013.

By request of the Chair, all subcommittee members are asked to have amendments to bill(s) on the agenda submitted by 6:00 pm, Tuesday, February 19, 2013.

NOTICE FINALIZED on 02/13/2013 16:18 by Wright.Kaley

1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1002.22, F.S.; requiring the State Board of
4 Education to notify the Legislature of any major
5 changes in federal law which may affect the state's K-
6 20 education performance accountability system;
7 amending s. 1004.015, F.S.; providing that one of the
8 purposes of the Higher Education Coordinating Council
9 is to facilitate solutions to data issues identified
10 by the Articulation Coordinating Committee to improve
11 the K-20 education performance accountability system;
12 revising the guiding principles for recommendations of
13 the Higher Education Coordinating Council; amending s.
14 1005.22, F.S.; revising the duties of the Commission
15 for Independent Education with regard to collecting
16 and distributing current data regarding institutions
17 licensed by the commission; providing reporting
18 requirements; requiring the commission to annually
19 report the data to the department by a specified date;
20 amending s. 1007.01, F.S.; requiring the Articulation
21 Coordinating Committee to make recommendations related
22 to statewide policies and issues regarding access,
23 quality, and reporting of data maintained by the K-20
24 data warehouse; revising the committee's duties
25 related to collecting and reporting of statewide
26 education data; amending s. 1008.31, F.S.; revising
27 the legislative intent with regard to the state's K-20
28 education performance accountability system; requiring

29 the Board of Governors to make available to the
 30 Department of Education all data within the State
 31 University Database System which is to be integrated
 32 into the K-20 data warehouse; requiring the
 33 Commissioner of Education to have access to certain
 34 data for the added purpose of providing data to
 35 organizations and certain authorized representatives;
 36 requiring all public educational institutions to
 37 annually provide data from the prior year to the K-20
 38 data warehouse in a format based on data elements
 39 identified by the commissioner; requiring colleges and
 40 universities eligible to participate in the William L.
 41 Boyd, IV, Florida Resident Access Grant Program to
 42 report current data from the prior year for each
 43 student who receives state funds in a format
 44 prescribed by the Department of Education; providing
 45 reporting requirements; requiring these colleges and
 46 universities to annually report the data to the
 47 department by a specified date; requiring the
 48 commissioner to collaborate with the Department of
 49 Economic Opportunity to develop procedures for the
 50 ability to tie student-level data to student and
 51 workforce outcome data contained in the Wage Record
 52 Interchange System; requiring the commissioner to
 53 improve and streamline by a specified date access to
 54 data maintained by the K-20 data warehouse by creating
 55 and fully implementing a web-based interface and a
 56 self-service, restricted access component of the K-20

57 data warehouse called the "Research Engine"; providing
 58 requirements for the Research Engine; providing
 59 requirements for a written agreement to access the
 60 Research Engine; requiring the adoption of rules and
 61 procedures; requiring the Department of Education to
 62 share education records of students which may contain
 63 students' personally identifiable information with
 64 organizations and authorized representatives pursuant
 65 to the studies and audit and evaluation exceptions
 66 under the Family Educational Rights and Privacy Act;
 67 amending s. 1008.34, F.S.; providing that performance
 68 data for students enrolled at collocated schools must
 69 be assigned to the all schools at that location for
 70 inclusion in that school's grade; requiring a school
 71 that meets or exceeds the minimum sample size of 10 to
 72 receive a school grade; providing that the student
 73 performance data for students attending exceptional
 74 student education center schools will not be included
 75 in the home school's grade; clarifying that
 76 achievement scores and learning gains for hospital or
 77 homebound students will be assigned to their home
 78 school only if the student was enrolled at the home
 79 school during the October and February FTE surveys;
 80 amending s. 1008.341, F.S., requiring that report
 81 cards required by s. 1008.34(5) include alternative
 82 schools and their school improvement rating; requiring
 83 the department to report identified data on
 84 alternative schools; requiring alternative schools to

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85 report to parents their student's progress toward
 86 meeting high school graduation requirements; defining
 87 exceptional student education center schools as
 88 schools that only serves students with significant
 89 cognitive disabilities; requiring the department to
 90 monitor districts to ensure that there is no increase
 91 in restrictive placement of students with
 92 disabilities; requiring an alternative school's school
 93 improvement rating to include the achievement scores
 94 on statewide assessments, including retakes; requiring
 95 an alternative school that tests at least 80% of its
 96 students to receive a school improvement rating;
 97 prohibiting an alternative school that tests less than
 98 90% of its students to earn a rating higher than
 99 "Maintaining"; amending 1008.385, F.S.; requiring the
 100 department to develop criteria for the issuance and
 101 revocation of master school identification numbers;
 102 providing an effective date.

103

104 Be It Enacted by the Legislature of the State of Florida:

105

106 Section 1. Paragraph (b) of subsection (3) of section
 107 1002.22, Florida Statutes, is amended to read:

108 1002.22 Education records and reports of K-12 students;
 109 rights of parents and students; notification; penalty.-

110 (3) DUTIES AND RESPONSIBILITIES.—The State Board of
 111 Education shall:

112 (b) Monitor the FERPA and notify the Legislature of any
 113 significant change to the requirements of the FERPA or other

114 major changes in federal law which may impact this section or s.
 115 1008.31.

116 Section 2. Subsection (1) of section 1004.015,
 117 Florida Statutes, is amended, and paragraph (f) is added to
 118 subsection (3) of that section, to read:

119 1004.015 Higher Education Coordinating Council.—

120 (1) The Higher Education Coordinating Council is created
 121 for the purposes of identifying unmet needs; ~~and~~ and facilitating
 122 solutions to disputes regarding the creation of new degree
 123 programs and the establishment of new institutes, campuses, or
 124 centers; and facilitating solutions to data issues identified by
 125 the Articulation Coordinating Committee pursuant to s. 1007.01
 126 to improve the K-20 education performance accountability system.

127 (3) The council shall serve as an advisory board to the
 128 Legislature, the State Board of Education, and the Board of
 129 Governors. Recommendations of the council shall be consistent
 130 with the following guiding principles:

131 (f) To promote adoption by the members of the council a common
 132 set of data elements identified by the National Center for
 133 Education Statistics to support the effective exchange of data
 134 within and across states.

135 Section 3. Paragraph (i) of subsection (1) of section
 136 1005.22, Florida Statutes, is amended to read:

137 1005.22 Powers and duties of commission.—

138 (1) The commission shall:

139 (i) Serve as a central agency for collecting and distributing
 140 current information regarding institutions licensed by the
 141 commission. The commission shall annually collect, and all
 142 institutions licensed by the commission shall annually report,

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143 student-level data from the prior year for each student who
 144 receives state funds, in a format prescribed by the Department
 145 of Education. At a minimum, data from the prior year must ~~shall~~
 146 ~~be reported annually and~~ include retention rates, transfer
 147 rates, completion rates, graduation rates, employment and
 148 placement rates, and earnings of graduates. By December 31,
 149 2013, the commission shall report the data for the 2012-2013
 150 academic year to the Department of Education. By December 31 of
 151 each year thereafter, the commission shall report the data to
 152 the department.

153 Section 4. Subsection (3) of section 1007.01, Florida
 154 Statutes, is amended to read:

155 1007.01 Articulation; legislative intent; purpose; role of
 156 the State Board of Education and the Board of Governors;
 157 Articulation Coordinating Committee.—

158 (3) The Commissioner of Education, in consultation with the
 159 Chancellor of the State University System, shall establish the
 160 Articulation Coordinating Committee which shall make
 161 recommendations related to statewide articulation policies and
 162 issues regarding access, quality, and reporting of data
 163 maintained by the K-20 data warehouse established pursuant to
 164 ss. 1001.10 and 1008.31, to the Higher Education Coordination
 165 Council, the State Board of Education, and the Board of
 166 Governors. The committee shall consist of two members each
 167 representing the State University System, the Florida College
 168 System, public career and technical education, public K-12
 169 education, and nonpublic education and one member representing
 170 students. The chair shall be elected from the membership. The
 171 committee shall:

172 (a) Monitor the alignment between the exit requirements of
 173 one education system and the admissions requirements of another
 174 education system into which students typically transfer and make
 175 recommendations for improvement.

176 (b) Propose guidelines for interinstitutional agreements
 177 between and among public schools, career and technical education
 178 centers, Florida College System institutions, state
 179 universities, and nonpublic postsecondary institutions.

180 (c) Annually recommend dual enrollment course and high
 181 school subject area equivalencies for approval by the State
 182 Board of Education and the Board of Governors.

183 (d) Annually review the statewide articulation agreement
 184 pursuant to s. 1007.23 and make recommendations for revisions.

185 (e) Annually review the statewide course numbering system,
 186 the levels of courses, and the application of transfer credit
 187 requirements among public and nonpublic institutions
 188 participating in the statewide course numbering system and
 189 identify instances of student transfer and admissions
 190 difficulties.

191 (f) Annually publish a list of courses that meet common
 192 general education and common degree program prerequisite
 193 requirements at public postsecondary institutions identified
 194 pursuant to s. 1007.25.

195 (g) Foster timely collection and reporting of statewide
 196 education data ~~Examine statewide data regarding articulation to~~
 197 ~~identify issues and make recommendations to improve articulation~~
 198 ~~throughout the K-20 education performance accountability system~~
 199 by:-

200 1. Facilitating timely reporting of data by all educational
 201 delivery systems to the K-20 data warehouse established pursuant

202 to ss. 1001.10 and 1008.31.

203 2. Facilitating timely reporting of data by the K-20 data
 204 warehouse to organizations and authorized representatives
 205 pursuant to s. 1008.31.

206 3. Identifying data issues including, but not limited to,
 207 data quality and accessibility.

208 (h) Recommend roles and responsibilities of public education
 209 entities in interfacing with the single, statewide computer-
 210 assisted student advising system established pursuant to s.
 211 1006.73.

212 Section 5. Paragraph (f) is added to subsection (1)
 213 of section 1008.31, Florida Statutes, subsection (3) is amended,
 214 present subsection (4) is redesignated as subsection (5), and a
 215 new subsection (4) is added to that section, to read:

216 1008.31 Florida's K-20 education performance accountability
 217 system; legislative intent; mission, goals, and systemwide
 218 measures; data quality improvements.-

219 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
 220 that:

221 (f) The Commissioner of Education interpret the Family
 222 Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,
 223 in the least restrictive manner possible to allow data linkage
 224 across all educational delivery systems and to provide to
 225 organizations and authorized representatives pursuant to
 226 subsection (4) access to data maintained by the K-20 data
 227 warehouse in a manner consistent with ss. 1002.22, 1002.221, and
 228 1006.52 and FERPA.

229 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.-To provide
 230 data required to implement education performance accountability
 231 measures in state and federal law, the commissioner ~~of Education~~

232 shall initiate and maintain strategies to improve data quality
 233 and timeliness. The Board of Governors shall make available to
 234 the department all data within the State University Database
 235 System to ~~collected from state universities shall, as determined~~
 236 ~~by the commissioner,~~ be integrated into the K-20 data warehouse.
 237 The commissioner shall have unlimited access to such data ~~solely~~
 238 for the purposes of conducting studies, reporting annual and
 239 longitudinal student outcomes, ~~and~~ improving college readiness
 240 and articulation, and providing data to organizations and
 241 authorized representatives pursuant to subsection (4). All
 242 public educational institutions shall annually provide data from
 243 the prior year to the K-20 data warehouse in a format based on
 244 data elements identified ~~specified~~ by the commissioner.

245 (a) School districts and public postsecondary educational
 246 institutions shall maintain information systems that will
 247 provide the State Board of Education, the Board of Governors of
 248 the State University System, and the Legislature with
 249 information and reports necessary to address the specifications
 250 of the accountability system. The level of comprehensiveness and
 251 quality must ~~shall~~ be no less than that which was available as
 252 of June 30, 2001.

253 (b) Colleges and universities eligible to participate in
 254 the William L. Boyd, IV, Florida Resident Access Grant Program
 255 shall annually report student-level data from the prior year for
 256 each student who receives state funds in a format prescribed by
 257 the Department of Education. At a minimum, data from the prior
 258 year must ~~shall be reported annually to the department and~~
 259 include retention rates, transfer rates, completion rates,
 260 graduation rates, employment and placement rates, and earnings
 261 of graduates. By December 31, 2013, the colleges and

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262 universities described in this paragraph shall report the data
 263 for the 2012-2013 academic year to the department. By December
 264 31 of each year thereafter, the colleges and universities
 265 described in this paragraph shall report the data to the
 266 department.

267 (c) The Commissioner of Education shall determine the
 268 standards for the required data, monitor data quality, and
 269 measure improvements. The commissioner shall report annually to
 270 the State Board of Education, the Board of Governors of the
 271 State University System, the President of the Senate, and the
 272 Speaker of the House of Representatives data quality indicators
 273 and ratings for all school districts and public postsecondary
 274 educational institutions.

275 (d) The commissioner shall continuously monitor and review
 276 the collection of paperwork, data, and reports by school
 277 districts and complete an annual review of such collection by ~~no~~
 278 ~~later than~~ June 1 of each year. The annual review must include
 279 recommendations for consolidating paperwork, data, and reports,
 280 wherever feasible, in order to reduce the burdens on school
 281 districts.

282 (e) By July 1 of each year, the commissioner shall prepare
 283 a report assisting the school districts in eliminating or
 284 consolidating paperwork, data, and reports by providing
 285 suggestions, technical assistance, and guidance.

286 (f) Before establishing any new reporting or data
 287 collection requirements, the commissioner ~~of Education~~ shall use
 288 ~~utilize~~ existing data being collected to reduce duplication and
 289 minimize paperwork.

290 (g) The commissioner shall collaborate with the executive
 291 director of the Department of Economic Opportunity to develop

292 procedures for the ability to tie student-level data to student
 293 and workforce outcome data contained in the Wage Record
 294 Interchange System.

295 (h) By June 30, 2014, the commissioner shall improve and
 296 streamline access to data maintained by the K-20 data warehouse
 297 by creating and fully implementing:

298 1. A web-based interface for parents, students, teachers,
 299 principals, local educational agency leaders, community members,
 300 researchers, policymakers, and other constituents which is
 301 engaging, informative, and customer-friendly.

302 a. The web-based interface must provide a single location
 303 for public access to aggregated data from the K-20 data
 304 warehouse which do not contain personally identifiable
 305 information or any other information that is confidential
 306 pursuant to applicable law.

307 b. Personally identifiable information from education
 308 records of students, or any other information that is
 309 confidential pursuant to applicable law, must be redacted or
 310 aggregated, or the confidentiality otherwise protected by de-
 311 identification, anonymization, or any combination thereof.

312 2. A self-service, restricted access component of the K-20
 313 data warehouse, called the "Research Engine," which is:

314 a. Restricted to organizations and authorized
 315 representatives pursuant to subsection (4). The commissioner
 316 shall create a website for organizations and authorized
 317 representatives to submit data requests. The website shall
 318 generate an automated acknowledgement of each data request. Each
 319 acknowledgement of a data request must include a username and
 320 password to view the order and status of completion of the data
 321 request and a link to the directory of data elements which

322 provides a detailed description of each data element. Within 90
 323 days after acknowledging each data request, the department shall
 324 provide to organizations or authorized representatives technical
 325 assistance regarding the written agreement required under sub-
 326 subparagraph d. However, organizations and authorized
 327 representatives may execute the written agreement with the
 328 department at any time after submitting a data request. Data
 329 requests must be completed within 90 days after the written
 330 agreement is executed, unless the written agreement specifies
 331 otherwise.

332 b. Capable of providing access to education records of
 333 students which may contain students' personally identifiable
 334 information in the K-20 data warehouse.

335 c. Accessible at the department's headquarters or by other
 336 secure means as agreed upon in writing by the parties.

337 d. Accessible after an organization or an authorized
 338 representative executes a written agreement with the
 339 commissioner. The written agreement must include, but need not
 340 be limited to:

341 (I) Identification of the purpose, scope, and duration of
 342 the activity with sufficient specificity to make clear that the
 343 activity falls within permissible uses authorized by FERPA and
 344 does not further a commercial, trade, or profit interest.

