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# **Education Committee**

**Tuesday, March 22, 2011**

**3:15 PM – 6:00 PM**

**Reed Hall – 102 HOB**

**Meeting Packet**

**Dean Cannon  
Speaker**

**William Proctor  
Chair**



# The Florida House of Representatives

## Education Committee

Dean Cannon  
Speaker

William L. "Bill" Proctor  
Chair

### AGENDA

Education Committee  
March 22, 2011  
3:15 pm – 6:00 pm  
Reed Hall - 102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee substitute:
  - PCSMB for HB 7087 & HB 7091 -- Education Law Repeals
- IV. Closing Remarks and Adjournment

1 A bill to be entitled  
 2 An act relating to education law repeals; repealing s.  
 3 445.049, F.S., relating to the creation of the Digital  
 4 Divide Council in the Department of Education; repealing  
 5 s. 817.567, F.S., relating to making false claims of  
 6 academic degree or title; repealing s. 1001.291, F.S.,  
 7 which provides for implementation of a pilot project  
 8 relating to discounted computers and Internet access for  
 9 low-income students; repealing s. 1004.50, F.S., relating  
 10 to the Institute on Urban Policy and Commerce; repealing  
 11 s. 1004.51, F.S., relating to the Community and Faith-  
 12 based Organizations Initiative and the Library Technology  
 13 Access Partnership; repealing s. 1004.52, F.S., relating  
 14 to the community computer access grant program; repealing  
 15 s. 1004.95, F.S., relating to adult literacy centers;  
 16 repealing s. 1004.97, F.S., relating to the Florida  
 17 Literacy Corps; repealing s. 1004.04(11) and (12), F.S.,  
 18 relating to the Preteacher and Teacher Education Pilot  
 19 Programs and the Teacher Education Pilot Programs for  
 20 High-Achieving Students; repealing s. 1009.54, F.S.,  
 21 relating to the Critical Teacher Shortage Program;  
 22 repealing s. 1009.57, F.S., relating to the Florida  
 23 Teacher Scholarship and Forgivable Loan Program; repealing  
 24 s. 1009.58, F.S., relating to the critical teacher  
 25 shortage tuition reimbursement program; repealing s.  
 26 1009.59, F.S., relating to the Critical Teacher Shortage  
 27 Student Loan Forgiveness Program; repealing s. 1012.225,  
 28 F.S., relating to the Merit Award Program for

29 | Instructional Personnel and School-Based Administrators;  
 30 | repealing s. 1012.2251, F.S., relating to the  
 31 | administration of end-of-course examinations for the Merit  
 32 | Award Program; repealing s. 447.403(2)(c), F.S., relating  
 33 | to the resolution of an impasse involving a dispute of a  
 34 | Merit Award Program plan, to conform; amending ss.  
 35 | 1002.33, 1003.52, 1009.40, 1009.94, 1011.62, and 1012.07,  
 36 | F.S.; conforming provisions to changes made by the act;  
 37 | repealing s. 1012.33(3)(a), (b), and (c), F.S., relating  
 38 | to professional service contracts for instructional staff;  
 39 | amending s. 1008.22, F.S.; deleting a provision requiring  
 40 | that certain middle school students who earned high school  
 41 | credit in Algebra I take the Algebra I end-of-course  
 42 | assessment during the 2010-2011 school year; providing  
 43 | effective dates.

44 |

45 | Be It Enacted by the Legislature of the State of Florida:

46 |

47 | Section 1. Section 445.049, Florida Statutes, is repealed.

48 | Section 2. Section 817.567, Florida Statutes, is repealed.

49 | Section 3. Section 1001.291, Florida Statutes, is  
 50 | repealed.

51 | Section 4. Section 1004.50, Florida Statutes, is repealed.

52 | Section 5. Section 1004.51, Florida Statutes, is repealed.

53 | Section 6. Section 1004.52, Florida Statutes, is repealed.

54 | Section 7. Section 1004.95, Florida Statutes, is repealed.

55 | Section 8. Section 1004.97, Florida Statutes, is repealed.

56 Section 9. Subsections (11) and (12) of section 1004.04,  
 57 Florida Statutes, are repealed.

58 Section 10. Sections 1009.54, 1009.57, 1009.58, and  
 59 1009.59, Florida Statutes, are repealed.

60 Section 11. Sections 1012.225 and 1012.2251, Florida  
 61 Statutes, are repealed.

62 Section 12. Paragraph (c) of subsection (2) of section  
 63 447.403, Florida Statutes, is repealed.

64 Section 13. Paragraph (a) of subsection (20) of section  
 65 1002.33, Florida Statutes, is amended to read:

66 1002.33 Charter schools.—

67 (20) SERVICES.—

68 (a)1. A sponsor shall provide certain administrative and  
 69 educational services to charter schools. These services shall  
 70 include contract management services; full-time equivalent and  
 71 data reporting services; exceptional student education  
 72 administration services; services related to eligibility and  
 73 reporting duties required to ensure that school lunch services  
 74 under the federal lunch program, consistent with the needs of  
 75 the charter school, are provided by the school district at the  
 76 request of the charter school, that any funds due to the charter  
 77 school under the federal lunch program be paid to the charter  
 78 school as soon as the charter school begins serving food under  
 79 the federal lunch program, and that the charter school is paid  
 80 at the same time and in the same manner under the federal lunch  
 81 program as other public schools serviced by the sponsor or the  
 82 school district; test administration services, including payment  
 83 of the costs of state-required or district-required student

84 assessments; processing of teacher certificate data services;  
 85 and information services, including equal access to student  
 86 information systems that are used by public schools in the  
 87 district in which the charter school is located. Student  
 88 performance data for each student in a charter school,  
 89 including, but not limited to, FCAT scores, standardized test  
 90 scores, previous public school student report cards, and student  
 91 performance measures, shall be provided by the sponsor to a  
 92 charter school in the same manner provided to other public  
 93 schools in the district.

