



Education Committee

Thursday, April 20, 2017

9:00 AM

Reed Hall (102 HOB)

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Education Committee

Start Date and Time: Thursday, April 20, 2017 09:00 am
End Date and Time: Thursday, April 20, 2017 12:00 pm
Location: Reed Hall (102 HOB)
Duration: 3.00 hrs

Consideration of the following bill(s):

CS/HB 233 Students with Disabilities in Public Schools by PreK-12 Quality Subcommittee, Edwards, Plasencia
CS/HB 525 High School Graduation Requirements by PreK-12 Quality Subcommittee, Silvers
CS/CS/HB 549 Publication of Student Assessments by PreK-12 Appropriations Subcommittee, PreK-12 Quality Subcommittee, Fine
HB 955 High School Graduation Requirements by Ahern, Fitzenhagen
HB 1229 Committee on Early Grade Success by Grall
HB 6017 Florida Center for the Partnerships for Arts Integrated Teaching by Gruters

NOTICE FINALIZED on 04/18/2017 4:23PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 233 Students with Disabilities in Public Schools
SPONSOR(S): PreK-12 Quality Subcommittee; Edwards; Plasencia and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 810

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	14 Y, 0 N, As CS	McAlarney	Duncan
2) Education Committee		McAlarney	Hassell

SUMMARY ANALYSIS

Section 1003.573, F.S., establishes standards and procedures regarding the use, monitoring, documentation and reporting of seclusion and restraint on students with disabilities. The use of manual restraint or seclusion is required to be monitored at the classroom, building, district, and state levels. The Florida Department of Education (DOE) is required to develop standards for and provides guidance to school districts. School districts must develop policies and procedures regarding incident-reporting, data collection, and monitoring. Each school district is required to provide its policies and procedures to DOE.

The bill amends the use of restraint and seclusion on students with disabilities. Specifically, the bill:

- Defines terms related to seclusion and restraint.
- Replaces the term "manual restraint" with "physical restraint."
- Provides that physical restraint may be used only to protect students, school personnel or others, or to prevent the destruction of property, but not for disciplining a student. Restraints should be used only when all other strategies and techniques have been exhausted. A student may only be physical restrained for the time necessary for protection.
- Prohibits physical restraint techniques, such as:
 - Pain inducement to obtain compliance.
 - Bone locks.
 - Hyperextension of joints;
 - Peer restraint.
 - Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen, causing chest compression.
 - Straddling or sitting on any part of the body or a maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the student's head or neck or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
 - Any type of choking, including hand chokes, and any type of neck or head hold.
- Requires school districts to develop policies and procedures to ensure the physical safety and security of all students and school personnel; and requires that students be treated with dignity and respect.
- Outlines under what circumstances seclusion and restraint may not be used.
- Describes the circumstance when time-outs may be used and prohibits certain areas.
- Requires the school to review a student's functional behavioral assessment and individualized behavior intervention plan when a student is placed in time-out, physically restrained or secluded more than twice in a semester.
- Includes emotional and behavioral disabilities in the list of disabilities for which certain school personnel must be trained to identify for early intervention.
- Adds to staff training effective classroom behavior management strategies such as differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and time-out methods.
- Directs DOE to publish data and analysis relating to incidents of seclusion and restraint on its website.

The bill does not appear to have a fiscal impact.

The bill provides an effective date of July 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0233a.EDC.DOCX

DATE: 4/12/2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal Guidance on the Use of Seclusion and Restraint on Students with Disabilities

U.S. Department of Education Guidance

On May 15, 2012, the U.S. Department of Education published the *Restraint and Seclusion: Resource Document*. The goal was to encourage each state to review its current policies and guidelines on the use of restraint and seclusion in schools to help ensure that every student is safe and protected, and, if appropriate, to develop or revise its policies and guidelines.¹

The document described 15 principles to consider when developing or revising policies and procedures on the use of restraint and seclusion. The principles stress that every effort should be made to prevent the need for the use of restraint and seclusion and that any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse. It stated that restraint or seclusion should never be used except in situations where a child's behavior poses imminent danger of serious physical harm to self or others, and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff.²

The document states that the use of restraint and seclusion can have very serious consequences, including, most tragically, death. Furthermore, there is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors. Schools are encouraged to make every effort to structure safe environments and provide a behavioral framework, such as the use of positive behavior interventions and supports, which applies to all children, staff, and places in the school so that restraint and seclusion techniques are unnecessary.³

Specifically, the 15 Principles are as follows:⁴

1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.
4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.
6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.
7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.

¹ U.S. Department of Education, *Restrain and Seclusion: Resource Document*, May 2012, <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf> (last visited Apr. 14, 2017).

² *Id.*

³ *Id.*

⁴ *Id.*

8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.
9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.
10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.
11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.
12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable federal, state, or local laws.
13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.
14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.

Florida Law and the Use of Restraint and Seclusion on Students with Disabilities

Section 1003.573, F.S., governs the use of restraint and seclusion on students with disabilities. The Florida Department of Education (DOE) is required to develop standards for documenting, reporting, and monitoring the use of restraint and seclusion.

Prohibited Restraint & Seclusion

School personnel are prohibited from:

- using a mechanical physical restraint on a student or manual physical restraint that restricts a student's breathing; and
- from closing, locking, or physically blocking a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.⁵

Reporting an Incident

A school must prepare an incident report within 24 hours after a student is released from a restraint or seclusion, which must include:⁶

- The name, age, grade, ethnicity and disability of the student restrained or secluded.
- The date, time, and location of the incident and the duration and type of the restraint or seclusion.
- The names of the persons restraining or assisting in the restraint of the student.
- The names of any nonstudent who was present to witness the restraint or seclusion.
- The context in which the seclusion or restraint occurred.
- The student's behavior leading up to and precipitating the decision to use restraint or seclusion.
- The specific positive behavioral strategies used to prevent and deescalate the behavior.

⁵Section 1003.573(4) and (5), F.S.

⁶Section 1003.573(1), F.S.

- Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion and documented according to district policies.
- Steps taken to notify the parent or guardian.

Schools must notify the parent or guardian of the student in writing before the end of the school day each time restraint or seclusion is used and reasonable efforts must be made to also notify the parent or guardian by telephone or email. Parents must also be provided a complete incident report in writing by mail within three days after a student was manually or physically restrained or secluded. The school must maintain documentation of the parent or guardian's acknowledgement of receipt of notification of his or her child's restraint or seclusion.⁷

Monitoring

The use of manual restraint or seclusion on students must be monitored at the classroom, building, district, and state levels. Documentation related to any incidents reported must be provided to the principal, the school district's director of Exceptional Student Education, and the DOE's Bureau of Exceptional Education and Student Services each month that the school is in session.⁸

District Policies and Procedures

School districts must develop policies and procedures regarding:⁹

- Incident reporting.
- Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
- Monitoring and reporting of data collected.
- Training programs relating to manual or physical restraint and seclusion.
- The district's plan for selecting personnel to be trained.
- The district's plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to:
 - additional training in positive behavioral support and crisis management;
 - parental involvement;
 - data review;
 - updates of students' functional behavioral analysis and positive behavior intervention plans;
 - additional student evaluations;
 - debriefing with staff;
 - use of schoolwide positive behavior support; and
 - changes to the school environment.

DOE Guidance to School Districts Regarding Restraint, Seclusion, and Time-Out

In response to legislation enacted in 2011,¹⁰ DOE issued Technical Assistance Paper (TAP 2011-165) to guide school districts regarding the use of restraint and seclusion with students with disabilities.¹¹

⁷Section 1003.573(1)(c) and (d), F.S.

⁸Section 1003.573(2), F.S.

⁹Section 1003.573(3), F.S.

¹⁰ Chapter 2011-175, L.O.F.

¹¹ Florida Department of Education, Technical Assistance Paper, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf> (last visited Apr. 14, 2017).

Specifically, the document covers:¹²

- when restraint and/or seclusion might be used;
- considerations when selecting a training program for restraint;
- what should be documented;
- parent notification and reporting; and
- monitoring use.

As provided in TAP 2011-165, schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. There are instances in which students pose a threat to the safety of themselves or others. The purpose of restraint and seclusion is to prevent injury to self and/or others; these procedures are not to be used to punish a student, as a deterrent, or to “teach a student a lesson.” It is important to recognize that the use of restraint and seclusion may have an emotional impact on students. Such interventions should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists and in a manner that conveys respect for the dignity of the student.¹³

In 2011, DOE also issued Technical Assistance Paper (TAP 2011-145),¹⁴ to provide guidance and information to school districts in the development of effective time-out procedures. According to TAP 2011-145, time-out uses intervention strategies to decrease the frequency of problematic behaviors. Although time-out can be an effective intervention, it is also an aversive procedure that may adversely impact the classroom learning environment. Of particular concern is its focus primarily on inappropriate, rather than appropriate, behavior and the impact on a student’s access to instruction. The use of time-out has also been the subject of litigation, specifically concerning its use with students with behavior disorders.¹⁵

A non-exclusionary time-out occurs when a student does not have the opportunity to receive reinforcement for an inappropriate behavior for a specified period of time without removing the student from the setting or the activity. The advantage of this type of time-out is that it attempts to keep the student engaged in the ongoing activity in the classroom.¹⁶

An exclusionary time-out involves removing a student from an activity for a period of time but not from the room or area of activity. Unlike contingent observation, the student is not allowed to view or be involved in any activity for a specified amount of time. The student may sit in a study carrel or in some other excluded area of the educational setting but remains in full view of instructional staff.¹⁷

There are no current State Board of Education Rules that define time-out procedures or requirements. Each district that uses time-out as an intervention strategy should develop procedures that are educationally appropriate and ensure a safe educational learning environment at all times. Consequently, the information in TAP 2011-145 is a guide for the development of time-out procedures and strategies based on best practices.¹⁸

DOE Seclusion and Restraint Data

Florida school districts began reporting incidents of seclusion in the 2010-2011 school year. Since that time and up to the 2015-2016 school year there have been a total of 18,003 incidents of seclusion¹⁹

¹² *Id.*

¹³ *Id.* at A-1.

¹⁴ Florida Department of Education, Technical Assistance Paper, *Guidelines for the Use of Time-out*, <https://info.fldoe.org/docushare/dsweb/Get/Document-6219/dps-2011-145.pdf> (last visited Apr. 14, 2017).

¹⁵ *Id.* at A-1.

¹⁶ *Id.* at B-1.

¹⁷ *Id.* at B-1.

¹⁸ *Id.* at A-1.

¹⁹ Florida Department of Education, Bureau of Exceptional Education, *Seclusion Incident Reports by District*, 2011-12 through 2015-16.

and 54,882 incidents of restraint²⁰ reported. However, the number of incidents have decreased every school year since the enactment of the law.²¹

Seclusion Incident Data

School Year Reported	# of Students ²²	Seclusion Incidents
2010-11	1321	4,637
2011-12	1448	4,245
2012-13	1237	3,024
2013-14	885	2,272
2014-15	732	2,262
2015-16	638	1,563
Total	6,621	18,003

Restraint Incident Data

School Year Reported	# of Students ²³	Restraint Incidents
2010-11	3580	10,683
2011-12	4369	9,789
2012-13	4096	9,551
2013-14	3479	8,964
2014-15	3229	8,199
2015-16	3437	7,696
Total	22,190	54,882

Effect of Proposed Changes

This bill amends s. 1003.573, F.S., regarding the restraint and seclusion of public school students who have a functional behavioral assessment and an individualized behavioral intervention plan.

Definitions

The bill removes the term “manual restraint” deferring to “physical restraint” and defines the following terms:

- “Behavioral protective equipment” is used to prevent external or internal tissue damage caused by chronic self-injurious or self-stimulatory behavior.
- “Mechanical restraint” is the use of a physical device that restricts a student's freedom of movement. However, the definition does not include the use of:
 - Medical protective equipment;
 - Devices such as straitjackets, helmets, gloves, wraps, and other behavioral protective equipment that is temporarily used to prevent severe tissue damage;
 - Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints;
 - Devices used to support functional body position or proper balance, or to prevent a person from falling out of a bed or a wheelchair; and
 - Equipment used for safety during transportation.

²⁰ Florida Department of Education, Bureau of Exceptional Education, *Restraint Incident Reports by District*, 2011-12 through 2015-16.

²¹ Florida Department of Education, *2017 Agency Legislative Bill Analysis*, SB 810 (Companion to HB 233), pp. 3. <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=8435&yr=2017> (last visited Apr. 14, 2017).

²² Email, Florida Department of Education, March 23, 2017.

²³ *Id.*

- “Medical protective equipment” is health-related protective devices prescribed by a physician or dentist.
- “Physical restraint” is the use of manual restraint techniques that involve significant physical force to restrict movement.
- “Prone restraint” is a student lying face down.
- “Seclusion” is removing a student from an educational environment and involuntarily confining the student alone. The definition does not include of time-outs.
- Student as a student with a functional behavioral assessment and a behavioral intervention plan.²⁴
- “Time-out” as a procedure in which access to varied sources of reinforcement is removed or reduced for a particular time period contingent on a response.
 - In exclusionary time-outs, a student is contingently removed from the reinforcing environment for a brief, stipulated duration.
 - In non-exclusionary time-outs, a student remains in the environment, educational activities are continued, and the reinforcer is contingently removed for a brief, stipulated duration.

Physical Restraint

Section 1003.32, F.S., authorizes district school boards, each teacher or other member of the staff of any school to control and discipline students as assigned to him or her by the principal or the principal's designated representative. Teachers are also required to keep order in the classroom and in other places in which he or she is assigned to be in charge of students.

Notwithstanding the authority granted under s. 1003.32, F.S., physical restraint may be used only to protect students, school personnel or others, or to prevent the destruction of property, but not for disciplining a student. Restraints should be used only when all other strategies and techniques have been exhausted. A student may only be physical restrained for the time necessary for protection. The degree of force applied may only be the degree of force necessary to protect the restrained student and others from bodily injury.

While current law requires school districts to develop policies and procedures for training staff in the use of restraint and seclusion, the bill requires school personnel such as a former law enforcement officer to receive training in the specific district-approved techniques.

School personnel are prohibited from using the following techniques on a child:

- Pain inducement to obtain compliance.
- Bone locks.
- Hyperextension of joints.
- Peer restraint.
- Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen, causing chest compression.
- Straddling or sitting on any part of the body or a maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the student's head or neck or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
- Any type of choking, including hand chokes, and any type of neck or head hold.

²⁴ A functional behavioral assessment is a process for developing a useful understanding of how behavior relates to the environment. By knowing the function (or purpose) that the behavior serves for the student, one is able to develop an intervention (plan) that also serves that purpose, but does so through positive student behaviors. Intervention strategies may include effective prevention, remediation, or development of alternative behaviors (replacement behaviors). Florida Department of Education, Technical Assistance Paper FY 1999-3, *Functional Behavioral Assessment and Behavioral Intervention Plans*, Dec. 1999, available at <http://www.fldoe.org/core/fileparse.php/7590/urlt/0107234-tap99-3.pdf> (last visited Apr. 14, 2017).

- A technique that involves spraying or pushing anything on or into the student's mouth, nose, eyes, or any part of the face or that involves covering the face or body with anything, including soft objects such as pillows or washcloths.
- A maneuver that involves punching, hitting, poking, pinching, or shoving.

Prone, mechanical, or physical restraint should be used only when all other behavioral strategies and intervention techniques have been exhausted.

Seclusion and Time-Out

The bill provides that a student may only be secluded when proper staff training and safeguards are in place. For example, staff may not seclude or place a student in time-out in a room does not meet the rules of the State Fire Marshal for seclusion time-out rooms and that closes, locks, or physically blocks a student in an unlit room.

For exclusionary time-outs, staff may only place a student in time out if the following conditions are met:

- It is part of a positive behavior intervention plan developed for the student from a functional behavioral assessment and it is referenced in the student's individual education plan.
- It is documented that it was preceded by positive behavioral supports that were not effective.
- It takes place in a classroom or in another environment where educational class activities are available.
- The student is observed on a constant basis by an adult for the entire duration.
- The area and process are free of actions that embarrass or humiliate the student.
- Threats and excessive physical force are not used.
- The area is not locked.

Student Followup

In those instances where a student is placed in a time-out, physically restrained, or secluded more than twice during a semester, the school must review the student's functional behavioral assessment and individualized behavior intervention plan.

Documentation and Reporting Requirements

The bill requires school districts at the beginning of each school year to post its policies on emergency procedures and the posting must include seclusion and physical restraint policies.

Additionally, the bill states that school district policies must ensure the physical safety and security of students and school personnel; and promote a positive culture and climate in which all students are treated with dignity and respect.

Added to the current list that governs the policies and procedures in s. 1003.573 (3) (a), F.S., are:

- A description of escalating behavioral strategies that may be used.
- Allowable use of physical restraint or seclusion on students.
- Analysis of data to determine trends.
- Ongoing reduction of the use of physical restraint and seclusion.
- Training procedures relating to physical restraint and seclusion.

Continuing Education and Inservice Training for Teaching Students with Disabilities

The bill adds emotional and behavioral disabilities to the list of disabilities on which school personnel must be trained in order to increase early identification and intervention. The training must also include effective classroom behavior management strategies, such as differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and time-out methods.

Also, the DOE is required to publish data and analysis relating to incidents of seclusion and restraint on its website.

The bill has an effective date of July 1, 2017.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.573, F.S., to define terms; prohibit certain physical restraint techniques; add provisions relating to the use of seclusion and time-out; require a student's functional behavioral assessment and individualized behavior intervention plan to be reviewed; and adds emotional and behavioral disabilities to the list of disabilities on which school personnel who teach student with disabilities must be trained in order to increase early identification and intervention.

Section 2. Amends s. 1012.582 (1) – (2), F.S., regarding the Commissioner of Education's recommendations to incorporate instruction into continuing education or inservice training requirements for instruction personnel by:

- Adding emotional or behavioral disabilities to the current list of disabilities;
- Removing the term "manual" from "manual physical restraints"; and
- Adding a list of effective classroom behavior management strategies.

Section 3: Provides an effective date of July 1, 2017.

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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 27, 2017, the PreK-12 Quality Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute (CS). The CS differs from the bill by:

- removing the certification and training requirements;
- prohibiting the use of spray as a physical restraint technique;
- removing the legislative finding and instead requiring school districts to develop policies and procedures that ensure the physical safety and security of all students and school personnel; and promote a positive culture where students are treated with dignity;
- adding the definition of "prone restraint;"
- adding exclusionary or non-exclusionary time-out to the instances when a student's functional behavioral assessment and individualized behavior intervention plan is reviewed; and
- changing the date the department must place monthly restraint and seclusion data on its website from January 31, 2018, to October 1, 2017.