345 (II) Identification of the data elements necessary to
 346 complete a study, an audit, or an evaluation. The department
 347 shall provide assistance to organizations and authorized
 348 representatives regarding selection of data elements to fulfill
 349 data requests. Requests for additional data by an organization
 350 or an authorized representative may be made by amending the
 351 written agreement. The deadline for fulfilling a data request

352 may be adjusted accordingly.

353 (III) Identification of the FERPA exception relied upon to
 354 obtain education records of students which may contain students'
 355 personally identifiable information.

356 (IV) Requirements regarding procedures for securing data,
 357 including, but not limited to, a data security plan. The
 358 Department of Education shall reserve the right to conduct
 359 security audits or reviews as necessary.

360 (V) Requirements limiting the use of education records of
 361 students which contain students' personally identifiable
 362 information to meet only the purpose stated in the written
 363 agreement.

364 (VI) Requirements establishing disciplinary policies for
 365 organizations and authorized representatives which violate FERPA
 366 or the written agreement.

367 (VII) Prohibitions regarding access to or use of education
 368 records of students which contain students' personally
 369 identifiable information obtained pursuant to the written
 370 agreement by anyone not authorized to have such access or use by
 371 the department.

372 (VIII) Requirements regarding destruction of all personally
 373 identifiable information from education records of students
 374 which are received pursuant to the written agreement and
 375 specification of when the information must be destroyed.

376 (IX) Requirements regarding the assessment of liquidated
 377 damages for unauthorized disclosure of education records of
 378 students which contain students' personally identifiable
 379 information or for violation of terms and conditions of the
 380 written agreement.

381 (X) Identification of deliverables to be provided by the

382 organization or authorized representative. The deliverables must
 383 include, but are not limited to, as appropriate: a copy of the
 384 final study, audit, or evaluation; or if no study, audit, or
 385 evaluation is completed, a report identifying such with a copy
 386 of unfinished research; a copy of reports, publications, papers,
 387 theses, or similar documents; and certification by the
 388 organization or authorized representative stating the final
 389 status of deliverables and confirming compliance with all
 390 provisions of the written agreement. The deliverables shall be
 391 provided to the department within 1 year after the date of
 392 execution of the written agreement, unless the written agreement
 393 specifies otherwise. The Commissioner of Education may assess
 394 liquidated damages specified in the written agreement if all
 395 deliverables are not timely provided to the Department of
 396 Education.

397 (XI) Requirements regarding maintaining the confidentiality
 398 of any information that is exempt from s. 119.071(1) and s.
 399 24(a), Art. I of the State Constitution, or that is otherwise
 400 made confidential by state or federal law.

401 (XII) Requirements regarding a service charge identified in
 402 sub-subparagraph e.

403
 404 The Department of Education shall develop and the State Board of
 405 Education shall adopt rules regarding the written agreement.

406 e. Funded by creating and implementing a pricing structure
 407 that is self-sustainable with the goal that the service charge
 408 for use of the Research Engine recovers costs to fulfill a data
 409 request. The commissioner may waive or reduce the service charge
 410 for fulfilling a data request. Funds collected from the service
 411 charge shall be deposited into the Operating Trust Fund. The

412 department shall develop and the State Board of Education shall
 413 adopt rules regarding the service charge.

414 f. Linked to a list of organizations and authorized
 415 representatives that obtain data from the Research Engine on the
 416 web-based interface in subparagraph 1. The list must include,
 417 but need not be limited to, the date of receipt of each data
 418 request, response time to address each data request, and current
 419 status of each data request. The department shall continually
 420 update the list and maintain a copy of reports prepared and
 421 submitted by the organizations and authorized representatives.

422
 423 The department shall adopt procedures to implement the web-based
 424 interface and the Research Engine established pursuant to this
 425 subsection.

426 (4) ACCESS TO THE K-20 DATA WAREHOUSE.—Pursuant to the
 427 studies exception under FERPA, and the federal regulations
 428 issued pursuant thereto, specifically, including, but not
 429 limited to, conducting studies for, or on behalf of, educational
 430 agencies and institutions as provided in 34 C.F.R. 99.31(a)(6),
 431 shall be given access to data maintained by the K-20 data
 432 warehouse in a manner consistent with ss. 1002.22, 1002.221, and
 433 1006.52 and FERPA. Pursuant to the audit or evaluation exception
 434 under FERPA, specifically including, but not limited to,
 435 authorized representatives conducting an audit or an evaluation
 436 of a Federal- or state-supported education program as provided
 437 in 34 C.F.R. 99.31(a)(3), shall be given access to the data
 438 maintained by the K-20 data warehouse in a manner consistent
 439 with ss. 1002.22, 1002.221, and 1006.52 and FERPA.

440 (a) Requests by organizations or authorized representatives
 441 for access to education records of students which may contain

442 students' personally identifiable information, with the
 443 exception of requests from the Executive Office of the Governor,
 444 the Florida Legislature, the Florida Auditor General, and the
 445 Office of Program Policy Analysis and Government Accountability,
 446 shall be submitted through the Research Engine established
 447 pursuant to subparagraph (3)(h)2. Access to the Research Engine
 448 is not conditioned upon or limited to studies, audits, or
 449 evaluations that support the research agenda, interests, or
 450 priorities of the State Board of Education, the commissioner, or
 451 the department.

452 (b) Authorized representatives include, but are not limited
 453 to, the Executive Office of the Governor, the Florida
 454 Legislature, the Florida Auditor General, the Office of Program
 455 Policy Analysis and Government Accountability, the Florida
 456 district school boards, Florida College System institutions, and
 457 Florida state universities.

458 (c) Requests for data from the Executive Office of the Governor,
 459 the Florida Legislature, the Florida Auditor General, and the
 460 Office of Program Policy Analysis and Government Accountability,
 461 shall be given a priority over other data requests and shall be
 462 provided free of charge.

463 Section 6. Section 1008.34, Florida Statutes, is amended
 464 to read:

465 1008.34 School grading system; school report cards;
 466 district grade.—

467 (1) ANNUAL REPORTS.—The Commissioner of Education shall
 468 prepare annual reports of the results of the statewide
 469 assessment program which describe student achievement in the
 470 state, each district, and each school. The commissioner shall

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471 prescribe the design and content of these reports, which must
 472 include descriptions of the performance of all schools
 473 participating in the assessment program and all of their major
 474 student populations as determined by the commissioner. The
 475 report must also include the percent of students performing at
 476 or above grade level and making ~~a year's~~ learning gains ~~growth~~
 477 ~~in a year's time~~ in reading and mathematics. The provisions of
 478 s. 1002.22 pertaining to student records apply to this section.

479 (2) SCHOOL GRADES.—The annual report shall identify
 480 schools as having one of the following grades, defined according
 481 to rules of the State Board of Education:

- 482 (a) "A," schools making excellent progress.
- 483 (b) "B," schools making above average progress.
- 484 (c) "C," schools making satisfactory progress.
- 485 (d) "D," schools making less than satisfactory progress.
- 486 (e) "F," schools failing to make adequate progress.

487 Each school that earns a grade of "A" or improves at least two
 488 letter grades shall have greater authority over the allocation
 489 of the school's total budget generated from the FEFP, state
 490 categoricals, lottery funds, grants, and local funds, as
 491 specified in state board rule. The rule must provide that the
 492 increased budget authority shall remain in effect until the
 493 school's grade declines.

494 (3) COLOCATED SCHOOLS. - A colocated school is a school
 495 with, its own unique master school identification number, that
 496 provides for the education of each of its enrolled students, and
 497 operates at the same facility as another school that has its own
 498 unique master school identification number and that provides for

499 the education of each of its enrolled students. If more than one
 500 school operates at the same facility and one of the schools does
 501 not earn a school grade or a school improvement rating, then the
 502 student performance data of all schools must be aggregated to
 503 develop a school grade that will be assigned to all schools at
 504 that facility.

505 (34) DESIGNATION OF SCHOOL GRADES.—

506 (a) Beginning with the 2013-2014 school year, each ~~Each~~
 507 school that has students who are tested and included in the
 508 school grading system shall receive a school grade if the number
 509 of its students tested on statewide assessments pursuant to s.
 510 1008.22 meets or exceeds the minimum sample size of ten, except
 511 as follows:

512 ~~1. A school shall not receive a school grade if the number~~
 513 ~~of its students tested and included in the school grading system~~
 514 ~~is less than the minimum sample size necessary, based on~~
 515 ~~accepted professional practice, for statistical reliability and~~
 516 ~~prevention of the unlawful release of personally identifiable~~
 517 ~~student data under s. 1002.22 or 20 U.S.C. s. 1232g.~~

518 12. An alternative school may choose to receive a school
 519 grade under this section or a school improvement rating under s.
 520 1008.341. For charter schools that meet the definition of an
 521 alternative school pursuant to State Board of Education rule,
 522 the decision to receive a school grade is the decision of the
 523 charter school governing board.

524 23. A school that serves any combination of students in
 525 kindergarten through grade 3 which does not receive a school
 526 grade because its students are not tested and included in the

527 school grading system shall receive the school grade designation
 528 of a K-3 feeder pattern school identified by the Department of
 529 Education and verified by the school district. A school feeder
 530 pattern exists if at least 60 percent of the students in the
 531 school serving a combination of students in kindergarten through
 532 grade 3 are scheduled to be assigned to the graded school.

533 34. If a colocated school does not earn a school grade or
 534 school improvement rating for its students' performance then the
 535 student performance data of all schools operating at the same
 536 facility must be aggregated to develop a school grade that will
 537 be assigned to all schools at that location.

538 (b)1. A school's grade shall be based on a combination of:

539 a. Student achievement scores, including achievement as
 540 measured by FCAT assessments under s. 1008.22(3)(c)1.,
 541 statewide, standardized end-of-course assessments under s.
 542 1008.22(3)(c)2.a. and b., and achievement scores for students
 543 seeking a special diploma.

544 b. Student learning gains in reading and mathematics as
 545 measured by FCAT and statewide, standardized end-of-course
 546 assessments, as described in s. 1008.22(3)(c)1. and 2.a.,
 547 including learning gains for students seeking a special diploma,
 548 as measured by an alternate assessment.

549 c. Improvement of the lowest 25th percentile of students
 550 in the school in reading and mathematics on the FCAT or end-of-
 551 course assessments described in s. 1008.22(3)(c)2.a., unless
 552 these students are exhibiting satisfactory performance.

553 2. Beginning with the 2011-2012 school year, for schools
 554 comprised of middle school grades 6 through 8 or grades 7 and 8,

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555 the school's grade shall include the performance and
 556 participation of its students enrolled in high school level
 557 courses with end-of-course assessments administered under s.
 558 1008.22(3)(c)2.a. Performance and participation must be weighted
 559 equally. As valid data becomes available, the school grades
 560 shall include the students' attainment of national industry
 561 certification identified in the Industry Certification Funding
 562 List pursuant to rules adopted by the state board.

563 3. Beginning with the 2009-2010 school year for schools
 564 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 565 11, and 12, at least 50 percent of the school grade shall be
 566 based on a combination of the factors listed in sub-
 567 subparagraphs 1.a.-c. and the remaining percentage on the
 568 following factors:

- 569 a. The high school graduation rate of the school;
- 570 b. As valid data becomes available, the performance and
 571 participation of the school's students in College Board Advanced
 572 Placement courses, International Baccalaureate courses, dual
 573 enrollment courses, and Advanced International Certificate of
 574 Education courses; and the students' achievement of national
 575 industry certification identified in the Industry Certification
 576 Funding List, pursuant to rules adopted by the state board;
- 577 c. Postsecondary readiness of all of the school's on-time
 578 graduates as measured by the SAT, the ACT, the Postsecondary
 579 Education Readiness Test, or the common placement test;
- 580 d. The high school graduation rate of at-risk students,
 581 who are students scoring at Level 1 or Level 2 on grade 8 FCAT
 582 Reading and FCAT Mathematics;

583 e. As valid data becomes available, the performance of the
 584 school's students on statewide, standardized end-of-course
 585 assessments administered under s. 1008.22(3)(c)2.c. and d.; and

586 f. The growth or decline in the components listed in sub-
 587 subparagraphs a.-e. from year to year.

588 (c) Student assessment data used in determining school
 589 grades shall include:

590 1. The aggregate scores of all eligible students enrolled
 591 in the school who have been assessed on the FCAT and statewide,
 592 standardized end-of-course assessments in courses required for
 593 high school graduation, including, beginning with the 2011-2012
 594 school year, the end-of-course assessment in Algebra I; and
 595 beginning with the 2012-2013 school year, the end-of-course
 596 assessments in geometry and Biology I; and beginning with the
 597 2014-2015 school year, on the statewide, standardized end-of-
 598 course assessment in civics education at the middle school
 599 level.

600 2. The aggregate scores of all eligible students enrolled
 601 in the school who have been assessed on the FCAT and statewide,
 602 standardized end-of-course assessments as described in s.
 603 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
 604 percentile of students in the school in reading and mathematics,
 605 unless these students are exhibiting satisfactory performance.

606 3. The achievement scores and learning gains of eligible
 607 students attending alternative schools that provide dropout
 608 prevention and academic intervention services pursuant to s.
 609 1003.53. The term "eligible students" in this subparagraph does
 610 not include:

611 a. Students attending an alternative school who are
 612 subject to district school board policies for expulsion for
 613 repeated or serious offenses, who are in dropout retrieval
 614 programs serving students who have officially been designated as
 615 dropouts, or who are in programs operated or contracted by the
 616 Department of Juvenile Justice.

617 b. Students attending an alternative school that is defined
 618 as an exceptional student education center pursuant to s.
 619 1008.341(2), who were not enrolled in or in attendance at a
 620 public school within the school district during the previous
 621 three years, other than an exceptional student education center.

622 The student performance data for eligible students
 623 identified in this subparagraph shall be included in the
 624 calculation of the home school's grade. As used in this
 625 subparagraph and s. 1008.341, the term "home school" means the
 626 school to which the student would be assigned if the student
 627 were not assigned to an alternative school. If an alternative
 628 school chooses to be graded under this section, student
 629 performance data for eligible students identified in this
 630 subparagraph shall not be included in the home school's grade
 631 but shall be included only in the calculation of the alternative
 632 school's grade. A school district that fails to assign the FCAT
 633 and statewide, standardized end-of-course assessment as
 634 described in s. 1008.22(3)(c)2.a. scores of each of its students
 635 to his or her home school or to the alternative school that
 636 receives a grade shall forfeit Florida School Recognition
 637 Program funds for 1 fiscal year. School districts must require
 638 collaboration between the home school and the alternative school

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639 | in order to promote student success. This collaboration must
 640 | include an annual discussion between the principal of the
 641 | alternative school and the principal of each student's home
 642 | school concerning the most appropriate school assignment of the
 643 | student.

644 | 4. The achievement scores and learning gains of students
 645 | designated as hospital- or homebound. Student assessment data
 646 | for students designated as hospital- or homebound shall be
 647 | assigned to their home school for the purposes of school grades,
 648 | if the student was enrolled in the home school during the
 649 | October and February FTE count. As used in this subparagraph,
 650 | the term "home school" means the school to which a student would
 651 | be assigned if the student were not assigned to a hospital- or
 652 | homebound program.

653 | 5. For schools comprised of high school grades 9, 10, 11,
 654 | and 12, or grades 10, 11, and 12, the data listed in
 655 | subparagraphs 1.-3. and the following data as the Department of
 656 | Education determines such data are valid and available:

657 | a. The high school graduation rate of the school as
 658 | calculated by the department;

659 | b. The participation rate of all eligible students
 660 | enrolled in the school and enrolled in College Board Advanced
 661 | Placement courses; International Baccalaureate courses; dual
 662 | enrollment courses; Advanced International Certificate of
 663 | Education courses; and courses or sequences of courses leading
 664 | to national industry certification identified in the Industry
 665 | Certification Funding List, pursuant to rules adopted by the
 666 | State Board of Education;

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667 c. The aggregate scores of all eligible students enrolled
 668 in the school in College Board Advanced Placement courses,
 669 International Baccalaureate courses, and Advanced International
 670 Certificate of Education courses;

671 d. Earning of college credit by all eligible students
 672 enrolled in the school in dual enrollment programs under s.
 673 1007.271;

674 e. Earning of a national industry certification identified
 675 in the Industry Certification Funding List, pursuant to rules
 676 adopted by the State Board of Education;

677 f. The aggregate scores of all eligible students enrolled
 678 in the school in reading, mathematics, and other subjects as
 679 measured by the SAT, the ACT, the Postsecondary Education
 680 Readiness Test, and the common placement test for postsecondary
 681 readiness;

682 g. The high school graduation rate of all eligible at-risk
 683 students enrolled in the school who scored at Level 2 or lower
 684 on grade 8 FCAT Reading and FCAT Mathematics;

685 h. The performance of the school's students on statewide,
 686 standardized end-of-course assessments administered under s.
 687 1008.22(3)(c)2.c. and d.; and

688 i. The growth or decline in the data components listed in
 689 sub-subparagraphs a.-h. from year to year.

