

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: FINAL READING: PROPOSED AMENDMENTS TO POLICIES 2215,
PROGRAM OF INSTRUCTION, AND 2623, *STUDENT
ASSESSMENT***

COMMITTEE: ACADEMICS, INNOVATION, EVALUATION AND TECHNOLOGY

**LINK TO
STRATEGIC
BLUEPRINT: RELEVANT, RIGOROUS & INNOVATIVE ACADEMICS**

At its meeting of February 13, 2019, the Board approved Agenda Item G-3 (Academic Policies) authorizing the Superintendent to initiate rulemaking proceedings to amend Board policies 2215, *Program of Instruction*, and 2623, *Student Assessment*, consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices. These amendments have been recommended by NEOLA, Inc., the Board's policy consultant, and all have been drafted in collaboration with, and reviewed by, the Superintendent, Cabinet, and District staff of the departments that will implement them.

Proposed amendments to Board Policy 2215, *Program of Instruction*, incorporate the statutory requirements in 1003.42 (2) (s) and (t), F.S., requiring schools to include in the Character Development Program the values of the recipients of the Congressional Medal of honor and allow the course to be offered as a part of any schoolwide character building or veteran awareness initiatives.

Amendments to Board Policy 2623, *Student Assessment*, are proposed to incorporate the statutory requirements in 1002.37(9)(b), 1002.395 (7)(e), 1008.23, and 1008.24(4)(a), F.S., requiring schools to ensure appropriate administration, participation and reporting of state-mandated assessments. The requirements include posting the testing calendar on the District's website for parents and providing access to District testing facilities and dates of testing to eligible non-full time students. The amendments also allow decisions regarding permissible exemptions from statewide testing programs to be recommended by an IEP team for students with disabilities. Exemptions are subject to approval by the Superintendent.

The Notice of Intended Action was published in the *Miami Daily Business Review* on February 19, 2019, and posted in various places for public information and mailed to various organizations representing persons affected by the amended Policies and to individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

Attached are the Notice of Intended Action and policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt the proposed amendments to Board Policies 2215, *Program of Instruction*, and 2623, *Student Assessment*, and authorize the Superintendent to file the amended policies with The School Board of Miami-Dade County, Florida, to be effective April 17, 2019.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 13, 2019, its intention to amend Board Policies 2215, *Program of Instruction*, and 2623, *Student Assessment*, at its regular meeting on April 17, 2019.

PURPOSE AND EFFECT: Proposed amendments to Board Policy 2215, *Program of Instruction*, incorporate the statutory requirement in 1003.42 (2) (s) and (t), F.S., requiring schools to include into the Character Development Program the values of the recipients of the Congressional Medal of honor and allow the course to be offered as a part of any schoolwide character building or veteran awareness initiatives.

Amendments to Board Policy 2623, *Student Assessment*, are proposed to incorporate the statutory requirements in 1002.37(9)(b), 1002.395 (7)(e), 1008.23, and 1008.24(4)(a), F.S., requiring schools to ensure appropriate administration, participation and reporting of state-mandated assessments. The requirements include posting the testing calendar on the District's website for parents and providing access to District testing facilities and dates of testing to eligible non-full time students. The amendment also allows decisions regarding permissible exemptions from statewide testing programs to be recommended by an IEP team for students with disabilities. Exemptions are subject to approval by the Superintendent.

SUMMARY: Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, amendments are being proposed to several Board policies. Proposed amendment to Board Policy 2215, *Program of Instruction*, incorporates the statutory requirements in 1003.42 (2) (s) and (t), F.S., requiring schools to include into the Character Development Program the values of the recipients of the Congressional Medal of honor and allow the course to be offered as a part of any schoolwide character building or veteran awareness initiatives.

Amendments to Board Policy 2623, *Student Assessment*, are proposed to incorporate the statutory requirements in 1002.37(9)(b), 1002.395 (7)(e), 1008.23, and 1008.24(4)(a), F.S., requiring schools to ensure appropriate administration, participation and reporting of state-mandated assessments. The requirements include posting the testing calendar on the District's website for parents and providing access to District testing facilities and dates of testing to eligible non-full time students. The amendment also allows decisions regarding permissible exemptions from statewide testing programs to be recommended by an IEP team for students with disabilities. Exemptions are subject to approval by the Superintendent.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2), (3); 1001.42 (4), (9), (17); 1001.43 (8), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.43(8); 1002.37(9)(b); 1002.395(7)(e); 1003.42(2)(s), (t); 1008.23; 1008.24(4)(a), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 17, 2019, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by March 12, 2019, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.

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1

PROGRAM OF INSTRUCTION

2 The District's program of instruction shall provide all courses required for middle
3 grades promotion, high school graduation, and appropriate instruction designed to
4 ensure that students meet State Board of Education adopted standards in the
5 following subject areas: reading and other language arts, mathematics, science,
6 social studies, foreign languages, health and physical education, and the arts.
7 Additional required topics of study are included in School Board Policy 5410,
8 Student Progression Plan.