The bill analysis is drafted to the CS as passed by the PreK-12 Quality Subcommittee.

1 A bill to be entitled

2 An act relating to students with disabilities in
 3 public schools; amending s. 1003.573, F.S., relating
 4 to the use, prevention, and reduction of restraint and
 5 seclusion on students with disabilities; providing
 6 definitions; providing requirements for the use of
 7 physical restraint; prohibiting specified physical
 8 restraint techniques; providing requirements for the
 9 use of seclusion and time-out; providing for student-
 10 centered followup; providing requirements for
 11 documenting, reporting, and monitoring the use of
 12 physical restraint and seclusion; revising school
 13 district policies and procedures relating to physical
 14 restraint and seclusion; amending s. 1012.582, F.S.;
 15 requiring continuing education and inservice training
 16 for teaching students with emotional or behavioral
 17 disabilities; conforming provisions; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 1003.573, Florida Statutes, is amended
 23 to read:

24 1003.573 Use, prevention, and reduction of restraint and
 25 seclusion on students with disabilities in public schools.-

- 26 (1) DEFINITIONS.—As used in this section, the term:
 27 (a) "Behavioral protective equipment" means equipment used
 28 to prevent external or internal tissue damage caused by chronic
 29 self-injurious or self-stimulatory behavior.
 30 (b) "Department" means the Department of Education.
 31 (c) "Mechanical restraint" means the use of a physical
 32 device that restricts a student's freedom of movement. The term
 33 does not include the use of:
 34 1. Medical protective equipment.
 35 2. Behavioral protective equipment, including
 36 straitjackets, helmets, gloves, wraps, and other devices that
 37 are used temporarily to prevent severe tissue damage caused by
 38 behavioral excesses.
 39 3. Physical equipment or orthopedic appliances, surgical
 40 dressings or bandages, or supportive body bands or other
 41 restraints necessary for ongoing medical treatment in the
 42 educational setting.
 43 4. Devices used to support functional body position or
 44 proper balance, or to prevent a person from falling out of a bed
 45 or a wheelchair, except when such a device is used for a purpose
 46 other than supporting a body position or proper balance, such as
 47 coercion, discipline, convenience, or retaliation, to prevent
 48 imminent risk of serious injury or death of the student or
 49 others, or for any other behavior management reason.
 50 5. Equipment used for safety during transportation, such

51 as seatbelts or wheelchair tie-downs.

52 (d) "Medical protective equipment" means health-related
 53 protective devices prescribed by a physician or dentist for use
 54 as student protection in response to an existing medical
 55 condition.

56 (e) "Physical restraint" means the use of manual restraint
 57 techniques that involve significant physical force applied by a
 58 teacher or other staff member to restrict the movement of all or
 59 part of a student's body.

60 (f) "Prone restraint" means a student is lying face down.

61 (g) "Seclusion" means removing a student from an
 62 educational environment and involuntarily confining the student
 63 alone in a room or area. The term does not include the use of
 64 time-out.

65 (h) "Student" means a student with a functional behavioral
 66 assessment and an individualized behavior intervention plan.

67 (i) "Time-out" means a procedure in which access to varied
 68 sources of reinforcement is removed or reduced for a particular
 69 time period contingent on a response. In exclusionary time-out,
 70 a student is contingently removed from the reinforcing
 71 environment for a brief, stipulated duration. In nonexclusionary
 72 time-out, a student remains in the environment, educational
 73 activities are continued, and the reinforcer is contingently
 74 removed for a brief, stipulated duration.

75 (2) PHYSICAL RESTRAINT.—

76 (a) Notwithstanding the authority provided in s. 1003.32,
 77 physical restraint shall be used only to protect the safety of
 78 students, school personnel, or others or prevent the destruction
 79 of property and may not be used for student discipline, to
 80 correct student noncompliance, or for the convenience of school
 81 district staff. Physical restraint shall be used only for the
 82 period needed to provide such protection or prevent the
 83 destruction of property.

84 (b) The degree of force applied during physical restraint
 85 must be only that degree of force necessary to protect the
 86 student or others from bodily injury.

87 (c) School personnel who have received training that is
 88 not associated with their employment with the school district,
 89 such as a former law enforcement officer who is now a teacher,
 90 shall receive training in the specific district-approved
 91 techniques and may not apply techniques or procedures acquired
 92 elsewhere.

93 (d) School personnel may not use any of the following
 94 physical restraint techniques on a student:

- 95 1. Pain inducement to obtain compliance.
- 96 2. Bone locks.
- 97 3. Hyperextension of joints.
- 98 4. Peer restraint.
- 99 5. Pressure or weight on the chest, lungs, sternum,
 100 diaphragm, back, or abdomen causing chest compression.

101 6. Straddling or sitting on any part of the body or a
 102 maneuver that places pressure, weight, or leverage on the neck
 103 or throat, on an artery, or on the back of the student's head or
 104 neck or that otherwise obstructs or restricts the circulation of
 105 blood or obstructs an airway.

106 7. Any type of choking, including hand chokes, and any
 107 type of neck or head hold.

108 8. A technique that involves spraying or pushing anything
 109 on or into the student's mouth, nose, eyes, or any part of the
 110 face or that involves covering the face or body with anything,
 111 including soft objects such as pillows or washcloths.

112 9. A maneuver that involves punching, hitting, poking,
 113 pinching, or shoving.

114 (e) Prone restraint, mechanical restraint, or physical
 115 restraint should be used only when all other behavioral
 116 strategies and intervention techniques have been exhausted.

117 (3) SECLUSION; TIME-OUT.-

118 (a) School personnel may only place a student in seclusion
 119 when proper training and safeguards are in place. School
 120 personnel may not close, lock, or physically block a student in
 121 a room that is unlit and does not meet the rules of the State
 122 Fire Marshal for seclusion time-out rooms.

123 (b) School personnel may place a student in exclusionary
 124 time-out if the following conditions are met:

125 1. The exclusionary time-out is part of a positive

126 behavior intervention plan developed for the student from a
 127 functional behavioral assessment and referenced in the student's
 128 individual education plan.

129 2. There is documentation that the exclusionary time-out
 130 was preceded by the use of other positive behavioral supports
 131 that were not effective.

132 3. The exclusionary time-out takes place in a classroom or
 133 in another environment where educational class activities are
 134 available.

135 4. The student is observed on a constant basis by an adult
 136 for the duration of the exclusionary time-out.

137 5. The exclusionary time-out area and process are free of
 138 any action that is likely to embarrass or humiliate the student,
 139 including the use of threats or excessive physical force.

140 6. The exclusionary time-out area is not locked.

141 (4) STUDENT-CENTERED FOLLOWUP.-If a student is placed in
 142 exclusionary or nonexclusionary time-out or physically
 143 restrained or secluded more than twice during a semester, the
 144 school shall review the student's functional behavioral
 145 assessment and individualized behavior intervention plan.

146 (5)~~(1)~~ DOCUMENTATION AND REPORTING.-

147 (a) At the beginning of each school year, a school
 148 district shall publicly post its policies on all emergency
 149 procedures, including its policies on the use of physical
 150 restraint and seclusion.

151 (b) ~~(a)~~ A school shall prepare an incident report within 24
 152 hours after a student is released from physical restraint or
 153 seclusion. If the student's release occurs on a day before the
 154 school closes for the weekend, a holiday, or another reason, the
 155 incident report must be completed by the end of the school day
 156 on the day the school reopens.

157 (c) ~~(b)~~ The following must be included in the incident
 158 report:

159 1. The name of the student physically restrained or
 160 secluded.

161 2. The age, grade, ethnicity, and disability of the
 162 student restrained or secluded.

163 3. The date and time of the event and the duration of the
 164 restraint or seclusion.

165 4. The location at which the restraint or seclusion
 166 occurred.

167 5. A description of the type of restraint used in terms
 168 established by the department ~~of Education~~.

169 6. The name of the person using or assisting in the
 170 restraint or seclusion of the student.

171 7. The name of any nonstudent who was present to witness
 172 the restraint or seclusion.

173 8. A description of the incident, including:

174 a. The context in which the restraint or seclusion
 175 occurred.

176 b. The student's behavior leading up to and precipitating
 177 the decision to use ~~manual or~~ physical restraint or seclusion,
 178 ~~including an indication as to why there was an imminent risk of~~
 179 ~~serious injury or death to the student or others.~~

180 c. The specific positive behavioral strategies used to
 181 prevent and deescalate the behavior.

182 d. What occurred with the student immediately after the
 183 termination of the restraint or seclusion.

184 e. Any injuries, visible marks, or possible medical
 185 emergencies that may have occurred during the restraint or
 186 seclusion, documented according to district policies.

187 f. Evidence of steps taken to notify the student's parent
 188 or guardian.

189 (d)~~(e)~~ A school shall notify the parent or guardian of a
 190 student each time ~~manual or~~ physical restraint or seclusion is
 191 used. Such notification must be in writing and provided before
 192 the end of the school day on which the restraint or seclusion
 193 occurs. Reasonable efforts must also be taken to notify the
 194 parent or guardian by telephone or ~~computer~~ e-mail, or both, and
 195 these efforts must be documented. The school shall obtain, and
 196 keep in its records, the parent's or guardian's signed
 197 acknowledgment that he or she was notified of his or her child's
 198 restraint or seclusion.

199 (e)~~(d)~~ A school shall also provide the parent or guardian
 200 with the completed incident report in writing by mail within 3

201 school days after a student was ~~manually or~~ physically
 202 restrained or secluded. The school shall obtain, and keep in its
 203 records, the parent's or guardian's signed acknowledgment that
 204 he or she received a copy of the incident report.

205 (6)(2) MONITORING.—

206 (a) ~~Monitoring of~~ The use of ~~manual or~~ physical restraint
 207 or seclusion on students shall be monitored ~~occur~~ at the
 208 classroom, building, district, and state levels.

209 (b) Documentation prepared by a school pursuant to as
 210 ~~required in~~ subsection (5) ~~(1)~~ shall be provided to the school
 211 principal, the district director of Exceptional Student
 212 Education, and the bureau chief of the Bureau of Exceptional
 213 Education and Student Services electronically each month that
 214 the school is in session.

215 (c) The department shall maintain aggregate data of
 216 incidents of ~~manual or~~ physical restraint and seclusion and
 217 disaggregate the data for analysis by school district county,
 218 school of instruction, student exceptionality, and other
 219 variables, including the type and method of restraint or
 220 seclusion used. This information shall be updated monthly and
 221 made available to the public through the department's website
 222 beginning October 1, 2017.

223 (d) The department shall establish standards for
 224 documenting, reporting, and monitoring the use of ~~manual or~~
 225 physical restraint or mechanical restraint, and occurrences of

226 seclusion. These standards shall be provided to school districts
 227 ~~by October 1, 2011.~~

228 ~~(7)(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

229 (a) School districts shall develop policies and procedures
 230 that ensure the physical safety and security of all students and
 231 school personnel and which treat all students with respect and
 232 dignity in an environment that promotes a positive school
 233 culture and climate. Such ~~Each school district shall develop~~
 234 policies and procedures must be ~~that are~~ consistent with this
 235 section and must ~~that~~ govern the following:

236 1. A description of escalating behavioral strategies that
 237 may be used.

238 2. Allowable use of physical restraint or seclusion on
 239 students.

240 ~~3.1.~~ Incident-reporting procedures.

241 ~~4.2.~~ Data collection and monitoring, including when,
 242 where, and why students are restrained or secluded; the
 243 frequency of occurrences of such restraint or seclusion; and the
 244 prone or mechanical restraint that is most used.

245 ~~5.3.~~ Monitoring and reporting of data collected.

246 ~~6.4.~~ Training programs and procedures relating to ~~manual~~
 247 ~~or~~ physical restraint and seclusion.

248 ~~7.5.~~ The district's plan for selecting personnel to be
 249 trained.

250 ~~8.6.~~ The district's plan for reducing the use of restraint

251 and seclusion particularly in settings in which it occurs
 252 frequently or with students who are restrained repeatedly, and
 253 for reducing the use of prone restraint and mechanical
 254 restraint. The plan must include a goal for reducing the use of
 255 restraint and seclusion and must include activities, skills, and
 256 resources needed to achieve that goal. Activities may include,
 257 but are not limited to:

- 258 a. Additional training in positive behavioral support and
- 259 crisis management;
- 260 b. Parental involvement;
- 261 c. Data review;
- 262 d. Updates of students' functional behavioral analysis and
- 263 positive behavior intervention plans;
- 264 e. Additional student evaluations;
- 265 f. Debriefing with staff;
- 266 g. Use of schoolwide positive behavioral ~~behavior~~ support;
- 267 and
- 268 h. Changes to the school environment.

- 269 9. Analysis of data to determine trends.
- 270 10. Ongoing reduction of the use of physical restraint and
- 271 seclusion.

272 (b) Any revisions a school district makes to its ~~to the~~
 273 ~~district's~~ policies and procedures, which are ~~must be~~ prepared
 274 as part of the school district's ~~its~~ special policies and
 275 procedures, must be filed with the bureau chief of the Bureau of

276 Exceptional Education and Student Services ~~no later than January~~
 277 ~~31, 2012.~~

278 ~~(4) PROHIBITED RESTRAINT. School personnel may not use a~~
 279 ~~mechanical restraint or a manual or physical restraint that~~
 280 ~~restricts a student's breathing.~~

281 ~~(5) SECLUSION. School personnel may not close, lock, or~~
 282 ~~physically block a student in a room that is unlit and does not~~
 283 ~~meet the rules of the State Fire Marshal for seclusion time out~~
 284 ~~rooms.~~

285 Section 2. Subsections (1) and (2) of section 1012.582,
 286 Florida Statutes, are amended to read:

287 1012.582 Continuing education and inservice training for
 288 teaching students with developmental and emotional or behavioral
 289 disabilities.-

290 (1) The Commissioner of Education shall develop
 291 recommendations to incorporate instruction regarding autism
 292 spectrum disorder, Down syndrome, ~~and~~ other developmental
 293 disabilities, and emotional or behavioral disabilities into
 294 continuing education or inservice training requirements for
 295 instructional personnel. These recommendations shall address:

296 (a) Early identification of, and intervention for,
 297 students who have autism spectrum disorder, Down syndrome, ~~or~~
 298 other developmental disabilities, or emotional or behavioral
 299 disabilities.

300 (b) Curriculum planning and curricular and instructional

301 modifications, adaptations, and specialized strategies and
 302 techniques.

303 (c) The use of available state and local resources.

304 (d) The use of positive behavioral supports to deescalate
 305 problem behaviors.

306 (e) Appropriate use of ~~manual~~ physical restraint and
 307 seclusion techniques and effective classroom behavior management
 308 strategies, including, but not limited to, differential
 309 reinforcement, precision commands, minimizing attention or
 310 access to other reinforcers, and time-out methods.

311 (2) In developing the recommendations, the commissioner
 312 shall consult with the State Surgeon General, the Director of
 313 the Agency for Persons with Disabilities, representatives from
 314 the education community in the state, and representatives from
 315 entities that promote awareness about autism spectrum disorder,
 316 Down syndrome, ~~and~~ other developmental disabilities, and
 317 emotional or behavioral disabilities and provide programs and
 318 services to persons with ~~developmental~~ disabilities, including,
 319 but not limited to, regional autism centers pursuant to s.
 320 1004.55.

321 Section 3. This act shall take effect July 1, 2017.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Edwards offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 1003.573, Florida Statutes, is amended
7 to read:

8 1003.573 Seclusion and Use of restraint of and seclusion
9 on students with disabilities in public schools.-

10 (1) DEFINITIONS.-As used in this section, the term:

11 (a) "Department" means the Department of Education.

12 (b) "Exclusionary time" means the period during which an
13 individual is removed from an event, activity, or instructional
14 environment to encourage reflection on behavior and allow space
15 and time for understanding of choices and consequences.



Amendment No. 1

16 (c) "Imminent risk of serious injury or death" means the
17 impending risk of a significant injury, such as a laceration,
18 bone fracture, substantial hematoma, or injury to an internal
19 organ, or death.

20 (d) "Medical protective equipment" means health-related
21 protective devices prescribed by a physician or dentist for use
22 as student protection in response to an existing medical
23 condition.

24 (e) "Nonexclusionary time" means a period during which the
25 individual remains in the event or instructional environment but
26 is redirected from the activities so that he or she has an
27 opportunity to reflect on the behavior and is given space and
28 time for understanding of choices and consequences.

29 (f) "Restraint" means the use of mechanical or physical
30 restraint which may be used only when all other behavioral
31 strategies and intervention techniques have been exhausted.

32 1. "Mechanical restraint" means the use of a device that
33 restricts a student's freedom of movement. The term does not
34 include the use of any of:

35 a. Medical protective equipment.

36 b. Behavioral protective equipment, including helmets,
37 gloves, wraps, and other devices that are used temporarily to
38 prevent severe tissue damage caused by behavioral excesses.

39 c. Physical equipment or orthopedic appliances, surgical
40 dressings or bandages, or supportive body bands or other

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Amendment No. 1

41 restraints necessary for ongoing medical treatment in the
42 educational setting.

43 d. Devices used to support functional body position or
44 proper balance, or to prevent a person from falling out of a bed
45 or a wheelchair, except when such a device is used for a purpose
46 other than supporting a body position or proper balance, such as
47 coercion, discipline, convenience, or retaliation, to prevent
48 imminent risk of serious injury or death of the student or
49 others, or for any other behavior management reason.

50 e. Equipment used for safety during transportation, such
51 as seatbelts or wheelchair tie-downs.

52 2. "Physical restraint" means the use of manual restraint
53 techniques that involve significant physical force applied by a
54 teacher or other staff member to restrict the movement of all or
55 part of a student's body.

56 (g) "Seclusion" means the removal of a student from an
57 educational environment, involuntarily confining the student in
58 a room or area, and preventing the student from leaving the area
59 by locking or artificially blocking the door. The term does not
60 include exclusionary time.

61 (h) "Student" means a student with a functional behavioral
62 assessment and an individualized behavior intervention plan.

63 (2) PHYSICAL RESTRAINT.—

64 (a) Physical restraint may be used only when there is an
65 imminent risk of serious injury or death to the student or



Amendment No. 1

66 others and only for the period of time necessary to eliminate
67 such risk.