690 The State Board of Education shall adopt appropriate criteria
 691 for each school grade. The criteria must also give added weight
 692 to student achievement in reading. Schools earning a grade of
 693 "C," making satisfactory progress, shall be required to
 694 demonstrate that adequate progress has been made by students in

695 the school who are in the lowest 25th percentile in reading and
 696 mathematics on the FCAT and end-of-course assessments as
 697 described in s. 1008.22(3)(c)2.a., unless these students are
 698 exhibiting satisfactory performance. For schools comprised of
 699 high school grades 9, 10, 11, and 12, or grades 10, 11, and 12,
 700 the criteria for school grades must also give added weight to
 701 the graduation rate of all eligible at-risk students. In order
 702 for a high school to earn a grade of "A," the school must
 703 demonstrate that its at-risk students, as defined in this
 704 paragraph, are making adequate progress.

705 (45) SCHOOL IMPROVEMENT RATINGS.—The annual report shall
 706 identify each school's performance as having improved, remained
 707 the same, or declined. This school improvement rating shall be
 708 based on a comparison of the current year's and previous year's
 709 student and school performance data. A school that improves its
 710 rating by at least one level is eligible for school recognition
 711 awards pursuant to s. 1008.36.

712 (56) SCHOOL REPORT CARD.—The Department of Education shall
 713 annually develop, in collaboration with the school districts, a
 714 school report card to be provided by the school district to
 715 parents within the district. The report card shall include the
 716 school's grade, information regarding school improvement, an
 717 explanation of school performance as evaluated by the federal
 718 Elementary and Secondary Education Act (ESEA), 20 U.S.C. ss.
 719 6301 et seq., and indicators of return on investment. Each
 720 school's report card shall be published annually by the
 721 department on its website.

722 (67) PERFORMANCE-BASED FUNDING.—The Legislature may factor

723 in the performance of schools in calculating any performance-
 724 based funding policy that is provided for annually in the
 725 General Appropriations Act.

726 (78) DISTRICT GRADE.—The annual report required by
 727 subsection (1) shall include the school district's grade. A
 728 school district's grade shall be calculated using student
 729 performance and learning gains data on statewide assessments
 730 used for determining school grades under subparagraph (3)(b)1.
 731 for each eligible student enrolled for a full school year in the
 732 district. This calculation methodology captures each eligible
 733 student in the district who may have transferred among schools
 734 within the district or is enrolled in a school that does not
 735 receive a grade.

736 (89) RULES.—The State Board of Education shall adopt rules
 737 under ss. 120.536(1) and 120.54 to administer this section.

738 Section 7. Section 1008.341, Florida Statutes, is amended
 739 to read:

740 1008.341 School improvement rating for alternative
 741 schools.—

742 (1) ANNUAL REPORTS.—The Commissioner of Education shall
 743 prepare an annual report on the performance of each school
 744 receiving a school improvement rating pursuant to this section
 745 if the provisions of s. 1002.22 pertaining to student records
 746 apply. In addition, report cards required in 1008.34(6) shall
 747 include alternative schools and their school improvement
 748 ratings. If the alternative school serves at least 10 students
 749 who are tested on the statewide assessments pursuant to s.
 750 1008.22 in the current year and prior year, the alternative

751 school shall report to the parents of each student enrolled in
 752 the alternative school: learning gains, industry certification
 753 rate, college readiness rate, dropout rate, graduation rate, and
 754 the student's progress toward meeting high school graduation
 755 requirements. This paragraph does not abrogate the provisions of
 756 s. 1002.22, relating to student records, or the requirements of
 757 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy
 758 Act.

759 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a
 760 school that provides dropout prevention and academic
 761 intervention services pursuant to s. 1003.53. An alternative
 762 school shall receive a school improvement rating pursuant to
 763 this section unless the school earns a school grade pursuant to
 764 s. 1008.34. For accountability purposes, an exceptional student
 65 education center is an alternative school with its own unique
 766 master school identification number that serves students with
 767 disabilities, as defined in rule in accordance with s.
 768 1003.57(1)(d), for whom the individual education plan team
 769 determines that the school is the least restrictive environment
 770 based upon the student's need for specialized instruction and
 771 related services. The Department shall monitor district school
 772 boards regarding the placement of students with disabilities.
 773 However, beginning with the 2013-2014 school year, each an
 774 alternative school that chooses to receive a school improvement
 775 rating shall ~~not~~ receive a school improvement rating if the
 776 number of its students for whom student performance data on
 777 statewide assessments pursuant to s. 1008.22 is available for
 778 the current year and previous year meets or exceeds ~~is less than~~

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779 | the minimum sample size of ten ~~necessary, based on accepted~~
 780 | ~~professional practice, for statistical reliability and~~
 781 | ~~prevention of the unlawful release of personally identifiable~~
 782 | ~~student data under s. 1002.22 or 20 U.S.C. s. 1232g.~~ The school
 783 | improvement rating shall identify an alternative school as
 784 | having one of the following ratings defined according to rules
 785 | of the State Board of Education:

786 | (a) "Improving" means the students attending the school
 787 | are making more academic progress than when the students were
 788 | served in their home schools.

789 | (b) "Maintaining" means the students attending the school
 790 | are making progress equivalent to the progress made when the
 791 | students were served in their home schools.

792 | (c) "Declining" means the students attending the school
 793 | are making less academic progress than when the students were
 794 | served in their home schools.

795 |
 796 | The school improvement rating shall be based on a comparison of
 797 | student performance data for the current year and previous year.
 798 | Schools that improve at least one level or maintain an
 799 | "improving" rating pursuant to this section are eligible for
 800 | school recognition awards pursuant to s. 1008.36.

801 | (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data
 802 | used in determining an alternative school's school improvement
 803 | rating shall include:

804 | (a) The achievement ~~aggregate~~ scores on statewide
 805 | assessments, including retakes, administered under s. 1008.22
 806 | for all eligible students who were assigned to and enrolled in

807 the school during the October or February FTE count and who have
 808 FCAT or comparable scores for the preceding school year.

809 (b) The achievement ~~aggregate~~ scores on statewide
 810 assessments, including retakes, administered under s. 1008.22
 811 for all eligible students who were assigned to and enrolled in
 812 the school during the October or February FTE count and who have
 813 scored in the lowest 25th percentile of students in the state on
 814 FCAT Reading.

815
 816 The achievement ~~assessment~~ scores of students who are subject to
 817 district school board policies for expulsion for repeated or
 818 serious offenses, who are in dropout retrieval programs serving
 819 students who have officially been designated as dropouts, or who
 820 are in programs operated or contracted by the Department of
 821 Juvenile Justice may not be included in an alternative school's
 822 school improvement rating.

823 (c) An alternative school that tests at least 80 percent
 824 of its students may receive a school improvement rating.
 825 However, the alternative school may not earn a rating higher
 826 than "Maintaining" if the school tests less than 90% of its
 827 students.

828 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each
 829 alternative school receiving a school improvement rating, the
 830 Department of Education shall annually identify the percentage
 831 of students making learning gains as compared to the percentage
 832 of the same students making learning gains in their home schools
 833 in the year prior to being assigned to the alternative school.

834 ~~(5) SCHOOL REPORT CARD.—The Department of Education shall~~

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835 ~~annually develop, in collaboration with the school districts, a~~
 836 ~~school report card for alternative schools to be delivered to~~
 837 ~~parents throughout each school district. The report card shall~~
 838 ~~include the school improvement rating, identification of student~~
 839 ~~learning gains, student attendance data, information regarding~~
 840 ~~school improvement, an explanation of school performance as~~
 841 ~~evaluated by the federal No Child Left Behind Act of 2001, and~~
 842 ~~indicators of return on investment.~~

843 (56) RULES.—The State Board of Education shall adopt rules
 844 under ss. 120.536(1) and 120.54 to administer this section.

845

846 Section 8. Paragraph (a) of subsection (2) of section
 847 1008.385, Florida Statutes, is amended to read:

848 1008.385 Educational planning and information systems.—

849 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The
 850 Commissioner of Education shall develop and implement an
 851 integrated information system for educational management. The
 852 system must be designed to collect, via electronic transfer, all
 853 student and school performance data required to ascertain the
 854 degree to which schools and school districts are meeting state
 855 performance standards, and must be capable of producing data for
 856 a comprehensive annual report on school and district
 857 performance. In addition, the system shall support, as feasible,
 858 the management decisions to be made in each division of the
 859 department and at the individual school and district levels.
 860 Similar data elements among divisions and levels shall be
 861 compatible. The system shall be based on an overall conceptual
 862 design; the information needed for such decisions, including

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863 | fiscal, student, program, personnel, facility, community,
 864 | evaluation, and other relevant data; and the relationship
 865 | between cost and effectiveness. The system shall be managed and
 866 | administered by the commissioner and shall include a district
 867 | subsystem component to be administered at the district level,
 868 | with input from the reports-and-forms control management
 869 | committees. Each district school system with a unique management
 870 | information system shall assure that compatibility exists
 871 | between its unique system and the district component of the
 872 | state system so that all data required as input to the state
 873 | system is made available via electronic transfer and in the
 874 | appropriate input format.

875 | (a) The specific responsibilities of the commissioner
 876 | shall include:

877 | 1. Consulting with school district representatives in the
 878 | development of the system design model and implementation plans
 879 | for the management information system for public school
 880 | education management;

881 | 2. Providing operational definitions for the proposed
 882 | system including criteria for issuing and revoking master school
 883 | identification numbers to support the maintenance of education
 884 | records, to enforce and support education accountability, and
 885 | support the distribution of funds to school districts and school
 886 | districts' financial reports, and assist the Commissioner of
 887 | Education in carrying out the duties set forth in ss. 1001.10
 888 | and 1001.11, F.S.;

889 | 3. Determining the information and specific data elements
 890 | required for the management decisions made at each educational

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891 level, recognizing that the primary unit for information input
 892 is the individual school and recognizing that time and effort of
 893 instructional personnel expended in collection and compilation
 894 of data should be minimized;

895 4. Developing standardized terminology and procedures to
 896 be followed at all levels of the system;

897 5. Developing a standard transmittal format to be used for
 898 collection of data from the various levels of the system;

899 6. Developing appropriate computer programs to assure
 900 integration of the various information components dealing with
 901 students, personnel, facilities, fiscal, program, community, and
 902 evaluation data;

903 7. Developing the necessary programs to provide
 904 statistical analysis of the integrated data provided in
 905 subparagraph 6. in such a way that required reports may be
 906 disseminated, comparisons may be made, and relationships may be
 907 determined in order to provide the necessary information for
 908 making management decisions at all levels;

909 8. Developing output report formats which will provide
 910 district school systems with information for making management
 911 decisions at the various educational levels;

912 9. Developing a phased plan for distributing computer
 913 services equitably among all public schools and school districts
 914 in the state as rapidly as possible. The plan shall describe
 915 alternatives available to the state in providing such computing
 916 services and shall contain estimates of the cost of each
 917 alternative, together with a recommendation for action. In
 918 developing the plan, the feasibility of shared use of computing

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919 hardware and software by school districts, Florida College
 920 System institutions, and universities shall be examined. Laws or
 921 administrative rules regulating procurement of data processing
 922 equipment, communication services, or data processing services
 923 by state agencies shall not be construed to apply to local
 924 agencies which share computing facilities with state agencies;

925 10. Assisting the district school systems in establishing
 926 their subsystem components and assuring compatibility with
 927 current district systems;

928 11. Establishing procedures for continuous evaluation of
 929 system efficiency and effectiveness;

930 12. Initiating a reports-management and forms-management
 931 system to ascertain that duplication in collection of data does
 932 not exist and that forms and reports for reporting under state
 933 and federal requirements and other forms and reports are
 934 prepared in a logical and uncomplicated format, resulting in a
 935 reduction in the number and complexity of required reports,
 936 particularly at the school level; and

937 13. Initiating such other actions as are necessary to
 938 carry out the intent of the Legislature that a management
 939 information system for public school management needs be
 940 implemented. Such other actions shall be based on criteria
 941 including, but not limited to:

- 942 a. The purpose of the reporting requirement;
- 943 b. The origination of the reporting requirement;
- 944 c. The date of origin of the reporting requirement; and
- 945 d. The date of repeal of the reporting requirement.

946 Section 9. This act shall take effect July 1, 2013.

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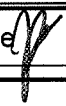

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CIS 13-02 Education Accountability
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Fudge 	Fudge 

SUMMARY ANALYSIS

The bill increases school accountability by:

- Defining a colocated school as one that: has its own Master School Identification (MSID) number; provides the education for each of its enrolled students; and operates at the same facility as another school with its own MSID number and providing education for its enrolled students.
- Clarifying that if one school operating in a facility of colocated schools does not receive a school grade or school improvement rating (SIR), the student performance data of all schools will be aggregated and assigned to all schools at the facility.
- Requiring that all traditional schools that meet or exceed the minimum sample size of 10 shall receive a school grade.
- Requiring the DOE to include retakes when calculating the school improvement rating and to issue a school improvement rating when the school tests over 80% of its students, rather than 90%.
- Designating ESE Center schools as alternative schools for accountability purposes.
- Requiring the DOE to define, in rule, ESE Center Schools in accordance with s. 1003.57(1)(d), F.S.
- Clarifying that achievement scores and learning gains of students attending ESE Centers will not be included in the students' home school, if the student had not been enrolled in or attended a public school in the district within the last three years, other than the ESE Center School.
- Clarifying that achievement scores and learning gains for hospital- or homebound students will only be assigned to their home school if the student was enrolled in the home school during the October and February FTE counts.

The bill also requires the Commissioner of Education to improve and streamline access to data maintained in the K-20 data warehouse by creating and fully implementing, by June 30, 2014, the following:

- A web-based interface for public access to aggregated data from the K-20 data warehouse
- A self-service, restricted access "Research Engine" capable of providing access to specific student education records by authorized representatives under the federal Family Educational Rights and Privacy Act (FERPA).

The bill outlines specific guidelines regarding the Research Engine including; functionality; execution of a written agreement that must be adopted in State Board of Education rule; implementation of a pricing structure; and maintenance of an updated list of organizations and representatives authorized to access the data. The bill identifies authorized representatives and prescribes specific duties of the Articulation Coordinating Committee (ACC), the Higher Education Coordinating Council (HECC), public and private postsecondary institutions, and the Commissioner of Education, in an effort to streamline the data reporting process and data accessibility.

The bill may have a fiscal impact on state government. See FISCAL ANALYSIS.

The effective date of the bill is July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

School Grades

Current Situation

All public schools, including charter schools, which have at least 30 full-year-enrolled students with valid Florida Comprehensive Assessment Test (FCAT) scores in reading for the current and prior years and at least 30 full-year-enrolled students with valid FCAT scores in mathematics for the current and prior years are assigned a school grade.¹ For the mathematics portion of the school grade, high schools must have at least 10 students with valid Algebra 1 EOC assessment scores in 2011-12 and, beginning in 2012-13, at least 10 students with valid Geometry EOC assessment scores or FAA scores in the current and previous years in order to receive a school grade.² Because learning gains for high school students may be measured using FCAT 2.0 Mathematics scores for the prior-year scores, these scores are also counted toward the minimum cell-size requirements. Department of Juvenile Justice schools are not graded, and alternative schools that provide dropout prevention and academic intervention services have the option of earning a school grade or a school improvement rating.³ If an alternative school chooses to receive a school improvement rating instead of a school grade, student performance is also included in the school grade of the students' home school.⁴

To earn an "A," a school must test at least 95 percent of eligible students. To earn a "B," "C," or "D," a school must test at least 90 percent of the eligible students.⁵ If less than 90 percent of the eligible students are assessed, an "I" (Incomplete) is assigned.⁶

Effect of Proposed Changes

The bill defines a colocated school as a school with its own unique master school identification number which provides for the education of each of its enrolled students and operates at the same facility as another school that has its own unique master school identification number that provides for the education of each of its enrolled students. If more than one school operates at the same facility and one of the schools does not earn a school grade or school improvement rating, then the student performance data of all schools must be aggregated to develop a school grade that will be assigned to all schools at the facility.