94 2. A total administrative fee for the provision of such  
 95 services shall be calculated based upon up to 5 percent of the  
 96 available funds defined in paragraph (17)(b) for all students.  
 97 However, a sponsor may only withhold up to a 5-percent  
 98 administrative fee for enrollment for up to and including 250  
 99 students. For charter schools with a population of 251 or more  
 100 students, the difference between the total administrative fee  
 101 calculation and the amount of the administrative fee withheld  
 102 may only be used for capital outlay purposes specified in s.  
 103 1013.62(2).

104 3. In addition, a sponsor may withhold only up to a 5-  
 105 percent administrative fee for enrollment for up to and  
 106 including 500 students within a system of charter schools which  
 107 meets all of the following:

- 108 a. Includes both conversion charter schools and
- 109 nonconversion charter schools;
- 110 b. Has all schools located in the same county;
- 111 c. Has a total enrollment exceeding the total enrollment

112 of at least one school district in the state;

113 d. Has the same governing board; and

114 e. Does not contract with a for-profit service provider  
115 for management of school operations.

116 4. The difference between the total administrative fee  
117 calculation and the amount of the administrative fee withheld  
118 pursuant to subparagraph 3. may be used for instructional and  
119 administrative purposes as well as for capital outlay purposes  
120 specified in s. 1013.62(2).

121 5. ~~Each charter school shall receive 100 percent of the~~  
122 ~~funds awarded to that school pursuant to s. 1012.225.~~ Sponsors  
123 shall not charge charter schools any additional fees or  
124 surcharges for administrative and educational services in  
125 addition to the maximum 5-percent administrative fee withheld  
126 pursuant to this paragraph.

127 Section 14. Subsection (10) of section 1003.52, Florida  
128 Statutes, is amended to read:

129 1003.52 Educational services in Department of Juvenile  
130 Justice programs.—

131 (10) The district school board shall recruit and train  
132 teachers who are interested, qualified, or experienced in  
133 educating students in juvenile justice programs. Students in  
134 juvenile justice programs shall be provided a wide range of  
135 educational programs and opportunities including textbooks,  
136 technology, instructional support, and other resources available  
137 to students in public schools. Teachers assigned to educational  
138 programs in juvenile justice settings in which the district  
139 school board operates the educational program shall be selected

140 | by the district school board in consultation with the director  
 141 | of the juvenile justice facility. Educational programs in  
 142 | juvenile justice facilities shall have access to the substitute  
 143 | teacher pool utilized by the district school board. ~~Full-time~~  
 144 | ~~teachers working in juvenile justice schools, whether employed~~  
 145 | ~~by a district school board or a provider, shall be eligible for~~  
 146 | ~~the critical teacher shortage tuition reimbursement program as~~  
 147 | ~~defined by s. 1009.58 and other teacher recruitment and~~  
 148 | ~~retention programs.~~

149 |       Section 15. Paragraph (a) of subsection (1) of section  
 150 | 1009.40, Florida Statutes, is amended to read:

151 |       1009.40 General requirements for student eligibility for  
 152 | state financial aid awards and tuition assistance grants.—

153 |       (1) (a) The general requirements for eligibility of  
 154 | students for state financial aid awards and tuition assistance  
 155 | grants consist of the following:

156 |       1. Achievement of the academic requirements of and  
 157 | acceptance at a state university or community college; a nursing  
 158 | diploma school approved by the Florida Board of Nursing; a  
 159 | Florida college, university, or community college which is  
 160 | accredited by an accrediting agency recognized by the State  
 161 | Board of Education; any Florida institution the credits of which  
 162 | are acceptable for transfer to state universities; any career  
 163 | center; or any private career institution accredited by an  
 164 | accrediting agency recognized by the State Board of Education.

165 |       2. Residency in this state for no less than 1 year  
 166 | preceding the award of aid or a tuition assistance grant for a  
 167 | program established pursuant to s. 1009.50, s. 1009.505, s.



168 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~  
 169 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.72, s.  
 170 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in  
 171 this state must be for purposes other than to obtain an  
 172 education. Resident status for purposes of receiving state  
 173 financial aid awards shall be determined in the same manner as  
 174 resident status for tuition purposes pursuant to s. 1009.21.

175 3. Submission of certification attesting to the accuracy,  
 176 completeness, and correctness of information provided to  
 177 demonstrate a student's eligibility to receive state financial  
 178 aid awards or tuition assistance grants. Falsification of such  
 179 information shall result in the denial of any pending  
 180 application and revocation of any award or grant currently held  
 181 to the extent that no further payments shall be made.  
 182 Additionally, students who knowingly make false statements in  
 183 order to receive state financial aid awards or tuition  
 184 assistance grants commit a misdemeanor of the second degree  
 185 subject to the provisions of s. 837.06 and shall be required to  
 186 return all state financial aid awards or tuition assistance  
 187 grants wrongfully obtained.

188 Section 16. Paragraph (c) of subsection (2) of section  
 189 1009.94, Florida Statutes, is amended to read:

190 1009.94 Student financial assistance database.—

191 (2) For purposes of this section, financial assistance  
 192 includes:

193 (c) Any financial assistance provided under s. 1009.50, s.  
 194 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.  
 195 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.

196 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s. 1009.73, s.  
 197 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

198 Section 17. Paragraph (d) of subsection (7) of section  
 199 1011.62, Florida Statutes, is amended to read:

200 1011.62 Funds for operation of schools.—If the annual  
 201 allocation from the Florida Education Finance Program to each  
 202 district for operation of schools is not determined in the  
 203 annual appropriations act or the substantive bill implementing  
 204 the annual appropriations act, it shall be determined as  
 205 follows:

206 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

207 (d) Each district's allocation of sparsity supplement  
 208 funds shall be adjusted in the following manner:

209 1. A maximum discretionary levy per FTE value for each  
 210 district shall be calculated by dividing the value of each  
 211 district's maximum discretionary levy by its FTE student count.