68 (b) Notwithstanding the authority provided in s. 1003.32,
69 physical restraint shall be used only to protect the safety of
70 students, school personnel, or others and may not be used for
71 student discipline, to correct student noncompliance, or for the
72 convenience of school district staff. Physical restraint shall
73 be used only for the period needed to provide such protection.

74 (c) The degree of force applied during physical restraint
75 must be only that degree of force necessary to protect the
76 student or others from serious injury or death.

77 (d) School personnel who have received training that is
78 not associated with their employment with the school district,
79 such as a former law enforcement officer who is now a teacher,
80 shall receive training in the specific district-approved
81 techniques and may not apply techniques or procedures acquired
82 elsewhere.

83 (e) School personnel may not use any of the following
84 physical restraint techniques on a student:

- 85 1. Pain inducement to obtain compliance.
- 86 2. Bone locks.
- 87 3. Hyperextension of joints.
- 88 4. Peer restraint.
- 89 5. Pressure or weight on the chest, lungs, sternum,
90 diaphragm, back, or abdomen, causing chest compression.

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Amendment No. 1

91 6. Straddling or sitting on any part of the body or any
92 maneuver that places pressure, weight, or leverage on the neck
93 or throat, on an artery, or on the back of the head or neck or
94 that otherwise obstructs or restricts the circulation of blood
95 or obstructs an airway.

96 7. Any type of choking, including hand chokes, and any
97 type of neck or head hold.

98 8. A technique that involves spraying or pushing anything
99 on or into the mouth, nose, eyes, or any part of the face or
100 that involves covering the face or body with anything, including
101 soft objects such as pillows or washcloths.

102 9. Any maneuver that involves punching, hitting, poking,
103 pinching, or shoving.

104 (3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.--

105 (a) School personnel may place a student in exclusionary
106 or non-exclusionary time if all of the following conditions are
107 met:

108 1. The exclusionary or nonexclusionary time is part of a
109 positive behavioral intervention plan developed for the student
110 from a functional behavioral assessment and referenced in the
111 student's individualized behavior intervention plan.

112 2. There is documentation that the exclusionary or
113 nonexclusionary time was preceded by the use of other positive
114 behavioral supports that were not effective.



Amendment No. 1

115 3. The exclusionary or nonexclusionary time takes place in
116 a classroom or in another environment where class educational
117 activities are taking place.

118 4. The student is not physically prevented from leaving
119 the exclusionary or nonexclusionary time area.

120 5. The student is observed on a constant basis by an adult
121 for the duration of the exclusionary or nonexclusionary time.

122 6. The exclusionary or nonexclusionary time area and
123 process are free of any action that is likely to embarrass or
124 humiliate the student.

125 (b) Exclusionary or nonexclusionary time may not be used
126 for a period that exceeds 1 minute for each year of a student's
127 age or until the student is calm enough to return to his or her
128 seat.

129 (c) Exclusionary or nonexclusionary time may not be used
130 as a punishment or negative consequence of a student's behavior.

131 (4) TRAINING.—

132 (a) Each school district shall report its procedures for
133 training in the use of restraint to the department by publishing
134 the procedures in the district's special policies and procedures
135 manual.

136 (b) Training in the use of restraint must include all of
137 the following:



Amendment No. 1

138 1. Procedures for deescalating a problem behavior before
139 the problem increases to a level or intensity necessitating
140 physical intervention.

141 2. Information regarding the risks associated with
142 restraint and procedures for assessing individual situations and
143 students in order to determine whether the use of restraint is
144 appropriate and sufficiently safe.

145 3. The actual use of specific techniques that range from
146 the least to most restrictive, with ample opportunity for
147 trainees to demonstrate proficiency in the use of such
148 techniques.

149 4. Techniques for implementing restraint with multiple
150 staff members working as a team.

151 5. Techniques for assisting a student in reentering the
152 instructional environment and reengaging in learning.

153 6. Instruction in the district's documentation and
154 reporting requirements.

155 7. Procedures to identify and deal with possible medical
156 emergencies arising during the use of restraint.

157 8. Cardiopulmonary resuscitation.

158 (5) STUDENT-CENTERED FOLLOWUP.- If a student is restrained
159 more than twice during a semester, the school shall conduct a
160 review of:

161 (a) The incidents in which restraint was used and an
162 analysis of how future incidents may be avoided;

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Amendment No. 1

163 (b) The student's functional behavioral assessment and
164 positive behavioral intervention plan by the school personnel
165 and parent within two weeks of the end of the semester; and

166 (c) The training provided to school personnel concerning
167 the use of restraint.

168 (6)(1) DOCUMENTATION AND REPORTING.-

169 (a) At the beginning of each school year, a school
170 district shall publicly post its policies on all emergency
171 procedures, including its policies on the use of restraint and
172 seclusion.

173 (b)(a) A school shall prepare an incident report within 24
174 hours after a student is released from ~~physical~~ restraint ~~or~~
175 ~~seclusion~~. If the student's release occurs on a day before the
176 school closes for the weekend, a holiday, or another reason, the
177 incident report must be completed by the end of the school day
178 on the day the school reopens.

179 (c)(b) ~~The~~ the following must be included in the incident
180 report:

181 1. The name of the student restrained ~~or secluded~~.

182 2. The age, grade, ethnicity, and disability of the
183 student restrained ~~or secluded~~.

184 3. The date and time of the event and the duration of the
185 restraint ~~or seclusion~~.

186 4. The location at which the restraint ~~or seclusion~~
187 occurred.



Amendment No. 1

188 5. A description of the type of restraint used in terms
189 established by the department ~~of Education~~.

190 6. The name of the person using or assisting in the
191 restraint ~~or seclusion~~ of the student and the date the person
192 was last trained in the use of restraint on students.

193 7. The name of any nonstudent who was present to witness
194 the restraint ~~or seclusion~~.

195 8. A description of the incident, including all of the
196 following:

197 a. The context in which the restraint ~~or seclusion~~
198 occurred.

199 b. The student's behavior leading up to and precipitating
200 the decision to use ~~manual or physical~~ restraint ~~or seclusion~~,
201 including an indication as to why there was an imminent risk of
202 serious injury or death to the student or others.

203 c. The specific positive behavioral strategies used to
204 prevent and deescalate the behavior.

205 d. What occurred with the student immediately after the
206 termination of the restraint ~~or seclusion~~.

207 e. Any injuries, visible marks, or possible medical
208 emergencies that may have occurred during the restraint ~~or~~
209 ~~seclusion~~, documented according to district policies.

210 ~~(d)-(e)~~ A school shall notify the parent or guardian of a
211 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is
212 used. Such notification must be in writing and provided before

089657 - h0233-strike.docx

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Amendment No. 1

213 the end of the school day on which the restraint ~~or seclusion~~
214 occurs. Reasonable efforts must also be taken to notify the
215 parent or guardian by telephone or ~~computer~~ e-mail, or both, and
216 these efforts must be documented. The school shall obtain, and
217 keep in its records, the parent's or guardian's signed
218 acknowledgment that he or she was notified of his or her child's
219 restraint ~~or seclusion~~.

220 ~~(e)~~ ~~(d)~~ A school shall also provide the parent or guardian
221 with the completed incident report in writing by mail within 3
222 school days after a student was ~~manually or physically~~
223 restrained ~~or secluded~~. The school shall obtain, and keep in its
224 records, the parent's or guardian's signed acknowledgment that
225 he or she received a copy of the incident report.

226 ~~(7)~~ ~~(2)~~ MONITORING.—

227 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint
228 ~~or seclusion~~ on students shall be monitored ~~occur~~ at the
229 classroom, building, district, and state levels.

230 (b) Any documentation prepared by a school pursuant to as
231 ~~required in~~ subsection (6) ~~(1)~~ shall be provided to the school
232 principal, the district director of Exceptional Student
233 Education, and the bureau chief of the Bureau of Exceptional
234 Education and Student Services electronically each month that
235 the school is in session.

236 ~~(d)~~ ~~(e)~~ The department shall maintain aggregate data of
237 incidents of ~~manual or physical~~ restraint and ~~seclusion~~ and

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Amendment No. 1

238 disaggregate the data for analysis by county, school, student
239 exceptionality, and other variables, including the type and
240 method of restraint ~~or seclusion~~ used. This information shall be
241 updated monthly and made available to the public through the
242 department's website beginning no later than October 1, 2017.

243 ~~(e)(d)~~ The department shall establish standards for
244 documenting, reporting, and monitoring the use of ~~manual or~~
245 ~~physical restraint or mechanical restraint, and occurrences of~~
246 ~~seclusion~~. These standards shall be provided to school districts
247 ~~by October 1, 2011.~~

248 ~~(8)(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

249 (a) School districts shall develop policies and procedures
250 that provide for the physical safety and security of all
251 students and school personnel and which treat all students with
252 respect and dignity in an environment that promotes a positive
253 school culture and climate. Such ~~Each school district shall~~
254 ~~develop~~ policies and procedures must be that are consistent with
255 this section and must that govern the following:

256 1. A description of escalating behavioral strategies that
257 may be used.

258 2. Allowable use of restraint on students.

259 3. Training procedures.

260 ~~4.1.~~ Incident-reporting procedures.

261 ~~5.2.~~ Data collection and monitoring, including when,
262 where, and why students are restrained and or secluded; the



Amendment No. 1

263 frequency of occurrences of such restraint ~~or seclusion, and the~~
264 ~~prone or mechanical restraint that is most used.~~

265 6.3. Monitoring and reporting of data collected.

266 7.4. Training programs and procedures relating to ~~manual~~
267 ~~or physical~~ restraint ~~and seclusion.~~

268 8.5. The district's plan for selecting personnel to be
269 trained and the timeframe for completing such training pursuant
270 to subsection (4).

271 9.6. The district's plan for reducing the use of
272 restraint, ~~and seclusion~~ particularly in settings in which it
273 occurs frequently or with students who are restrained
274 repeatedly, ~~and for reducing the use of prone restraint and~~
275 ~~mechanical restraint.~~ The plan must include a goal for reducing
276 the use of restraint ~~and seclusion~~ and must include activities,
277 skills, and resources needed to achieve that goal. Activities
278 may include, but are not limited to, all of the following:

279 a. Additional training in positive behavioral support and
280 crisis management.†

281 b. Parental involvement.†

282 c. Data review.†

283 d. Updates of students' functional behavioral analysis and
284 positive behavior intervention plans.†

285 e. Additional student evaluations.†

286 f. Debriefing with staff.†

287 g. Use of schoolwide positive behavior support.† ~~and~~

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Amendment No. 1

288 h. Changes to the school environment.

289 10. Analysis of data to determine trends.

290 11. Ongoing reduction of the use of restraint.

291 (b) Any revisions a school district makes to its ~~to the~~
292 ~~district's~~ policies and procedures, which must be prepared as
293 part of the school district's ~~its~~ special policies and
294 procedures, must be filed with the bureau chief of the Bureau of
295 Exceptional Education and Student Services ~~no later than January~~
296 ~~31, 2012.~~

297 ~~(9)(4)~~ PROHIBITED RESTRAINT.—School personnel may not use
298 straitjackets or a mechanical restraint or a manual or physical
299 restraint that restricts a student's breathing.

300 ~~(10)(5)~~ SECLUSION.—School personnel may not place a
301 student in seclusion ~~close, lock, or physically block a student~~
302 ~~in a room that is unlit and does not meet the rules of the State~~
303 ~~Fire Marshal for seclusion time out rooms.~~

304 Section 2. Subsections (1) and (2) of section 1012.582,
305 Florida Statutes, are amended to read:

306 1012.582 Continuing education and inservice training for
307 teaching students with developmental and emotional or behavioral
308 disabilities.—

309 (1) The Commissioner of Education shall develop
310 recommendations to incorporate instruction regarding autism
311 spectrum disorder, Down syndrome, ~~and~~ other developmental
312 disabilities, and emotional or behavioral disabilities into

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Amendment No. 1

313 continuing education or inservice training requirements for
314 instructional personnel. These recommendations shall address:

315 (a) Early identification of, and intervention for,
316 students who have autism spectrum disorder, Down syndrome, ~~or~~
317 other developmental disabilities, or emotional or behavioral
318 disabilities.

319 (b) Curriculum planning and curricular and instructional
320 modifications, adaptations, and specialized strategies and
321 techniques.

322 (c) The use of available state and local resources.

323 (d) The use of positive behavioral supports to deescalate
324 problem behaviors.

325 (e) Appropriate use of ~~manual physical~~ restraint and
326 seclusion techniques and effective classroom behavior management
327 strategies, including, but not limited to, differential
328 reinforcement, precision commands, minimizing attention or
329 access to other reinforcers, and exclusionary and
330 nonexclusionary time methods.

331 (2) In developing the recommendations, the commissioner
332 shall consult with the State Surgeon General, the Director of
333 the Agency for Persons with Disabilities, representatives from
334 the education community in the state, and representatives from
335 entities that promote awareness about autism spectrum disorder,
336 Down syndrome, ~~and~~ other developmental disabilities, and
337 emotional or behavioral disabilities and provide programs and

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Amendment No. 1

338 services to persons with ~~developmental~~ disabilities, including,
339 but not limited to, regional autism centers pursuant to s.
340 1004.55.

341 Section 3. This act shall take effect July 1, 2017.

342

343 -----

344 T I T L E A M E N D M E N T

345 Remove lines 4-14 and insert:

346 to the use, prevention, and reduction of restraint and seclusion
347 on students with disabilities; providing definitions; providing
348 requirements for the use of restraint; prohibiting specified
349 physical restraint techniques; providing requirements for the
350 use of exclusionary and nonexclusionary time; providing
351 requirements for school districts to report and publish training
352 procedures; providing for student-centered followup; providing
353 requirements for documenting, reporting, and monitoring the use
354 of restraint and seclusion; revising school district policies
355 and procedures relating to restraint and seclusion; amending s.
356 1012.582, F.S.;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 525 High School Graduation Requirements
SPONSOR(S): PreK-12 Quality Subcommittee; Silvers and others
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 978

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	12 Y, 0 N, As CS	McAlarney	Duncan
2) Education Committee		McAlarney	Hassell

SUMMARY ANALYSIS

High School Graduation Requirements

To receive a standard high school diploma a student must successfully complete a combination of core-curricula courses, e.g., English language arts, mathematics, science, and social studies and extracurricular courses, such as physical education, fine arts, performing fine arts, career education, practical arts, and elective courses.

Apprenticeship and Preapprenticeship Programs

The Department of Education is responsible for the development of the apprenticeship and preapprenticeship standards for trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. A preapprenticeship program is an organized course of instruction designed to prepare a person 16 years of age or older to become an apprentice. The program must be registered with the DOE and sponsored by a registered apprenticeship program. The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program. Florida law permits career education courses to satisfy high school graduation credit requirements.

The bill expands current law by permitting a student to use credit earned upon completion of a DOE-registered apprenticeship or preapprenticeship program to satisfy the credit requirements in s. 1003.4282(3)(e) or (g), F.S., relating to courses in fine or performing arts, speech and debate, or practical arts; or electives.

The State Board of Education (SBE) is required to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

See FISCAL COMMENTS.

The bill provides an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida High School Graduation Requirements

Section 1003.4282, F.S., establishes the courses and credits required for a student to receive a standard high school diploma. A student must successfully complete 24 credits in core-curricula and extracurricular courses.¹

For grades 9 through 12, core curricula courses are those subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in state law as required for high school graduation and that are not measured by state assessment.² Core courses are: English language arts, mathematics, science, and social studies.³ The remaining required courses are extracurricular courses, which include but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit.⁴

*Core and Extracurricular Course and Credit Requirements*⁵

Course	Credit
English Language Arts (ELA) <ul style="list-style-type: none">• ELA I, II, III, and IV	4
Mathematics <ul style="list-style-type: none">• One credit in Algebra I, one credit in Geometry, and two additional credits.• A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two additional credits. Substitution may occur for up to 2 credits, with the exception of Algebra I and Geometry.	4
Science <ul style="list-style-type: none">• One credit in Biology I and 2 credits in equally rigorous courses• A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two equally rigorous courses.	3
Social Studies <ul style="list-style-type: none">• One credit in United States History; one credit in World History; one-half credit in U.S. Government, and one-half credit in Economics, which must include Financial Literacy.	3

¹ See s. 1008.4282(3)(a)-(g), F.S.

² Section 1003.01(14), F.S.

³ See s. 1008.4282(3)(a)-(d), F.S.

⁴ Section 1003.01(15), F.S.

⁵ Section 1003.4282(3), F.S.

<p>Fine Arts, Performing Arts, Speech and Debate, or Practical Arts</p> <ul style="list-style-type: none"> The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible courses are identified in the Course Code Directory.⁶ 	1
<p>Physical Education</p> <ul style="list-style-type: none"> Must include the integration of health. 	1
<p>Electives</p> <ul style="list-style-type: none"> Must include opportunities for students to earn college credit, including industry-certified career programs or courses that lead to college credit. 	8
<p>Online Course Requirement⁷</p> <ul style="list-style-type: none"> One of the courses within the 24 credits must be completed through online learning. 	Determined based upon the course completed.

Career Education

Career education provides instruction for the following purposes:⁸

Elementary, Middle, and High School Levels

- Exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses⁹ that provide generic skills that may apply to many occupations. Such courses are not designed to prepare students for entry into a specific occupation. Career education provided before high school completion must be designed to strengthen both occupational awareness and academic skills, which is integrated throughout all academic instruction.

Secondary school level

- Job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

Postsecondary education level

- Courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

⁶ The Course Code Directory requires that programs and courses funded through the Florida Education Finance Program (FEFP) and courses or programs for which students may earn elective or required credit toward high school graduation must be listed in the Course Code Directory (CCD). Rule 6A-1.0944, F.A.C.

⁷ Section 1003.4282(4), F.S. A school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57, F.S., which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school. *Id.*

⁸ Section 1003.01(4), F.S.

⁹ There are over 300 Career and Technical Education courses that meet the practical arts high school graduation requirement. Florida Department of Education, <http://www.fl DOE.org/core/fileparse.php/7746/urlt/1617PAcourses.pdf> (last visited March 17, 2017).

