

CHAPTER 2021-157

Committee Substitute for Committee Substitute for Senate Bill No. 1108

An act relating to education; amending s. 1001.23, F.S.; authorizing the Department of Education to hold patents, copyrights, trademarks, and service marks; authorizing the department to take specified actions to enforce its rights under certain circumstances; requiring the department to notify the Department of State in writing when property rights by patent, copyright, trademark, or service marks are secured by the department; requiring, except for educational materials and products, any proceeds received by the department from the exercise of its rights to be deposited in the department's Operating Trust Fund; creating s. 1002.334, F.S.; establishing the Innovative Blended Learning and Real-Time Student Assessment Pilot Program within the department; providing the purpose of the program; defining the term "innovative blended learning"; specifying program eligibility; requiring program applicants to submit applications to the department in a format prescribed by the department; requiring program applications to include specified information; requiring applications to be considered only for synchronous innovative blended learning programs; requiring the Commissioner of Education to select applicants to participate in the program; providing a start date for the program; providing for funding; authorizing the commissioner to remove an approved applicant from the program under certain circumstances; providing for future expiration; amending s. 1003.42, F.S.; requiring character development curriculum for certain grades to include instruction on voting using specified ballot; amending s. 1003.4282, F.S.; deleting obsolete language; requiring certain students to take a specified assessment relating to civic literacy; providing that such assessment meets certain postsecondary requirements under specified circumstances; conforming a cross-reference; amending s. 1003.433, F.S.; authorizing certain students to meet the grade 10 English Language Arts assessment requirements in a specified manner; amending s. 1003.4996, F.S.; extending the timeframe for the Competency-Based Education Pilot Program; amending s. 1007.25, F.S.; requiring certain postsecondary students to complete a civic literacy course and pass a specified assessment to demonstrate competency in civic literacy; authorizing students to meet the assessment requirements in high school; providing for rulemaking; authorizing the development of new civic literacy courses; providing requirements for such courses; amending s. 1008.212, F.S.; conforming cross-references; amending s. 1008.22, F.S.; revising the purpose of the assessment program; deleting obsolete language; requiring that certain assessments be given in a paper-based format; requiring school districts to provide the SAT or ACT to grade 11 students beginning in a specified school year; requiring school districts to choose which assessment to administer; deleting specified reporting requirements; deleting a requirement that the Commissioner of Education maintain a

specified item bank; deleting specified requirements for the date of the administration of specified assessments; revising a deadline for the publication of certain assessments; conforming provisions to changes made by the act; amending s. 1008.24, F.S.; revising the tests that are included under test administration and security rules; amending ss. 1008.34 and 1008.3415, F.S.; conforming cross-references; amending s. 1009.286, F.S.; providing an additional exception to credit hours used when calculating baccalaureate degrees; providing an effective date.

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

Section 1. Subsection (5) is added to section 1001.23, Florida Statutes, to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

(5) Notwithstanding the provisions of chapter 286, have the authority to hold patents, copyrights, trademarks, and service marks. The department may take any action necessary to enforce its rights with respect to such patents, copyrights, trademarks, and service marks or enter into a transaction to sell, lease, license, or transfer such rights for monetary gain or other consideration at the discretion of the department. The department shall notify the Department of State in writing when property rights by patent, copyright, trademark, or service marks are secured by the department. Except for educational materials and products, any proceeds received by the department from the exercise of such rights shall be deposited in the department's Operating Trust Fund.

Section 2. Section 1002.334, Florida Statutes, is created to read:

1002.334 Innovative Blended Learning and Real-Time Student Assessment Pilot Program.—

(1) There is created within the Department of Education the Innovative Blended Learning and Real-Time Student Assessment Pilot Program. The purpose of the program is to develop and measure innovative blended learning and real-time weekly student assessment educational models that improve the educational progress of this state's students and help close achievement gaps for this state's traditionally underserved students.

(2) As used in this section, the term "innovative blended learning" means:

(a) A mode of learning where in-person and remote students are combined in one classroom environment where the education, instruction, and engagement occurs at the same time with the teacher and other students physically present in the classroom; and

(b) For a given course, students learn in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a traditional supervised classroom location away from home.

(3) To be eligible to work with the program, an applicant must be:

(a) A high-performing charter school under s. 1002.331;

(b) A high-performing charter school system under s. 1002.332; or

(c) An academically high-performing school district pursuant to s. 1003.621.