To increase the number of schools receiving a school grade, the bill requires all schools that meet or exceed the minimum sample size of 10 to receive a school grade. Currently, a school may not receive a school grade if it has less than the minimum sample size of 30.

¹ Rule 6A-1.09981(3)(a), F.A.C.; s. 1008.34(3)(a)1., F.S.

² Rule 6A-1.09981(3)(a), F.A.C.; *see also* s. 1008.34(3)(a)1., F.S.

³ Beginning in 2011-12, ESE center schools, as a subset of alternative schools, are also eligible to choose between receiving a regular school grade or a school improvement rating. Florida Department of Education, *Notice of Intent* (February 28, 2012), available at <http://www.fldoe.org/esea/pdf/NoticeofIntent.pdf>.

⁴ Section 1008.34(3)(c)3., F.S.; *see also* s. 1008.341, F.S. "Home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. Section 1008.34(3)(c)3., F.S.

⁵ Rule 6A-1.09981(1)(a)4., F.A.C.

⁶ Rule 6A-1.09981(8)(b)1., F.A.C.

Alternative Schools

Current Situation

An alternative school is any school that provides dropout prevention and academic intervention services. Alternative schools may serve students in grades 1-12 who:

- Are academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing;
- Have a pattern of excessive absenteeism or are habitual truants; or
- Have a history of disruptive behavior⁷ in school or has committed an offense that warrants out-of-school suspension or expulsion from school.⁸

However, for accountability purposes, the definition of an alternative school excludes “second chance schools”,⁹ educational programs operated or contracted by Department of Juvenile Justice facilities, and district school board programs that serve students officially enrolled in dropout retrieval programs.¹⁰ There are 266 alternative schools subject to accountability.

Beginning July 1, 2012, the department classified schools serving students with disabilities exclusively as Alternative Centers for reporting purposes.¹¹

School Improvement Ratings

Alternative schools must receive a school improvement rating.¹² School improvement ratings are indicators of whether an alternative school’s performance has improved, remained the same, or declined compared to the prior year based on student statewide, standardized assessment scores.¹³ However, in lieu of a school improvement rating, an alternative school may choose to receive a school grade. For charter schools that meet the definition of an alternative school, i.e., charter alternative schools, the decision to receive a school grade is the decision of the charter school governing board.¹⁴ The school improvement rating must include:

- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have FCAT or comparable scores for the preceding school year;¹⁵ and
- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have scored in the lowest 25th percentile of students in the state on FCAT Reading.¹⁶

⁷ For the purposes of this program, “disruptive behavior” is behavior that interferes with the student’s own learning or that of others and requires a degree of individual attention that is not practicable in a traditional program or results in frequent conflicts of a disruptive nature or that severely threatens the general welfare of students or others. Section 1003.53(1)(c)3.a.-b., F.S.

⁸ Section 1003.53

⁹ A “second chance school” means district school board programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. Section 1003.53(1)(d)1., F.S.

¹⁰ Section 1008.341(2), F.S.; Rule 6A-1.099822(2)(a), F.A.C.; *cf.* s. 1008.341(3), F.S. (stating that the assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school’s school improvement rating.)

¹¹ Notice of Intent from Commissioner of Education Gerard Robinson, Feb. 28, 2012, *available at* <http://www.fldoe.org/esea/pdf/NoticeofIntent.pdf>.

¹² Section 1008.341(2), F.S.

¹³ Section 1008.341(2), F.S.; *see also* Rule 6A-1.099822, F.A.C.

¹⁴ Section 1008.34(3)(a)2., F.S.

¹⁵ Section 1008.341(3)(a), F.S.

The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services are credited back to the home school for inclusion the home school's grade calculation. "Home school" means the school to which the student would be assigned if the student were not assigned to an alternative school.¹⁷ Alternative schools include ESE centers for the purposes of school accountability. An alternative school that earns a school improvement rating receives one of the following:

- "Improving" – students are making more academic progress at the alternative school than when the students were served in their home schools;
- "Maintaining" – students are making progress at the alternative school equivalent to academic progress made when the students were served in their home schools; or
- "Declining" – students are making less academic progress at the alternative school than when the students were served in their home schools.¹⁸

In order to receive a school improvement rating, an alternative school must have a minimum of 10 students with valid FCAT or FAA scores in reading for the current and previous two years and a minimum of 10 students with valid FCAT, FAA, and/or EOC assessment scores in mathematics for the current and previous two years.¹⁹

Effect of Proposed Changes

The bill provides that if the alternative school serves at least 10 students who are tested on statewide assessments in the current and prior year, the alternative school must report to the parents of each enrolled student: learning gains, industry certification rate, college readiness rate, dropout rate, graduation rate, and the student's progress toward meeting high school graduation requirements. This additional information will enable parents to make informed decisions regarding the education of their students, especially for those students attending schools that do not receive a school grade or school improvement rating.

To increase the number of alternative schools receiving a school improvement rating, the bill requires the department to include retakes when calculating the school improvement rating and to issue a school improvement rating when a school tests over 80% of its students. However, an alternative school may not earn a rating higher than "Maintaining" if the school tests less than 90% of its students. In addition, if an alternative school chooses not to receive a school grade but has improvement rating and student performance data for 10 or more students in the current and prior year, the alternative school must receive a school improvement rating.

ESE Center Schools

Current Situation

As part of Florida's Elementary and Secondary Education Act Flexibility Waiver the department was required to include in Florida's school accountability system, schools that provide specialized services to students with disabilities who cannot be served in the general school setting. The department identified these schools as ESE Center Schools. On February 28, 2012, the department issued a Notice of Intent to classify schools serving students with disabilities exclusively as Alternative Centers

¹⁶ Section 1008.341(3)(b), F.S.

¹⁷ Section 1008.34(3)(c)3., F.S.; cf. rule 6A-1.099822(6), F.A.C. (stating that the student performance of eligible students shall be included in the students' home school's grade as well as the school's school improvement rating, if the school is not a charter alternative school). This presumes that students are not assigned to charter alternative schools.

¹⁸ *Id.*

¹⁹ Rule 6A-1.099822(5)(a), F.A.C.

²⁰ This action by the department would allow ESE Center schools to either receive a school grade or school improvement rating. However, by choosing a school improvement rating the learning gains of the students at the ESE Center are reported to the home-zoned district and included in that school's grade.

Effect of Proposed Changes

The bill designates, for accountability purposes, ESE Center Schools as alternative schools and requires the department to define, in rule, ESE Center Schools in accordance with s. 1003.57(1)(d) for whom the individual education plan team determines that the school is the least restrictive environment based upon the student's need for specialized instruction and related services.²¹ The department must monitor districts regarding the placement of students with disabilities.

The achievement scores and learning gains of students attending ESE Center Schools who were not enrolled in or in attendance at a public school within the school district during the previous three years, other than an exceptional student education center are not included in the grade of the students' home school.

The bill also provides that student assessment data for students designated as hospital- or homebound are assigned to their home school for purposes of school grades only if the student was enrolled in the home school during the October and February FTE count.

Florida's K-20 education performance accountability system

Current Situation

In 2001, the Legislature created the K-20 education performance accountability system which is intended "to assess the effectiveness of Florida's seamless K-20 education delivery system."²² The K-20 education performance accountability system was established as a "single, unified accountability system" consisting of state and sector-specific performance measures and standards to assess student outcomes.²³

Data from Florida's public educational institutions and not-for-profit independent colleges and universities which are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program, are integrated into the K-20 data warehouse which is maintained by the Florida Department of Education (DOE or department). FRAG-eligible not-for-profit independent colleges and universities must report student-level data annually in a format prescribed by the department. At a minimum, the data must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates. The Commissioner of Education determines the standards for the data that are collected, monitors data quality, and measures improvements.²⁴

The K-20 data warehouse is designed to serve the education information interests of the state and the general public by providing data that follows student cohorts over time to determine trends in education

²⁰ Notice of Intent – Classification of ESE Centers as Alternative Schools, *available at* <http://www.fldoe.org/esea/pdf/NoticeofIntent.pdf>.

²¹ Section 1003.57(1)(d), F.S., states that "[i]n providing for the education of exceptional students, the district school superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

²² Section 1008.31(1)(a), F.S. Section 9, ch. 2001-170, L.O.F., was initially codified at s. 229.007, F.S., and was redesignated in 2002 as s. 1008.31, F.S.

²³ Section 1008.31(1)-(2), F.S.

²⁴ Section 1008.31(3)(a)-(c), F.S.

research. Effective July 1, 2011, the department established a Research Agenda to encourage research in areas of specific interest to the department and amended the process for providing researchers access to data maintained by the K-20 data warehouse.²⁵

Researchers who want to access data maintained by the K-20 data warehouse must meet the following criteria established by the department:²⁶

- Fill-out forms²⁷ specified by the department and submit data requests by close-of-business on October 1, February 1, or June 1 of each year.
- Indicate how the request for data supports the department's Research Agenda.

If the department's Data Request Review Committee determines that a data request meets the department's Research Agenda, but that the department lacks sufficient staff resources to fulfill the data request within an evaluation period, such data request is automatically placed for reconsideration by the department's Data Request Review Committee during the next evaluation period. The data request may not be carried forward for reconsideration to more than one evaluation period.²⁸

The department provides status of data requests to researchers after the department's Data Request Review Committee completes a review of all the data requests that the department receives within an evaluation period. After approving a data request, the department places the data request in a queue of approved data requests. The department routinely adjusts the timeline for providing data to researchers because requests for data by the Governor, the Legislature, and the State Board of Education (SBE) are prioritized over data requests by researchers.²⁹

Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., s. 1232g, is a Federal privacy law³⁰ that protects the privacy of students' education records³¹. FERPA is administered by the Family Policy Compliance Office (FPCO) in the United States Department of Education (USDOE). FERPA permits the disclosure of education records of students which may contain personally identifiable information (PII) to:³²

- Organizations conducting studies for, or on behalf of, schools, school districts, or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.
- Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, and State or local educational authorities (FERPA-permitted entities)^{33,34} conducting audit or evaluation of Federal- or State-

²⁵ Florida Department of Education, *Research*, <http://www.fldoehub.org/Research/Pages/default.aspx> (last visited Jan. 28, 2013).

²⁶ Florida Department of Education, *The Florida Department of Education's Research Agenda for 2012-13*, at 4, available at <http://www.fldoehub.org/Research/Pages/default.aspx>.

²⁷ DOE requires researchers to fill-out and submit either the Unit Data Request Packet or the Additional Years Request Form to place a data request. Florida Department of Education, *The Florida Department of Education's Research Agenda for 2012-13*, at 4, available at <http://www.fldoehub.org/Research/Pages/default.aspx>.

²⁸ Florida Department of Education, *The Florida Department of Education's Research Agenda for 2012-13*, at 4, available at <http://www.fldoehub.org/Research/Pages/default.aspx>.

²⁹ *Id.*

³⁰ 73 FR 74834 (Dec. 9, 2008)

³¹ 34 C.F.R., s. 99.2

³² 34 C.F.R., Part 99; *see also* United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-1 and A-2, <http://www2.ed.gov/policy/gen/guid/fpcop/hottopics/index.html> (last visited Jan. 28, 2013).

³³ The USDOE interprets state and local educational authority to refer to a State educational agency (SEA), a State postsecondary commission, United States Department of the Interior's Bureau of Indian Education (BIE), or any other entity that is responsible for and authorized under local, State, or Federal law to supervise, plan, coordinate, advise, audit, or evaluate elementary, secondary, or postsecondary Federal- or State-supported educational programs and services in the State. USDOE's current interpretation of state and local educational authority does not include tribal education agencies (TEAs). Educational agency, under 34 C.F.R., s. 99.1(a)(2), "is

supported education program³⁵, or to enforce or comply with Federal legal requirements that relate to those education programs.

FERPA requires organizations conducting a study or authorized representatives conducting an audit or an evaluation to publish results in a way that protects the privacy and confidentiality of students and their parents.³⁶

Both the studies and the audit or evaluation exceptions, under FERPA, require the educational authority and the organization or authorized representative to execute a written agreement³⁷ to protect the PII from education records of students.³⁸ The USDOE recommends consideration of the following items for inclusion in a written agreement for work under both the studies and the audit or evaluation exceptions:³⁹

- Bind individuals to the agreement.
- Agree on limitations on use of the PII from education records.
- Agree to not redisclose PII from education records.
- Specify points of contact and data custodians.
- Mention Institutional Review Board (IRB) review and approval.
- State ownership of PII from educational records.
- Identify penalties.
- Set terms for data destruction.
- Include funding terms.
- Maintain right to audit.
- Identify and comply with all legal requirements.
- Have plans to handle data breach.
- Review and approve reported results.
- Define terms for conflict resolution.
- Specify modification and termination procedures.

an entity that is authorized to direct and control public elementary or secondary schools or postsecondary institutions. 76 FR 75606, 75607, and 75615 (Dec. 2, 2011).

³⁴ The USDOE permits “State and local educational authorities, the Secretary of Education, the Comptroller General, and the Attorney General of the United States to have greater flexibility and discretion to designate authorized representatives who may access PII from education records as needed to conduct an audit, evaluation, or enforcement or compliance activity specified in [34 C.F.R.,] s. 99.35”. In adopting the definition of the term “Authorized Representative”, the USDOE “is not delegating its statutory authority to address violations of FERPA under 20 U.S.C. 1232g(f). The [USDOE] is simply delegating the authority to the entities specified in 20 U.S.C. 1232g(b)(1)(C) and (b)(3) to determine who may serve as their authorized representatives to conduct an audit, evaluation, or enforcement or compliance activity.” 76 FR 75617 and 75618 (Dec. 2, 2011).

³⁵ 34 C.F.R., s. 99.3. Education program must be “principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution. United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-2, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013).

³⁶ United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-4, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013).

³⁷ The USDOE “defers to State law governing contracts and written agreements, including the imposition of allowable sanctions.” The USDOE encourages “FERPA-permitted entities to consider specifying additional remedies or sanctions as part of the written agreements with their authorized representatives under [34 C.F.R.,] s. 99.35 in order to protect PII from education records.” 76 FR 75620 and 75624 (Dec. 2, 2011).

³⁸ 76 FR 75619 (Dec. 2, 2011); see also United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-2, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013).

³⁹ United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-7, A-8, and A-9, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013).