212 2. A state average discretionary levy value per FTE shall  
 213 be calculated by dividing the total maximum discretionary levy  
 214 value for all districts by the state total FTE student count.

215 3. A total potential funds per FTE for each district shall  
 216 be calculated by dividing the total potential funds, not  
 217 including Florida School Recognition Program funds, ~~Merit Award~~  
 218 ~~Program funds,~~ and the minimum guarantee funds, for each  
 219 district by its FTE student count.

220 4. A state average total potential funds per FTE shall be  
 221 calculated by dividing the total potential funds, not including  
 222 Florida School Recognition Program funds, ~~Merit Award Program~~  
 223 ~~funds,~~ and the minimum guarantee funds, for all districts by the

224 state total FTE student count.

225 5. For districts that have a levy value per FTE as  
 226 calculated in subparagraph 1. higher than the state average  
 227 calculated in subparagraph 2., a sparsity wealth adjustment  
 228 shall be calculated as the product of the difference between the  
 229 state average levy value per FTE calculated in subparagraph 2.  
 230 and the district's levy value per FTE calculated in subparagraph  
 231 1. and the district's FTE student count and -1. However, no  
 232 district shall have a sparsity wealth adjustment that, when  
 233 applied to the total potential funds calculated in subparagraph  
 234 3., would cause the district's total potential funds per FTE to  
 235 be less than the state average calculated in subparagraph 4.

236 6. Each district's sparsity supplement allocation shall be  
 237 calculated by adding the amount calculated as specified in  
 238 paragraphs (a) and (b) and the wealth adjustment amount  
 239 calculated in this paragraph.

240 Section 18. Section 1012.07, Florida Statutes, is amended  
 241 to read:

242 1012.07 Identification of critical teacher shortage  
 243 areas.—

244 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~  
 245 "critical teacher shortage area" applies to mathematics,  
 246 science, career education, and high priority location areas. The  
 247 State Board of Education may identify career education programs  
 248 having critical teacher shortages. The State Board of Education  
 249 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
 250 necessary to annually identify other critical teacher shortage  
 251 areas and high priority location areas. The state board shall

252 | also consider teacher characteristics such as ethnic background,  
 253 | race, and sex in determining critical teacher shortage areas.  
 254 | School grade levels may also be designated critical teacher  
 255 | shortage areas. Individual district school boards may identify  
 256 | other critical teacher shortage areas. Such shortages must be  
 257 | certified to and approved by the State Board of Education. High  
 258 | priority location areas shall be in high-density, low-economic  
 259 | urban schools and low-density, low-economic rural schools and  
 260 | shall include schools which meet criteria which include, but are  
 261 | not limited to, the percentage of free lunches, the percentage  
 262 | of students under Chapter I of the Education Consolidation and  
 263 | Improvement Act of 1981, and the faculty attrition rate.

264 | ~~(2) This section shall be implemented only to the extent~~  
 265 | ~~as specifically funded and authorized by law.~~

266 | Section 19. Effective July 1, 2011, paragraphs (a), (b),  
 267 | and (c) of subsection (3) of section 1012.33, Florida Statutes,  
 268 | are repealed.

269 | Section 20. Paragraph (c) of subsection (3) of section  
 270 | 1008.22, Florida Statutes, is amended to read:

271 | 1008.22 Student assessment program for public schools.—

272 | (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
 273 | design and implement a statewide program of educational  
 274 | assessment that provides information for the improvement of the  
 275 | operation and management of the public schools, including  
 276 | schools operating for the purpose of providing educational  
 277 | services to youth in Department of Juvenile Justice programs.  
 278 | The commissioner may enter into contracts for the continued  
 279 | administration of the assessment, testing, and evaluation

280 | programs authorized and funded by the Legislature. Contracts may  
 281 | be initiated in 1 fiscal year and continue into the next and may  
 282 | be paid from the appropriations of either or both fiscal years.  
 283 | The commissioner is authorized to negotiate for the sale or  
 284 | lease of tests, scoring protocols, test scoring services, and  
 285 | related materials developed pursuant to law. Pursuant to the  
 286 | statewide assessment program, the commissioner shall:

287 |       (c) Develop and implement a student achievement testing  
 288 | program as follows:

289 |       1. The Florida Comprehensive Assessment Test (FCAT)  
 290 | measures a student's content knowledge and skills in reading,  
 291 | writing, science, and mathematics. The content knowledge and  
 292 | skills assessed by the FCAT must be aligned to the core  
 293 | curricular content established in the Next Generation Sunshine  
 294 | State Standards. Other content areas may be included as directed  
 295 | by the commissioner. Comprehensive assessments of reading and  
 296 | mathematics shall be administered annually in grades 3 through  
 297 | 10 except, beginning with the 2010-2011 school year, the  
 298 | administration of grade 9 FCAT Mathematics shall be  
 299 | discontinued, and beginning with the 2011-2012 school year, the  
 300 | administration of grade 10 FCAT Mathematics shall be  
 301 | discontinued, except as required for students who have not  
 302 | attained minimum performance expectations for graduation as  
 303 | provided in paragraph (9)(c). FCAT Writing and FCAT Science  
 304 | shall be administered at least once at the elementary, middle,  
 305 | and high school levels except, beginning with the 2011-2012  
 306 | school year, the administration of FCAT Science at the high  
 307 | school level shall be discontinued.

308 |       2.a. End-of-course assessments for a subject shall be  
 309 | administered in addition to the comprehensive assessments  
 310 | required under subparagraph 1. End-of-course assessments must be  
 311 | rigorous, statewide, standardized, and developed or approved by  
 312 | the department. The content knowledge and skills assessed by  
 313 | end-of-course assessments must be aligned to the core curricular  
 314 | content established in the Next Generation Sunshine State  
 315 | Standards.