(4) A program applicant must submit an application to the department in a format prescribed by the department. The application must include all of the following:

(a) A plan for the synchronous technological and resource design, curriculum, classroom operation, school or district management, privacy protection and teacher professional development, and at least weekly progress monitoring of real-time student performance in innovative blended learning programs.

(b) A plan to reduce achievement gaps through innovative blended learning.

(c) A requirement that distance learning will always be at the choosing of the student or the student's parent or guardian and that a family will never be coerced to choose distance learning.

(d) A requirement that a participating classroom may not be fully virtual such that at least two-thirds of the students in a class must be present for in-person learning on any regularly scheduled school day.

(e) A requirement that any struggling student who is participating in this program and who, according to progress monitoring data, is on pace to learn less than a year's content in a year's time must return to learning in person.

(f) A requirement that any student can choose to switch learning modalities, in person or distance, on any given day, without notice and therefore a seat must always be available for every student registered to take any participating course.

(g) A requirement that the applicant provide all requested student-level data from participating schools, including, as necessary, benchmark historical data for up to the prior 3 school years, to the department upon request.

(5) Applications may be considered only for synchronous innovative blended learning programs.

(6) The Commissioner of Education shall select applicants to participate in the program.

(7) Districts and schools may not begin approved synchronous innovative blended learning programs until October 1, 2021.

(8)(a) Applicants approved by the commissioner shall receive funding based upon the number of full-time equivalent students being educated under the pilot program, as if each student were being educated full-time in person at his or her respective school.

(b) The commissioner may remove an approved applicant from program participation if the applicant fails to maintain the designations listed in subsection (3) or the applicant fails to meet any of the requirements listed in subsection (4).

(9) This section expires July 1, 2024.

Section 3. Paragraph (s) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(s) A character development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature. Beginning in school year 2004-2005, the character development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character development program that shall be submitted to the department for approval.

1. The character development curriculum shall stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation.

2. The character development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; developing and practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress

and expectations; and developing skills that enable students to become more resilient and self-motivated.

3. The character development curriculum for grades 11 and 12 shall include instruction on voting using the uniform primary and general election ballot described in s. 101.151(9).

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraphs (s) and (t).

Section 4. Paragraphs (a) and (d) of subsection (3), subsection (7), and paragraph (e) of subsection (10) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

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

(a) *Four credits in English Language Arts (ELA).*—The four credits must be in ELA I, II, III, and IV. A student must pass the statewide, standardized grade 10 Reading assessment ~~or, when implemented, the grade 10 ELA assessment, or earn a concordant score, in order to earn a standard high school diploma.~~

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. Beginning with the 2021-2022 school year, students taking the United States Government course are required to take the assessment of civic literacy identified by the State Board of Education pursuant to s. 1007.25(4). Students earning a passing score on the assessment are exempt from the postsecondary civic literacy assessment required by s. 1007.25(4).

(7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss. 6301 et seq. If a student's transcript shows a credit

in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score. If a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

(10) STUDENTS WITH DISABILITIES.—Beginning with students entering grade 9 in the 2014-2015 school year, this subsection applies to a student with a disability.

(e) Any waiver of the statewide, standardized assessment requirements by the individual education plan team, pursuant to s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided for in s. 1003.572.

The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to implement this subsection, including rules that establish the minimum requirements for students described in this subsection to earn a standard high school diploma. The State Board of Education shall adopt emergency rules pursuant to ss. 120.536(1) and 120.54.

Section 5. Subsection (3) of section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(3) Students who have been enrolled in an ESOL program for less than 2 school years and have met all requirements for the standard high school diploma except for passage of any must-pass assessment under s. 1003.4282 or s. 1008.22 or alternate assessment may:

(a) Receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to take the required assessment or alternate assessment and receive a standard high school diploma upon passage of the required assessment or alternate assessment. This paragraph ~~subsection~~ shall be implemented to the extent funding is provided in the General Appropriations Act.

(b) Beginning with the 2022-2023 school year, meet the requirement to pass the statewide, standardized grade 10 English Language Arts assessment by satisfactorily demonstrating grade-level expectations on formative assessments, in accordance with state board rule.