Articulation Coordinating Committee

The Articulation Coordinating Committee (ACC) serves as an advisory board to the SBE and the BOG on postsecondary transition issues. The committee provides a unique K-20 forum for cross-sector collaboration that informs the policy decisions of the SBE and the BOG regarding the implementation of the statewide articulation agreement. The ACC reports to the Commissioner of Education and is comprised of the following members: two members each representing the State University System (SUS), the Florida College System (FCS), public career and technical education, public K-12 education, and non-public education, and one member representing students.⁴⁰

The ACC must:⁴¹

- Monitor the alignment between the exit and admission requirements of education systems and make recommendations for improving transfer of students from one education system to another education system.
- Propose guidelines for interinstitutional articulation agreements between and among public schools, career and technical education centers, FCS institutions, state universities, and nonpublic postsecondary institutions.
- Annually recommend dual enrollment course and high school subject area equivalencies for approval by the SBE and the BOG.
- Annually review the statewide articulation agreement⁴² and make recommendations for revision.
- Annually review the statewide course numbering system (SCNS), the levels of courses, and the application of transfer credit requirements among public and non-public institutions participating in the SCNS and identify instances of student transfer and admissions difficulties.
- Annually publish a list of courses that meet common general education and common degree program prerequisite requirements at public postsecondary institutions.⁴³
- Examine statewide data regarding articulation to identify issues and make recommendations to improve articulation throughout the K-20 education system.
- Recommend roles and responsibilities of public education entities in interfacing with the statewide computer-assisted student advising component of the Florida Virtual Campus.⁴⁴

Higher Education Coordinating Council

The Legislature created the Higher Education Coordinating Council (HECC) in 2010 to identify unmet needs and facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.⁴⁵ The council is comprised of the following members: the Commissioner of Education; the Chancellor of the SUS; the Chancellor of the FCS; the Executive Director of the Commission for Independent Education (CIE); the President of the Independent Colleges and Universities of Florida (ICUF); and two members of the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.⁴⁶

The HECC serves as an advisory board to the Legislature, the State Board of Education, and the Board of Governors of the State University System of Florida (BOG). Recommendations of the council must be consistent with the following guiding principles:⁴⁷

⁴⁰ Section 1007.01(2)-(3), F.S. The ACC was initially codified at 229.551, F.S., but was repealed January 7, 2003, by s. 3(7), ch. 2000-321. In 2011, the ACC was again codified in law by amending s. 1007.01, F.S. Section 7, ch. 2011-177, L.O.F.

⁴¹ Section 1007.01(3), F.S.

⁴² Statewide articulation agreement is established pursuant to s. 1007.23, F.S.

⁴³ See s. 1007.25, F.S.

⁴⁴ The Legislature established the Florida Virtual Campus in 2012. Section 14, ch. 2012-134, L.O.F.

⁴⁵ Section 1004.015(1), F.S.; see s. 13, ch. 2010-78, L.O.F.

⁴⁶ Section 1004.015(2), F.S.

⁴⁷ Section 1004.015(3), F.S.

- To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students.
- To promote consistent education policy across all educational delivery systems, focusing on students.
- To promote substantially improved articulation across all educational delivery systems.
- To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians.
- To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.

By December 31 of each year, the HECC must submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the SBE outlining recommendations relating to.⁴⁸

- The primary core mission of public and nonpublic postsecondary education institutions within the context of state access demands and economic development.
- Performance outputs and outcomes designed to meet annual and long-term state goals. Performance measures must be consistent across sectors and allow for a comparison of Florida's performance to that of other states.
- Florida's articulation policies and practices.
- The alignment of workforce education data collected and reported by FCS institutions and school districts including the establishment of common data elements and definitions for data that are used for state and federal funding and program accountability.

The Commission for Independent Education

The Commission for Independent Education (CIE) regulates independent postsecondary educational institutions which operate in Florida or make application to operate in Florida and that are not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government. The CIE is responsible for matters concerning consumer protection, program improvement, and licensure for institutions under the purview of the commission.⁴⁹ The granting of diplomas and degrees by independent postsecondary educational institutions under CIE's jurisdiction must be authorized by the CIE.⁵⁰

The CIE serves as a central agency for collecting and distributing current information regarding the independent postsecondary educational institutions licensed by the commission. The CIE must collect, and all the institutions licensed by the commission must report, student-level data for each student who receives state funds. The data must be reported annually and at a minimum, must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates.⁵¹

Effect of Proposed Changes

The bill requires the Articulating Coordinating Committee to make recommendations regarding access, quality, and reporting of data maintained by the K-20 data warehouse and facilitate timely reporting of data by all educational delivery systems. The ACC must also facilitate the timely reporting of data by the K-20 data warehouse to organizations and authorized representatives. The Higher Education Coordinating Council shall facilitate solutions to data issues identified by the Articulating Coordinating Committee and promote the adoption of a common set of data elements by the members of the council.

⁴⁸ Section 1004.015(4), F.S.

⁴⁹ Sections 1005.21(2) and 1005.02(11), F.S.

⁵⁰ Section 1005.21(1), F.S.

⁵¹ 1005.22(1)(i), F.S.

The commissioner must collaborate with the executive director of the Department of Economic Opportunity to develop procedures for the ability to tie student-level data to student and workforce outcome data. The commissioner must also improve and streamline access to the K-20 data warehouse by creating and implementing a web-based interface for public access to aggregated data which does not contain personally identifiable information.

In addition, the commissioner must develop a self-service, restricted access component of the K-20 data warehouse, called the "Research Engine." The Research Engine must allow organizations and authorized representatives, to submit data requests. The list of authorized representatives includes, but is not limited to, the Executive Office of the Governor, the Florida Legislature, the Florida Auditor General, the Office of Program Policy Analysis and Government Accountability, the Florida district school boards, Florida College System institutions, and Florida state universities. The department and the requestor must enter into a written agreement that:

- Identifies the purpose, scope, and duration of the research activity,
- Identifies the data elements necessary to complete a study, audit, or evaluation,
- Identifies the FERPA exception relied upon to obtain education records that may contain students' personally identifiable information,
- Requires procedures for securing data,
- Establishes disciplinary policies for organizations and authorized representatives that violate FERPA or the agreement,
- Requires destruction of all personally identifiable information from education records of students,
- Assesses liquidated damages for unauthorized disclosure of education records or for violation of the agreement,
- Identifies deliverables to be provided by the organization or authorized representative, and
- Requires a service charge for the actual cost to fulfill the data request.

The data request must be completed within 90 days of execution of the written agreement unless otherwise specified in the written agreement. The department must create and implement a pricing structure that is self-sustainable with the goal that the service charge for use of the Research Engine recovers costs to fulfill a data request.

The department must maintain a list of organizations and authorized representatives that request data from the Research Engine, when the request was made, the current status of the request, and a copy of any reports submitted by the organizations or authorized representatives.

The bill also requires the department to develop criteria for issuing and revoking master school identification numbers to support the maintenance of education records, to enforce and support education accountability, and support the distribution of funds to school districts and school districts' financial reports, and assist the Commissioner of Education in carrying out the duties set forth in ss. 1001.10 and 1001.11, F.S.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.22 to require the State Board of Education to notify the Legislature of any major changes in federal law which may affect the state's K-20 education performance accountability system.

Section 2: Amends s. 1004.415, to require the Higher Education Coordinating Council to facilitate solutions to data issues identified by the Articulation Coordinating Committee.

Section 3: Amends s. 1005.22, to revise the duties of the Commission for Independent Education regarding the collection and distribution of current data on institutions licensed by the commission.

Section 4: Amends s. 1007.01, F.S., to require the Articulating Coordinating Committee to make recommendations related to statewide policies and issues regarding access, quality, and reporting of data maintained by the K-20 data warehouse.

Section 5: Amends s. 1008.31, F.S., to require the Board of Governors to make available to the Department of Education all data within the State University Database System which is to be integrated into the K-20 data warehouse.

Section 6: Amends s. 1008.34, F.S., to revise the criteria for issuing school grades to certain schools, to identify the circumstances when student performance is reflected in a school's grade, and to require the issuance of a school grade if a school meets or exceeds the minimum sample size.

Section 7: Amends s. 1008.341, F.S., to define alternative schools, to require the department to monitor the placement of students, to revise the criteria for issuing a school improvement rating.

Section 8: Amends s. 1008.385, F.S., to require the department to develop criteria for the issuance and revocation of master school identification numbers.

Section 9: Providing an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a fiscal impact on the department to implement the web-based interface and Research Engine.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may increase the cost organizations may pay for data requests submitted to the department.

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 the department to adopt rules regarding the written agreement between the department and organizations and authorized representatives, and the service charges associated with such agreements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to digital learning; amending
 3 1002.321, F.S.; requiring the Department of Education
 4 to develop an online catalog of available digital
 5 learning courses pursuant to 1002.37, 1002.45, and
 6 1003.498; providing specific information for each
 7 course and a method for teachers and students to
 8 submit evaluative feedback; amending 1002.37, F.S.;
 9 clarifying, for home education students, the
 10 eligibility verification process for purposes of
 11 funding through the FEFP upon course completion;
 12 requiring FLVS to provide information in their
 13 required report about operations occurring outside the
 14 state, as Florida Virtual School Global; amending
 15 1002.45, F.S.; allowing districts to offer part-time
 16 virtual instruction for K-12 students for all courses,
 17 not just courses measured by an assessment; removing
 18 the requirement that a provider locate an
 19 administrative office in the state; removing the
 20 requirement that the provider employees be residents
 21 of the state and requiring such providers to maintain
 22 a minimum level of services available to parents and
 23 students; establishing provisions by which the
 24 Department of Education may conditionally approve
 25 providers without prior successful experience in
 26 providing on-line courses; creating s. 1002.451, F.S.;
 27 allowing districts to operate innovation schools
 28 through a pilot program; providing definitions and

29 requirements; amending 1003.01, F.S.; removing blended
 30 learning courses provided by a charter school or
 31 traditional public school from the definition of core
 32 curricular course for purposes of class size
 33 requirements; amending 1003.498, F.S.; requiring the
 34 Department of Education to provide identifiers for
 35 existing course codes to designate their use for
 36 blended learning courses; removing restrictions on
 37 students for taking on-line courses across district
 38 lines; prohibiting school districts from requiring a
 39 public school student to take an on-line course
 40 outside the school day, in addition to the student's
 41 courses for a given term, or on school grounds;
 42 amending 1011.61, F.S.; clarifying reporting of FTE
 43 for courses that require an end-of-course assessment;
 44 providing an effective date.

45

46 Be It Enacted by the Legislature of the State of Florida:

47

48 Section 1. Subsection (6) is added to section 1002.321,
 49 Florida Statutes, to read:

50 1002.321 Digital learning.—

51 (6) The department shall develop an online catalog of
 52 available digital learning courses provided pursuant to 1002.37,
 53 1002.45, and 1003.498, F.S., which provides, for each course,
 54 access to the course description, completion and passage rates
 55 and a method for student and teacher users to provide evaluative
 56 feedback.

57 Section 2. Subsection (3) and subsection (6) of s.
 58 1002.37, F.S. are amended to read:

59 1002.37 The Florida Virtual School. -

60 (3) Funding for the Florida Virtual School shall be
 61 provided as follows:

62 (a)1. For a student in grades 9 through 12, a "full-time
 63 equivalent student" is one student who has successfully
 64 completed six full-credit courses that count toward the minimum
 65 number of credits required for high school graduation. A student
 66 who completes fewer than six full-credit courses is a fraction
 67 of a full-time equivalent student. Half-credit course
 68 completions shall be included in determining a full-time
 69 equivalent student. Credit completed by a student in excess of
 70 the minimum required for that student for high school graduation
 71 is not eligible for funding.

72 2. For a student in kindergarten through grade 8, a "full-
 73 time equivalent student" is one student who has successfully
 74 completed six courses or the prescribed level of content that
 75 counts toward promotion to the next grade. A student who
 76 completes fewer than six courses or the prescribed level of
 77 content shall be a fraction of a full-time equivalent student.

78 3. Beginning in the 2014-2015 fiscal year, when s.
 79 1008.22(3)(g) is implemented, the reported full-time equivalent
 80 students and associated funding of students enrolled in courses
 81 requiring passage of an end-of-course assessment shall be
 82 adjusted after the student completes the end-of-course
 83 assessment. However, no adjustment shall be made for home
 84 education program students who choose not to take an end-of-

85 course assessment.

86 4. Home education students shall be funded in accordance
 87 with this section upon course completion if the parent verifies,
 88 upon enrollment for each course, that the student is registered
 89 as a home education student with their district pursuant to s.
 90 1002.41(1)(a), F.S.

91
 92 For purposes of this paragraph, the calculation of "full-time
 93 equivalent student" shall be as prescribed in s.
 94 1011.61(1)(c)1.b.(V).

95 (6) The board of trustees shall annually submit to the
 96 Governor, the Legislature, the Commissioner of Education, and
 97 the State Board of Education a complete and detailed report
 98 setting forth:

99 (a) The operations and accomplishments of the Florida
 100 Virtual School within the state and those occurring outside the
 101 state as Florida Virtual School Global.

102 (b) The marketing and operational plan for the Florida
 103 Virtual School and Florida Virtual School Global, including
 104 recommendations regarding methods for improving the delivery of
 105 education through the Internet and other distance learning
 106 technology.

107 (c) The assets and liabilities of the Florida Virtual
 108 School and Florida Virtual School Global at the end of the
 109 fiscal year.

110 (d) A copy of an annual financial audit of the accounts
 111 and records of the Florida Virtual School and Florida Virtual
 112 School Global, conducted by an independent certified public

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113 accountant and performed in accordance with rules adopted by the
 114 Auditor General.

115 (e) Recommendations regarding the unit cost of providing
 116 services to students through the Florida Virtual School and
 117 Florida Virtual School Global. In order to most effectively
 118 develop public policy regarding any future funding of the
 119 Florida Virtual School, it is imperative that the cost of the
 120 program is accurately identified. The identified cost of the
 121 program must be based on reliable data.

122 (f) Recommendations regarding an accountability mechanism
 123 to assess the effectiveness of the services provided by the
 124 Florida Virtual School and Florida Virtual School Global.

125 Section 3. Paragraph (b) of subsection (1), paragraph
 126 (a) of subsection (2), and subsection (5), of section 1002.45,
 127 Florida Statutes, are amended, and paragraph (f) is added to
 128 subsection (3) of that section, to read:

129 1002.45 Virtual instruction programs.—

130 (1) PROGRAM.—

131 (b) Each school district that is eligible for the sparsity
 132 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
 133 all enrolled public school students within its boundaries the
 134 option of participating in part-time and full-time virtual
 135 instruction programs. Each school district that is not eligible
 136 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
 137 shall provide at least three options for part-time and full-time
 138 virtual instruction. All school districts must provide parents
 139 with timely written notification of at least one open enrollment
 140 period for full-time students of 90 days or more which ends 30

141 days before the first day of the school year. The purpose of the
 142 program is to make quality virtual instruction available to
 143 students using online and distance learning technology in the
 144 nontraditional classroom. A school district virtual instruction
 145 program shall consist of the following:

146 1. Full-time and part-time virtual instruction for students
 147 enrolled in kindergarten through grade 12.

148 2. ~~Part-time virtual instruction for students enrolled in~~
 149 ~~kindergarten through grade 12 courses that are measured pursuant~~
 150 ~~to subparagraph (8)(a)2.~~

151 3. Full-time or part-time virtual instruction for students
 152 enrolled in dropout prevention and academic intervention
 153 programs under s. 1003.53, Department of Juvenile Justice
 154 education programs under s. 1003.52, core-curricula courses to
 155 meet class size requirements under s. 1003.03, or Florida
 156 College System institutions under this section.

157 (2) PROVIDER QUALIFICATIONS.—

158 (a) The department shall annually publish online a list of
 159 providers approved to offer virtual instruction programs. To be
 160 approved by the department, a provider must document that it:

161 1. Is nonsectarian in its programs, admission policies,
 162 employment practices, and operations;

163 2. Complies with the antidiscrimination provisions of s.
 164 1000.05;

165 3. ~~Locates an administrative office or offices in this~~
 166 ~~state, requires its administrative staff to be state residents,~~
 167 Rrequires all instructional staff to be Florida-certified
 168 teachers under chapter 1012, and conducts background screenings

169 for all employees or contracted personnel, as required by s.
 170 1012.32, using state and national criminal history records;

171 4. Providers must provide the following minimum level of
 172 services to parents and students. Specific information must be
 173 posted and accessible on-line, and include the teacher-parent
 174 and teacher-student contact policies for each course, including,
 175 but not limited to:

176 a. how to contact the instructor via phone, email, and/or
 177 online messaging tools;

178 b. how to contact technical support via phone, email,
 179 and/or online messaging tools;

180 c. how to contact the administration office via phone,
 181 email, and/or online messaging tools; and

182 d. any requirements for regular contact with the instructor
 183 for the course and clear expectations for meeting this
 184 requirement.

185
 186 The instructor in every course must, at a minimum, conduct one
 187 contact via phone with the parent and the student each month.

