

PreK-12 Quality Subcommittee

March 20, 2017

12:00 PM

Reed Hall (102 HOB)

Meeting Packet

**Richard Corcoran
Speaker**

**Jake Raburn
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Quality Subcommittee

Start Date and Time: Monday, March 20, 2017 12:00 pm
End Date and Time: Monday, March 20, 2017 03:00 pm
Location: Reed Hall (102 HOB)
Duration: 3.00 hrs

Consideration of the following bill(s):

HB 525 High School Graduation Requirements by Silvers
HB 549 Student Assessments by Fine

NOTICE FINALIZED on 03/16/2017 4:18PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 525 High School Graduation Requirements
SPONSOR(S): Silvers
TIED BILLS: IDEN./SIM. BILLS: SB 978

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee		McAlarney <i>DM</i>	Duncan <i>pkdd</i>
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

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) and (g), F.S., relating to courses in fine or performing arts, speech and debate, or practical arts; and 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 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

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.fldoe.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) and (g), F.S., relating to courses in fine or performing arts, speech and debate, or practical arts; **and** electives. No other provision in law permits the completion of coursework in a program to satisfy more than one course credit required for high school graduation.

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; and 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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill permits the completion of an apprenticeship or preapprenticeship program to satisfy courses provided under s. 1003.4282(3)(e) and (g), F.S., relating to fine or performing arts, speech and debate, or practical arts; **and** electives. No other provision in law permits the completion of coursework in a program to satisfy more than one course credit required for high school graduation.

The sponsor may want to consider an amendment to permit 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.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

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

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

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

1003.4282 Requirements for a standard high school diploma.—

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

(a) Participation in career education courses engages students in their high school education, increases academic achievement, enhances employability, and increases postsecondary success. By July 1, 2014, the department shall develop, for approval by the State Board of Education, multiple, additional 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 paragraphs (3)(e) and (g). The state board shall approve and
49 identify in the Course Code Directory the apprenticeship and
50 preapprenticeship programs from which earned credit may be used

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51 | pursuant to this subparagraph.

52 | Section 2. 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: PreK-12 Quality

2 Subcommittee

3 Representative Silvers offered the following:

4

5 **Amendment**

6 Remove line 48 and insert:

7 paragraphs (3) (e) or (g). The state board shall approve and

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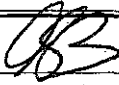
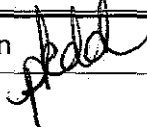
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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 549 Student Assessments
SPONSOR(S): 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		Brink 	Duncan 
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

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, by July 31, 2017, and every 3 years thereafter, to publish on the Florida Department of Education's website "any assessment administered or adopted during the previous school year," thereby providing public access to standardized tests taken by students in Florida. However, due to test item ownership rights and copyright protection, it is unclear which assessments or test items could be released under the bill.

For a discussion of the bill's fiscal impact, see FISCAL COMMENTS, *infra*.

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 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> [hereinafter referred to as *ESEA Flexibility Request*].

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

Other assessments authorized in law include:

- the Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLS) 2.0 for grades 1 through 12, Alternate Access for ELLs for students in grades 1 through 12 who have significant cognitive disabilities, and Kindergarten Access for ELLs for kindergarten students;¹⁹
- the Florida Kindergarten Readiness Screener (FLKRS),²⁰
- the Preliminary SAT/National Merit Scholarship Qualifying Test and Preliminary ACT,²¹
- the Postsecondary Education Readiness Test (PERT);²²
- the Department of Juvenile Justice assessment;²³
- Advanced Placement (AP), International Baccalaureate (IB) and Advanced International Certification of Education (AICE) program testing;²⁴
- Assessments necessary for the attainment of industry certifications;²⁵ and
- the General Educational Development Test.²⁶

The DOE does not own the ACCESS for ELLs 2.0, Alternate ACCESS for ELLs, Kindergarten ACCESS for ELLs, FLKRS, Preliminary SAT/National Merit Scholarship Qualifying Test, Preliminary ACT, PERT, DJJ Assessment, AP, IB, AICE, GED, or industry certification assessments and does not have copyright authority to release their test items.²⁷

Per general practice, once a test or test item is released, the test items may not be reused in order to maintain assessment validity.²⁸

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 See s. 1003.56(3), F.S.