Section 6. Section 1003.4996, Florida Statutes, is amended to read:

1003.4996 Competency-Based Education Pilot Program.—Beginning with the 2016-2017 school year, the Competency-Based Education Pilot Program is created within the Department of Education to be administered for a period of 7 5 years. The purpose of the pilot program is to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.

(1) PARTICIPATION.—The P.K. Yonge Developmental Research School and the Lake, Palm Beach, Pinellas, and Seminole County School Districts may submit an application in a format prescribed by the department to participate in the pilot program.

(2) APPLICATION.—The application to participate in the pilot program must, at a minimum, include:

(a) The vision and timelines for the implementation of competency-based education within the school district, including a list of the schools that will participate in the pilot program during the first school year and the list of schools that will be integrated into the program in subsequent school years.

(b) The annual goals and performance outcomes for participating schools, including, but not limited to:

1. Student performance as defined in s. 1008.34.
2. Promotion and retention rates.
3. Graduation rates.
4. Indicators of college and career readiness.

(c) A communication plan for parents and other stakeholders, including local businesses and community members.

(d) The scope of and timelines for professional development for school instructional and administrative personnel.

(e) A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion and content mastery.

(f) A plan for using technology and digital and blended learning to enhance student achievement and facilitate the competency-based education system.

(g) The proposed allocation of resources for the pilot program at the school and district levels.

(h) The recruitment and selection of participating schools.

(i) The rules to be waived for participating schools pursuant to subsection (3) to implement the pilot program.

(3) EXEMPTION FROM RULES.—In addition to the waivers authorized in s. 1001.10(3), the State Board of Education may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits.

(4) STUDENT FUNDING.—Students enrolled in a participating school shall be reported for and generate funding pursuant to s. 1011.62.

(5) DEPARTMENT DUTIES.—The department shall:

(a) Compile the student and staff schedules of participating schools before and after implementation of the pilot program.

(b) Provide participating schools with access to statewide, standardized assessments required under s. 1008.22.

(c) Annually, by June 1, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the pilot program and any recommendations for statutory revisions.

(6) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 7. Subsection (4) of section 1007.25, Florida Statutes, is amended to read:

1007.25 General education courses; common prerequisites; other degree requirements.—

(4)(a) Beginning with students initially entering a Florida College System institution or state university in the 2018-2019 school year and thereafter, each student must demonstrate competency in civic literacy. Students must have the option to demonstrate competency either through successful completion of a civic literacy course or by achieving a passing score on an assessment. The State Board of Education must adopt in rule and the Board of Governors must adopt in regulation at least one existing assessment that measures competencies consistent with the required course competencies outlined in subparagraph (b)2 ~~paragraph (b)~~.

(b) Beginning with students initially entering a Florida College System institution or state university in the 2021-2022 school year and thereafter, each student must demonstrate competency in civic literacy by achieving a passing score on an assessment and by successfully completing a civic literacy course. Credits earned for such courses via articulated acceleration mechanisms in s. 1007.27 will count toward the civic literacy competency requirement. The State Board of Education and the Board of Governors shall adopt by rule and regulation, respectively, approved assessments that

address the competencies in subparagraph 2. and courses that meet the requirements in subparagraph 1. The chair of the State Board of Education and the chair of the Board of Governors, or their respective designees, shall jointly appoint a faculty committee to:

~~1.(a)~~ Develop one or more a new courses ~~course~~ in civic literacy or revise an existing general education core course in American History or American Government to include, at a minimum, opportunities to engage synchronously in political discussions and civil debates with multiple points of view and to master the ability to synthesize information that informs civic decisionmaking ~~civic literacy~~.

~~2.(b)~~ Establish course competencies and identify outcomes that include, at a minimum, an understanding of the basic principles of American democracy and how they are applied in our republican form of government, an understanding of the United States Constitution, knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance, and an understanding of landmark Supreme Court cases and their impact on law and society.