188 5.4. Possesses prior, successful experience offering online
 189 courses to elementary, middle, or high school students as
 190 demonstrated by quantified student learning gains in each
 191 subject area and grade level provided for consideration as an
 192 instructional program option; however, for providers without
 193 sufficient prior, successful experience offering online courses,
 194 the department may conditionally approve providers to offer
 195 courses measured pursuant to subparagraph (8)(a)2. Conditional
 196 approval shall only be valid for one school year at which time

197 | the provider's experience in offering such courses must be
 198 | considered in determining whether to grant approval to offer
 199 | virtual instruction programs.

200 | ~~6.5.~~ Is accredited by a regional accrediting association as
 201 | defined by State Board of Education rule;

202 | ~~7.6.~~ Ensures instructional and curricular quality through a
 203 | detailed curriculum and student performance accountability plan
 204 | that addresses every subject and grade level it intends to
 205 | provide through contract with the school district, including:

206 | a. Courses and programs that meet the standards of the
 207 | International Association for K-12 Online Learning and the
 208 | Southern Regional Education Board.

209 | b. Instructional content and services that align with, and
 210 | measure student attainment of, student proficiency in the Next
 211 | Generation Sunshine State Standards.

212 | c. Mechanisms that determine and ensure that a student has
 213 | satisfied requirements for grade level promotion and high school
 214 | graduation with a standard diploma, as appropriate;

215 | ~~8.7.~~ Publishes for the general public, in accordance with
 216 | disclosure requirements adopted in rule by the State Board of
 217 | Education, as part of its application as a provider and in all
 218 | contracts negotiated pursuant to this section:

219 | a. Information and data about the curriculum of each full-
 220 | time and part-time program.

221 | b. School policies and procedures.

222 | c. Certification status and physical location of all
 223 | administrative and instructional personnel.

224 | d. Hours and times of availability of instructional

225 personnel.

226 e. Student-teacher ratios.

227 f. Student completion and promotion rates.

228 g. Student, educator, and school performance

229 accountability outcomes;

230 ~~9.8.~~ If the provider is a Florida College System
 231 institution, employs instructors who meet the certification
 232 requirements for instructional staff under chapter 1012; and

233 ~~10.9.~~ Performs an annual financial audit of its accounts
 234 and records conducted by an independent certified public
 235 accountant which is in accordance with rules adopted by the
 236 Auditor General, is conducted in compliance with generally
 237 accepted auditing standards, and includes a report on financial
 238 statements presented in accordance with generally accepted
 239 accounting principles.

240 Section 3. Section 1002.451, Florida Statutes, is created
 241 to read:

242 1002.451 DISTRICT INNOVATION SCHOOL PILOT PROGRAM.— A
 243 district school board may operate a district innovation school
 244 for the purpose of encouraging innovation while requiring high
 245 student academic achievement and accountability in exchange for
 246 flexibility and exemption from specific statutes and rules. The
 247 innovation school shall operate within existing resources.

248 (1) DISTRICT INNOVATION SCHOOL - A district innovation
 249 school is defined as a school that has adopted and implemented,
 250 on a school-wide basis, a blended learning program. A blended
 251 learning program is defined as a formal education program in
 252 which a student learns at least in part through online delivery

253 of content and instruction with some element of student control
 254 over time, place, path, and/or pace and at least in part at a
 255 supervised brick-and-mortar location away from home. Blended
 256 learning models shall include major components such as
 257 differentiated instruction, data-driven placement, flexible
 258 scheduling, differentiated teaching, and self-paced learning.

259 The school shall use one of the following blended learning
 260 models:

261 a. Flipped Classroom Model in which students utilize online
 262 instructional videos at home for homework and practice concepts
 263 in the classroom with the support of the teacher; or

264 b. Flex Model in which students learn primarily online in a
 265 brick and mortar school, and teachers act as facilitators; or

266 c. Rotation Model in which students move between different
 267 learning modalities, such as, online instruction, teacher
 268 directed instruction, seminar or group projects, and one-on-one
 269 teacher coaching. Rotation models include: individual; station;
 270 and lab.

271 (2) GUIDING PRINCIPLES. - A district innovation school
 272 shall be guided by the following principles:

273 a. Meet high standards of student achievement in exchange
 274 for flexibility with statutes and rules;

275 b. Implement innovative learning methods and measurement
 276 tools, including blended learning, to implement a school-side
 277 transformation, not just specific courses, to improve student
 278 learning and academic achievement;

279 c. Promote enhanced academic success and financial
 280 efficiency by aligning responsibility with accountability;

281 d. Require the measurement of learning outcomes;
 282 e. Provide parents with sufficient information on whether
 283 their child is reading at grade level and whether the child
 284 makes learning gains each year spent in the innovation school.

285 (3) TERMS OF THE PILOT PROGRAM - A district innovation
 286 school may operate pursuant to a performance contract with the
 287 district school board for a period of 5 years, at the end of
 288 which the school's performance will be evaluated for purposes of
 289 renewal.

290 (a) After an initial three year period, if a district
 291 innovation school receives a school grade of F for two
 292 consecutive years the district school board shall terminate the
 293 contract with the school and the school shall no longer be
 294 eligible for the statutory flexibilities provided in subsection
 295 (4).

296 (4) EXEMPTION FROM STATUTES AND RULES. -

297 (a) A district innovation school shall be exempt from all
 298 statutes in chapters 1000-1013. However, a district innovation
 299 school shall be in compliance with the following statutes in
 300 chapters 1000-1013:

301 1. Those statutes specifically applying to district
 302 innovation schools, including this section.

303 2. Those statutes pertaining to the student assessment
 304 program and school grading system.

305 3. Those statutes pertaining to the provision of services
 306 to students with disabilities.

307 4. Those statutes pertaining to civil rights, including s.
 308 1000.05, relating to discrimination.

309 5. Those statutes pertaining to student health, safety, and
 310 welfare.

311 (b) Additionally, a district innovation school shall be in
 312 compliance with the following statutes:

313 1. Section 286.011, relating to public meetings and
 314 records, public inspection, and criminal and civil penalties.

315 2. Chapter 119, relating to public records.

316 3. Section 1003.03, relating to the maximum class size,
 317 except that the calculation for compliance pursuant to s.
 318 1003.03 shall be the average at the school level.

319 4. Section 1012.22(1)(c), relating to compensation and
 320 salary schedules.

321 5. Section 1012.33(5), relating to workforce reductions.

322 6. Section 1012.335, relating to contracts with
 323 instructional personnel hired on or after July 1, 2011.

324 7. Section 1012.34, relating to the substantive
 325 requirements for performance evaluations for instructional
 326 personnel and school administrators.

327 Section 4. Subsection (14) of section 1003.01, Florida
 328 Statutes, is amended to read:

329 1003.01 Definitions.—As used in this chapter, the term:

330 (14) "Core-curricula courses" means:

331 (a) Courses in language arts/reading, mathematics, social
 332 studies, and science in prekindergarten through grade 3,
 333 excluding any extracurricular courses pursuant to subsection
 334 (15);

335 (b) Courses in grades 4 through 8 in subjects that are
 336 measured by state assessment at any grade level and courses

337 required for middle school promotion, excluding any
 338 extracurricular courses pursuant to subsection (15);

339 (c) Courses in grades 9 through 12 in subjects that are
 340 measured by state assessment at any grade level and courses that
 341 are specifically identified by name in statute as required for
 342 high school graduation and that are not measured by state
 343 assessment, excluding any extracurricular courses pursuant to
 344 subsection (15);

345 (d) Exceptional student education courses; and

346 (e) English for Speakers of Other Languages courses.

347 The term is limited in meaning and used for the sole purpose of
 348 designating classes that are subject to the maximum class size
 349 requirements established in s. 1, Art. IX of the State
 350 Constitution. This term does not include courses offered under
 351 ss. 1002.33(7)(a)2.b., 1002.321(4)(e), 1002.37, 1002.415, and
 352 1002.45.

353 Section 5. Subsections (1) and (2) of section 1003.498,
 354 Florida Statutes, are amended, and subsection (3) is added to
 355 that section to read:

356 1003.498 School district virtual course offerings.—

357 (1) School districts may deliver courses in the
 358 traditional school setting by personnel certified pursuant to s.
 359 1012.55 who provide direct instruction through virtual
 360 instruction or through blended learning courses consisting of
 361 both traditional classroom and online instructional techniques.
 362 Students in a blended learning course must be full-time students
 363 of the school and receive the online instruction in a classroom
 364 setting at the school. The funding, performance, and

365 | accountability requirements for blended learning courses are the
 366 | same as those for traditional courses. To facilitate the
 367 | delivery and coding of blended learning courses, the Department
 368 | of Education shall provide identifiers for existing course codes
 369 | to designate that they are being used for blended learning
 370 | courses for the purpose of ensuring the efficient reporting of
 371 | such courses.

372 | (2) School districts may offer virtual courses for
 373 | students enrolled in the school district. These courses must be
 374 | identified in the course code directory. Students who meet the
 375 | eligibility requirements of s. 1002.455 may participate in these
 376 | virtual course offerings.

377 | (a) Any eligible student who is enrolled in a school
 378 | district may register and enroll in an online course offered by
 379 | his or her school district.

380 | (b) Any eligible student who is enrolled in a school
 381 | district may register and enroll in an online course offered by
 382 | any other school district in the state, ~~except as limited by~~
 383 | ~~the following:~~

384 | ~~1. A student may not enroll in a course offered through a~~
 385 | ~~virtual instruction program provided pursuant to s. 1002.45.~~

386 | ~~2. A student may not enroll in a virtual course offered by~~
 387 | ~~another school district if:~~

388 | ~~a. The course is offered online by the school district in~~
 389 | ~~which the student resides; or~~

390 | ~~b. The course is offered in the school in which the~~
 391 | ~~student is enrolled. However, a student may enroll in an online~~
 392 | ~~course offered by another school district if the school in which~~

393 ~~the student is enrolled offers the course but the student is~~
 394 ~~unable to schedule the course in his or her school.~~

395 ~~—— 3.~~ The school district in which the student completes the
 396 course shall report the student's completion of that course for
 397 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home
 398 school district shall not report the student for funding for
 399 that course.

400
 401 For purposes of this paragraph, the combined total of all school
 402 district reported FTE may not be reported as more than 1.0 full-
 403 time equivalent student in any given school year. The Department
 404 of Education shall establish procedures to enable interdistrict
 405 coordination for the delivery and funding of this online option.

406 (3) A school district may not require a public school
 407 student to take a course outside the school day, in addition to
 408 the student's courses for a given term, or on school grounds.

409 Section 6. Subsections (c) of section 1011.61, F.S. is
 410 amended to read:

411 (1) A "full-time equivalent student" in each program of
 412 the district is defined in terms of full-time students and part-
 413 time students as follows:

414 (c)1. A "full-time equivalent student" is:

415 a. A full-time student in any one of the programs listed
 416 in s. 1011.62(1)(c); or

417 b. A combination of full-time or part-time students in any
 418 one of the programs listed in s. 1011.62(1)(c) which is the
 419 equivalent of one full-time student based on the following
 420 calculations:

421 (I) A full-time student in a combination of programs
 422 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
 423 equivalent membership in each program equal to the number of net
 424 hours per school year for which he or she is a member, divided
 425 by the appropriate number of hours set forth in subparagraph
 426 (a)1. or subparagraph (a)2. The sum of the fractions for each
 427 program may not exceed the maximum value set forth in subsection
 428 (4).

429 (II) A prekindergarten student with a disability shall
 430 meet the requirements specified for kindergarten students.

431 (III) A full-time equivalent student for students in
 432 kindergarten through grade 12 in a full-time virtual instruction
 433 program under s. 1002.45 or a virtual charter school under s.
 434 1002.33 shall consist of six full-credit completions or the
 435 prescribed level of content that counts toward promotion to the
 436 next grade in programs listed in s. 1011.62(1)(c). Credit
 437 completions may be a combination of full-credit courses or half-
 438 credit courses. Beginning in the 2014-2015 fiscal year, when s.
 439 1008.22(3)(g) is implemented, the reported full-time equivalent
 440 students and associated funding of students enrolled in courses
 441 requiring passage of an end-of-course assessment shall be
 442 adjusted after the student completes the end-of-course
 443 assessment.

444 (IV) A full-time equivalent student for students in
 445 kindergarten through grade 12 in a part-time virtual instruction
 446 program under s. 1002.45 shall consist of six full-credit
 447 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 448 Credit completions may be a combination of full-credit courses

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449 or half-credit courses. Beginning in the fourth year of
 450 administering the end of course assessment pursuant to s.
 451 1008.22(3)(c)2.a., the FTE shall be credit-based and each course
 452 shall be equal to 1/6 FTE. The reported FTE shall be adjusted
 453 after the student successfully completes the end-of-course
 454 assessment. Beginning in the 2014-2015 fiscal year, when s.
 455 ~~1008.22(3)(g) is implemented, the reported full-time equivalent~~
 456 ~~students and associated funding of students enrolled in courses~~
 457 ~~requiring passage of an end-of-course assessment shall be~~
 458 ~~adjusted after the student completes the end-of-course~~
 459 ~~assessment.~~

460 (V) A Florida Virtual School full-time equivalent student
 461 shall consist of six full-credit completions or the prescribed
 462 level of content that counts toward promotion to the next grade
 463 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
 464 participating in kindergarten through grade 12 part-time virtual
 465 instruction and the programs listed in s. 1011.62(1)(c) for
 466 students participating in kindergarten through grade 12 full-
 467 time virtual instruction. Credit completions may be a
 468 combination of full-credit courses or half-credit courses.
 469 Beginning in the fourth year of administering the end of course
 470 assessment pursuant to s. 1008.22(3)(c)2.a., the FTE shall be
 471 credit-based and each course shall be equal to 1/6 FTE. The
 472 reported FTE shall be adjusted after the student successfully
 473 completes the end-of-course assessment. Beginning in the 2014-
 474 ~~2015 fiscal year, when s. 1008.22(3)(g) is implemented, the~~
 475 ~~reported full-time equivalent students and associated funding of~~
 476 ~~students enrolled in courses requiring passage of an end-of-~~

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477 ~~course assessment shall be adjusted after the student completes~~
 478 ~~the end-of-course assessment.~~

479 (VI) Each successfully completed full-credit course earned
 480 through an online course delivered by a district other than the
 481 one in which the student resides shall be calculated as 1/6
 482 FTE.

483 (VII) Each successfully completed credit earned under the
 484 alternative high school course credit requirements authorized in
 485 s. 1002.375, which is not reported as a portion of the 900 net
 486 hours of instruction pursuant to subparagraph (1)(a)1., shall be
 487 calculated as 1/6 FTE.

488 (VIII)(A) A full-time equivalent student for courses
 489 requiring a statewide, standardized end-of-course assessment
 490 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
 491 based on the number of instructional hours as provided in this
 492 subsection for the first 3 years of administering the end-of-
 493 course assessment. Beginning in the fourth year of administering
 494 the end-of-course assessment, the FTE shall be credit-based and
 495 each course shall be equal to 1/6 FTE. The reported FTE shall be
 496 adjusted after the student successfully completes the end-of-
 497 course assessment pursuant to s. 1008.22(3)(c)2.a.

498 (B) For students enrolled in a school district as a full-
 499 time student, the district may report 1/6 FTE for each student
 500 who passes a statewide, standardized end-of-course assessment
 501 without being enrolled in the corresponding course.

502 (C) The FTE earned under this sub-sub-subparagraph and any
 503 FTE for courses or programs listed in s. 1011.62(1)(c) that do
 504 not require passing a statewide, standardized end-of-course

505 assessment are subject to the requirements in subsection (4).

506 2. A student in membership in a program scheduled for more
 507 or less than 180 school days or the equivalent on an hourly
 508 basis as specified by rules of the State Board of Education is a
 509 fraction of a full-time equivalent membership equal to the
 510 number of instructional hours in membership divided by the
 511 appropriate number of hours set forth in subparagraph (a)1.;
 512 however, for the purposes of this subparagraph, membership in
 513 programs scheduled for more than 180 days is limited to students
 514 enrolled in juvenile justice education programs and the Florida
 515 Virtual School.



516

517 The department shall determine and implement an equitable method
 518 of equivalent funding for experimental schools and for schools
 519 operating under emergency conditions, which schools have been
 520 approved by the department to operate for less than the minimum
 521 school day.