316 |       (I) Statewide, standardized end-of-course assessments in  
 317 | mathematics shall be administered according to this sub-sub-  
 318 | subparagraph. Beginning with the 2010-2011 school year, all  
 319 | students enrolled in Algebra I or an equivalent course must take  
 320 | the Algebra I end-of-course assessment. ~~Students who earned high~~  
 321 | ~~school credit in Algebra I while in grades 6 through 8 during~~  
 322 | ~~the 2007-2008 through 2009-2010 school years and who have not~~  
 323 | ~~taken Grade 10 FCAT Mathematics must take the Algebra I end-of-~~  
 324 | ~~course assessment during the 2010-2011 school year.~~ For students  
 325 | entering grade 9 during the 2010-2011 school year and who are  
 326 | enrolled in Algebra I or an equivalent, each student's  
 327 | performance on the end-of-course assessment in Algebra I shall  
 328 | constitute 30 percent of the student's final course grade.  
 329 | Beginning with students entering grade 9 in the 2011-2012 school  
 330 | year, a student who is enrolled in Algebra I or an equivalent  
 331 | must earn a passing score on the end-of-course assessment in  
 332 | Algebra I or attain an equivalent score as described in  
 333 | subsection (11) in order to earn course credit. Beginning with  
 334 | the 2011-2012 school year, all students enrolled in geometry or  
 335 | an equivalent course must take the geometry end-of-course

336 assessment. For students entering grade 9 during the 2011-2012  
 337 school year, each student's performance on the end-of-course  
 338 assessment in geometry shall constitute 30 percent of the  
 339 student's final course grade. Beginning with students entering  
 340 grade 9 during the 2012-2013 school year, a student must earn a  
 341 passing score on the end-of-course assessment in geometry or  
 342 attain an equivalent score as described in subsection (11) in  
 343 order to earn course credit.

344 (II) Statewide, standardized end-of-course assessments in  
 345 science shall be administered according to this sub-sub-  
 346 subparagraph. Beginning with the 2011-2012 school year, all  
 347 students enrolled in Biology I or an equivalent course must take  
 348 the Biology I end-of-course assessment. For the 2011-2012 school  
 349 year, each student's performance on the end-of-course assessment  
 350 in Biology I shall constitute 30 percent of the student's final  
 351 course grade. Beginning with students entering grade 9 during  
 352 the 2012-2013 school year, a student must earn a passing score  
 353 on the end-of-course assessment in Biology I in order to earn  
 354 course credit.

355 b. During the 2012-2013 school year, an end-of-course  
 356 assessment in civics education shall be administered as a field  
 357 test at the middle school level. During the 2013-2014 school  
 358 year, each student's performance on the statewide, standardized  
 359 end-of-course assessment in civics education shall constitute 30  
 360 percent of the student's final course grade. Beginning with the  
 361 2014-2015 school year, a student must earn a passing score on  
 362 the end-of-course assessment in civics education in order to  
 363 pass the course and receive course credit.

364 c. The commissioner may select one or more nationally  
 365 developed comprehensive examinations, which may include, but  
 366 need not be limited to, examinations for a College Board  
 367 Advanced Placement course, International Baccalaureate course,  
 368 or Advanced International Certificate of Education course, or  
 369 industry-approved examinations to earn national industry  
 370 certifications identified in the Industry Certification Funding  
 371 List, pursuant to rules adopted by the State Board of Education,  
 372 for use as end-of-course assessments under this paragraph, if  
 373 the commissioner determines that the content knowledge and  
 374 skills assessed by the examinations meet or exceed the grade  
 375 level expectations for the core curricular content established  
 376 for the course in the Next Generation Sunshine State Standards.  
 377 The commissioner may collaborate with the American Diploma  
 378 Project in the adoption or development of rigorous end-of-course  
 379 assessments that are aligned to the Next Generation Sunshine  
 380 State Standards.

381 d. Contingent upon funding provided in the General  
 382 Appropriations Act, including the appropriation of funds  
 383 received through federal grants, the Commissioner of Education  
 384 shall establish an implementation schedule for the development  
 385 and administration of additional statewide, standardized end-of-  
 386 course assessments in English/Language Arts II, Algebra II,  
 387 chemistry, physics, earth/space science, United States history,  
 388 and world history. Priority shall be given to the development of  
 389 end-of-course assessments in English/Language Arts II. The  
 390 Commissioner of Education shall evaluate the feasibility and  
 391 effect of transitioning from the grade 9 and grade 10 FCAT



392 Reading and high school level FCAT Writing to an end-of-course  
 393 assessment in English/Language Arts II. The commissioner shall  
 394 report the results of the evaluation to the President of the  
 395 Senate and the Speaker of the House of Representatives no later  
 396 than July 1, 2011.

397 3. The testing program shall measure student content  
 398 knowledge and skills adopted by the State Board of Education as  
 399 specified in paragraph (a) and measure and report student  
 400 performance levels of all students assessed in reading, writing,  
 401 mathematics, and science. The commissioner shall provide for the  
 402 tests to be developed or obtained, as appropriate, through  
 403 contracts and project agreements with private vendors, public  
 404 vendors, public agencies, postsecondary educational  
 405 institutions, or school districts. The commissioner shall obtain  
 406 input with respect to the design and implementation of the  
 407 testing program from state educators, assistive technology  
 408 experts, and the public.

409 4. The testing program shall be composed of criterion-  
 410 referenced tests that shall, to the extent determined by the  
 411 commissioner, include test items that require the student to  
 412 produce information or perform tasks in such a way that the core  
 413 content knowledge and skills he or she uses can be measured.