Section 8. Paragraph (a) of subsection (1) and subsection (2) of section 1008.212, Florida Statutes, are amended to read:

1008.212 Students with disabilities; extraordinary exemption.—

(1) As used in this section, the term:

(a) “Circumstance” means a situation in which accommodations allowable for use on the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~ are not offered to a student during the current year’s assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student’s impaired sensory, manual, or speaking skills rather than the student’s achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

(2) A student with a disability for whom the individual education plan (IEP) team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~ shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with rule 6A-6.03020, Florida Administrative Code, is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

Section 9. Present paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is redesignated as paragraph (d), a new paragraph (c) is added to that subsection, and paragraph (a) of subsection (1), paragraphs (a) and (b), present paragraph (d), and paragraph (g) of subsection (3), subsection (6), paragraphs (a), (b), (c), and (h) of subsection (7), subsections (8) and (9), and paragraph (e) of subsection (12) of that section are amended, to read:

1008.22 Student assessment program for public schools.—

(1) **PURPOSE.**—The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. This data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars. The program must be designed to:

(a) Assess the achievement level and ~~annual~~ learning gains of each student in English Language Arts and mathematics and the achievement level in all other subjects assessed.

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

(a) *Statewide, standardized comprehensive assessments.*—~~The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments~~

~~shall not take the statewide, standardized assessments in Reading or Writing.~~ Reading passages and writing prompts for ELA assessments shall incorporate grade-level core curricula content from social studies. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. ~~Students taking a revised Mathematics assessment shall not take the discontinued assessment.~~ The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment ~~or, upon implementation, the grade 10 ELA assessment~~ must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9). Statewide, standardized ELA and Mathematics assessments in grades 3 through 6 must be delivered in a paper-based format.

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

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

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

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

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

5. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (d) (e).

6. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit, as identified in s. 1007.27(2), meets the requirements of this paragraph and does not have to take the EOC assessment for the corresponding course.

(c) *Nationally recognized high school assessments.*—Each school district shall, by the 2021-2022 school year and subject to appropriation, select either the SAT or ACT for districtwide administration to each public school student in grade 11, including students attending public high schools, alternative schools, and Department of Juvenile Justice education programs.

~~(d) *Implementation schedule.*—~~

~~1.—The Commissioner of Education shall establish and publish on the department’s website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year. Notwithstanding the requirements of this subparagraph, statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper-based no later than the 2018-2019 school year.~~

~~2.—The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirements of this section.~~

~~(g) *Contracts for assessments.*—~~

~~1. The commissioner shall provide for the assessments to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner may enter into contracts for the continued administration of the assessments authorized and funded~~

by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law.

~~2.— A student’s performance results on statewide, standardized assessments, EOC assessments, and Florida Alternative Assessments administered pursuant to this subsection must be provided to the student’s teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education. This subparagraph does not apply to existing contracts for such assessments, but shall apply to new contracts and any renewal of existing contracts for such assessments.~~

~~3.— If liquidated damages are applicable, the department shall collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the department’s Florida Standards Assessment contract with American Institutes for Research, and expend the funds to reimburse parties that incurred damages.~~

(6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE STANDARDS.—

(a) Measurement of student performance is the responsibility of school districts except in those subjects and grade levels measured under the statewide, standardized assessment program described in this section. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

~~(b)—The Commissioner of Education shall assist and support districts in measuring student performance on the state standards by maintaining a statewide item bank, facilitating the sharing of developed tests or test items among school districts, and providing technical assistance in best assessment practices. The commissioner may discontinue the item bank if he or she determines that district participation is insufficient for its sustainability.~~

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

(a) The Commissioner of Education shall establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedules. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts, consistent with the requirements of paragraph (3)(g). Assessment results for the statewide, standardized ELA and mathematics assessments and all statewide, standardized EOC assessments must be made available no later than

June 30, except for results for the grade 3 statewide, standardized ELA assessment, which must be made available no later than May 31. School districts shall administer statewide, standardized assessments in accordance with the schedule established by the commissioner.

(b) By January of each year, ~~beginning in 2018~~, the commissioner shall publish on the department's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules under paragraph (d):

1. Whether the assessment is a district-required assessment or a state-required assessment.
2. The specific date or dates that each assessment will be administered.
3. The time allotted to administer each assessment.
4. Whether the assessment is a computer-based assessment or a paper-based assessment.
5. The grade level or subject area associated with the assessment.
6. The date that the assessment results are expected to be available to teachers and parents.
7. The type of assessment, the purpose of the assessment, and the use of the assessment results.
8. A glossary of assessment terminology.
9. Estimates of average time for administering state-required and district-required assessments, by grade level.

