

CHAPTER 2023-73

Committee Substitute for House Bill No. 1597

An act relating to the Florida Virtual School; creating s. 1008.213, F.S.; providing for flexibility in the administration of specified assessments for Florida Virtual School full-time students of military families residing outside this state; providing that such assessments for students granted such flexibility must be administered securely by persons who meet specified criteria at a certain location; providing a process for the parents or guardians of such students to request the flexibility in assessment administration from the Florida Virtual School; providing requirements for such parents or guardians, the Florida Virtual School, and the Department of Education in such process; authorizing the Legislature to request a report from the Florida Virtual School regarding requests for flexibility in assessment administration; requiring the State Board of Education to adopt rules; amending s. 1008.22, F.S.; providing flexibility in the administration of specified assessments for certain Florida Virtual School students; defining the term “child of a military family residing outside this state eligible for flexibility in assessment administration”; providing requirements for such flexibility in assessment administration; providing an effective date.

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

Section 1. Section 1008.213, Florida Statutes, is created to read:

1008.213 Children of military families residing outside this state; flexible assessment administration.—

(1) A Florida Virtual School full-time student of a military family residing outside this state who is prevented by his or her parent’s or guardian’s out-of-state military duty station’s location from participating in a Florida-based Florida Virtual School secure and proctored exam shall be offered flexibility with respect to assessment administration in order to demonstrate the grade-level mastery of skills that have been acquired and are measured by the statewide, standardized comprehensive assessment under s. 1008.22(3)(a), the statewide, standardized end-of-course assessment under s. 1008.22(3)(b), or an alternate assessment under s. 1008.22(3)(d).

(2)(a) The flexibility in assessment administration must allow a Florida Virtual School full-time student from a military family currently stationed outside this state to participate in statewide, standardized assessments administered securely by a licensed, certified instructor or an education services officer test administrator at his or her parent’s or guardian’s current military duty station.

(b) A licensed, certified instructor or an education services officer test administrator must meet the criteria specified in s. 1008.24(3)(a).

(3) The student's parent or guardian may submit to the Florida Virtual School a written request for flexibility in assessment administration at any time during the school year, but not later than 90 days before the current school year's assessment administration for which the request is made. A request must include written, official documentation of the family's current out-of-state military duty stationing.

(4) Based on such documentation provided by the family pursuant to subsection (3), the Florida Virtual School shall submit a recommendation to the Department of Education as soon as practicable as to whether flexibility in assessment administration for a given statewide assessment should be granted or denied. Upon receipt of the request, documentation, and recommendation, the department shall verify the information documented as soon as practicable, make a determination, and notify the Florida Virtual School within 14 days. After the receipt of the department's determination, the Florida Virtual School shall notify the parent or guardian whether the flexibility in assessment administration has been granted or denied. If the department grants the request, the student's progress must be assessed with flexibility in assessment administration as provided in s. 1008.22.

(5) The Legislature may request from the Florida Virtual School a report containing the number of requests for flexibility in assessment administration made under this section, the number of requests for flexibility in assessment administration granted under this section, and data regarding student performance on statewide, standardized assessments.

(6) The State Board of Education shall adopt rules to implement this section.

Section 2. Subsections (11) through (14) of section 1008.22, Florida Statutes, are renumbered as subsections (12) through (15), respectively, and a new subsection (11) is added to that section, to read:

1008.22 Student assessment program for public schools.—

(11) CHILD OF A MILITARY FAMILY RESIDING OUTSIDE THIS STATE.—In addition to the flexibility in assessment administration under s. 1008.213, a child of a military family residing outside this state is eligible for flexibility in assessment administration in accordance with this subsection when participating in the statewide, standardized comprehensive assessment in paragraph (3)(a), the statewide, standardized end-of-course assessment in paragraph (3)(b), or an alternate assessment in paragraph (3)(d).

(a) Definition.—For the purposes of this subsection, the term “child of a military family residing outside this state eligible for flexibility in assessment administration” means a Florida Virtual School full-time student of a military family residing outside this state who is prevented by his or her

parent’s or guardian’s out-of-state military duty station’s location from participating in a Florida-based Florida Virtual School secure and proctored exam.

(b) Flexibility in assessment administration option.—The flexibility in assessment administration under this subsection must allow a Florida Virtual School full-time student from a military family currently stationed outside this state to participate in statewide, standardized assessments administered securely by a licensed, certified instructor or an education services officer test administrator at his or her family’s current military duty station. To be eligible for this flexibility, the student’s parent or guardian must meet the requirements of s. 1008.213 and the student must be determined eligible by the Department of Education.

Section 3. This act shall take effect July 1, 2023.

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.