414 5. FCAT Reading, Mathematics, and Science and all  
 415 statewide, standardized end-of-course assessments shall measure  
 416 the content knowledge and skills a student has attained on the  
 417 assessment by the use of scaled scores and achievement levels.  
 418 Achievement levels shall range from 1 through 5, with level 1  
 419 being the lowest achievement level, level 5 being the highest

420 achievement level, and level 3 indicating satisfactory  
 421 performance on an assessment. For purposes of FCAT Writing,  
 422 student achievement shall be scored using a scale of 1 through 6  
 423 and the score earned shall be used in calculating school grades.  
 424 A score shall be designated for each subject area tested, below  
 425 which score a student's performance is deemed inadequate. The  
 426 school districts shall provide appropriate remedial instruction  
 427 to students who score below these levels.

428         6. The State Board of Education shall, by rule, designate  
 429 a passing score for each part of the grade 10 assessment test  
 430 and end-of-course assessments. Any rule that has the effect of  
 431 raising the required passing scores may apply only to students  
 432 taking the assessment for the first time after the rule is  
 433 adopted by the State Board of Education. Except as otherwise  
 434 provided in this subparagraph and as provided in s.  
 435 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a  
 436 passing score on grade 10 FCAT Reading and grade 10 FCAT  
 437 Mathematics or attain concordant scores as described in  
 438 subsection (10) in order to qualify for a standard high school  
 439 diploma.

440         7. In addition to designating a passing score under  
 441 subparagraph 6., the State Board of Education shall also  
 442 designate, by rule, a score for each statewide, standardized  
 443 end-of-course assessment which indicates that a student is high  
 444 achieving and has the potential to meet college-readiness  
 445 standards by the time the student graduates from high school.

446         8. Participation in the testing program is mandatory for  
 447 all students attending public school, including students served

448 | in Department of Juvenile Justice programs, except as otherwise  
 449 | prescribed by the commissioner. A student who has not earned  
 450 | passing scores on the grade 10 FCAT as provided in subparagraph  
 451 | 6. must participate in each retake of the assessment until the  
 452 | student earns passing scores or achieves scores on a  
 453 | standardized assessment which are concordant with passing scores  
 454 | pursuant to subsection (10). If a student does not participate  
 455 | in the statewide assessment, the district must notify the  
 456 | student's parent and provide the parent with information  
 457 | regarding the implications of such nonparticipation. A parent  
 458 | must provide signed consent for a student to receive classroom  
 459 | instructional accommodations that would not be available or  
 460 | permitted on the statewide assessments and must acknowledge in  
 461 | writing that he or she understands the implications of such  
 462 | instructional accommodations. The State Board of Education shall  
 463 | adopt rules, based upon recommendations of the commissioner, for  
 464 | the provision of test accommodations for students in exceptional  
 465 | education programs and for students who have limited English  
 466 | proficiency. Accommodations that negate the validity of a  
 467 | statewide assessment are not allowable in the administration of  
 468 | the FCAT or an end-of-course assessment. However, instructional  
 469 | accommodations are allowable in the classroom if included in a  
 470 | student's individual education plan. Students using  
 471 | instructional accommodations in the classroom that are not  
 472 | allowable as accommodations on the FCAT or an end-of-course  
 473 | assessment may have the FCAT or an end-of-course assessment  
 474 | requirement waived pursuant to the requirements of s.  
 475 | 1003.428(8)(b) or s. 1003.43(11)(b).

476 9. A student seeking an adult high school diploma must  
 477 meet the same testing requirements that a regular high school  
 478 student must meet.

479 10. District school boards must provide instruction to  
 480 prepare students in the core curricular content established in  
 481 the Next Generation Sunshine State Standards adopted under s.  
 482 1003.41, including the core content knowledge and skills  
 483 necessary for successful grade-to-grade progression and high  
 484 school graduation. If a student is provided with instructional  
 485 accommodations in the classroom that are not allowable as  
 486 accommodations in the statewide assessment program, as described  
 487 in the test manuals, the district must inform the parent in  
 488 writing and must provide the parent with information regarding  
 489 the impact on the student's ability to meet expected performance  
 490 levels in reading, writing, mathematics, and science. The  
 491 commissioner shall conduct studies as necessary to verify that  
 492 the required core curricular content is part of the district  
 493 instructional programs.

494 11. District school boards must provide opportunities for  
 495 students to demonstrate an acceptable performance level on an  
 496 alternative standardized assessment approved by the State Board  
 497 of Education following enrollment in summer academies.

498 12. The Department of Education must develop, or select,  
 499 and implement a common battery of assessment tools that will be  
 500 used in all juvenile justice programs in the state. These tools  
 501 must accurately measure the core curricular content established  
 502 in the Next Generation Sunshine State Standards.

503 13. For students seeking a special diploma pursuant to s.

504 | 1003.438, the Department of Education must develop or select and  
 505 | implement an alternate assessment tool that accurately measures  
 506 | the core curricular content established in the Next Generation  
 507 | Sunshine State Standards for students with disabilities under s.  
 508 | 1003.438.

509 |       14. The Commissioner of Education shall establish  
 510 | schedules for the administration of statewide assessments and  
 511 | the reporting of student test results. When establishing the  
 512 | schedules for the administration of statewide assessments, the  
 513 | commissioner shall consider the observance of religious and  
 514 | school holidays. The commissioner shall, by August 1 of each  
 515 | year, notify each school district in writing and publish on the  
 516 | department's Internet website the testing and reporting  
 517 | schedules for, at a minimum, the school year following the  
 518 | upcoming school year. The testing and reporting schedules shall  
 519 | require that:

520 |       a. There is the latest possible administration of  
 521 | statewide assessments and the earliest possible reporting to the  
 522 | school districts of student test results which is feasible  
 523 | within available technology and specific appropriations;  
 524 | however, test results for the FCAT must be made available no  
 525 | later than the week of June 8. Student results for end-of-course  
 526 | assessments must be provided no later than 1 week after the  
 527 | school district completes testing for each course.