Career Education Courses That Satisfy High School Graduation Requirements

Section 1003.4282(8), F.S., requires the Department of Education (DOE) to develop, for approval by the State Board of Education (SBE), career education courses or a series of courses that satisfy general high school credit requirements and the career-themed¹⁰ courses. Students may earn credit in both the career education courses and the courses required for a standard high school diploma. It is the responsibility of the SBE to determine if sufficient academic standards are covered to warrant the award of the academic credit.¹¹

Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework that results in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certificate or degree program, which may include high school junior and senior year work-related internships or apprenticeships. The DOE must negotiate state licenses for material and testing for industry certifications. The instructional methodology used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the course material.¹²

School districts are encouraged to initiate partnerships with local workforce boards, local business and industry leaders, and postsecondary institutions for the purpose of creating career education courses or a series of courses. Such courses must meet the goals and requirements of career and professional academies¹³ and career-themed courses.¹⁴

Apprenticeship and Preapprenticeship Programs

The DOE is responsible for the development of the apprenticeship and preapprenticeship standards for trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs.¹⁵

An apprenticeship program is an organized course of instruction that is registered and approved by the DOE and must address all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.¹⁶ The length of an apprenticeship program varies from one to five years depending on the occupation's training requirements.¹⁷

An apprenticeship may be offered only in occupations that:

- are customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training;

¹⁰ School districts are required to offer at least two career-themed courses, and each secondary school is encouraged to offer at least one career-themed course. Career-themed courses are courses, or a course in a series of courses, that leads to an industry certification identified in the Career and Professional Education (CAPE) Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Students completing a career-themed course must be provided opportunities to earn postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the state. Section 1003.493(1)(b), F.S.

¹¹ Section 1003.4282(8)(a)1., F.S.

¹² Section 1003.4282(8)(a)2., F.S.

¹³ Public schools and school districts are required to offer career and professional academies. Career and professional academies are research-based programs that integrate a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state. Section 1003.493(1)(a), F.S.

¹⁴ Section 1003.4282(8)(b).

¹⁵ Section 446.011(2), F.S.

¹⁶ Section 446.021(6), F.S.

¹⁷ Section 446.021(6), F.S.; rule 6A-23.004, F.A.C.

- are commonly recognized throughout the industry or recognized with a positive view toward changing technology;
- involve manual, mechanical, or technical skills and knowledge that require a minimum of 2,000 hours of work and training, excluding the time spent in related instruction;
- require related instruction to supplement on-the-job training; and
- involve the development of skills sufficiently broad to be applicable in like occupations throughout an industry, rather than skills that are of restricted application to the products or services of any one company¹⁸

The following categories of occupations may not create an apprenticeship program: selling, retailing, or similar occupations in the distributive field; managerial occupations; and professional and scientific vocations for which entrance requirements customarily require an academic degree.¹⁹

To be eligible for an apprenticeship program, the person must be at least 16 years of age. Admission requirements relating to education, physical ability, work experience, and other criteria vary based on the program's training needs.²⁰ As of January 2017, there were 10,464 active registered apprentices and 193 registered program sponsors in Florida.²¹

According to DOE, high school students do not typically participate in registered apprenticeship programs since the majority of programs require applicants be at least 18 years of age, possess a high school diploma or equivalency diploma, and be employed full time by the sponsoring employer.²² As a result of these requirements, it seems that few apprenticeship students would be eligible to earn high school course credit via apprenticeship program participation.

A preapprenticeship program is an organized course of instruction designed to prepare a person 16 years of age or older to become an apprentice. The program must be registered with the DOE and sponsored by a registered apprenticeship program.²³ The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program.²⁴ According to the DOE there are seven one credit preapprenticeship courses, which are counted as electives for graduation purposes.²⁵ As of December 2015, there were approximately 110 high school participants in 13 preapprenticeship programs located throughout the state.²⁶

Effect of Proposed Changes

The bill permits a student to use credit earned upon completion of a DOE-registered apprenticeship or preapprenticeship program to satisfy the credit requirements in s. 1003.4282(3)(e) or (g), F.S., relating to courses in fine or performing arts, speech and debate, or practical arts; or electives.

The State Board of Education (SBE) is required to approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

¹⁸ Section 446.092, F.S.

¹⁹ Section 446.092(6), F.S.

²⁰ United States Department of Labor, Employment and Training Administration, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 16, 2017).

²¹ Email, Florida Department of Education, Agency Legislative Bill Analysis, HB 525, (March 3, 2017).

²² *Id.*

²³ Section 446.021(5), F.S.

²⁴ Rule 6A-23.010(1), F.A.C.

²⁵ *See supra* note 21.

²⁶ *Id.*

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.4282(8), F.S., to permit a student to use credit earned upon completion of a DOE-registered apprenticeship or preapprenticeship program to satisfy the credit requirements for courses in fine or performing arts, speech and debate, or practical arts; or electives. The SBE must approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

Section 2. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Indeterminable.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to the DOE, the Florida Automated System for Transferring Education Records (FASTER) would require an outside contractor position of 40 hours at \$56 per hour, totaling \$2,240.00, to update the database.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 20, 2017, the House PreK-12 Quality Subcommittee adopted an amendment and reported the bill favorably. The amendment permits a student who has completed an apprenticeship or preapprenticeship program to satisfy one course: fine or performing arts, speech and debate, or practical arts; **or** an elective.

The bill analysis is drafted to the bill as amended.

1 A bill to be entitled
 2 An act relating to high school graduation
 3 requirements; amending s. 1003.4282, F.S.; authorizing
 4 the use of credits earned upon completion of a
 5 registered apprenticeship or preapprenticeship to
 6 satisfy specified high school graduation credit
 7 requirements; requiring that the State Board of
 8 Education approve and identify apprenticeship and
 9 preapprenticeship programs for such purpose; providing
 10 an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (a) of subsection (8) of section
 15 1003.4282, Florida Statutes, is amended to read:

16 1003.4282 Requirements for a standard high school
 17 diploma.—

18 (8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
 19 CREDIT REQUIREMENTS.—

20 (a) Participation in career education courses engages
 21 students in their high school education, increases academic
 22 achievement, enhances employability, and increases postsecondary
 23 success. By July 1, 2014, the department shall develop, for
 24 approval by the State Board of Education, multiple, additional
 25 career education courses or a series of courses that meet the

26 requirements set forth in s. 1003.493(2), (4), and (5) and this
 27 subsection and allow students to earn credit in both the career
 28 education course and courses required for high school graduation
 29 under this section and s. 1003.4281.

30 1. The state board must determine if sufficient academic
 31 standards are covered to warrant the award of academic credit.

32 2. Career education courses must include workforce and
 33 digital literacy skills and the integration of required course
 34 content with practical applications and designated rigorous
 35 coursework that results in one or more industry certifications
 36 or clearly articulated credit or advanced standing in a 2-year
 37 or 4-year certificate or degree program, which may include high
 38 school junior and senior year work-related internships or
 39 apprenticeships. The department shall negotiate state licenses
 40 for material and testing for industry certifications. The
 41 instructional methodology used in these courses must be
 42 comprised of authentic projects, problems, and activities for
 43 contextually learning the academics.

44 3. A student who earns credit upon completion of an
 45 apprenticeship or preapprenticeship program registered with the
 46 Department of Education under chapter 446 may use such credit to
 47 satisfy the high school graduation credit requirements in
 48 paragraph (3)(e) or paragraph (3)(g). The state board shall
 49 approve and identify in the Course Code Directory the
 50 apprenticeship and preapprenticeship programs from which earned

CS/HB 525

2017

51 | credit may be used pursuant to this subparagraph.

52 | Section 2. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 549 Publication of Student Assessments

SPONSOR(S): PreK-12 Appropriations Subcommittee; PreK-12 Quality Subcommittee; Fine and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 906

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	12 Y, 0 N, As CS	Brink	Duncan
2) PreK-12 Appropriations Subcommittee	14 Y, 0 N, As CS	Seifert	Potvin
3) Education Committee		Brink	Hassell

SUMMARY ANALYSIS

Currently, public access to test items under Florida's statewide assessment program is limited to sample questions which are not included in assessments administered under the program. The bill requires the Commissioner of Education, beginning with the 2019-2020 school year and every 3 years thereafter, to publish on the Florida Department of Education's (DOE) website each statewide, standardized assessment and statewide end-of-course (EOC) assessment, thereby providing public access to standardized tests taken by students in Florida.

The bill allows the Commissioner of Education to determine the schedule for publishing assessments during the 3-year period; however, the initial publication must include the grade 3 English language arts (ELA) and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

The bill requires the DOE to provide materials on its website to help the public interpret the published assessment information.

This fiscal impact of this bill is estimated to be \$4,000,000 annually.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's statewide assessment program is used to measure the extent to which students have mastered Florida's academic content standards.¹ It includes comprehensive, grade level assessments, end of course (EOC) assessments, and alternate assessments for students with significant cognitive disabilities.² The grade-level English language arts (ELA) and math assessments and Algebra I, Geometry, and Algebra II EOC assessments are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.³

Results from the assessments are used to calculate school grades and school improvement ratings⁴ and determine student readiness for promotion to 4th grade and high school graduation.⁵ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.⁶

Florida and federal law both require that all public school students annually participate in statewide, standardized ELA and math assessments beginning in the 3rd grade.⁷ Federal law requires that students participate in a standardized science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.⁸ The requirements for students in Florida are as follows:⁹

- ELA
 - Grades 3-10: annual participation in the FSA-ELA
- Math
 - Grades 3-8: annual participation in the math FSA
 - High school:
 - Algebra I EOC and Geometry assessments
 - (If enrolled) Algebra II EOC assessment
- Science
 - Grades 5 and 8: Statewide Science Assessment
 - High school: Biology I EOC assessment
- Social Studies
 - Middle school: Civics EOC assessment
 - High school: U.S. History EOC assessment

In addition, school districts must participate in national and international comparison assessments, such as the National Assessment of Educational Progress (NAEP),¹⁰ Trends in International Mathematics and Science Study, Program for International Student Assessment, Progress in International Reading Literacy Study, and International Computer and Information Literacy Study.¹¹

¹ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf>.

² See s. 1008.22(3), F.S.

³ Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

⁴ See ss. 1008.34 and 1008.341, F.S.

⁵ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

⁶ See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

⁷ See s. 1008.22(3)(a); 20 U.S.C. s. 6311(b)(2)(v)(I).

⁸ See 20 U.S.C. s. 6311(b)(2)(B)(v)(II).

⁹ See s. 1008.22(3)(a) and (b), F.S.

¹⁰ 20 U.S.C. s. 6311(a)(1)(B). Federal Title I funds are contingent upon a state's participation in the NAEP, which is administered through the National Center for Education Statistics, the primary federal entity for collecting and analyzing state related to education in the U.S. National Center for Education Statistics, *About Us*, <https://nces.ed.gov/about/> (last visited Mar. 17, 2017).

¹¹ See s. 1008.22(2), F.S.

All Students with disabilities, except for students with an approved medical complexity or extraordinary exemption waiver, must participate in the statewide, standardized assessments.¹² Students with significant cognitive disabilities may be eligible to take the Florida Standards Alternate Assessment, which measures student academic performance on the state's academic standards using access points.¹³

In order to reduce costs, the Florida Department of Education (DOE) licenses FSA test items from the test developer, American Institutes for Research, and does not have ownership of or copyright authority over the items.¹⁴ This practice is becoming commonplace among states.¹⁵ Some texts used in state assessment questions are taken from the public domain and can be freely published; however, others are copyrighted texts that the DOE does not have authority to publish.¹⁶

All examination and assessment instruments, including work papers and developmental materials, are confidential and exempt from disclosure under Florida's public records laws.¹⁷ Provisions governing access, maintenance, and destruction of such instruments and materials are prescribed in rule by the State Board of Education.¹⁸

Per general practice, once a test or test item is released, the test items may not be reused in order to maintain assessment validity.¹⁹

From 2005 to 2007, the DOE released FCAT assessments as follows:

- Grades 4, 8, and 10 Reading and Mathematics in 2005;
- Grades 3, 7, 9 and 10 Reading and Mathematics in 2006;
- Grades 5 and 6 Reading and Mathematics, and Grade 8 Science; and
- For the FCAT Writing and FCAT 2.0 Writing assessment, the DOE released the prompts and student responses.²⁰

According to the DOE, budgetary constraints ended the practice beginning in 2008.²¹

Effect of Proposed Changes

The bill requires the Commissioner of Education, beginning with the 2019-2020 school year and every 3 years thereafter, to publish each statewide, standardized assessment and statewide EOC assessment on the DOE's website, excluding retake and alternate assessments, administered in the most recent school year. By publishing the assessments on the website, the DOE would provide public access to view assessments administered during the previous school year.

The bill allows the commissioner to determine the schedule for publishing assessments during the 3-year period; however, the initial publication must occur no later than June 30, 2020, and must include the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

¹² See ss. 1008.212 and 1008.22(10), F.S.

¹³ See s. 1008.22(3)(c)4., F.S.; rule 6A-1.09430(1), F.A.C.; see also Florida Department of Education, Division of Public Schools and Bureau of Exceptional Education and Student Services, *Statewide Assessment for Students with Disabilities*, Technical Assistance Paper 2010-92 (July 15, 2010). Access points provide students with significant cognitive disabilities access to the Florida Standards at reduced levels of complexity.

¹⁴ Florida Department of Education, Agency Analysis of 2016 House Bill 549, p. 3 (Feb. 7, 2017).

¹⁵ *Id* at 3.

¹⁶ *Id* at 3.

¹⁷ See s. 1008.23 F.S.

¹⁸ See rule 6A-10.042, F.A.C.

¹⁹ *Id* at 3.

²⁰ Florida Department of Education, Agency Analysis of 2016 House Bill 549, pp.2- 3 (Feb. 7, 2017).

²¹ Florida Department of Education, Testimony by the Assistant Deputy Commissioner for the Division of Accountability, Research, and Measurement before the House PreK-12 Quality Subcommittee (Mar. 20, 2017).

The bill requires the DOE to publish materials on its website to help the public interpret the published assessment information.

Because test items cannot be repeated for purposes of assessment validity, the DOE would be required to procure additional test items to replace the items it has authority to publish.²² This would require renegotiation of current assessment contracts for the development of test items owned by the DOE. Thereafter, the DOE would be required to purchase sufficient test items to replace assessments that are published in accordance with the bill.

The bill does not authorize or require the publication or release of individual student assessment files.

The bill provides an appropriation of \$4,000,000 in recurring General Revenue for the costs associated with the provisions of the bill.

B. SECTION DIRECTORY:

Section 1. Amends s. 1008.22, F.S.; requiring the Department of Education to publish certain assessments; providing requirements for the publication of such assessments; requiring the department to provide interpretive materials.

Section 2. Provides an appropriation of \$4,000,000 in recurring General Revenue for the costs associated with the provisions of the bill.

Section 3. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The strike-all amendment adopted on March 20, 2017, eliminates several assessments from the publication requirement and provides the commissioner authority to determine the schedule for publishing assessments, which may affect certain fixed costs associated with developing test items. Based on the amendment, the DOE estimates costs of approximately \$4 million annually.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

²² See *id* at 3.

D. FISCAL COMMENTS:

See FISCAL IMPACT ON STATE GOVERNMENT, *supra*.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 20, 2017, the PreK-12 Quality Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- limits the publication of tests to statewide, standardized assessments and statewide end of course (EOC) assessments;
- requires the assessments to be published starting with the 2019-2020 school year and every 3 years thereafter;
- allows the commissioner to determine the schedule for releasing assessments during the 3-year period; however, the initial publication must occur by June 30, 2020, and must include the grade 3 English language arts (ELA) and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment; and
- requires the Department of Education to provide materials on its website to help the public interpret the published assessment information.

The bill analysis is drafted to reflect the committee substitute.

On April 3, 2017, the PreK-12 Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provides an appropriation of \$4,000,000 in recurring General Revenue for the costs associated with the provisions of the bill.

The bill analysis is drafted to reflect the committee substitute passed by the PreK-12 Appropriations Subcommittee.

1 A bill to be entitled
 2 An act relating to the publication of student
 3 assessments; amending s. 1008.22, F.S.; requiring the
 4 Department of Education to publish certain assessments
 5 on its website; providing requirements for such
 6 publication; requiring the department to provide
 7 materials regarding assessment information on its
 8 website; conforming a cross-reference; providing an
 9 appropriation; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsections (8) through (12) of section
 14 1008.22, Florida Statutes, are renumbered as subsections (9)
 15 through (13), respectively, paragraph (a) of subsection (3) is
 16 amended, and a new subsection (8) is added to that section, to
 17 read:

18 1008.22 Student assessment program for public schools.—

19 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 20 Commissioner of Education shall design and implement a
 21 statewide, standardized assessment program aligned to the core
 22 curricular content established in the Next Generation Sunshine
 23 State Standards. The commissioner also must develop or select
 24 and implement a common battery of assessment tools that will be
 25 used in all juvenile justice education programs in the state.

26 These tools must accurately measure the core curricular content
27 established in the Next Generation Sunshine State Standards.
28 Participation in the assessment program is mandatory for all
29 school districts and all students attending public schools,
30 including adult students seeking a standard high school diploma
31 under s. 1003.4282 and students in Department of Juvenile
32 Justice education programs, except as otherwise provided by law.
33 If a student does not participate in the assessment program, the
34 school district must notify the student's parent and provide the
35 parent with information regarding the implications of such
36 nonparticipation. The statewide, standardized assessment program
37 shall be designed and implemented as follows:

38 (a) Statewide, standardized comprehensive assessments.—The
39 statewide, standardized Reading assessment shall be administered
40 annually in grades 3 through 10. The statewide, standardized
41 Writing assessment shall be administered annually at least once
42 at the elementary, middle, and high school levels. When the
43 Reading and Writing assessments are replaced by English Language
44 Arts (ELA) assessments, ELA assessments shall be administered to
45 students in grades 3 through 10. Retake opportunities for the
46 grade 10 Reading assessment or, upon implementation, the grade
47 10 ELA assessment must be provided. Students taking the ELA
48 assessments shall not take the statewide, standardized
49 assessments in Reading or Writing. ELA assessments shall be
50 administered online. The statewide, standardized Mathematics

51 assessments shall be administered annually in grades 3 through
 52 8. Students taking a revised Mathematics assessment shall not
 53 take the discontinued assessment. The statewide, standardized
 54 Science assessment shall be administered annually at least once
 55 at the elementary and middle grades levels. In order to earn a
 56 standard high school diploma, a student who has not earned a
 57 passing score on the grade 10 Reading assessment or, upon
 58 implementation, the grade 10 ELA assessment must earn a passing
 59 score on the assessment retake or earn a concordant score as
 60 authorized under subsection (9) ~~(8)~~.

61 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
 62 the statewide assessment program, the Department of Education,
 63 subject to appropriation, shall publish assessments on its
 64 website in accordance with this subsection.

65 (a) Beginning with the 2019-2020 school year, and every 3
 66 years thereafter, the department shall publish each assessment
 67 administered under paragraph (3) (a) and subparagraph (3) (b)1.,
 68 excluding retake assessments, at least once pursuant to a
 69 schedule determined by the Commissioner of Education. Each
 70 assessment, when published, must have been administered during
 71 the most recent school year.