9 **Development of Program of Instruction**

10 The Superintendent shall develop and implement a program of instruction as
11 follows:

12 A. Elementary School

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The primary purpose of the elementary school shall be to serve each individual student by promoting opportunities for optimum learning development. The program of instruction in the elementary school shall promote the language arts, mathematics, social studies, science, world languages, health and physical education, music, art, and other disciplines as shall be considered necessary to a well-rounded elementary school program. A procedure shall be established by which schools may recommend for approval courses or programs to meet the unique needs of students. Each subject field shall embrace in the materials used and in the teaching procedures employed, instruction in study and work habits, career awareness, library usage, safety, thrift, conservation, health and hygiene, citizenship, the establishment of purpose, and the development of character. Provision shall be made for the inculcation of ideals of group and individual behavior. The District shall foster organized play, intramural sports and games, hobby groups, and other organized student activities.

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1 B. Middle School
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3 The primary purpose of the middle school shall be to promote an
4 expanded educational experience to meet the needs of the students
5 in the sixth, seventh, and eighth grades of school. The District-wide
6 program of studies and services adopted by the School Board shall
7 determine the specific offerings. An approval process shall be
8 established by which schools may recommend courses or programs
9 to meet the unique needs of students. Specific course offerings,
10 such as band (or music), dance, visual arts, drama, creative writing,
11 physical activity, athletics, and student government, etc., are those
12 that are to be encouraged, endorsed, and supported. Specific
13 non-content area course offerings such as those offered through the
14 visual/performing arts and athletics provides these opportunities for
15 all students.

16 C. Senior High School
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18 The primary purpose of the senior high school shall be to promote
19 education which fits the needs of all students. Courses shall be
20 offered at a level which will challenge students to perform to their
21 capacity. The District-wide studies adopted by the Board shall
22 determine the specific offerings. Library and counseling services
23 shall be provided to enable educational objectives to be met.
24 Student government, publications, drama, music, visual arts,
25 physical activity, athletics, and social activities, etc., shall be
26 promoted for the development of well-rounded citizens.

27 D. Character-Development Program
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29 The Board shall provide a character-development program which is
30 secular in nature in kindergarten through grade 12. The
31 Superintendent shall develop, and the Board shall adopt, a
32 curriculum for the character-development program that shall be
33 submitted to the Florida State Department of Education (FLDOE) for
34 approval. The character-development curriculum shall stress the
35 qualities of patriotism; responsibility; citizenship; kindness; respect
36 for authority, life, liberty, and personal property; honesty; charity;
37 self-control; racial, ethnic, and religious tolerance; and cooperation.
38 The character-development curriculum for grades 9 through 12
39 shall, at a minimum, include instruction on developing leadership

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1 skills, interpersonal skills, organization skills, and research skills;
2 creating a resume; developing and practicing the skills necessary for
3 employment interviews; conflict resolution, workplace ethics, and
4 workplace law; managing stress and expectations; and developing
5 skills that enable students to become more resilient and
6 self-motivated.

7
8 The character-development program shall incorporate the values of
9 the recipients of the Congressional Medal of Honor and will be
10 offered as part of social studies, English Language Arts, or other
11 schoolwide character building and veteran awareness initiatives.

12 **Required Instruction**

13 Instructional staff members, subject to Board policy and State Board of Education
14 rules, shall teach efficiently and faithfully, using the books and materials required
15 that meet the highest standards for professionalism and historic accuracy, following
16 the prescribed courses of study, and employing approved methods of instruction,
17 the topics and subject matter set forth in [F.S.Section](#) 1003.42, [F.S.](#)

18 **Instruction in Operation of Motor Vehicles**

19 See Board Policy 2432.

20 **Instruction in Health Education**

21 See Board Policy 5410 and Policy 2417.

22 **Exemptions from Certain Instruction**

23 Any student whose parent makes a written request to the Principal shall be
24 exempted from the teaching of reproductive health or any disease, including
25 HIV/AIDS, its symptoms, development, and treatment. A student so exempted will
26 not be penalized by reason of that exemption.

27 F.S. 1001.51

28 F.S. 1003.42

29 F.S. 1003.4205

30 F.S. 1003.48

31 Revised 3/15/17

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STUDENT ASSESSMENT

2 Student assessment shall comply with the law and State Board of Education rules to
3 determine the progress of students and to assist them in attaining student
4 performance objectives and the educational achievement goals of the District.

5 State-mandated tests (e.g., diagnostic assessments and achievement tests) shall be
6 administered to all eligible students at the times designated by the State Board of
7 Education. However, the regular program of study may not be interrupted to
8 administer practice tests or engage in other test-preparation activities ~~for a~~
9 ~~Statewide assessment. The Board may authorize a school to:~~ with the exception of
10 the following activities:

11 A. A. to provide individualized instruction in the content knowledge
12 and skills assessed, without suspending the school's regular
13 program of curriculum, for a student who scores at Level 1 or Level
14 2 on a prior administration of the Statewide assessment or a
15 student who is identified as having a deficiency in the content
16 knowledge and skills assessed; and

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19 A.B. to distribute to students sample test books and answer keys that are
20 published by the Florida Department of Education;

21 ~~B. incorporate test-taking exercises and strategies into curriculum for~~
22 ~~reading and mathematics;~~

23 ~~C. provide individualized instruction in the content knowledge and~~
24 ~~skills assessed, without suspending the school's regular program of~~
25 ~~curriculum for a student who scores at Level 1 or Level 2 on a prior~~
26 ~~administration of the Statewide assessment or a student who is~~
27 ~~identified as having a deficiency in the content knowledge and skills~~
28 ~~assessed; and~~

29 C.D. to administer a practice test or engage in other test preparation
30 activities for the statewide assessment which are determined
31 necessary to familiarize students with the organization of the
32 assessment, the format of the test terms, and the test directions, or
33 which are otherwise necessary for the valid and reliable
34 administration of the assessment, as set forth in rules adopted by
35 the State Board of Education.