528 |       b. Beginning with the 2010-2011 school year, FCAT Writing  
 529 | is not administered earlier than the week of March 1 and a  
 530 | comprehensive statewide assessment of any other subject is not  
 531 | administered earlier than the week of April 15.

532 c. A statewide, standardized end-of-course assessment is  
 533 administered during a 3-week period at the end of the course.  
 534 The commissioner shall select a 3-week administration period for  
 535 assessments that meets the intent of end-of-course assessments  
 536 and provides student results prior to the end of the course.  
 537 School districts shall select 1 testing week within the 3-week  
 538 administration period for each end-of-course assessment. For an  
 539 end-of-course assessment administered at the end of the first  
 540 semester, the commissioner shall determine the most appropriate  
 541 testing dates based on a school district's academic calendar.  
 542  
 543 The commissioner may, based on collaboration and input from  
 544 school districts, design and implement student testing programs,  
 545 for any grade level and subject area, necessary to effectively  
 546 monitor educational achievement in the state, including the  
 547 measurement of educational achievement of the Next Generation  
 548 Sunshine State Standards for students with disabilities.  
 549 Development and refinement of assessments shall include  
 550 universal design principles and accessibility standards that  
 551 will prevent any unintended obstacles for students with  
 552 disabilities while ensuring the validity and reliability of the  
 553 test. These principles should be applicable to all technology  
 554 platforms and assistive devices available for the assessments.  
 555 The field testing process and psychometric analyses for the  
 556 statewide assessment program must include an appropriate  
 557 percentage of students with disabilities and an evaluation or  
 558 determination of the effect of test items on such students.

PCSMB for HB 7087 & HB 7091

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559 | Section 21. Except as otherwise expressly provided in this  
560 | act, this act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCSMB for HB 7087 Education Law Repeals  
**SPONSOR(S):** K-20 Innovation Subcommittee, Stargel, K-20 Competitiveness Subcommittee, Fresen  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Guilford <i>GA</i>	Klebacha <i>JK</i>

**SUMMARY ANALYSIS**

The bill repeals programs that were never implemented or are no longer funded. The programs are: Digital Divide Council and the associated Pilot Project for Discounted Computers and Internet Access for Low-Income Students; the Institute on Urban Policy and Commerce; the Community and Faith-based Organizations Initiative; the Community and Library Technology Access Partnership; the Community Computer Access Grant Program; Adult Literacy Centers; the Florida Literacy Corps; Preteacher and Teacher Education Pilot Programs, the Teacher Education Pilot Programs for High-Achieving Student; the Merit Award Program; the Critical Teacher Shortage Program, which includes: the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program.

The bill also repeals obsolete provisions of law governing the criteria for awarding continuing contracts and professional service contracts.

In addition, the bill repeals a section of law found unconstitutional that prohibits any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution.

Finally, the bill repeals the requirement for students who took Algebra I in the middle grades from 2007-2008 through 2009-2010 to take the Algebra I end-of-course assessment in the 2010-2011 school year. Approximately 39,600 students would not have to take the Algebra I assessment.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect upon becoming law, except as otherwise provided.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The bill repeals programs that were never implemented or are no longer funded.

##### **Digital Divide Council**<sup>1</sup>

The Digital Divide Council was established in 2001 to facilitate the design and implementation of programs to help at-risk families bridge the digital divide. This program is no longer operational. The last annual report produced by the Digital Divide Council occurred in 2008, and the requirement for such report has been repealed. The Department of Education supports repeal of this section.

The bill repeals s. 445.049, F.S., creating the Digital Divide Council.

##### **Making False Claims of Academic Degree or Title**<sup>2</sup>

In 1989, legislation was enacted to prohibit any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution. Florida law specified that a person who violates the law commits a misdemeanor of the first degree and is subject to suspension or revocation of their license or certification to practice an occupation or profession.

In 1995, this provision was found unconstitutional. The court held that prohibiting people from claiming to hold academic degrees or titles unless such degrees or titles had been conferred by accredited institutions violated the First Amendment. A state may not place an absolute prohibition on certain types of misleading information if the information may also be presented in a way that is not deceptive. "A state may consider 'requiring a disclaimer about the certifying organization or the standards of a specialty."<sup>3</sup>

The bill repeals s. 817.567, F.S., relating to Making False Claims of Academic Degree or Title.

##### **Discounted Computers and Internet Access for Low-Income Students; Pilot Project**<sup>4</sup>

This program was enacted in 2006 to assist low-income students in purchasing discounted computers and internet access services. The last appropriation for the pilot project was in FY 2006-07. The Department of Education supports repeal of this section.

The bill repeals s. 1001.291, F.S., which implemented the pilot program for discounted computers and internet access for low-income students.

##### **Institute on Urban Policy and Commerce**<sup>5</sup>

The Institute on Urban Policy and Commerce was established in 1999 to improve the quality of life in urban communities through research, teaching, and outreach activities. The institute is no longer operational. The last appropriation provided to the institute occurred in FY 1999-00. The Florida Agricultural and Mechanical University supports repeal of this section.

The bill repeals s. 1004.50, F.S., creating the Institute on Urban Policy and Commerce at Florida

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<sup>1</sup> Section 445.049, F.S.

<sup>2</sup> Section 817.567, F.S.

<sup>3</sup> See *Strang v. Satz*, 884 F.Supp. 504, 510 (U.S. S.D. Fla. 1995).

<sup>4</sup> Section 1001.291, F.S.

<sup>5</sup> Section 1004.50, F.S.

**Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership and community computer access grant program**<sup>6</sup>

The Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership and community computer access grant program were enacted in 2001 to expand community Internet access through partnerships with public libraries. At the time, the majority of Floridians did not have access to the internet at home. Currently in Florida 81 percent of all households own a computer and 79 percent of households have home Internet service.