72 (b) The initial publication of assessments must occur no
 73 later than June 30, 2020, and must include, at a minimum, the
 74 grade 3 ELA and mathematics assessments, the grade 10 ELA
 75 assessment, and the Algebra I EOC assessment.

76 (c) The department must provide materials on its website
77 to help the public interpret assessment information published
78 pursuant to this subsection.

79 Section 2. For the 2017-2018 fiscal year, the sum of \$4
80 million in recurring funds is appropriated from the General
81 Revenue Fund to the Department of Education to implement the
82 provisions of this act.

83 Section 3. This act shall take effect July 1, 2017.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Diaz, M. offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 13-82 and insert:

6 Section 1. 1003.4282 Requirements for a standard high
7 school diploma.—

8 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
9 REQUIREMENTS.—

10 (b) Four credits in mathematics.—A student must earn one
 11 credit in Algebra I and one credit in Geometry. A student's
 12 performance on the statewide, standardized Algebra I end-of-
 13 course (EOC) assessment constitutes 30 percent of the student's
 14 final course grade. A student must pass the statewide,
 15 standardized Algebra I EOC assessment, or earn a comparative
 16 score, in order to earn a standard high school diploma. A



Amendment No. 1

17 student's performance on the statewide, standardized Geometry
18 EOC assessment constitutes 30 percent of the student's final
19 course grade. ~~If the state administers a statewide, standardized~~
20 ~~Algebra II assessment, a student selecting Algebra II must take~~
21 ~~the assessment, and the student's performance on the assessment~~
22 ~~constitutes 30 percent of the student's final course grade. A~~
23 student who earns an industry certification for which there is a
24 statewide college credit articulation agreement approved by the
25 State Board of Education may substitute the certification for
26 one mathematics credit. Substitution may occur for up to two
27 mathematics credits, except for Algebra I and Geometry.

28 Section 2. 1003.4285 Standard high school diploma
29 designations.—

30 (1) Each standard high school diploma shall include, as
31 applicable, the following designations if the student meets the
32 criteria set forth for the designation:

33 (a) Scholar designation.—In addition to the requirements
34 of s. 1003.4282, in order to earn the Scholar designation, a
35 student must satisfy the following requirements:

36 1. Mathematics.—Earn one credit in Algebra II and one
37 credit in statistics or an equally rigorous course. Beginning
38 with students entering grade 9 in the 2014-2015 school year,
39 pass the ~~Algebra II and Geometry statewide, standardized~~
40 assessment assessments.



Amendment No. 1

41 2. Science.—Pass the statewide, standardized Biology I EOC
42 assessment and earn one credit in chemistry or physics and one
43 credit in a course equally rigorous to chemistry or physics.
44 However, a student enrolled in an Advanced Placement (AP),
45 International Baccalaureate (IB), or Advanced International
46 Certificate of Education (AICE) Biology course who takes the
47 respective AP, IB, or AICE Biology assessment and earns the
48 minimum score necessary to earn college credit as identified
49 pursuant to s. 1007.27(2) meets the requirement of this
50 subparagraph without having to take the statewide, standardized
51 Biology I EOC assessment.

52 3. Social studies.—Pass the statewide, standardized United
53 States History EOC assessment. However, a student enrolled in an
54 AP, IB, or AICE course that includes United States History
55 topics who takes the respective AP, IB, or AICE assessment and
56 earns the minimum score necessary to earn college credit as
57 identified pursuant to s. 1007.27(2) meets the requirement of
58 this subparagraph without having to take the statewide,
59 standardized United States History EOC assessment.

60 4. Foreign language.—Earn two credits in the same foreign
61 language.

62 5. Electives.—Earn at least one credit in an Advanced
63 Placement, an International Baccalaureate, an Advanced
64 International Certificate of Education, or a dual enrollment
65 course.



Amendment No. 1

66 Section 3. 1008.22 Student assessment program for public
67 schools.—

68 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
69 Commissioner of Education shall design and implement a
70 statewide, standardized assessment program aligned to the core
71 curricular content established in the Next Generation Sunshine
72 State Standards. The commissioner also must develop or select
73 and implement a common battery of assessment tools that will be
74 used in all juvenile justice education programs in the state.
75 These tools must accurately measure the core curricular content
76 established in the Next Generation Sunshine State Standards.
77 Participation in the assessment program is mandatory for all
78 school districts and all students attending public schools,
79 including adult students seeking a standard high school diploma
80 under s. 1003.4282 and students in Department of Juvenile
81 Justice education programs, except as otherwise provided by law.
82 If a student does not participate in the assessment program, the
83 school district must notify the student's parent and provide the
84 parent with information regarding the implications of such
85 nonparticipation. The statewide, standardized assessment program
86 shall be designed and implemented as follows:

87 (b) End-of-course (EOC) assessments.—EOC assessments must
88 be statewide, standardized, and developed or approved by the
89 Department of Education as follows:



Amendment No. 1

90 1. EOC assessments for Algebra I, Geometry, ~~Algebra II,~~
91 Biology I, United States History, and Civics shall be
92 administered to students enrolled in such courses as specified
93 in the course code directory.

94 2. Students enrolled in a course, as specified in the
95 course code directory, with an associated statewide,
96 standardized EOC assessment must take the EOC assessment for
97 such course and may not take the corresponding subject or grade-
98 level statewide, standardized assessment pursuant to paragraph
99 (a). Sections 1003.4156 and 1003.4282 govern the use of
100 statewide, standardized EOC assessment results for students.

101 3. The commissioner may select one or more nationally
102 developed comprehensive examinations, which may include
103 examinations for a College Board Advanced Placement course,
104 International Baccalaureate course, or Advanced International
105 Certificate of Education course, or industry-approved
106 examinations to earn national industry certifications identified
107 in the CAPE Industry Certification Funding List, for use as EOC
108 assessments under this paragraph if the commissioner determines
109 that the content knowledge and skills assessed by the
110 examinations meet or exceed the grade-level expectations for the
111 core curricular content established for the course in the Next
112 Generation Sunshine State Standards. Use of any such examination
113 as an EOC assessment must be approved by the state board in
114 rule.

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Amendment No. 1

115 4. Contingent upon funding provided in the General
116 Appropriations Act, including the appropriation of funds
117 received through federal grants, the commissioner may establish
118 an implementation schedule for the development and
119 administration of additional statewide, standardized EOC
120 assessments that must be approved by the state board in rule. If
121 approved by the state board, student performance on such
122 assessments constitutes 30 percent of a student's final course
123 grade.

124 5. All statewide, standardized EOC assessments must be
125 administered online except as otherwise provided in paragraph
126 (c).

127 (d) Computer-based assessments.— ~~Implementation schedule.~~

128 1. ~~The Commissioner of Education shall establish and~~
129 ~~publish on the department's website an implementation schedule~~
130 ~~to transition from the statewide, standardized Reading and~~
131 ~~Writing assessments to the ELA assessments and to the revised~~
132 ~~Mathematics assessments, including the Algebra I and Geometry~~
133 ~~EOC assessments. The schedule must take into consideration~~
134 ~~funding, sufficient field and baseline data, access to~~
135 ~~assessments, instructional alignment, and school district~~
136 ~~readiness to administer the assessments online. All such~~
137 statewide, standardized assessments, including statewide end-of-
138 course assessments, ~~must be delivered through computer-based~~
139 ~~testing, however, the following assessments must be delivered in~~

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Amendment No. 1

140 a computer-based format; however, beginning with the 2018-2019
141 school year, statewide, standardized ELA and mathematics
142 assessments for grades 3 through 6 must be delivered in a paper-
143 based format only, ~~as follows: the grade 3 ELA assessment,~~
144 ~~beginning in the 2017-2018 school year; the grade 3 Mathematics~~
145 ~~assessment beginning in the 2016-2017 school year; the grade 4~~
146 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
147 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
148 ~~school year.~~

149 2. The Department of Education shall publish minimum and
150 recommended technology requirements that include specifications
151 for hardware, software, networking, security, and broadband
152 capacity to facilitate school district compliance with the
153 requirements of this section ~~requirement that assessments be~~
154 ~~administered online.~~

155 (e) Assessment scores and achievement levels.—

156 1. All statewide, standardized EOC assessments and ELA,
157 mathematics, and Science assessments shall use scaled scores and
158 achievement levels. Achievement levels shall range from 1
159 through 5, with level 1 being the lowest achievement level,
160 level 5 being the highest achievement level, and level 3
161 indicating satisfactory performance on an assessment. Beginning
162 with any new contract for the statewide, standardized ELA and
163 mathematics assessments entered into after July 1, 2017,
164 achievement level 3 shall be defined as on grade level for each



Amendment No. 1

165 new assessment. Students who score on grade level may still need
166 additional support to achieve the Next Generation Sunshine State
167 Standards for the next grade level.

168 2. The state board shall designate by rule a passing score
169 for each statewide, standardized assessment.

170 3. If the commissioner seeks to revise a statewide,
171 standardized assessment and the revisions require the state
172 board to modify performance level scores, including the passing
173 score, the commissioner shall provide a copy of the proposed
174 scores and implementation plan to the President of the Senate
175 and the Speaker of the House of Representatives at least 90 days
176 before submission to the state board for review. Until the state
177 board adopts the modifications by rule, the commissioner shall
178 use calculations for scoring the assessment that adjust student
179 scores on the revised assessment for statistical equivalence to
180 student scores on the former assessment. The state board shall
181 adopt by rule the passing score for the revised assessment that
182 is statistically equivalent to the passing score on the
183 discontinued assessment for a student who is required to attain
184 a passing score on the discontinued assessment. The commissioner
185 may, with approval of the state board, discontinue
186 administration of the former assessment upon the graduation,
187 based on normal student progression, of students participating
188 in the final regular administration of the former assessment. If
189 the commissioner revises a statewide, standardized assessment

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Amendment No. 1

190 and the revisions require the state board to modify the passing
191 score, only students taking the assessment for the first time
192 after the rule is adopted are affected.

193 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

194 (a) The Commissioner of Education shall establish
195 schedules for the administration of statewide, standardized
196 assessments and the reporting of student assessment results. The
197 commissioner shall consider the observance of religious and
198 school holidays when developing the schedules. The assessment
199 and reporting schedules must provide the earliest possible
200 reporting of student assessment results to the school districts,
201 consistent with the requirements of paragraph (3)(g). Assessment
202 results for the statewide, standardized ELA and mathematics
203 assessments and all statewide, standardized EOC assessments must
204 be made available no later than ~~the week of June 30 &~~, except
205 for results ~~of~~ for the grade 3 statewide, standardized ELA
206 assessment, which must be made available no later than May 31
207 ~~assessments administered in the 2014-2015 school year.~~ School
208 districts shall administer statewide, standardized assessments
209 in accordance with the schedule established by the commissioner.

210 (b) By January ~~August~~ of each year, beginning in 2018
211 ~~2016~~, the commissioner shall publish on the department's website
212 a uniform calendar that includes the assessment and reporting
213 schedules for, at a minimum, the next 2 school years. The
214 uniform calendar must be provided to school districts in an



Amendment No. 1

215 electronic format that allows each school district and public
216 school to populate the calendar with, at minimum, the following
217 information for reporting the district assessment schedules
218 under paragraph (e) ~~(e)~~:

219 1. Whether the assessment is a district-required
220 assessment or a state-required assessment.

221 2. The specific date or dates that each assessment will be
222 administered.

223 3. The time allotted to administer each assessment.

224 4. Whether the assessment is a computer-based assessment
225 or a paper-based assessment.

226 5. The grade level or subject area associated with the
227 assessment.

228 6. The date that the assessment results are expected to be
229 available to teachers and parents.

230 7. The type of assessment, the purpose of the assessment,
231 and the use of the assessment results.

232 8. A glossary of assessment terminology.

233 9. Estimates of average time for administering state-
234 required and district-required assessments, by grade level.

235 (c) Beginning with the 2018-2019 school year, the spring
236 administration of the statewide, standardized assessments in
237 paragraphs (3)(a) and (3)(b), excluding assessment retakes, must
238 be in accordance with the following schedule:

239 1. The grade 3 statewide, standardized ELA assessment, the



Amendment No. 1

240 writing portion of the statewide, standardized ELA assessments,
241 and any statewide, standardized assessment delivered in a paper-
242 based format must be administered no earlier than April 1 each
243 year within an assessment window not to exceed 2 weeks.

244 2. With the exception of assessments identified in
245 subparagraph (c)1., any statewide, standardized assessment
246 delivered in a computer-based format shall be administered
247 within a 4-week assessment window that opens no earlier than May
248 1 each year, and each school district shall administer the
249 assessment no earlier than 4 weeks before the last day of school
250 for the district.

251 (d) Beginning with any new contract for the ELA assessment
252 in grades 3 through 10 and the mathematics assessment in grades
253 3 through 8 entered into after July 1, 2017, each new assessment
254 shall be made available once per quarter for students who the
255 school district has identified through competency-based
256 education as having mastered the content and who are prepared to
257 take the applicable assessment in accordance with s. 1003.4996.

258 (h) ~~(f)~~ A school district must provide a student's
259 performance results on district-required local assessments to
260 the student's teachers within 1 week and to the student's
261 parents no later than 30 days after administering such
262 assessments, unless the superintendent determines in writing
263 that extenuating circumstances exist and reports the extenuating
264 circumstances to the district school board.



Amendment No. 1

265 (i) The results of statewide, standardized ELA and
266 mathematics assessments, including assessment retakes, shall be
267 reported in an easy-to-read and understandable format and
268 delivered in time to provide useful, actionable information to
269 students, parents, and to each student's current teacher of
270 record and teacher of record for the subsequent school year;
271 however, in any case, the district shall provide the results
272 pursuant to this paragraph within 1 week after receiving the
273 results from the department. A report of student assessment
274 results must, at a minimum, contain:

275 1. A clear explanation of the student's performance on the
276 applicable statewide, standardized assessments.

277 2. Information identifying the student's areas of strength
278 and areas in need of improvement.

279 3. Specific actions that may be taken, and the available
280 resources that may be used, by the student's parent to assist
281 his or her child based on the student's areas of strength and
282 areas in need of improvement.

283 4. Longitudinal information, if available, on the
284 student's progress in each subject area based on previous
285 statewide, standardized assessment data.

286 5. Comparative information showing the student's score
287 compared to other students in the school district, in the state,
288 or, if available, in other states.



Amendment No. 1

289 6. Predictive information, if available, showing the
290 linkage between the scores attained by the student on the
291 statewide, standardized assessments and the scores he or she may
292 potentially attain on nationally recognized college entrance
293 examinations.

294 (8) PUBLICATION OF ASSESSMENTS.-To promote transparency in
295 the statewide assessment program, the Department of Education,
296 subject to appropriation, shall publish assessments on its
297 website in accordance with this subsection.

298 (a) Beginning with the 2019-2020 school year, and every 3
299 years thereafter, the department shall publish each assessment
300 administered under paragraph (3) (a) and subparagraph (3) (b) 1.,
301 excluding retake assessments, at least once pursuant to a
302 schedule determined by the Commissioner of Education. Each
303 assessment, when published, must have been administered during
304 the most recent school year.

305 (b) The initial publication of assessments must occur no
306 later than June 30, 2020, and must include, at a minimum, the
307 grade 3 ELA and mathematics assessments, the grade 10 ELA
308 assessment, and the Algebra I EOC assessment.

309 (c) The department must provide materials on its website
310 to help the public interpret assessment information published
311 pursuant to this subsection.

312 Section 4. 1012.34 Personnel evaluation procedures and
313 criteria.-

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Amendment No. 1

314 (7) MEASUREMENT OF STUDENT PERFORMANCE.—
315 (a) The Commissioner of Education shall approve a formula
316 to measure individual student learning growth on the statewide,
317 standardized assessments in English Language Arts and
318 mathematics administered under s. 1008.22. The formula must be
319 developed by a third party independent of the assessment
320 administrator, which must verify the suitability of assessment
321 results for annual student learning growth measures, and must
322 take into consideration each student's prior academic
323 performance. The commissioner shall provide schools access to
324 individual student learning growth data in a user-friendly
325 format that enables teachers to understand and evaluate the data
326 and school administrators to improve instruction, evaluate
327 programs, allocate resources, plan professional development, and
328 communicate with stakeholders. The formula must not set
329 different expectations for student learning growth based upon a
330 student's gender, race, ethnicity, or socioeconomic status. In
331 the development of the formula, the commissioner shall consider
332 other factors such as a student's attendance record, disability
333 status, or status as an English language learner. The
334 commissioner may select additional formulas to measure student
335 performance as appropriate for the remainder of the statewide,
336 standardized assessments included under s. 1008.22 and continue
337 to select formulas as new assessments are implemented in the
338 state system. After the commissioner approves the formula to

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Amendment No. 1

339 measure individual student learning growth, the State Board of
340 Education shall adopt these formulas in rule.

341 (b) Each school district shall measure student learning
342 growth using the formulas approved by the commissioner under
343 paragraph (a) and the standards for performance levels adopted
344 by the state board under subsection (8) for courses associated
345 with the statewide, standardized assessments administered under
346 s. 1008.22 no later than the school year immediately following
347 the year the formula is approved by the commissioner. For grades
348 and subjects not assessed by statewide, standardized
349 assessments, each school district shall measure student
350 performance using a methodology determined by the district.

351 Section 3. The Commissioner of Education shall contract
352 for an independent study to determine whether the SAT and ACT
353 may be administered in lieu of the grade 10 statewide,
354 standardized ELA assessment and the Algebra I end-of-course
355 assessment for high school students consistent with federal
356 requirements under 20 U.S.C. s. 6311(b)(2)(H). The commissioner
357 shall submit a report containing the results of such review and
358 any recommendations to the Governor, the President of the
359 Senate, the Speaker of the House of Representatives, and the
360 State Board of Education by January 1, 2018.

361 Section 4. For the 2017-2018 fiscal year, the sum of
362 \$339,611 in nonrecurring funds is appropriated from the General
363 Revenue Fund to the Department of Education to implement section



Amendment No. 1

364 3 of this act; the sum of \$1,247,251 in recurring funds is
365 appropriated from the General Revenue Fund to the Department of
366 Education to implement the revisions made to s. 1008.22(7)(i) by
367 this act; the sum of \$3,085,978 in recurring funds is
368 appropriated from the General Revenue Fund to the Department of
369 Education to implement the provisions in s. 1008.22(8) created
370 by this act; the sum of \$11,200,000 in recurring funds is
371 appropriated from the General Revenue Fund to the Department of
372 Education to implement the revisions made to s. 1008.22(3)(d) of
373 this act; and the sum of \$3,400,000 in recurring funds is
374 appropriated from the General Revenue Fund to the Department of
375 Education to implement section 4 of this act.