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

1. The grade 3 statewide, standardized ELA assessment and the writing portion of the statewide, standardized ELA assessment ~~for grades 4 through 10~~ must be administered no earlier than April 1 each year within an assessment window not to exceed 2 weeks.
2. With the exception of assessments identified in subparagraph 1., any statewide, standardized assessment that is delivered in a paper-based format must be administered no earlier than May 1 each year within an assessment window not to exceed 2 weeks.

3. With the exception of assessments identified in subparagraphs 1. and 2., any statewide, standardized assessment must be administered within a 4-week assessment window that opens no earlier than May 1 each year.

~~Each school district shall administer the assessments identified under subparagraphs 2. and 3. no earlier than 4 weeks before the last day of school for the district.~~

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

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

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

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

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

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

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

(8) PUBLICATION OF ASSESSMENTS.—To promote transparency in the statewide assessment program, in any procurement for the statewide, standardized assessment in ELA, assessment in grades 3 through 10 and the mathematics, science, and social studies assessment in grades 3 through 8, the Department of Education shall solicit cost proposals for publication of the state assessments on its website in accordance with this subsection.

(a) The department shall publish each assessment administered under paragraph (3)(a) and subparagraph (3)(b)1., excluding assessment retakes, at least once on a triennial basis pursuant to a schedule determined by the

Commissioner of Education. Each assessment, when published, must have been administered during the most recent school year and be in a format that facilitates the sharing of assessment items.

(b) The initial publication of assessments must occur no later than June 30, 2024 ~~June 30, 2021~~, subject to appropriation, and must include, at a minimum, the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

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

(9) **CONCORDANT SCORES.**—The Commissioner of Education must identify scores on the SAT and ACT that if achieved satisfy the graduation requirement that a student pass the grade 10 ~~statewide, standardized Reading assessment or, upon implementation, the grade 10~~ ELA assessment. The commissioner may identify concordant scores on assessments other than the SAT and ACT. If the content or scoring procedures change for the grade 10 ~~Reading assessment or, upon implementation, the grade 10~~ ELA assessment, new concordant scores must be determined. If new concordant scores are not timely adopted, the last-adopted concordant scores remain in effect until such time as new scores are adopted. The state board shall adopt concordant scores in rule.

(12) **REPORTS.**—The Department of Education shall annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which shall include the following:

~~(e) The number of students who after 8th grade enroll in adult education rather than other secondary education, which is defined as grades 9 through 12.~~

Section 10. Subsection (1) of section 1008.24, Florida Statutes, is amended to read:

1008.24 Test administration and security; public records exemption.—

(1) A person may not knowingly and willfully violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to ss. 1002.69, 1003.52, 1003.56, 1007.25, 1007.35, 1008.22, 1008.25, and 1012.56 ~~s. 1008.22~~, or, with respect to any such test, knowingly and willfully to:

(a) Give examinees access to test questions prior to testing;

(b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;

- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Fail to follow test administration directions specified in the test administration manuals; or
- (g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

Section 11. Paragraph (a) of subsection (1) of section 1008.34, Florida Statutes, is amended to read:

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

(1) DEFINITIONS.—For purposes of the statewide, standardized assessment program and school grading system, the following terms are defined:

(a) “Achievement level,” “student achievement,” or “achievement” describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment administered pursuant to s. 1008.22(3)(a) and (b). There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5. For purposes of the Florida Alternate Assessment administered pursuant to s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~, the state board shall provide, in rule, the number of achievement levels and identify the achievement levels that are considered passing.

Section 12. Subsection (2) of section 1008.3415, Florida Statutes, is amended to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(2) Notwithstanding s. 1008.34, the achievement levels and Learning Gains of a student with a disability who attends an exceptional student education center and has not been enrolled in or attended a public school other than an exceptional student education center for grades K-12 within the school district shall not be included in the calculation of the home school's grade if the student is identified as an emergent student on the alternate assessment described in s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~.

Section 13. Paragraph (i) is added to subsection (4) of section 1009.286, Florida Statutes, to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(4) For purposes of this section, credit hours earned under the following circumstances are not calculated as hours required to earn a baccalaureate degree:

(i) Credit hours earned to meet the requirements of s. 1007.25(4).

Section 14. This act shall take effect July 1, 2021.

Approved by the Governor June 22, 2021.

Filed in Office Secretary of State June 22, 2021.