Also, now all Florida public libraries offer Internet access programs that include extensive numbers of publicly available Internet workstations throughout the community served. Florida public libraries also provide training and point of use assistance in the use of the Internet and are now seeking to provide broadband services that are far more complex to maintain than dial-up Internet connections.

Given the services in place in public libraries today, the goals of the Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership and community computer access grant program as conceived in 2001 are no longer relevant to Florida communities.

The bill repeals ss. 1004.51 and 1004.52, F.S., relating to Community and Faith-based Organizations Initiative and Community and Library Technology Access Partnership and community computer access grant program. The Department of State supports repeal of these sections.

**Adult Literacy Centers**<sup>7</sup>

The Adult Literacy Centers were authorized in 1992, to establish and operate Adult Literacy Centers, with the assistance of community colleges and public school districts. The centers were required to identify, contact, counsel, and refer persons considered to be lacking in basic or functional literacy skills to the appropriate private and public agencies. These adult literacy centers are no longer in operation. The last appropriation was provided in FY 1999-00. The Department of Education supports repeal of this section.

The bill repeals s. 1004.95, F.S., authorizing Adult Literacy Centers.

**Florida Literacy Corps**<sup>8</sup>

The Florida Literacy Corps was enacted in 1992 to offer eligible postsecondary students the opportunity to perform a public service while earning college credit as volunteer tutors for adults who do not possess basic or functional literacy skills. No appropriation has been provided to the Florida Literacy Corps. The Department of Education has not received an annual report since the Florida Literacy Corps was enacted. The Department of Education supports repeal of this section.

The bill repeals s. 1004.97, F.S., establishing the Florida Literacy Corps.

**Preteacher and Teacher Education Pilot Programs**<sup>9</sup> **and the Teacher Education Pilot Programs for High-Achieving Students.**<sup>10</sup>

The Preteacher and Teacher Education Pilot Programs were authorized in law in 1990. State universities and community colleges were to establish such programs to encourage promising minority students to prepare for a career in education. Pilot programs were to be designed to recruit and provide

<sup>6</sup> Sections 1004.51 and 1004.52, F.S.

<sup>7</sup> Section 1004.95, F.S.

<sup>8</sup> Section 1004.97, F.S.

<sup>9</sup> Section 1004.04(11), F.S.

<sup>10</sup> Section 1004.04(12), F.S.

additional academic, clinical, and counseling support for students whom the state universities and community colleges judged to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards.

The Teacher Education Pilot Programs for High-Achieving Students were enacted in 2001. The Commissioner of Education was to authorize pilot teacher preparation programs to be established at colleges and universities with state-approved teacher education programs. These programs were to include a year-long paid teaching assignment and competency-based learning experiences and were to be designed to encourage high-achieving students, as identified by the state universities and community colleges, to pursue a career in education.

These two pilot programs are no longer being utilized by any teacher preparation program and are not funded.

The bill repeals s. 1004.04(11) and (12), F.S., relating to teacher education pilot programs. The Department of Education supports repeal of these provisions.

### **The Critical Teacher Shortage Program**<sup>11</sup>

The Critical Teacher Shortage Program includes three separate programs, the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program.

The Florida Teacher Scholarship and Forgivable Loan Program became effective July 1, 1993. The program was established to provide scholarship assistance to eligible students for lower-division undergraduate study and loan assistance to eligible students in upper-division undergraduate and graduate study. The purpose of the program was to draw capable and promising students to the teaching profession, attract teachers to areas of projected or current critical teacher shortage, attract liberal arts and science graduates to teaching, and provide opportunity for persons making midcareer decisions to enter the teaching profession.

The Critical Teacher Shortage Tuition Reimbursement Program was established in 1983 to advance the skills and knowledge of current teachers or persons preparing to teach in critical teacher shortage areas.

The Critical Teacher Shortage Student Loan Forgiveness Program was also established in 1983 and was designed to encourage qualified personnel to seek employment in subject areas in which critical teacher shortages exist. The purpose of the program was to make repayments toward loans received by students from federal programs or commercial lending institutions to support postsecondary education study.

These programs are no longer funded. There were only 4,716 total participants in 2009 for all the Critical Teacher Shortage Programs combined.

The bill repeals s. 1009.54, F.S., relating to the Critical Teacher Shortage Program; s. 1009.57, F.S., relating to the Florida Teacher Scholarship Forgivable Loan Program; s. 1009.58, F.S., relating to the Critical Teacher Shortage Tuition Reimbursement Program; and s. 1009.59, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program. The bill also makes conforming changes to ss. 1003.52(10), 1009.40(1)(a), 1009.94(2)(c), and 1012.07, F.S. The Department of Education supports repeal of these provisions.

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<sup>11</sup> Section 1009.54, F.S.

**Merit Award Program for Instructional Personnel and School-Based Administrators; Merit Award Program End-of-Course Examinations; Merit Award Program Impasse Hearing**

The Merit Award Program (MAP) was established in 2007. The program provides merit-based pay supplements for high-performing school employees in participating school districts. A school district that participates in MAP must be able to administer end-of-course examinations in all grade groupings and subjects for any year in which the district participates in the program.

In the 2010-11 school year, only three school districts participated in the Merit Award Program.<sup>12</sup>

Current law provides for an expedited impasse hearing for collective bargaining disputes between a school board and teacher's union regarding the Merit Award Program. Because the bill repeals the Merit Award Program, this impasse procedure is also repealed.

The bill repeals ss. 1012.225 and 1012.2251, F.S., relating to the Merit Award Program; repeals s. 447.403 (2)(c), F.S., relating to the impasse procedure, and makes conforming changes to ss. 1002.33(20)(a), 1003.52(10), 1009.40(1)(a), 1009.94(2)(c), 1012.07, F.S.