376
377 -----
378 **T I T L E A M E N D M E N T**

379 Remove lines 3-9 and insert:

380 assessments; amending s. 1003.4282; deleting a provision
381 requiring certain students to take the Algebra II end-of-course
382 assessment; amending s. 1003.4285; deleting a provision
383 requiring students to pass the Algebra II end-of-course
384 assessment in order to earn a Scholar designation; amending s.
385 1008.22, F.S.; deleting a provision requiring the Algebra II
386 end-of-course assessment to be administered; revising provisions
387 relating to assessment windows; revising requirements related to
388 assessment formats; revising provisions relating to achievement



Amendment No. 1

389 levels for certain statewide, standardized assessments;
390 conforming a cross-reference; revising provisions relating to
391 achievement levels for certain statewide, standardized
392 assessments; providing requirements for administration of the
393 statewide, standardized English Language Arts and mathematics
394 assessments in specified grades; revising provisions relating to
395 reporting requirements for school district-required local
396 assessments; providing reporting requirements for certain
397 student assessment results; requiring the Department of
398 Education to publish certain assessments on its website;
399 providing requirements for such publication; requiring the
400 department to provide materials regarding assessment information
401 on its website; conforming a cross-reference; requiring the
402 Commissioner of Education to review specified college entrance
403 examinations to determine their alignment with the core
404 curricular content for high school-level English Language Arts
405 and mathematics established in state standards; requiring the
406 commissioner to submit a report on the results of such review to
407 the Governor, Legislature, and State Board of Education by a
408 specified date; amending s. 1012.34, F.S.; requiring third party
409 development and verification of a student learning growth
410 formula; providing for access to student learning growth formula
411 data for specified uses; providing appropriations; providing an
412 effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 955 High School Graduation Requirements

SPONSOR(S): Ahern; Fitzenhagen and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 392

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	14 Y, 0 N	Brink	Duncan
2) PreK-12 Appropriations Subcommittee	14 Y, 0 N	Seifert	Potvin
3) Education Committee		Brink	Hassell

SUMMARY ANALYSIS

The bill requires students entering grade 9 in the 2017-2018 school year and thereafter to complete a one-half course credit in personal financial literacy. Currently, high school students receive financial literacy instruction, based on 56 Next Generation Sunshine State Standards in financial literacy, as part of the one-half Economics course credit required for graduation.

The bill revises the Next Generation Sunshine State Standards to include additional, specified financial literacy topics and requires the new personal financial literacy course to include discussion of or instruction in those topics.

To maintain the current 24-credit graduation requirement, the bill reduces the electives credit requirement from eight credits to seven-and-one-half credits.

School districts may incur costs associated with procuring additional instructional materials aligned to the new personal financial literacy course, providing professional development to classroom teachers who will teach the course, and hiring additional classroom teachers to teach the course. These costs are indeterminate.

This bill does not have a fiscal impact to the state.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida High School Graduation Requirements

Florida law establishes the courses and credits required for a student to receive a standard high school diploma. A student must successfully complete 24 credits in core-curricula and extracurricular courses with a 2.0 or higher cumulative GPA, with limited exceptions.¹

For grades 9 through 12, core curricula courses are those subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in state law as required for high school graduation and that are not measured by state assessment.² Core courses are: English language arts, mathematics, science, and social studies.³ The remaining required courses are extracurricular courses, which include but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit.⁴

Core and Extracurricular Course and Credit Requirements⁵

Course	Credit
English Language Arts (ELA) <ul style="list-style-type: none"> • ELA I, II, III, and IV 	4
Mathematics <ul style="list-style-type: none"> • One credit in Algebra I, one credit in Geometry, and two additional credits. • A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two additional credits. Substitution may occur for up to 2 credits, with the exception of Algebra I and Geometry. 	4
Science <ul style="list-style-type: none"> • One credit in Biology I and 2 credits in equally rigorous courses • A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two equally rigorous courses. 	3
Social Studies <ul style="list-style-type: none"> • One credit in United States History; one credit in World History; one-half credit in U.S. Government, and one-half credit in Economics, which must include Financial Literacy. 	3
Fine Arts, Performing Arts, Speech and Debate, or Practical Arts <ul style="list-style-type: none"> • The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible courses are identified in the Course Code Directory.⁶ 	1

¹ See s. 1008.4282(3)(a)-(g), F.S. A student may graduate with a minimum of 18 credit hours if he or she meets the core course credit (excluding physical education), assessment, and GPA requirements and completes three electives. See ss. 1002.3105(5) and 1003.4282(6)(a), F.S.

² Section 1003.01(14), F.S.

³ See s. 1008.4282(3)(a)-(d), F.S.

⁴ Section 1003.01(15), F.S.

⁵ Section 1003.4282(3), F.S. Students must pass the grade 10 English language arts assessment and the Algebra I end-of-course assessment to graduate.

Physical Education <ul style="list-style-type: none"> • Must include the integration of health. 	1
Electives <ul style="list-style-type: none"> • Must include opportunities for students to earn college credit, including industry-certified career programs or courses that lead to college credit. 	8
Online Course Requirement ⁷ <ul style="list-style-type: none"> • One of the courses within the 24 credits must be completed through online learning. 	Determined based upon the course completed.

Financial Literacy Instruction

The Next Generation Sunshine State Standards (NGSSS), adopted by the State Board of Education pursuant to state law, includes financial literacy standards for kindergarten through grade 12.⁸ In 2014, after a committee of six experts in economics and finance reviewed the Council for Economic Education’s (CEE) National Standards for Financial Literacy and after a series of public workshops, the state board incorporated the national standards into the NGSSS for Social Studies.⁹

Current law requires financial literacy standards to include information regarding:

- earning income;
- buying goods and services;
- saving and financial investing;
- taxes;
- the use of credit and credit cards;
- budgeting and debt management, including student loans and secured loans;
- banking and financial services;
- planning for one’s financial future, including higher education and career planning; credit reports and scores; and
- fraud and identity theft prevention.¹⁰

Florida’s 2016-2017 Course Code Directory includes courses in economics with financial literacy, incorporating 56 financial literacy standards, which students may use to satisfy the one-half course credit requirement for graduation. The directory also includes a semester-long course in personal financial literacy that school districts may offer to students.¹¹

⁶ The Course Code Directory requires that programs and courses funded through the Florida Education Finance Program (FEFP) and courses or programs for which students may earn elective or required credit toward high school graduation must be listed in the Course Code Directory (CCD). Rule 6A-1.0944, F.A.C.

⁷ Section 1003.4282(4), F.S. A school district may not require a student to take the online course outside the school day or in addition to a student’s courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57, F.S., which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school. *Id.*

⁸ See rule 6A-1.09401(1)(c), F.A.C. (incorporating by reference Florida Department of Education, *Next Generation Sunshine State Standards—Social Studies, Revised June 2014*).

⁹ See Florida Department of Education, *Next Generation Sunshine State Standards—Social Studies, Revised June 2014*, at 1 (incorporated by reference in rule 6A-1.09401(1)(c), F.A.C.

¹⁰ Section 1003.41(2)(d), F.S.

¹¹ See Florida Department of Education, *2016-2017 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2016-2017-course-directory.stml> (last visited Mar. 24, 2017). See also CPALMS, *Browse and Search Courses*, <http://www.cpalms.org/Public/search/Course> (last visited Mar. 24, 2017) (providing the list of standards associated with course #2102335, Economics with Financial Literacy).

On a nationwide basis, efforts are being made to improve the general quality of financial literacy instruction. The CEE and the Champlain College Center for Financial Literacy have issued reports establishing goals for states to meet in order to generally improve financial literacy instructional standards.¹² The CEE report identifies five metrics for evaluating the quality of financial literacy instruction in a given state:

- inclusion of financial literacy in the state's academic standards;
- the requirement that the standards be implemented by each school district;
- the requirement that the standards are included in a high school course;
- the requirement that the high school course be completed by all high school students; and
- implementation of a standardized financial literacy assessment.¹³

Florida meets four of the five metrics. The state does not, however, administer a statewide, standardized financial literacy assessment.¹⁴

The Champlain College's Center for Financial Literacy has established an A-F scale for assessing a state's financial literacy instruction policy. The center currently rates Florida a "B," and it notes that the 56 financial literacy standards that are included in the economics course amounts to approximately 37 hours of financial literacy instruction.¹⁵ The center advocates the development and implementation of a national financial literacy assessment in lieu of including implementation of a state assessment as one of its metrics. No such national assessment has been developed or implemented.¹⁶

Research shows that the effect of financial literacy instruction is limited regardless of the length of instruction. Instead, proximity of the instruction to a financial decision bears more impact on financial behavior. "Like other education, financial education decays over time; even large interventions with many hours of instruction have negligible effects on behavior or more from the time of intervention."¹⁷

¹² See Council for Economic Education, *Survey of the States: Economic and Personal Finance Education in our Nation's Schools 2016*, available at <http://councilforeconed.org/wp/wp-content/uploads/2016/02/sos-16-final.pdf> [hereinafter referred to as "Council for Economic Education"]. See also Champlain College Center for Financial Literacy, *Is Your State Making the Grade? 2015 National Report Card on State Efforts to Improve Financial Literacy in High Schools* (2015), available at http://www.champlain.edu/Documents/Centers-of-Excellence/Center-for-Financial-Literacy/2015_National_Report_Card.pdf [hereinafter referred to as Champlain College].

¹³ See Council for Economic Education, *supra* at note 11.

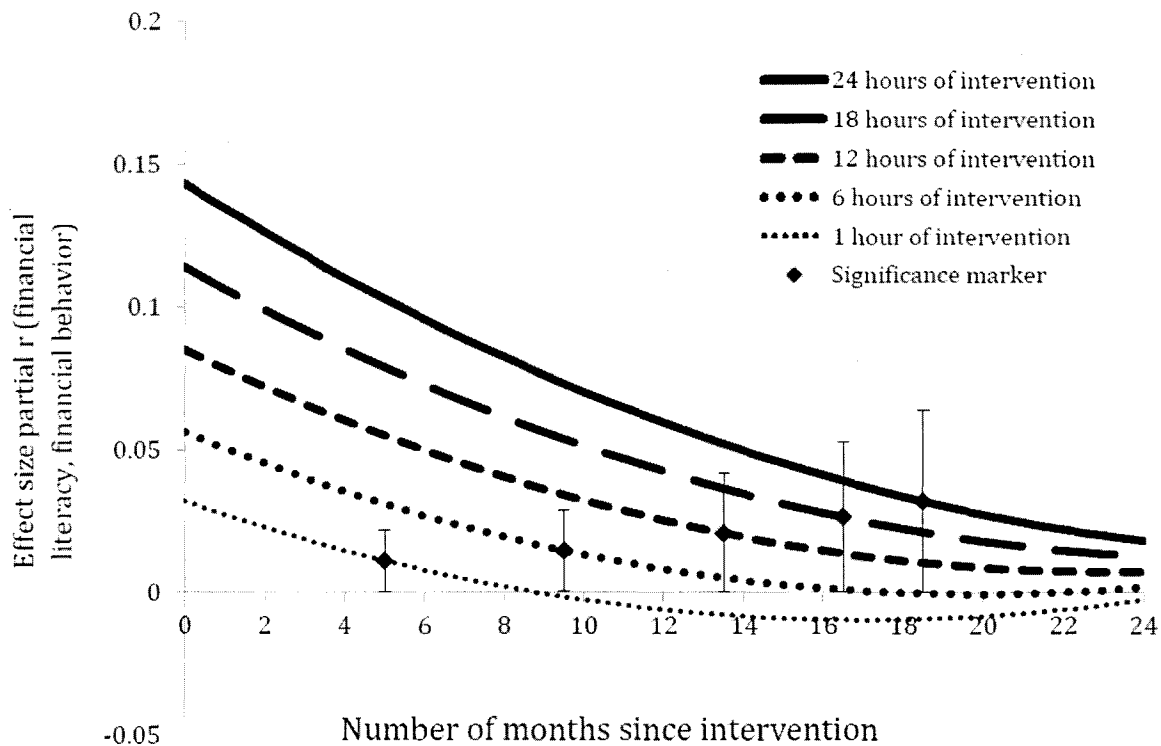
¹⁴ See *id.* at 6.

¹⁵ See Champlain College at 35, *supra* at note 11.

¹⁶ See *id.* at 25.

¹⁷ Daniel Fernandes, John Lynch, and Richard Netemeyer, *Financial Literacy, Financial Education, and Downstream Financial Behaviors*, 60 MANAGEMENT SCIENCE 1861, 1867 (2014) (suggesting that a "just-in-time" approach to financial education tied to specific behaviors may constitute a more effective intervention).

Figure 4: Partial Correlation of Financial Education Interventions with Financial Behavior as a Function of Number of Hours of Intervention and Number of Months since Intervention



Effect of Proposed Changes

The bill requires the addition of personal financial literacy and money management to the NGSSS for financial literacy, effective for students entering grade 9 in the 2017-2018 school year and thereafter. The bill also specifies that financial literacy includes instruction on:

- types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services;
- balancing a checkbook;
- basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt;
- completing a loan application;
- receiving an inheritance and related implications;
- basic principles of personal insurance policies;
- computing federal income taxes;
- local tax assessments;
- computing interest rates by various mechanisms;
- simple contracts;
- contesting an incorrect billing statement;
- types of savings and investments; and
- state and federal laws concerning finance.

The bill requires students entering grade 9 in the 2017-2018 school year and thereafter to complete a stand-alone, one-half credit in personal financial literacy, which must include discussion of or instruction in the topics above. Accordingly, the bill eliminates financial literacy instruction from the one-half credit economics requirement. To maintain the 24-credit requirement for graduation, the bill reduces the electives requirement from eight to seven-and-one-half credits.

Although the NGSSS financial literacy standards currently cover a number of these topics, the Florida Department of Education indicates that additional NGSSS would need to be developed and approved by the State Board of Education to include content on balancing a checkbook and receiving an inheritance.¹⁸

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.41, F.S., revising the requirements for the Next Generation Sunshine State Standards to include financial literacy.

Section 2. Amends s. 1003.4282, F.S., revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts may incur costs associated with procuring additional instructional materials aligned to the new personal financial literacy course, providing professional development to classroom teachers who will teach the course, and hiring additional classroom teachers to teach the course. These costs are indeterminate.

¹⁸ See Florida Department of Education, Agency Analysis of 2017 House Bill 955, p. 2-3 (Mar. 17, 2017).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to high school graduation
 3 requirements; amending s. 1003.41, F.S.; revising the
 4 requirements for the Next Generation Sunshine State
 5 Standards to include financial literacy; amending s.
 6 1003.4282, F.S.; revising the required credits for a
 7 standard high school diploma to include one-half
 8 credit of instruction in personal financial literacy
 9 and money management and seven and one-half, rather
 10 than eight, credits in electives; providing an
 11 effective date.

12
 13 WHEREAS, many young people in this state graduate from high
 14 school without having a basic knowledge of financial literacy
 15 and money management, and

16 WHEREAS, the Legislature finds that, in light of the recent
 17 economic challenges nationwide, sound financial management
 18 skills are vitally important to all Floridians, particularly
 19 high school students, and

20 WHEREAS, the Legislature also finds that requiring
 21 educational instruction in financial literacy and money
 22 management as a prerequisite to high school graduation will
 23 better prepare young people in this state for adulthood by
 24 providing them with the requisite knowledge to achieve financial
 25 stability and independence, and

26 WHEREAS, adoption of this act, which may be cited as the
 27 "Personal Financial Literacy Education Act," will make Florida
 28 the 18th state in the nation to require financial literacy
 29 instruction as a prerequisite for high school graduation and a
 30 standard high school diploma, NOW, THEREFORE,

31

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

33

34 Section 1. Paragraph (f) is added to subsection (2) of
 35 section 1003.41, Florida Statutes, to read:

36 1003.41 Next Generation Sunshine State Standards.—

37 (2) Next Generation Sunshine State Standards must meet the
 38 following requirements:

39 (f) Effective for students entering grade 9 in the 2017-
 40 2018 school year and thereafter, financial literacy standards
 41 must establish specific curricular content for, at a minimum,
 42 personal financial literacy and money management. Financial
 43 literacy includes instruction in the areas specified in s.
 44 1003.4282(3)(h).

45 Section 2. Paragraphs (d) and (g) of subsection (3) of
 46 section 1003.4282, Florida Statutes, are amended, and paragraph
 47 (h) is added to that subsection, to read:

48 1003.4282 Requirements for a standard high school
 49 diploma.—

50 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT

51 | REQUIREMENTS.—

52 | (d) Three credits in social studies.—Beginning with
 53 | students entering grade 9 in the 2017-2018 school year, a
 54 | student must earn one credit in United States History,~~+~~ one
 55 | credit in World History,~~+~~ one-half credit in economics, which
 56 | ~~must include financial literacy;~~ and one-half credit in United
 57 | States Government. The United States History EOC assessment
 58 | constitutes 30 percent of the student's final course grade.

59 | (g) Seven and one-half ~~Eight~~ credits in electives.—
 60 | Beginning with students entering grade 9 in the 2017-2018 school
 61 | year, each school district shall ~~School districts must~~ develop
 62 | and offer coordinated electives so that a student may develop
 63 | knowledge and skills in his or her area of interest, such as
 64 | electives with a STEM or liberal arts focus. Such electives must
 65 | include opportunities for students to earn college credit,
 66 | including industry-certified career education programs or series
 67 | of career-themed courses that result in industry certification
 68 | or articulate into the award of college credit, or career
 69 | education courses for which there is a statewide or local
 70 | articulation agreement and which lead to college credit.