522 Section 7. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CIS 13-03 Digital Learning
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Ammel 	Fudge 

SUMMARY ANALYSIS

The bill includes several provisions that increase access to digital and blended learning options by:

- Creating a district innovation school pilot program that encourages schools to engage in a whole school transformation using blended learning models in exchange for flexibility and exemption from certain statutes; providing a definition of district innovation school; providing guiding principles; and outlining exemptions from statute.
- Allowing districts and providers to offer part-time virtual instruction for K-12 students in all courses, rather than only those courses that are measured through statewide assessments or end-of-course exams.
- Providing an opportunity for virtual providers without sufficient prior, successful experience in offering online courses to receive conditional approval from the Department of Education to offer only courses measured through statewide assessments or end-of-course exams. The conditional approval is for one school year only, and the achievement results from that year will be used to determine eligibility to offer a full virtual instructional program.
- Removing blended learning courses taught in a charter school or a traditional public school from the definition of core-curricula courses.
- Allowing students enrolled in one school district to enroll in an online course offered by any other district in the state, without limitations.
- Prohibiting a school district from requiring a public school student to take a virtual course outside the school day or on the school grounds.
- Clarifying, for home school students, that eligibility be verified upon enrollment, for purposes of funding through the FEFP.

The bill increases accountability for digital learning options in the following way:

- Requiring providers to maintain a minimum level of services to parents and students, instead of requiring them to locate an administrative office in the state.
- Requiring the Department of Education to develop an online catalog of available digital learning courses provided pursuant to 1002.37, 1002.45, and 1003.498, F.S., that provides specific information for each course, including completion and passage rates and a method for student and teacher users to provide evaluative feedback.
- Requiring FLVS to provide information in their required report about operations occurring outside the state as Florida Virtual School Global, as well as operations within the state.
- Requires the Department of Education to provide identifiers in the existing course codes for courses being used for blended learning to ensure efficient reporting of such courses.

The bill has no fiscal impact on state government.

This bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Florida Virtual School (FLVS) is established for the development and delivery of online and distance learning education.¹ The FLVS is a public online school that is fully accredited by the Southern Association of Colleges and Schools (SACS) and The Commission on International and Trans-Regional Accreditation (CITA).² The FLVS provides students full-time and part-time virtual education options; and offers more than 120 courses including core subjects, world languages, electives, honors, and 15 Advanced Placement courses.³

The FLVS offers individual course enrollments to all Florida students enrolled in grades 6 through 12, including public school, private school, and home school students.⁴ FLVS also offers middle school courses for advanced elementary students and is authorized to offer elementary courses for grades K-5 students. In addition, the FLVS has partnered with Connections Academy to provide a full-time virtual education program to students statewide enrolled in kindergarten through grade 12. The Florida Virtual School Full Time (FLVS FT) program is open to any public, private or home education student in kindergarten through grade 12. School districts and virtual charter schools may also contract with FLVS to offer the FLVS FT program for their students⁵ if the student meets certain eligibility criteria.⁶

The number of half-credit course completions at the FLVS has grown steadily from 77 during 1997-98 to 314,593 during 2011-12. The following table shows the number of course completions during the last five academic years.

Academic Year	Course Completions
2007-08	116,035
2008-09	154,125
2009-10	213,926
2010-11	259,928
2011-12	314,593

The 2012 Legislature, in HB 7063, increased access to virtual education courses by allowing students in grades K-12 to receive part-time instruction through FLVS and district virtual instruction programs (VIP) under certain eligibility criteria. Previously, FLVS was limited to students in grades 4-12, and school districts were

¹ Section 1002.37(1)(a), F.S. FLVS began as two independent programs in Alachua and Orange Counties. The two counties partnered to establish the FLVS as a grant-based pilot project in the 1996-97 academic year. In 2000, the Legislature removed the program's pilot status and statutorily codified the school. Chapter 2000-224, L.O.F.; see also Florida Virtual School, *Quick Facts*, <http://www.flvs.net/areas/aboutus/Pages/QuickFactsaboutFLVS.aspx> (last visited Oct. 1, 2012).

² Florida Virtual School, *Accreditation*, <http://www.flvs.net/areas/aboutus/Pages/accreditation.aspx> (last visited Oct. 1, 2012); During 2008-09, AdvancED acquired The Commission on International and Trans-Regional Accreditation (CITA). AdvancED, *2008-09 Annual Report*, <http://www.advanc-ed.org/company-overview> (last visited Oct. 1, 2012).

³ Florida Virtual School, *Quick Facts*, <http://www.flvs.net/areas/aboutus/Pages/QuickFactsaboutFLVS.aspx> (last visited Oct. 1, 2012); see also Florida Virtual School, *Quick Facts*, <http://www.flvs.net/areas/aboutus/Pages/QuickFactsaboutFLVS.aspx> (last visited Sep. 10, 2012).

⁴ Florida Virtual School, *Courses - FAQs*, <http://www.flvs.net/areas/faqs/Pages/CourseFAQs.aspx> (last visited Oct. 1, 2012).

⁵ Section 1002.45, F.S.

⁶ Florida Virtual School, *Florida Virtual School Full Time*, <http://www.connectionsacademy.com/florida-virtual-school/home.aspx> (last visited Sep. 10, 2012); see also Florida Virtual School, *Florida Virtual School Full Time Frequently Asked Questions*, <http://www.connectionsacademy.com/florida-virtual-school/faq.aspx> (last visited Oct. 1, 2012).

⁷ Florida Virtual School, *FLVS Semester Completion History* (June 30, 2012), available at <http://www.flvs.net/areas/aboutus/Documents/FLVS%20Completions%20History%202011-2012.pdf>.

limited to students in grades 9-12.⁸ Virtual education options and eligibility requirements are still varied among FLVS, District VIP, and virtual charter schools as shown below:

K-12 Virtual Education Options

Delivery System	Student Grade Level														
	K	1	2	3	4	5	6	7	8	9	10	11	12		
Florida Virtual School (FLVS) ¹	Full														
	Part ²														
District Virtual Instruction Program (VIP) ³	Full														
	Part ⁴														
Virtual Charter School	Full only														

¹ FLVS is a public school that serves "any student in the state", including public, home, and private school students (s. 1002.37(1)(b), F.S.)
² FLVS can offer any course, not just those measured by a standardized assessment.

³ School Districts must provide "all enrolled public school students within its boundaries the option of participating in part-time and full-time virtual instruction programs" (s. 1002.45(1)(b), F.S.)
⁴ Part-time courses limited to those courses measured by a standardized assessment. 1002.45(1)(b)2.

Authority to Deliver:

Enrollment: **Full** = Full-time enrollment **Part** = Part-time enrollment
 Legend: = Authorized to deliver = Student must meet eligibility requirements of s. 1002.455(2) = Limited to 1.0 FTE

A student is eligible to participate in virtual instruction if:

- The student spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for purposes of the Florida Education Finance Program surveys;
- The student is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state from another state or from a foreign country pursuant to a permanent change of station order;
- The student was enrolled during the prior school year in a virtual instruction program under s. 1002.45, the K-8 Virtual School Program under s. 1002.415, or a full-time Florida Virtual School program under s. 1002.37(8)(a);
- The student has a sibling who is currently enrolled in a virtual instruction program and the sibling was enrolled in that program at the end of the prior school year;
- The student is eligible to enter kindergarten or first grade; or
- The student is eligible to enter grades 2 through 5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or the Florida Virtual School.

Florida Virtual School Global

Florida Virtual School Global Services operates as a separate division within Florida Virtual School (FLVS) to serve students outside of Florida. As a not-for-profit, the revenues are reinvested in FLVS, earmarked for

research and development, in order to maintain the highest quality courses and products available to benefit students everywhere.

FLVS Global has provided courseware, training, and expertise to a variety of online programs at the school, district, and state level. They have assisted in the design and implementation of some of the most successful online programs today, including state programs in North Carolina, Alabama, Virginia, Mississippi, Kentucky, New Hampshire, Wisconsin, New Jersey, South Carolina, and Michigan. Additionally, current FLVS Global students reside in all 50 states and in 57 other countries worldwide.⁹

Florida Virtual School Funding

Present Situation

In 2003, the Legislature transitioned FLVS funding from a specific legislative appropriation basis to the FEFP.¹⁰ Funding for the FLVS is based on successful completion of courses. A student in grades 9 through 12 counts as a FTE student if the student successfully completes six full-credit courses that count toward the minimum number of credits required for high school graduation. Credit that a student completes in excess of the minimum required for that student to graduate from high school is not eligible for funding. For a student in kindergarten through grade 8, one FTE student equals one student who successfully completes six courses or the prescribed level of content that counts toward promotion to the next grade.¹¹

A student who completes less than six credits is a fraction of a FTE student. Half-credit completions must be included in determining a FTE student.¹²

Beginning in the 2014-2015 school year, when all statewide end-of-course assessments will be administered online, the reported FTE students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment must be adjusted after the students complete the end-of-course assessment.¹³ Funding must not be adjusted for home education program students who choose to not take an end-of-course assessment.¹⁴

Public school students receiving full-time instruction in kindergarten through grade 12 by the FLVS must take all statewide assessments. Public school students receiving part-time instruction by the FLVS in courses requiring statewide end-of-course assessments must take all end-of-course statewide assessments. All statewide assessments must be taken at the school to which the student is assigned according to district school board attendance areas. A school district must provide the student access to the school's testing facilities.¹⁵

The combined total of all FTE reported by both the school district and the FLVS must not exceed 1.0 FTE for students receiving part-time instruction in kindergarten through grade 5 and students receiving full-time instruction in kindergarten through grade 12 from the FLVS.¹⁶

⁹ Florida Virtual School Global, <https://www.flvs.net/global/Pages/about.aspx>.

¹⁰ Section 19, ch. 03-391, L.O.F.

¹¹ Section 1002.37(3)(a)1. and 2., F.S.

¹² Section 1002.37(3)(a)1. and 2., F.S.

¹³ See Section 1011.61(1)(c)1.b.(V), F.S., but see Section 1011.61(1)(c)1.b.(VIII)(A), F.S., requiring adjustment to courses within end-of-course assessments in the fourth year of administration of the assessment.

¹⁴ Sections 1002.37(3)(a)3., 1008.22(3)(g), and 1011.61(1)(c)1.b.(V), F.S.

¹⁵ Section 1002.37(9), F.S.

¹⁶ Section 1002.37(8)(b), F.S.

Historical funding amounts for the FLVS in the FEFP are below:

FY	Number of Unweighted FTE	Amount/FTE	Total Funds (includes Categorical Funds)
2003-04 ¹⁷	1,764.23	\$4,859.02	\$8,572,428
2004-05 ¹⁸	2,791.72	\$5,191.43	\$14,493,007
2005-06 ¹⁹	4,684.43	\$5,307.03	\$24,860,407
2006-07 ²⁰	6,865.90	\$6,300.27	\$43,257,056
2007-08 ²¹	9,686.52	\$6,467.92	\$62,651,654
2008-09 ²²	12,907.92	\$6,296.75	\$81,277,949
2009-10 ²³	18,551.07	\$5,627.13	\$104,389,203
2010-11 ²⁴	22,655.60	\$5,186.42	\$117,501,544
2011-12 ²⁵	27,983.01	\$4,818.80	\$134,844,645

The FLVS is authorized to generate supplemental revenue from a variety of sources, including alumni associations, foundations, parent-teacher associations, and booster associations.²⁴ In addition, FLVS may also receive funds from grants and donations.²⁵ The Florida Virtual School must submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education a complete and detailed report, which includes:

- The operations and accomplishments of the Florida Virtual School.
- The marketing and operational plan for the Florida Virtual School, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.
- The assets and liabilities of the Florida Virtual School at the end of the fiscal year.
- A copy of an annual financial audit of the accounts and records of the Florida Virtual School, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.
- Recommendations regarding the unit cost of providing services to students. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.

¹⁷ Florida Department of Education - Office of Funding and Financial Reporting, *Florida Education Finance Program 2003-04 Final Calculation* (Dec. 9, 2004), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-2660/05-14a.pdf>.

¹⁸ Florida Department of Education - Office of Funding and Financial Reporting, *Florida Education Finance Program 2004-05 Final Calculation* (Dec. 8, 2005), available at <http://info.fldoe.org/docushare/dsweb/Get/Version-3597/200405FinalFEFPCalc.pdf>.

¹⁹ Florida Department of Education - Office of Funding and Financial Reporting, *Florida Education Finance Program 2005-06 Final Calculation* (Nov. 7, 2006), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4098/coefo07-10-1.pdf>.

²⁰ Florida Department of Education - Office of Funding and Financial Reporting, *Florida Education Finance Program 2006-07 Final Calculation* (Nov. 9, 2007), available at <http://www.fldoe.org/fefp/pdf/0607finalcalcparta.pdf>.

²¹ Florida Department of Education - Office of Funding and Financial Reporting, *Florida Education Finance Program 2007-08 Final Calculation* (Dec. 12, 2008), available at <http://www.fldoe.org/fefp/pdf/07-08FEFP-FinalCalc-1.pdf>.

²² Florida Department of Education - Office of Funding and Financial Reporting, *Florida Education Finance Program 2008-09 Final Calculation* (Dec. 4, 2009), available at <http://www.fldoe.org/fefp/pdf/0809finalcalc-1.pdf>.

²³ Florida Department of Education - Office of Funding and Financial Reporting, *Florida Education Finance Program 2009-10 Final Calculation* (Nov. 19, 2010), available at <http://www.fldoe.org/fefp/pdf/09-10-final.pdf>.

²⁴ Florida Department of Education - Office of Funding and Financial Reporting, *Florida Education Finance Program 2010-2011 Final Calculation* (Oct. 28, 2011), available at <http://www.fldoe.org/fefp/pdf/10-11-final-part1.pdf>.

²⁵ Florida Department of Education - Office of Funding and Financial Reporting, *Florida education Finance Program 2011-2012 Fourth Quarter Calculation* (May 7, 2012) available at <http://www.fldoe.org/fefp/pdf/11-12-fourth-part1.pdf>.

- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School.²⁶

Auditor General Report No. 2012-020, October 2011, identified a finding related to verification of Florida residency, citing that FLVS did not maintain verification of residency for a number of students at the time of course completion, presenting an increased risk that out-of-state students may be reported and funded through the FEFP. As a result, a total of 51,200 FTE were deducted from FLVS. The majority of those deductions (30,434) were attributed to home education students.²⁷

FLVS indicated it did not consistently require annual re-verification of homeschool registration, upon course completion, as there is no mechanism to collect that information from a third-party. Home school students are only required to register with their home district at the beginning of their home education program and do not have to formally register each subsequent year.²⁸ FLVS does require the parent to verify, at every course enrollment for home education students, that the student is registered as a home education student in Florida.

Effect of Proposed Changes

The bill requires Florida Virtual School to include in the detailed report to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education, the same information for Florida Virtual School Global.

The bill clarifies that, for home education students to be eligible for funding upon course completion, the parent must verify, upon enrollment for each course, that the student is registered as a home education student with their district according to law.²⁹

District Virtual Instruction Programs

Present Situation

District virtual instruction programs were implemented by the 2008 Legislature to provide students with the opportunity to participate in virtual instruction programs.³⁰ School districts eligible for the sparsity supplement must provide all enrolled public school students within its boundaries the option of participating in part-time and full-time virtual instruction programs. Districts that do not qualify for the sparsity supplement must provide at least three options for part-time and full-time virtual instruction. A school district virtual instruction program shall consist of the following:

- Full-time virtual instruction for students enrolled in kindergarten through grade 12.
- Part-time virtual instruction for students enrolled in kindergarten through grade 12 courses that are measured pursuant to subparagraph (8)(a)2.
- Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.52, core-curricula courses to meet class size requirements under s. 1003.03, or Florida College Institutions under this section.³¹

In order to provide the virtual instruction program, districts may contract with the Florida Virtual School, establish a franchise of the Florida Virtual School; contract with an approved provider; enter into an agreement with other school districts to allow participation of its students in an approved virtual instruction program;

²⁶ Section 1002.37(6), F.S.