36 At least annually, the staff members will assess the academic achievement and
37 learning needs of each student. Procedures for such assessments may include, but

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1 need not be limited to, teacher observation techniques, cumulative student records,
2 student performance data collected through standardized testing programs, and
3 physical examinations.

4 The Superintendent shall develop a program of testing that may include, but not be
5 limited to:

- 6 A. State-mandated achievement tests;
- 7 B. end-of-course tests at appropriate grade levels to measure
8 achievement of performance objectives in designated courses;
- 9 C. diagnostic testing and alternative assessments.

10 ~~Also required: The District and its schools shall adhere to the following applicable~~
11 ~~Procedures shall be followed to ensure appropriate administration, participation,~~
12 ~~and reporting of results, to include:~~

13 ~~A. A.—inform parents and the community of the District’s Board-~~
14 ~~approved testing program and of the tests that are to be~~
15 ~~administered to their children by posting the testing calendar on the~~
16 ~~District’s website;~~

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18 ~~B. ensure mandatory participation by all eligible District students as~~
19 ~~defined by State Board of Education rules;~~

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21 ~~C. provide students who not enrolled full time in District schools but~~
22 ~~are eligible to test within the District, as mandated in Florida~~
23 ~~Statutes, with access to District testing facilities and dates and~~
24 ~~times of administration.~~

25 ~~B. parents be informed of the testing program of the schools and of the~~
26 ~~special tests that are to be administered to their children;~~

27 ~~D. report school and District achievement test results will be reported~~
28 ~~to the public annually;~~

29 ~~E. provide reading and mathematics remediation services be provided~~
30 ~~to any student based on statutory request;~~

31 ~~F. ensure participation of all English Language Learners shall~~
32 ~~participate in Statewide assessment programs based on State~~
33 ~~standards requirements with allowable accommodations; and~~

34 ~~G. ensure participation of all students with disabilities shall participate~~
35 ~~in the Statewide assessment program based on State standards~~
36 ~~requirements without accommodations unless the individual~~
37 ~~educational plan (IEP) team or the team that develops the Section~~

1 504 plan determines and documents that the student requires
2 allowable accommodations during instruction and for participation
3 in a Statewide assessment. The decision for a student with a
4 significant cognitive disability to participate in the Statewide
5 alternate assessment is made by the IEP team and recorded on the
6 IEP. Questions to guide the decision-making process to determine
7 how a student with disabilities will participate in the Statewide
8 assessment program are incorporated in the IEP process. Decisions
9 regarding permissible exemptions from statewide testing programs
10 are recommended by the IEP team, and subject to approval by the
11 Superintendent and/or Commissioner, as established in Florida
12 Statutes.

13 Appropriate and necessary action shall be taken against any employee who
14 knowingly and willfully violates test security rules adopted by the Department of
15 Education for any State-mandated assessment.

16 **Classroom Evaluation of Students**

17 Evaluation devices are to be used for assessment purposes to show each student,
18 the parent and ~~as~~ the students' teacher(s), what the student has mastered, where
19 the student needs help, and how to motivate the student for continued learning.

20 Teachers' oral and written tests, group discussions, written work, student portfolios,
21 checklists, and observations are ways to determine student progress within the
22 classroom. Examinations or units shall be averaged as part of the grading period
23 evaluation in which the examinations or unit tests are given.

24 The regulations for classroom examinations are:

25 A. examinations should not be formally organized in the lower
26 elementary grades.

27 B. each secondary school will develop its own schedule for giving
28 semester and/or final exams. Except under unusual
29 circumstances, no student should be required to take more than
30 two (2) examinations on a given day.

31 C. where appropriate, examinations must include a reasonable number
32 of questions which require an essay response.

33 D. all secondary semester examination papers must be retained in the
34 school for at least one (1) year.

35 E. deviations from these procedures or remission from semester
36 examinations in a school may be authorized by the Regional Center
37 Superintendent.

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1 | The Superintendent shall develop administrative procedures for test security and
2 | confidentiality of student results that maintains the integrity of District and State
3 | assessments. These procedures are found in the document, Miami-Dade County
4 | Public Schools: Standards, Guidelines, and Procedures for Test Administration and
5 | Test Security.

6 | F.S. 1002.37, 1002.395, 1008.22, 1008.23, 1008.24, 1008.25, 1008.30
7 | F.A.C. 6A-1.0943

8 | Revised 6/17/15

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