71 | (h) One-half credit in personal financial literacy.—
 72 | Beginning with students entering grade 9 in the 2017-2018 school
 73 | year, each student shall take one-half credit in personal
 74 | financial literacy and money management. This instruction must
 75 | include discussion of or instruction in the following:

- 76 1. Types of bank accounts offered, opening and managing a
 77 bank account, and assessing the quality of a depository
 78 institution's services.
- 79 2. Balancing a checkbook.
- 80 3. Basic principles of money management, such as spending,
 81 credit, credit scores, and managing debt, including retail and
 82 credit card debt.
- 83 4. Completing a loan application.
- 84 5. Receiving an inheritance and related implications.
- 85 6. Basic principles of personal insurance policies.
- 86 7. Computing federal income taxes.
- 87 8. Local tax assessments.
- 88 9. Computing interest rates by various mechanisms.
- 89 10. Simple contracts.
- 90 11. Contesting an incorrect billing statement.
- 91 12. Types of savings and investments.
- 92 13. State and federal laws concerning finance.
- 93 Section 3. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1229 Committee on Early Grade Success
SPONSOR(S): Grall and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 806

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	15 Y, 0 N	McAlarney	Duncan
2) PreK-12 Appropriations Subcommittee	14 Y, 0 N	Seifert	Potvin
3) Education Committee		McAlarney	Hassell

SUMMARY ANALYSIS

HB 1229 creates the Committee on Early Grade Success, within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment.

The 17-member committee's proposal must include legislative recommendations for the design and implementation of a coordinated child assessment system, including, but not limited to:

- The purpose of a child assessment, with a focus on developmentally appropriate learning gains.
- Attributes for tool selection that provide guidance on procurement policies.
- An implementation schedule and protocols, including the frequency of data collection and a timeline for training to ensure reliability of the system.
- The methodology for collecting and analyzing data that define reporting requirements.
- A budget for the system, including cost analyses for purchasing materials and the necessary technology, training to ensure reliability, and data system management.
- Considerations for student privacy and tracking child development over time.

Members of the committee serve without compensation and to reduce costs, the committee must meet at least three times by teleconference or other electronic means, if possible

The University of Florida Lastinger Center for Learning must provide the committee with staff necessary to assist the committee in the performance of its duties.

The committee must submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017. Once the report is submitted, the committee expires. The State Board of Education is granted the authority to adopt rules to implement and administer the provisions in the bill.

There is no fiscal impact to this bill.

The bill provides an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School Readiness Program

The School Readiness Program¹ provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.² The School Readiness Program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed. These services are provided in conjunction with other programs for young children such as Head Start, Early Head Start, and the Voluntary Prekindergarten Education (VPK) Program.³

The School Readiness Program is a state-federal partnership between Florida's Office of Early Learning (OEL)⁴ and the Office of Child Care of the United States Department of Health and Human Services.⁵ It is administered by early learning coalitions (ELC) at the county or regional level.⁶ Florida's OEL administers the program at the state level, including statewide coordination of the ELCs.⁷

The Florida Department of Children and Families' Office of Child Care Regulation (DCF), as the agency responsible for the state's child care provider licensing program, inspects licensed and license exempt child care providers that provide the School Readiness Program for specified health and safety standards.⁸ The law authorizes a county to designate a local licensing agency to license providers if its licensing standards meet or exceed DCF's standards. Five counties have done this – Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota. Thus, in these five counties the local licensing agency, not DCF, inspects child care providers that provide the School Readiness Program for health and safety standards.⁹

A parent may apply for a child's admission to the School Readiness Program by submitting an application to an ELC. Florida's OEL has established, and ELCs must use, a single point of entry that enables a parent to enroll his or her child in the School Readiness Program at various locations throughout a county, by telephone, or through an Internet website.¹⁰ In FY 2015-2016 there were

¹ Section 1, ch. 99-357, L.O.F

² Section 1002.87, F.S.

³ Florida Office of Early Learning,

Parents, http://www.floridaearlylearning.com/parents/early_learning_programs_and_services/school_readiness.aspx (last visited Apr. 14, 2017).

⁴ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness Program and the VPK Program. Section 1, ch. 2013-252, L.O.F., *codified as s.* 1001.213, F.S.

⁵ See U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet*, https://www.acf.hhs.gov/sites/default/files/occ/ccdf_factsheet_0.pdf (last visited Apr. 14, 2017).

⁶ Section 1002.83, F.S.

⁷ Section 1001.213(3), F.S.

⁸ See ss. 402.301-319, F.S., and Parts V and VI, ch. 1002, F.S.

⁹ Section 402.306(1), F.S.; Department of Children and Families, *About Child Care Licensure*, <http://www.myflfamilies.com/service-programs/child-care/child-care-licensure> (last visited Apr. 14, 2017).

¹⁰ Section 1002.81(14), F.S.; see Florida's Office of Early Learning, *Family Portal*, <https://familyservices.floridaearlylearning.com/> (last visited Apr. 14, 2017).

207,164 children enrolled in the School Readiness program.¹¹ In FY 2015-2016, there were 8,890 School Readiness program providers.¹²

Florida Office of Early Learning (OEL) Responsibilities

Florida's Office of Early Learning (OEL) is the lead agency in Florida for administering the federal Child Care and Development Fund (CCDF) block grant from which funds are used to implement the School Readiness Program. Florida law requires OEL to focus on improving the educational quality of all program providers participating in the School Readiness Program while preserving parental choice by permitting parents to choose from a variety of child care categories.¹³

OEL must adopt, in rule, a statewide provider contract to be used by each School Readiness Program provider, review and approve each Early Learning Coalition's (ELC) school readiness plan every 2 years, and monitor and evaluate the performance of each ELC in administering the School Readiness Program and the Voluntary Prekindergarten Program (VPK).¹⁴ OEL must also adopt specific system support services for the state's School Readiness Program including statewide data information program requirements that include:

- Eligibility requirements.
- Financial reports.
- Program accountability measures.
- Child progress reports.¹⁵

Additional support services include child care resource and referral services and a single point of entry¹⁶ and uniform waiting list.¹⁷ To promote informed child care choices OEL may provide technical assistance and guidance on additional support services to complement the School Readiness Program, including:

- Rating and improvement systems.
- Warm-line services.¹⁸
- Anti-fraud plans.
- School Readiness Program standards.
- Child screening and assessments.
- Training and support for parental involvement in children's early education, including research on child development and best practices.
- Family literacy activities and services.¹⁹

Performance Standards, Benchmarks, and Assessments

OEL must develop and adopt performance standards and benchmarks to address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age must be aligned with the standards for children in the VPK program and must address the following domains.²⁰

¹¹ Florida Office of Early Learning *2015-2016 Annual Report*, p.19, available at http://www.floridaearlylearning.com/sites/www/Uploads/Annual%20Report2016_Final_ADA.pdf (last visited Apr. 14, 2017).

¹² *Id.* at 18.

¹³ Section 1002.82(1) and (2)(a)-(b), F.S. Care and curriculum by a faith-based provider must not be limited or excluded in any of these categories. *Id.*

¹⁴ Section 1002.82(2)(e), (m), and (p), F.S.

¹⁵ Section 1002.82(2)(f)1.a., F.S.

¹⁶ *See* s. 1002.82(14), F.S.

¹⁷ Section 1002.82(2)(f)1.c., F.S.

¹⁸ Florida's OEL must "administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care facilities and FDCHs regarding health, developmental, disability, and other special needs." Section 1002.82(2)(r), F.S.

¹⁹ Section 1002.82(2)(f)2., F.S.

²⁰ Section 1002.82(2)(j), F.S.; rule 6M-4.700, F.A.C.; Florida's Office of Early Learning, *Early Learning and Developmental Standards*.

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.

OEL is also required to select valid, reliable, and developmentally appropriate assessments for use as preassessment and postassessment for the ages ranges established in ELC plans. The assessments must be designed to measure the domains of the performance standards listed above, provide appropriate accommodations for children with disabilities and English learners, and be administered by qualified individuals and consistent with the publisher's instructions.²¹

Early Learning Coalition Responsibilities

Each ELC administers the School Readiness Program,²² the VPK Program,²³ and the state's child care resource and referral network in its county or multicounty region.²⁴ There are currently 30 ELCs.²⁵ Each ELC is governed by a board of directors comprised of various stakeholders and community representatives. Three board members, including the chair, are appointed by the Governor.²⁶

In order to participate in the School Readiness Program, each ELC must submit a school readiness plan to OEL for approval.²⁷ The plan must include, but is not limited to:

- The ELC's operations, including its membership and articles of incorporation and bylaws, if applicable.
- The minimum number of children to be served by care level.
- The procedures for implementing program requirements such as single point of entry, uniform waiting list, eligibility and enrollment, sliding fee scale, and payment rate.
- A detailed description of the ELC's quality activities and services.
- A detailed budget outlining the estimated expenditures for state, federal, and local matching funds.
- A detailed accounting of all revenues and expenditures during the previous state fiscal year.²⁸
- Policies and procedures governing procurement, maintenance of tangible personal property, maintenance of records, information technology security, and disbursement controls.
- A description of the procedures for monitoring school readiness program providers, including the process for responding to a parental complaint.
- Documentation that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

An ELC with an approved school readiness plan must implement a comprehensive system of school readiness services which enhances the cognitive, social, and physical development of children to

http://www.floridaearlylearning.com/parents/parent_resources/floridas_early_learning_and_development_standards_birth_to_five.asp (last visited Apr. 14, 2017).

²¹ Section 1002.82(2)(k), F.S.

²² Part VI, ch. 1002, F.S.

²³ Part V, ch. 1002, F.S.

²⁴ Section 1002.84, F.S.

²⁵ Florida's Office of Early Learning, *Contact Your County's Early Learning Coalition*, available at

http://www.floridaearlylearning.com/parents/find_quality_child_care/locate_a_child_care_resource_referral_program/countys_early_learning_coalition.aspx (last visited Apr. 14, 2017). Florida law permits the establishment of 31 or fewer ELCs. Section 1002.83(1), F.S.

²⁶ Section 1002.83(3), F.S.

²⁷ Section 1002.85(2), F.S.

²⁸ Section 1002.85(2)(a)-(i), F.S.

achieve the children's performance standards.²⁹ Specific ELC requirements include, but are not limited, to:

- Establishing a uniform waiting list to track eligible children.
- Administering a child care resource and referral network for its service area.
- Establishing a regional Warm-Line.
- Establishing age-appropriate screening for children birth to 5 years.
- Implementing age appropriate preassessment and postassessment of children, if specified in the coalition's plan.
- Determining child eligibility.
- Establishing a parent sliding fee scale.
- Complying with federal and state procurement requirements.
- Establishing proper information technology security controls.
- Monitoring School Readiness Program providers.³⁰

ELCs are required to submit an annual report to OEL by October 1 of each year. The report must include information such as the total number of children served, details of expenditures by fund source, and an evaluation of its direct enhancement services.³¹

Funding

The School Readiness Program receives funding from a mixture of federal and state sources, including the federal Child Care Development Fund (CCDF) block grant, the Federal Grants Trust Fund, the federal Temporary Assistance for Needy Families block grant, and the state general revenue funds.³²

For FY 2015-16, a total of \$560.5 million was appropriated for the School Readiness Program from state and federal funds, including \$136.9 million from the state's General Revenue Fund, \$326.4 million from the CCDF block grant, \$489,286 from Federal Grants Trust Fund, and \$96.6 million from the Welfare Transition Trust Fund.³³

Voluntary Prekindergarten Education (VPK) Program

The VPK program is a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.³⁴ A child must be a Florida resident and attain four years of age on or before September 1 of the program year, and not enrolled in the Gardiner Scholarship program to be eligible for the VPK program.³⁵ The child is eligible for the VPK program during that program year or the subsequent program year and remains eligible until enrollment in kindergarten or attaining six years of age by February 1 of any school year.³⁶ Parents may choose either a school-year

²⁹ Section 1002.84(1), F.S.

³⁰ Section 1002.84, F.S.

³¹ Section 1002.84(18), F.S.

³² Specific Appropriation 88, s. 2, ch. 2014-51, L.O.F.

³³ *Id.*

³⁴ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const.

³⁵ Section 1002.53(2), F.S.

³⁶ Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergarten. Section 1003.21(1)(a)2., F.S.

or summer program offered by either a public school or private prekindergarten provider.³⁷ In FY 2015-2016, there were 6,459 VPK providers.³⁸

Local Oversight

Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.³⁹ Each ELC must coordinate with each school district in the coalition's service area to develop procedures for enrolling children in public school VPK programs.⁴⁰ Local oversight of individual VPK program providers is split, with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.⁴¹

State Oversight

Florida's Office of Early Learning (OEL), and the Department of Children and Family Services (DCF) each play a role in the state-level oversight of the VPK program. As lead agency for Florida's school readiness system, Florida's OEL governs the day-to-day operations of the VPK program.⁴² OEL oversees ELCs regarding child enrollment, attendance reporting, and reimbursement of VPK program providers and monitors VPK program providers for compliance with program requirements.⁴³ OEL administers the accountability requirements of the VPK program at the state level. The Department of Education is responsible for adopting and requiring each school district to administer a statewide kindergarten readiness screening within the first 30 days of each school year.⁴⁴

DCF administers the state's child care provider licensing program, oversees the state mandated child care personnel training, and posts VPK program provider profiles on its Internet website.⁴⁵

Enrollment

Parents may enroll their child in the VPK program by submitting an application to an ELC.⁴⁶ OEL has established, and ELCs must use a single point of entry, the online Family Portal, that enables a parent to enroll his or her child in the VPK program at various locations throughout a county, by telephone, or through an Internet website.⁴⁷ The ELC must determine the child's eligibility, and provide the parent with a profile of eligible VPK program providers in the county where the child is being enrolled.⁴⁸ The profile must include information regarding provider services, curricula, instructor credentials, instructor-to-student ratios, and kindergarten readiness rates (when available).⁴⁹

³⁷ Section 1002.53(3), F.S. In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the VPK program. Section 3, ch. 2010-227, *codified at* s. 1002.53(3)(d), F.S. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK program and has a current Individual Education Plan (IEP) developed by the district school board. Specialized instructional services include applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. DOE is responsible for approving SIS providers. Section 1002.66, F.S. Children who participate in the program are eligible to receive a McKay Scholarship to enroll in and attend a private school. *See* s. 1002.39(2)(a)1., F.S.

³⁸ *See supra* note 11.

³⁹ Section 1002.53(4)(a)-(b), F.S.

⁴⁰ Section 1002.53(4)(c), F.S.

⁴¹ Sections 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

⁴² Sections 1001.213 and 1002.75(1)-(2), F.S.

⁴³ Section 1002.75(2), F.S.

⁴⁴ Sections 1002.69(1)-(3) and 1002.73, F.S.

⁴⁵ Sections 402.301-402.319, F.S.; *see also* Florida Department of Children and Families, *Parent Resources*, <http://www.myflfamilies.com/service-programs/child-care/parent-resources> (last visited Apr. 14, 2017).

⁴⁶ Section 1002.53(4)(a)-(b), F.S.; *see also* rule 6M-8.201(1)(b), F.A.C.

⁴⁷ Sections 1002.53(4)(a) and 1002.82, F.S.

⁴⁸ Section 1002.53(4)-(5), F.S.; *see also* rules 6M-8.202(1) and 6M-8.201(4)(a), F.A.C.

⁴⁹ Section 1002.53(5)(a)-(b), F.S.; *see also* rule 6M-8.201(4)(a)4.-7., F.A.C.

The enrollment process is complete when the parent chooses a program offered by an eligible VPK program provider and the child's enrollment is recorded by the ELC.⁵⁰ A public school or private prekindergarten provider is prohibited from charging any fees for the VPK program. Additionally, a public school or private prekindergarten provider may not require a child to enroll for, or require the payment of a fee for, any supplemental services as a condition of enrollment in the VPK program.⁵¹

For FY 2015-2016 175, 233 children were enrolled in VPK: 163,582 (school year); 11,466 (summer); and 185 (VPK Specialized Instructional Services).⁵²

Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must apply with the ELC.⁵³ School districts must offer a summer VPK program and may limit enrollment at individual public schools so long as admission is provided to every eligible student who seeks enrollment in the district's summer program.⁵⁴

Kindergarten Screening

Within the first 30 school days of each academic year, each school district must screen each kindergarten student in the school district to determine his or her readiness for kindergarten. Nonpublic schools are authorized to administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled in the VPK program. Historically, DOE has adopted instruments for this purpose.⁵⁵ Currently, the instrument is a developmental screening tool based on the Work Sampling System (WSS). A subset of WSS performance indicators is provided in five domains: Personal and Social Development; Language and Literacy; Mathematical Thinking; Scientific Thinking; and Physical Development, Health, and Safety.⁵⁶

Kindergarten Readiness Rate

DOE is required to adopt a kindergarten readiness screener based on Florida's VPK program standards. These standards describe what children should know and be able to do at the end of VPK in five domains: physical health; approaches to learning; social and emotional development; language, communication and emergent literacy; and cognitive development and general knowledge (math, science, social studies and the arts). Students must be tested within the first 30 school days of kindergarten and the statewide screener must provide objective data concerning each student's readiness for kindergarten.

In 2012, DOE adopted rule 6M-8.601, Florida Administrative Code (F.A.C.), establishing that the Florida Kindergarten Readiness Screener (FLKRS) would consist of two distinct screening tools. The first would be the Early Childhood Observations System (ECHOS) (an observational tool that looks broadly across all domains of development) and the second would be the Florida Assessments for Instruction in Reading (FAIR) (measures emergent literacy skills). In fall 2014 the ECHOS instrument was replaced by a different broad, observational tool, Work Sampling System (WSS), and the FAIR was replaced by a newer version, FAIR-FS (Florida Standards). In September 2014, the administration

⁵⁰ Section 1002.53(3) and (6), F.S.; *see also* rule 6M-8.202(2)(a), (c), and (d), F.A.C.

⁵¹ Section 1002.71(8), F.S.

⁵² Florida Office of Early Learning *2015-2016 Annual Report*, p. 17, available at http://www.floridaearlylearning.com/sites/www/Uploads/Annual%20Report2016_Final_ADA.pdf (last visited Apr. 14, 2017).

⁵³ Sections 1002.61(3)(a) and (8) and 1002.63(3) and (8), F.S.

⁵⁴ Sections 1002.53(6)(b) and 1002.61(3)(a), F.S.

⁵⁵ Section 1002.69(1), F.S.

⁵⁶ Florida's Office of Early Learning, *VPK Prekindergarten Readiness Rate Resources for Parents*, <https://vpk.fldoe.org/InfoPages/ParentInfo.aspx> (last visited Apr. 14, 2017); Florida's Office of Early Learning, *Florida Kindergarten Readiness Screener (FLKRS)*, http://www.floridaearlylearning.com/providers/provider_resources/florida_kindergarten_readiness_screener.aspx (last visited Apr. 14, 2017).

of the FAIR-FS was suspended in kindergarten through second grade across the state for technical issues.

For fall 2015, only one screening tool—a subset of the WSS expanded to include early learning metrics—was administered to Florida kindergarteners. WSS is the only instrument scheduled for use in fall 2016.

In accordance with s. 1002.69(5), F.S., the OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the FLKRS. The readiness rates are expressed as the percentage of children who are ready for kindergarten based on the criteria provided in the rule 6M-8.601, F.A.C. Children who attended less than 70 percent of a VPK program are not included in a provider's readiness rates, and readiness rates are not calculated for providers with fewer than four children assessed. Providers that do not meet the minimum readiness rate set by the department are placed on probation and required to take certain corrective actions.

For the 2013-14 VPK program year, readiness rates were not calculated for any provider because the FAIR administration was halted in September 2014; therefore no student met the criteria for inclusion in readiness rates. Those providers that did not previously meet the minimum readiness rate remained on probation. During the 2016 legislative session, language in the implementing bill directed the OEL not to adopt a kindergarten readiness rate for the 2014-15 or 2015-16 academic years for VPK providers.⁵⁷

*The Newly Awarded FLKRS Contract*⁵⁸

On February 24, 2017, school district superintendents were notified that DOE would award Renaissance Learning the new contract for the administration of FLKRS beginning in the 2017-2018 school year. The STAR Early Literacy assessment, previously adopted by some state school districts, will be used. "The assessment is an online, adaptive instrument that students complete independently in approximately 15-20 minutes. The results from the new FLKRS instrument will also be used in calculating the kindergarten readiness rates for the VPK Program, as has been done previously."⁵⁹

Each student is given a scale score and a percentile score which will assist in quickly identifying those who are not ready and in need of additional support immediately. To meet statutory requirements for administration of FLKRS within the first 30 days of the school year, and allowing for variability in school district calendars, the opening date for testing using the Star Early Literacy platform will be Monday, July 10, 2017, and the closing date will be Friday, October 20, 2017.⁶⁰

DOE, in coordination with the contractor, has planned to provide online resources and training for school staff who will administer the test. In addition, five regional train-the-trainer workshops are scheduled for June 2017, in Tallahassee, Jacksonville, Orlando, Tampa and Miami. Both online and face-to-face training will focus on operation of the new FLKRS testing platform, test administration, system requirements, online resources, reports and other information needed to effectively and securely administer the new screener.⁶¹

Funding

A separate base student allocation per full-time equivalent student in the VPK program is provided in the General Appropriations Act (GAA) for a school-year program and for a summer program.⁶² Each

⁵⁷ Section 34, ch. 2016-62, L.O.F.,

⁵⁸ Email, Florida Department of Education, March 24, 2017. DOE Memorandum, Selection of New Kindergarten Readiness Screener (FLKRS) for 2017-2018; Implementation of Program and Training for Test Administrators, (February 24, 2017)

<https://info.fldoe.org/docushare/dsweb/Get/Document-7855/dps-2017-27.pdf> (last visited Apr. 14, 2017).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Section 1002.71(3), F.S.

county's allocation per full-time equivalent student in the VPK program must be calculated by multiplying the base student allocation⁶³ provided in the GAA by the county's district cost differential.⁶⁴ Each public school or private prekindergarten provider must be paid according to the county's allocation per full-time equivalent student.⁶⁵

OEL has established payment procedures and a uniform student attendance policy used for funding purposes.⁶⁶ Funds are distributed monthly to ELCs for payments to public schools or private prekindergarten providers.⁶⁷ Each ELC is advanced funds based on projected attendance. Once a public school or private prekindergarten provider begins delivery of VPK program services, the parent of each student in the VPK program must verify and certify the student's attendance each month for the prior month, and submit the monthly verification of the student's attendance to the public school or private prekindergarten provider.⁶⁸ Payments disbursed after the initial advance payment are reconciled based on actual attendance.⁶⁹

Each ELC must report student enrollment to OEL on a monthly basis. ELCs may not amend student enrollment counts for the prior fiscal year after December 31 of the subsequent fiscal year.⁷⁰

VPK Program Funding: FYs 2010-11 to 2015						
	2010-11⁷¹	2011-12⁷²	2012-13⁷³	2013-14⁷⁴	2014-15⁷⁵	2015-16⁷⁶
Total Funding	\$404,372,806	\$394,921,554	\$413,312,552	\$404,927,801	\$396,065,224	\$389,254,479
Per Student Funding: School-Year Program	\$2,562	\$2,383	\$2,383	\$2,386	\$2,437	\$2,437
Per Student Funding: Summer Program	\$2,179	\$2,026	\$2,026	\$2,028	\$2,080	\$2,080

The State Constitution does not require the VPK program to provide transportation for students,⁷⁷ and current law does not earmark funding for transportation.⁷⁸ However, a public school or private prekindergarten provider may use part of its VPK program funding for student transportation.⁷⁹

⁶³ Base student allocation for a school-year program must be "equal for each student, regardless of whether the student is enrolled in a school-year prekindergarten program delivered by a public school or a private prekindergarten provider. The base student allocation for a summer prekindergarten program [must] be equal for each student, regardless of whether the student is enrolled in a summer prekindergarten program delivered by a public school or private prekindergarten provider." Section 1002.71(3)(a), F.S.

⁶⁴ Section 1002.71(3)(b), F.S. The district cost differential must be calculated by "adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district [must] be multiplied by 0.008 and to the resulting product [must] be added 0.200; the sum thus obtained [must] be the cost differential for that district for that year." Section 1011.62(2), F.S.

⁶⁵ Sections 1002.71(3)(b) and 1011.62(2), F.S.

⁶⁶ Section 1002.71(5)(b) and (6)(d), F.S.; *see also* rule 6M-8.204, F.A.C.

⁶⁷ Section 1002.71(5)(b), F.S.

⁶⁸ Section 1002.71(6)(b)1.-2., F.S.

⁶⁹ Section 1002.71(5)(b), F.S.

⁷⁰ Section 1002.71(3)(c), F.S.

⁷¹ Specific Appropriations 75, s. 2, and 2246, s. 6, ch. 2010-152, L.O.F.

⁷² Specific Appropriations 66, s. 2, and 2036, s. 6, ch. 2011-69, L.O.F.

⁷³ Specific Appropriations 78, s. 2, ch. 2012-118, L.O.F.

⁷⁴ Specific Appropriations 82, s. 2, ch. 2013-40, L.O.F.

⁷⁵ Specific Appropriation 92, s. 2, ch. 2014-51, L.O.F.

⁷⁶ Specific Appropriation 86, s.2, ch. 2015-232, L.O.F.

⁷⁷ Art. IX, s. 1 (b)-(c), Fla. Const.

⁷⁸ See s. 1002.71(9), F.S.

Florida Statutory Definition of "Committee"

As defined in s. 20.03 (8), F.S., a "committee" or "task force" means an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.

Effect of Proposed Changes

The bill creates the Committee on Early Grade Success, within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment.

The committee's proposal must include legislative recommendations for the design and implementation of a coordinated child assessment system, including, but not limited to:

- The purpose of a child assessment, with a focus on developmentally appropriate learning gains.
- Attributes for tool selection that provide guidance on procurement policies.
- An implementation schedule and protocols, including the frequency of data collection and a timeline for training to ensure reliability of the system.
- The methodology for collecting and analyzing data that define reporting requirements.
- A budget for the system, including cost analyses for purchasing materials and the necessary technology, training to ensure reliability, and data system management.
- Considerations for student privacy and tracking child development over time.

The committee is composed of 17 members who are residents of the state and appointed as follows:

- Three members appointed by the Governor:
 - One representative from the Office of Early Learning.
 - One representative from the Department of Education.
 - One parent of a child who is 3 to 6 years of age.
- Fourteen members jointly appointed by the President of the Senate and the Speaker of the House of Representatives:
 - One representative of an urban school district.
 - One representative of a rural school district.
 - One representative of an urban early learning coalition.
 - One representative of a rural early learning coalition.
 - One representative of an early learning provider.
 - One representative of a faith-based early learning provider.
 - One representative who is a kindergarten teacher with at least 5 years of teaching experience.
 - One representative who is an elementary school principal.
 - Four representatives with subject matter expertise in early learning, early grade success, or child assessments. The four representatives may not be direct stakeholders within the early learning or public school systems or potential recipients of a contract resulting from the committee's proposal.
 - One member of the Senate.
 - One member of the House of Representatives.

The chair and vice chair must be elected by the committee and the chair must be one of the four members with subject matter expertise in early learning, early grade success, or child assessments. The vice chair must be a member appointed by the President of the Senate and the Speaker of the

House of Representatives, who is not one of the four members who are subject matter experts in early learning, early grade success, or child assessments.

Members of the committee serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes. To reduce costs, the committee must meet at least three times by teleconference or other electronic means, if possible. A majority of the members constitutes a quorum.

The University of Florida Lastinger Center for Learning must provide the staff necessary to assist the committee in the performance of its duties.

The committee is required to submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017. Once the report is submitted, the committee expires. The State Board of Education is granted the authority to adopt rules to implement and administer the provisions in the bill.

B. SECTION DIRECTORY:

Section 1: Establishes the Early Grade Success Committee within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment.

Section 2: Provides an effective date of July 1, 2017.

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:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The State Board of Education is granted the authority to adopt rules to implement and administer the provisions in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

It is unclear as to why the State Board of Education is granted the authority to adopt rules to implement and administer the provisions in the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to the Committee on Early Grade
 3 Success; creating the Committee on Early Grade Success
 4 within the Department of Education; specifying
 5 committee purpose; requiring the committee to develop
 6 a proposal for specified purposes; providing proposal
 7 requirements; providing for membership of the
 8 committee; providing requirements for electing a
 9 committee chair and vice chair; providing committee
 10 meeting requirements; requiring the University of
 11 Florida Lastinger Center for Learning to provide
 12 necessary staff for the committee; requiring the
 13 committee to submit a report by a specified date;
 14 providing for the expiration of the committee;
 15 authorizing rulemaking; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:
 18

19 Section 1. Committee on Early Grade Success.—The Committee
 20 on Early Grade Success, a committee as defined in s. 20.03,
 21 Florida Statutes, is created within the Department of Education
 22 to develop a proposal for establishing and implementing a
 23 coordinated child assessment system for the School Readiness
 24 Program, the Voluntary Prekindergarten Education Program, and
 25 the Kindergarten Readiness Assessment and, except as otherwise

26 provided in this section, shall operate consistent with s.
 27 20.052, Florida Statutes.

28 (1) The committee's proposal must include legislative
 29 recommendations for the design and implementation of a
 30 coordinated child assessment system, including, but not limited
 31 to:

32 (a) The purpose of a child assessment, with a focus on
 33 developmentally appropriate learning gains.

34 (b) Attributes for tool selection that provide guidance on
 35 procurement policies.

36 (c) An implementation schedule and protocols, including
 37 the frequency of data collection and a timeline for training to
 38 ensure reliability of the system.

39 (d) The methodology for collecting and analyzing data that
 40 define reporting requirements.

41 (e) A budget for the system, including cost analyses for
 42 purchasing materials and the necessary technology, training to
 43 ensure reliability, and data system management.

44 (f) Considerations for student privacy and tracking child
 45 development over time.

46 (2) The committee is composed of 17 members who are
 47 residents of the state and appointed as follows:

48 (a) Three members appointed by the Governor:

49 1. One representative from the Office of Early Learning.

50 2. One representative from the Department of Education.

- 51 3. One parent of a child who is 3 to 6 years of age.
- 52 (b) Fourteen members jointly appointed by the President of
- 53 the Senate and the Speaker of the House of Representatives:
- 54 1. One representative of an urban school district.
- 55 2. One representative of a rural school district.
- 56 3. One representative of an urban early learning
- 57 coalition.
- 58 4. One representative of a rural early learning coalition.
- 59 5. One representative of an early learning provider.
- 60 6. One representative of a faith-based early learning
- 61 provider.
- 62 7. One representative who is a kindergarten teacher with
- 63 at least 5 years of teaching experience.
- 64 8. One representative who is an elementary school
- 65 principal.
- 66 9. Four representatives with subject matter expertise in
- 67 early learning, early grade success, or child assessments. The
- 68 four representatives may not be direct stakeholders within the
- 69 early learning or public school systems or potential recipients
- 70 of a contract resulting from the committee's proposal.
- 71 10. One member of the Senate.
- 72 11. One member of the House of Representatives.
- 73 (3) The committee shall elect a chair and vice chair. The
- 74 chair must be one of the four members with subject matter
- 75 expertise in early learning, early grade success, or child

76 assessments. The vice chair must be a member appointed by the
 77 President of the Senate and the Speaker of the House of
 78 Representatives, who is not one of the four members who are
 79 subject matter experts in early learning, early grade success,
 80 or child assessments. Members of the committee shall serve
 81 without compensation but are entitled to reimbursement for per
 82 diem and travel expenses pursuant to s. 112.061, Florida
 83 Statutes.

84 (4) The committee must meet at least three times and shall
 85 meet by teleconference or other electronic means, if possible,
 86 to reduce costs.

87 (5) A majority of the members constitutes a quorum.

88 (6) The University of Florida Lastinger Center for
 89 Learning shall provide the committee with staff necessary to
 90 assist the committee in the performance of its duties.

91 (7) The committee shall submit a report of its findings
 92 and recommendations to the Governor, the President of the
 93 Senate, and the Speaker of the House of Representatives by
 94 December 1, 2017. Upon submission of the report, the committee
 95 shall expire.

96 (8) The State Board of Education may adopt rules to
 97 implement and administer this section.

98 Section 2. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 6017 Florida Center for the Partnerships for Arts Integrated Teaching

SPONSOR(S): Gruters

TIED BILLS: None **IDEN./SIM. BILLS:** SB 256

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee	11 Y, 0 N	McAlarney	Bishop
2) Higher Education Appropriations Subcommittee	13 Y, 0 N	deNagy	Lloyd
3) Education Committee		McAlarney	Hassell

SUMMARY ANALYSIS

This bill repeals the July 1, 2017, expiration date of The Florida Center for the Partnerships for Arts Integrated Teaching (PAInT) which is created within the University of South Florida Sarasota/Manatee.

PAInT was statutorily created in ch. 2016-62, L.O.F., the implementing bill for the 2016-2017 General Appropriations Act (GAA).

Funding for PAInT is subject to an appropriation. PAInT receives \$250,000 in recurring general revenue funds as a recurring base appropriations project in the 2016-17 GAA (Specific Appropriation 142), ch. 2016-66, L.O.F. The House proposed 2017-18 GAA funds PAInT at the current level.

The bill takes effect June 30, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Center for the Partnerships for Arts Integrated Teaching at USF Sarasota-Manatee (PAInT) is Florida's official state resource for arts-integrated instruction.¹ PAInT was statutorily created in 2016 in the implementing bill for the 2016-2017 General Appropriations Act (GAA).²

PAInT researches policies and practices related to arts integrated teaching, partnerships, and dissemination of information.³ PAInT was established to increase the knowledge and research of arts-integrated instruction statewide, provide analysis of arts-integrated programs, and to partner with arts and educational organizations to introduce arts-integrated programs to more Florida Schools.⁴ Arts-integrated instruction is a teaching method in which the arts and academics are woven together to strengthen students' understanding and retention of academic material.⁵ PAInT maintains partnerships with its host communities of Sarasota, Manatee, and Charlotte counties and to schools and districts across Florida, including public, private, and charter schools.^{6,7}

Specifically, the goals of PAInT are to:⁸

- (a) Conduct basic and applied research on policies and practices related to arts integrated teaching;
- (b) Partner with interested Florida College System institutions and private educational institutions to conduct arts integrated educational research;
- (c) Seek out agreements to provide technical assistance and support, upon request, to the Florida Department of Education, Florida school districts, private schools, charter schools, and educator preparation programs in the implementation of evidence-based arts integrated instruction, assessments, programs, and professional development;
- (d) Collaborate with interested arts organizations and Florida school districts in the development of frameworks for arts integrated courses for use in schools;
- (e) Collaborate with interested arts organizations and Florida school districts in the development of frameworks for professional development activities, using multiple delivery methods for arts integrated teaching in different content areas;
- (f) Disseminate information about outcome-based practices related to arts integrated instruction, assessment, curricula, and programs;
- (g) Position Florida as a national leader in arts integrated teaching and research; and
- (h) Examine arts integrated teaching Science, Technology, Engineering, and Math (STEM) educational courses.

¹ Meghin Delaney, *University of South Florida Sarasota-Manatee arts teaching program now official state resource*, BRADENTON HERALD (July 21, 2016); <http://www.bradenton.com/news/local/education/article90978812.html> (last visited Apr. 14, 2017).

² Section 1004.344, F.S., as created by s. 31, 2016-62, L.O.F.

³ University of South Florida Sarasota-Manatee, *About Us*, <http://usfsm.edu/center-paint/about-us> (last visited Apr. 14, 2017).

⁴ Richard Shopes, University of South Florida Sarasota-Manatee, *Coordinator named for statewide Center for Arts-Integrated Learning*, <http://usfsm.edu/blog/coordinator-named-statewide-center-arts-integrated-learning/> (last visited Apr. 14, 2017).

⁵ *Id.*

⁶ Delaney, *supra* note 1.

⁷ Shopes, *supra* note 3.

⁸ Section 1004.344(2)(a)-(h), F.S.

Effect of Proposed Changes

This bill removes the July 1, 2017, expiration date in s. 1004.34 (3), F.S., to maintain the goals of PAInT in law.

If the Legislature does not repeal the expiration date, PAInT may continue to exist within the USF Sarasota/Manatee, but the goals for the center will no longer be specified in Florida law.

B. SECTION DIRECTORY:

Section 1: Amends s. 1004.344, F.S., relating to The Florida Center for the Partnerships for Arts Integrated Teaching. Deletes the July 1, 2017, expiration date.

Section 2: Provides an effective date of June 30, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Funding for PAInT is subject to an appropriation. PAInT receives \$250,000 in recurring general revenue funds as a recurring base appropriations project in the 2016-17 GAA (Specific Appropriation 142), ch. 2016-66, L.O.F. The House proposed 2017-18 GAA funds PAInT at the current level.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to the Florida Center for the
3 Partnerships for Arts Integrated Teaching; amending s.
4 1004.344, F.S.; deleting the future expiration of
5 provisions creating the Florida Center for the
6 Partnerships for Arts Integrated Teaching; providing
7 an effective date.

8

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

10

11 Section 1. Subsection (3) of section 1004.344, Florida
12 Statutes, is amended to read:

13 1004.344 The Florida Center for the Partnerships for Arts
14 Integrated Teaching.—

15 ~~(3) This section expires July 1, 2017.~~

16 Section 2. This act shall take effect June 30, 2017.