**Contracts**

Section 1012.33(3)(a), F.S., sets forth the requirements for awarding continuing contracts. Continuing contracts have not been awarded since 1984. This paragraph is obsolete with regard to continuing contracts. The remaining provisions in paragraph (a), and the provisions in paragraphs (b) and (c), regarding professional service contracts are superseded as a result of the passage of CS/CS/SB 736.

The bill repeals s. 1012.33(a)(b)(c), F.S., effective July 1, 2011.

**Algebra End-Of-Course Assessment<sup>13</sup>**

Beginning in the 2011-12 school year, entering 9<sup>th</sup> grade students, must take and pass the statewide end-course-assessment (EOC) for Algebra I, in order to earn course credit.<sup>14</sup> Although students have been required to take and pass the Algebra I course to earn high school credit, students were not previously required to take and pass an EOC associated with the course.<sup>15</sup>

Beginning in the 2010-11 school year, there will no longer be a ninth grade Math FCAT and beginning in the 2011-12 school year, there will no longer be a tenth grade Math FCAT.<sup>16</sup> Federal law requires that all public school students be tested in reading and math at least once at the elementary, middle, and high school level.<sup>17</sup> To comply with the federal law, students who earned high school credit for Algebra I while in middle school in the 2007-08 through 2009-10 school years and who have not taken the tenth grade Math FCAT are required to take the Algebra I EOC.<sup>18</sup> This provision was enacted to satisfy the federal testing requirements. The Department of Education estimates that approximately 39,600 students completed Algebra I in the middle grades, and will not take the 10th grade Math FCAT; therefore they are required to take the Algebra I EOC in May 2011.<sup>19</sup>

Although students who take high school level courses in the middle grades will, most likely, enroll in sequentially more rigorous courses, some school districts raised concerns that the lapse in time between taking the course in middle school and sitting for the EOC assessment in high school would be unfair. As a result, the Department of Education submitted a request to the U.S. Department of

<sup>12</sup> Duval, Hillsborough, and Gilchrist. Email, Florida House PreK-12 Appropriations Subcommittee staff (March 11, 2011).

<sup>13</sup> Section 1008.22(3), F.S.

<sup>14</sup> s. 1008.22(3)(c) 2.a.(I), F.S.

<sup>15</sup> s. 1008.22(3)(c)2.a.(I), F.S.

<sup>16</sup> s. 1008.22(3)(c)1., F.S.

<sup>17</sup> See s. 1111(b)(3)(C)(v)(I)(cc) of the Elementary and Secondary Education Act (ESEA), *available at*, <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html>.

<sup>18</sup> s. 1008.22(3)(c)2.a.(I), F.S.

<sup>19</sup> Email, Florida Department of Education, on file with the committee (March 7, 2011).

Education for a waiver from the federal law for the specific cohort of students who are affected. The waiver was granted on January 19, 2011.<sup>20</sup>

**B. SECTION DIRECTORY:**

**Section 1:** Repealing s. 445.049, F.S.; relating to the Digital Divide Council.

**Section 2:** Repealing s. 817.567, F.S.; relating to Making False Claims of Academic Degree or Title.

**Section 3:** Repealing s. 1001.291, F.S.; relating to Discounted Computers and Internet Access for Low-Income Students; Pilot Project.

**Section 4:** Repealing s. 1004.50, F.S.; relating to the Institute on Urban Policy and Commerce.

**Section 5:** Repealing s. 1004.51, F.S.; relating to community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership.

**Section 6:** Repealing s. 1004.52, F.S.; relating to Community computer access grant program.

**Section 7:** Repealing s. 1004.95, F.S.; relating to Adult Literacy Centers.

**Section 8:** Repealing s. 1004.97, F.S.; relating to Florida Literacy Corps.

**Section 9:** Repealing s. 1004.04(11) and (12), F.S.; relating to teacher education pilot projects.

**Section 10:** Repealing s. 1009.54, F.S.; relating to the Critical Teacher Shortage Program; s. 1009.57, F.S.; relating to the Florida Teacher Scholarship Forgivable Loan Program; s. 1009.58, F.S.; relating to the Critical Teacher Shortage Tuition Reimbursement Program; and, s. 1009.59, F.S.; relating to the Critical Teacher Shortage Student Loan Forgiveness Program.

**Section 11:** Repealing s. 1012.225, F.S.; relating to the Merit Award Program; and s. 1012.2251, F.S.; relating to assessments for awarding merit pay under the Merit Award Program.

**Section 12:** Repealing s. 447.403 (2)(c), F.S.; relating to resolution of collective bargaining disputes concerning the Merit Award Program.

**Section 13:** Conforming s. 1002.33 (20)(a), F.S.; reflecting repeal of s. 1012.225, F.S.

**Section 14:** Conforming s. 1003.52 (10), F.S.; reflecting repeal of s. 1009.58, F.S.

**Section 15:** Conforming s. 1009.40 (1)(a), F.S.; reflecting repeal of s. 1009.54, F.S.; and 1009.57, F.S.

**Section 16:** Conforming s. 1009.94 (2)(c), F.S.; reflecting repeal of ss. 1009.54, 1009.57, F.S.

**Section 17:** Conforming s. 1011.62(7)(d), F.S.; reflecting repeal of s. 1012.225, F.S.

**Section 18:** Conforming s. 1012.07, F.S.; reflecting repeal of ss. 1009.57, 1009.58, 1009.59; F.S.

**Section 19:** Repealing s. 1012.33(3)(a), (b), and (c), F.S.; relating to the criteria for awarding continuing contracts and professional service contracts (effective July 1, 2011).

**Section 20:** Amending s. 1008.22(3)(c), F.S.; relating to student assessment program for public schools.

**Section 21:** Providing an effective date of upon becoming law, except as otherwise provided.

## 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.

<sup>20</sup> Letter to Commissioner of Education Eric Smith from the Assistant Secretary of the U.S. Department of Education, on file with the committee (Jan. 19, 2011).

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.