²⁰ Section 1002.69(1), F.S.

²¹ See s. 1007.35, F.S.

²² See s. 1008.30, F.S.

²³ See s. 1003.51(2)(g), F.S.

²⁴ See s. 1007.27, F.S.

²⁵ See ss. 1003.491, 1003.492, 1003.493, and 1003.4935, F.S.

²⁶ See s. 1003.435, F.S.

²⁷ Florida Department of Education, Agency Analysis of 2016 House Bill 549, p. 3 (Feb. 7, 2017).

²⁸ *Id.* at 3.

Effect of Proposed Changes

The bill requires the Commissioner of Education, by July 31, 2017, and every 3 years thereafter, to publish on the DOE's website "any assessment administered or adopted during the previous school year, including, but not limited to, any statewide standardized assessment, end-of-course assessment, alternative assessment, or national or international assessment." By publishing the assessments on the website, the DOE would provide the public access to view assessments administered during the previous school year.

It is unclear what test items the DOE would be able to initially release under the bill due to contractual obligations with test developers, the use of test items that are licensed but not owned by the DOE, the use of assessments owned by other entities, and copyright protection. The DOE "does not anticipate being able to release items until summer 2019 and still maintain enough secure items to continue the statewide assessment program."²⁹

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.³⁰ 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 released every 3 years in accordance with the bill.

B. SECTION DIRECTORY:

Section 1. Requiring that the Commissioner of Education periodically publish on the Department of Education's website any assessment administered or adopted during the previous school year.

Section 2. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS, *infra*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

²⁹ See *id* at 3, 4.

³⁰ See *id* at 3.

D. FISCAL COMMENTS:

The Florida Department of Education estimates expenditures of approximately \$14 million per year for the development and maintenance of a test item bank large enough to allow the release of state assessments each year. The estimated per-year costs are as follows:

- an increase of \$6 million to the for statewide, standardized assessments and mathematics EOC assessments;
- an increase of \$2 million for the science and social studies EOC assessments and the statewide, standardized assessment;
- an increase of \$3 million for alternate assessments; and
- \$3 million for an annual December Writing Field Test administration to enhance the Writing prompt bank.³¹

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

Not applicable.

³¹ See *id* at 5-6.

HB 549

2017

1 A bill to be entitled
2 An act relating to student assessments; requiring that
3 the Commissioner of Education periodically publish on
4 the Department of Education's website any assessment
5 administered or adopted during the previous school
6 year; providing an effective date.

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

9
10 Section 1. Publication of student assessments.—By July 31,
11 2017, and every 3 years thereafter, the Commissioner of
12 Education shall publish on the department's website any
13 assessment administered or adopted during the previous school
14 year, including, but not limited to, any statewide standardized
15 assessment, end-of-course assessment, alternative assessment, or
16 national or international assessment.

17 Section 2. This act shall take effect upon becoming a law.



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: PreK-12 Quality
 2 Subcommittee

3 Representative Fine offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (8), (9), (10), (11), and (12) of
 8 section 1008.22, Florida Statutes, are renumbered as subsections
 9 (9), (10), (11), (12), and (13), respectively, and subsection
 10 (8) is added to that section, to read:

11 1008.22 Student assessment program for public schools.-

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



Amendment No. 1

16 (a) Beginning with the 2019-2020 school year and every 3
17 years thereafter, the department shall publish each assessment
18 administered under paragraphs (3)(a) and (b)1., excluding retake
19 assessments, at least once pursuant to a schedule determined by
20 the Commissioner of Education. Each assessment, when published,
21 must have been administered during the most recent school year.

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

26 (c) The department must provide materials on its website
27 to help the public interpret assessment information published
28 pursuant to this subsection.

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

30

31

32

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

33 Remove everything before the enacting clause and insert:
34 An act relating to the publication of student assessments;
35 amending s. 1008.22, F.S.; requiring the Department of Education
36 to publish certain assessments; providing requirements for the
37 publication of such assessments; requiring the department to
38 provide interpretive materials; providing an effective date.