²⁷ Florida Auditor General Report No. 2012-020, available at <http://www.myflorida.com/audgen/pages/list1112page.htm>.

²⁸ Section 1002.41(1)(a), F.S.

²⁹ Section 1002.41(1)(a), F.S.

³⁰ Section 4, ch. 2008-147, L.O.F.

³¹ Section 1002.45(1)(b), F.S.

establish its own part-time or full-time virtual instruction program; or enter into an agreement with a virtual charter school.³²

Approved providers include those approved by the Department of Education, the Florida Virtual School, a franchise of the Florida Virtual School, or a Florida College System institution.³³ In order to be approved, providers must, among other requirements, locate an administrative office in the state and require its administrative staff to be Florida residents, and possess prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option.³⁴

School districts may also deliver courses in the traditional school setting by personnel certified pursuant to s. 1012.55 who provide instruction through virtual instruction or blended learning courses. Students must be full-time students of the school and receive the online instruction in the classroom setting at the school.³⁵

Effect of Proposed Changes

The bill allows school districts, through their virtual instruction programs, to offer part-time courses to students in kindergarten through grade 12 for all courses, not just courses that require statewide assessments.

The bill removes the requirements that approved providers have an administrative office in the state and that their administrative staff be state residents, but requires them to provide a minimum level of services to parents and students. It requires specific information to be posted and accessible online, including, but not limited to: contact information for course instructors, technical support, and administrative services. It requires such individuals to be accessible via a variety of methods, such as phone, email, and/or other online messaging tools. It also requires a minimum of one phone contact per month between the instructor and parent and the instructor and student.

The bill also provides an opportunity for virtual providers without sufficient prior, successful experience in offering online courses to receive conditional approval from the Department of Education to offer only courses measured through statewide assessments or end-of-course exams. The conditional approval is for one school year only, and the achievement results from that year will be used to determine eligibility to offer a full virtual instructional program.

In order to facilitate the delivery and coding of blended learning courses, the bill requires the Department of Education to provide identifiers for existing course codes to designate their use for blended learning courses. This will ensure efficient and accurate reporting of blended learning courses.

District Innovation School Pilot Program

The bill creates a district innovation school pilot program to encourage schools to engage in a whole school transformation using blended learning models in exchange for flexibility and exemption from certain statutes. Schools will operate within existing resources under a performance contract with their district for a period of 5 years after which, they will be evaluated for purposes of renewal. The bill defines a district innovation school as a school that has adopted and implemented, on a school-wide basis, a blended learning program. The school must use one of the following blended learning models: flipped classroom, flex, or rotation. To enable the whole school transformation, district innovation schools are provided statutory exemptions similar to charter schools. After an initial three year period, if a district innovation school receives a school grade of F for two consecutive years the district school board must terminate the contract with the school and the school is no longer eligible for the statutory flexibilities.

³² Section 1002.45(c), F.S.

³³ Section 1002.45(a)1., F.S., *For further qualifications see State Board of Education Rule 6A-6.0981, F.A.C. at <https://www.flrules.org/gateway/ruleNo.asp?id=6A-6.0981>.*

³⁴ Section 1002.45(2)(a)3. and 4., F.S.

³⁵ Section 1003.498(1), F.S.

Accountability and Accessibility

The bill provides additional accountability and accessibility by:

- requiring the Department of Education to develop an online catalog of available digital learning courses provided pursuant to 1002.37, 1002.45, and 1003.498, F.S., that provides for each course, access to the course description, completion and passage rates and a method for student and teacher users to provide evaluative feedback.³⁶
- removing blended learning courses taught in a charter school or a traditional public school from the definition of core-curricula courses.
- allowing students enrolled in one school district to enroll in an online course offered by any other district in the state, without exceptions.
- prohibiting a school district from requiring a public school student to take a virtual course outside the school day or on the school grounds.

The bill also aligns all sections of statute regarding the FTE reporting requirements for courses that require end-of-course assessments. Beginning in the fourth year of administration for each assessment, the reported FTE shall be adjusted after the student successfully completes the required assessment.

B. SECTION DIRECTORY:

Section 1: Amending 1002.321, F.S.; requiring the Department of Education to develop an online catalog of available digital learning courses from the Florida Virtual School, school district virtual instruction programs and school district virtual instruction courses that provides specific information for each course and a method for teachers and students to submit evaluative feedback.

Section 2: Amending 1002.37, F.S.; clarifying, for home education students, the eligibility verification process for purposes of funding through the FEFP; requiring FLVS to provide information in their required report about operations occurring outside the state as Florida Virtual School Global.

Section 3: Amending 1002.45, F.S.; allowing districts to offer part-time virtual instruction for K-12 students for all courses, not just courses measured by an assessment; removing the requirement that a provider locate an administrative office in the state; removing the requirement that the provider employees be residents of the state and requiring such providers to maintain a minimum level of services available to parents and students; establishing provisions by which the Department of Education may conditionally approve providers without prior successful experience in providing on-line courses.

Section 4: Creating 1002.451, F.S.; establishing a district innovation school pilot program that encourages schools to engage in a whole school transformation using blended learning models in exchange for flexibility and exemption from certain statutes; providing a definition of district innovation school; providing guiding principles; outlining exemptions from statute.

Section 5: Amending 1003.498, F.S.; requiring the Department of Education to provide identifiers for existing course codes to designate their use for blended learning courses; removing restrictions on students for taking on-line courses across district lines; prohibiting school districts from requiring a public school student to take an on-line course outside the school day, in addition to the student's courses for a given term, or on school grounds.

³⁶ See e.g., Washington Digital Learning Department Catalog at:
http://digitalllearning.k12.wa.us/online_courses/courseDetails.php?courseID=1116&selections%5bgradeID%5d=5

Section 6: Amending 1011.61, F.S.; clarifying reporting of FTE for courses that require an end-of-course assessment; beginning in the fourth year of administration, the reported FTE shall be adjusted after the student successfully completes the required assessment.

Section 7: Providing an effective date of July 1, 2013.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to maximum class size; amending s.
 3 1003.03, F.S.; calculating a school district's class
 4 size categorical allocation reduction at the school
 5 average when maximum class size requirements are not
 6 met; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraph (a) of subsection (4) of section
 11 1003.03, Florida Statutes, is amended to read:

12 1003.03 Maximum class size.—

13 (4) ACCOUNTABILITY.—

14 (a) If the department determines that the number of
 15 students assigned to any individual class exceeds the class size
 16 maximum, as required in subsection (1), based upon the October
 17 student membership survey, the department shall:

18 1. ~~Identify, for each grade group, the number of classes~~
 19 ~~in which the number of students exceeds the maximum and the~~
 20 ~~total number of students which exceeds the maximum for all~~
 21 ~~classes.~~

22 ~~2.~~ Determine the number of FTE students which exceeds the
 23 maximum for each grade group calculated at the school average.

24 ~~2.3.~~ Multiply the total number of FTE students which
 25 exceeds the maximum for each grade group calculated at the
 26 school average by the district's FTE dollar amount of the class
 27 size categorical allocation for that year and calculate the
 28 total for all three grade groups.



29 ~~3.4.~~ Multiply the total number of FTE students which
 30 exceeds the maximum for all classes calculated at the school
 31 average by an amount equal to 50 percent of the base student
 32 allocation adjusted by the district cost differential for the
 33 ~~each of the 2010-2011 through~~ 2013-2014 fiscal year ~~years~~ and by
 34 an amount equal to the base student allocation adjusted by the
 35 district cost differential in the 2014-2015 fiscal year and
 36 thereafter.

37 ~~4.5.~~ Reduce the district's class size categorical
 38 allocation by an amount equal to the sum of the calculations in
 39 subparagraphs 2. and 3. ~~and 4.~~

40 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 189 Maximum Class Size
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Fudge 	Fudge 

SUMMARY ANALYSIS

The bill revises the method for calculating the penalty for failure to comply with the class size requirements by performing the calculation at the school average instead of at the classroom level. The department would continue to determine the number of students assigned to any individual class that exceeds the class size maximum.

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution. The amendment requires the Legislature by the beginning of the 2010 school year to make adequate provision to ensure that there are a sufficient number of classrooms in Florida so that the maximum number of students assigned does not exceed the maximums established by the amendment. Since 2003, the Legislature has appropriated more than \$22 billion toward operational expenses and \$2.5 billion in facilities funding to implement the Class Size Reduction Amendment.

The bill is effective July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution. The amendment requires the Legislature by the beginning of the 2010 school year to make adequate provision to ensure that there are a sufficient number of classrooms in Florida so that the maximum number of students assigned to each teacher does not exceed the following:

Grade Groupings	Maximum Students per Teacher
Pre-K - Grade 3	18
Grade 4 - Grade 8	22
Grade 9 - Grade 12	25

The amendment expressly excludes extracurricular courses from the class size mandate; thus, its requirements apply only to core curricula courses.¹

Additionally, the amendment requires that the Legislature provide sufficient funds, beginning in Fiscal Year (FY) 2003-2004, for districts to reduce the average number of students in each classroom by at least two annually until the constitutionally prescribed maximum number of students is achieved.² In 2003, the Legislature enacted s. 1003.03, F.S., to implement the amendment's requirements.³ This law requires each school district not in compliance with the constitutionally prescribed maximums to annually reduce its average number of students per classroom by two students beginning in FY 2003-2004. Further, it specifies that the number of students per classroom is to be measured at the:

- District level for each of the three grade groupings during FYs 2003-2006.
- School level for each of the three grade groupings in FYs 2006-2009.
- Individual classroom level for each of the three grade groupings in FY 2009-2010 and thereafter.⁴

To implement the Class Size Reduction Amendment, the Legislature annually appropriates funds for district operating costs. Additionally, the Legislature has appropriated funds for capital outlay (facility) needs and granted bonding authority to fund classroom construction and other capital needs related to class size reduction. Since 2003, the Legislature has appropriated more than \$22 billion toward operational expenses and \$2.5 billion in facilities funding to implement the Class Size Reduction Amendment.

¹ See s. 1(a), Art. IX of the State Constitution.

² *Id.*

³ Section 2, ch. 2003-391, L.O.F., *codified at* s. 1003.03, F.S.

⁴ Section 1003.03(2)(a), F.S.

Fiscal Year	Operating Funds	Fixed Capital Outlay	Total Appropriations
2003-2004 ⁵	\$468,198,634	\$600,000,000	\$1,068,198,634
2004-2005 ⁶	\$972,191,216	\$100,000,000	\$1,072,191,216
2005-2006 ⁷	\$1,507,199,696	\$83,400,000	\$1,590,599,696
2006-2007 ⁸	\$2,108,529,344	\$1,100,000,000	\$3,208,529,344
2007-2008 ⁹	\$2,640,719,730	\$650,000,000	\$3,290,719,730
2008-2009 ¹⁰	\$2,809,079,054	\$0	\$2,809,079,054
2009-2010	\$2,845,578,849	\$0	\$2,845,578,849
2010-2011	\$2,913,825,383	\$0	\$2,913,825,383
2011-2012	\$2,927,464,879	\$0	\$2,927,464,879
2012-2013 ¹¹	\$2,983,788,477	\$0	\$2,983,788,477
Total Year to Date Appropriations	\$22,096,987,241	\$2,533,400,000	\$24,630,387,241

Beginning with FY 2010-11, class size is measured at the individual classroom level. The procedure that the department must follow for adjusting class size reduction operating categorical funds for school districts that fail to meet the class size requirements is as follows:

- Identify, for each grade grouping, the number of classes that exceed the maximum and the total number of students which exceeds the maximum for all classes.
- Determine the number of full-time equivalent (FTE) students which exceeds the maximum for each grade grouping.
- Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.
- Multiply the total number of FTE students over the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2010-11 FY.
- Reduce the district's class size reduction operating categorical allocation by an amount equal to the sum of the calculations in the 3rd and 4th bullets above.¹²

The reduced amount is the lesser of the department's calculation or the undistributed balance of the district's class size reduction operating categorical allocation. If a district made appropriate efforts to reduce class sizes but still failed to achieve compliance or an emergency caused noncompliance, the commissioner is authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commission. Once the reduced amount is determined, the commissioner must prepare a reallocation of the funds made available to districts that have fully met the class size requirements by calculating an amount that is up to five percent of the base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25 percent of the total funds reduced.¹³

⁵ Specific Appropriations 1A and 3C, s. 1, ch. 2003-397 L.O.F.; Specific Appropriations 14F & 59A, s. 2, ch. 2003-397, L.O.F.

⁶ Specific Appropriation 6, s. 1, ch. 2004-268, L.O.F.; Specific Appropriations 28A & 82, s. 2, ch. 2004-268, L.O.F.

⁷ Specific Appropriation 5, s. 1, ch. 2005-70, L.O.F.; Specific Appropriation 74, s. 2, ch. 2005-70, L.O.F.

⁸ Specific Appropriation 7, s. 1, ch. 2006-25, L.O.F.; Specific Appropriations 38A & 92, s. 2, ch. 2006-25, L.O.F.

⁹ Specific Appropriation 30, s. 2, ch. 2008-1, L.O.F.; Specific Appropriations 3 & 7, s. 1, ch. 2007-326, L.O.F.; Specific Appropriations 35 & 35A, s. 2, ch. 2007-326, L.O.F.; Specific Appropriation 7, s. 1, ch. 2007-72, L.O.F.; Specific Appropriations 36 & 87, s. 2, ch. 2007-72, L.O.F.

¹⁰ Specific Appropriation 6, s. 1, ch. 2008-152, L.O.F.; Specific Appropriation 82, s. 2, ch. 2008-152, L.O.F.

¹¹ See Class Size Reduction Amendment, Florida Department of Education, available at, <http://www.fldoe.org/classsize/>.

¹² See Section 1003.03(4), F.S.

¹³ See Section 1003.03(4), F.S.

Districts that fail to comply with the class size requirements must submit a plan by February 15, certified by the district school board, which describes the actions the district will take in order to be in compliance by October of the following year. For districts that submit the plan by the required deadline, the funds remaining after the reallocation calculation must be added back to the district's class size reduction operating categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. The amount added back may not be greater than the amount that was reduced.¹⁴

History of Class Size Transfer (& Reallocation) Calculation for Traditional Public Schools				
		Pre-Appeals	Post-Appeals	After Plan
District	2003-04	\$21,488,179	\$1,479,948	
District	2004-05	\$11,354,475	\$1,076,719	
District	2005-06	\$5,222,735	\$496,059	
School	2006-07	\$7,836,834	\$3,273,943	
School	2007-08	\$5,330,411	\$333,302	
School	2008-09	\$1,396,108	\$0	
School	2009-10	\$1,912,030	\$267,263	
Classroom	2010-11	\$40,795,637	\$31,324,748	\$7,831,187
Classroom	2011-12	\$58,749,605	\$43,407,465	\$10,851,866
History of Class Size Transfer (& Reallocation) Calculation for Charter Schools				
		Pre-Appeals	Post-Appeals	After Plan
N/A	2003-04	\$0	\$0	
N/A	2004-05	\$0	\$0	
N/A	2005-06	\$0	\$0	
School	2006-07	\$6,831,504	\$2,724,878	
School	2007-08	\$802,515	\$194,836	
N/A	2008-09	\$0	\$0	
N/A	2009-10	\$0	\$0	
School	2010-11	\$2,292,191	\$355,539	\$88,885
School	2011-12	\$3,921,323	\$652,851	\$163,213

Effect of Proposed Changes

The bill revises the method for calculating the penalty for failure to comply with the class size requirements by performing the calculation at the school average instead of at the classroom level. The department would continue to determine the number of students assigned to any individual class that exceeds the class size maximum. However, for purposes of the penalty, the number of students that exceed each grade group will be calculated at the school average. In doing so, the amount of funds available to a district for class size compliance will be increased, because of the reduced penalty amount.

B. SECTION DIRECTORY:

Section 1: Amends s. 1003.03, F.S., to require calculation of class size penalty at the school average.

Section 2: Provides an effective date of July 1, 2013.

¹⁴ See Section 1003.03(4), F.S.

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:

By calculating the penalty at the school level instead of at the class level, the amount deducted from a school district's class size reduction operating categorical may be decreased.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES