

Tab 1	SB 194 by Stargel ; (Compare to CS/CS/CS/1ST ENG/H 00839) Higher Education						
Tab 2	SB 522 by Diaz (CO-INTRODUCERS) Perry ; (Similar to H 00367) Apprenticeship Programs						
Tab 3	SB 798 by Mayfield ; (Compare to H 00789) Baccalaureate Degree Access						
Tab 4	CS/SB 1164 by ED, Gainer (CO-INTRODUCERS) Perry ; (Similar to CS/CS/H 00593) Postsecondary Fee Waivers						
Tab 5	CS/SB 1198 by ED, Stargel ; School Board Fiscal Transparency						
619262	A	S	RCS	AED, Stargel	btw L.16 - 17:	04/18 04:14 PM	
Tab 6	SB 1366 by Baxley ; (Compare to CS/CS/H 07055) Education						
839172	A	S	RCS	AED, Baxley	btw L.40 - 41:	04/18 04:14 PM	
363068	A	S	RCS	AED, Baxley	btw L.40 - 41:	04/18 04:14 PM	
Tab 7	CS/SB 1470 by ED, Diaz ; (Compare to CS/H 07095) Charter Schools						
Tab 8	SB 1594 by Harrell ; (Identical to H 01193) Voluntary Prekindergarten Education Program						
610458	D	S		AED, Harrell	Delete everything after	04/15 09:53 AM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Senator Stargel, Chair
Senator Diaz, Vice Chair

MEETING DATE: Tuesday, April 16, 2019
TIME: 9:00 a.m.—12:00 noon
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Stargel, Chair; Senator Diaz, Vice Chair; Senators Baxley, Book, Flores, Montford, Pizzo, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 194 Stargel (Compare CS/CS/CS/H 839, CS/S 1296)	Higher Education; Requiring the Office of the Inspector General of the Board of Governors to verify certain information for accuracy; requiring, by a specified academic year, Florida College System institutions and state universities to execute agreements to establish "2+2" targeted pathway programs; requiring district school boards to notify students about credit-by-examination and dual enrollment equivalency lists, etc. ED 03/19/2019 Favorable AED 04/16/2019 Favorable AP	Favorable Yeas 8 Nays 0
2	SB 522 Diaz (Similar H 367, Compare CS/H 7071, CS/CS/S 770)	Apprenticeship Programs; Requiring the Department of Education to provide a specified annual report to the Legislature and the State Apprenticeship Advisory Council; requiring the department to develop and manage the Florida Apprenticeship Grant Program, subject to appropriation of funds by the Legislature; authorizing certain registered apprenticeship program sponsors to apply for grant awards to help fund apprenticeship programs, etc. ED 03/12/2019 Favorable AED 04/16/2019 Favorable AP	Favorable Yeas 8 Nays 0
3	SB 798 Mayfield (Compare H 789)	Baccalaureate Degree Access; Deleting a prohibition against certain Florida College System institutions participating in intercollegiate athletics beyond the 2-year level; authorizing Florida College System institutions to participate in intercollegiate athletics at the 4-year level, etc. ED 04/02/2019 Favorable AED 04/16/2019 Favorable AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education

Tuesday, April 16, 2019, 9:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1164 Education / Gainer (Similar CS/CS/H 593)	Postsecondary Fee Waivers; Authorizing certain Florida College System institutions serving counties directly impacted by a hurricane to waive out-of-state fees for students for a specified time period; prohibiting certain students enrolled in certain Florida College System institutions who qualify for such fee waivers from being included in the enrollment totals of such institutions for a specified purpose, etc. ED 04/02/2019 Fav/CS AED 04/16/2019 Favorable AP	Favorable Yeas 8 Nays 0
5	CS/SB 1198 Education / Stargel	School Board Fiscal Transparency; Expanding provisions with which charter schools are required to comply; revising requirements for school districts' reports to the Department of Education on certain costs; revising the requirements for data and information that district school boards must post on their respective websites; deleting a requirement that superintendents reduce certain expenditures under specified circumstances, etc. ED 03/12/2019 Fav/CS AED 04/16/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0
6	SB 1366 Baxley (Compare CS/H 7055, CS/H 7071, CS/CS/S 770)	Education; Revising science credits required for a standard high school diploma; authorizing school districts and consortiums of school districts to apply to the Department of Education for funding for professional development for classroom teachers to provide instruction in computer science courses and content; expanding the number of CAPE Digital Tool certificates relating to certain areas which the department must annually identify and the Commissioner of Education may recommend, etc. ED 03/19/2019 Favorable AED 04/16/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education

Tuesday, April 16, 2019, 9:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 1470 Education / Diaz (Compare CS/H 7095)	Charter Schools; Revising requirements for the annual reports that charter school sponsors are required to submit to the Department of Education; requiring the Charter School Appeal Commission, which is renamed the Charter School Commission, to recommend denial of a charter school application if the school does not propose a certain reading curriculum; specifying the entities from which the commission may receive and consider applications; requiring the commission to submit recommendations for approval of charter school applications to the state board, etc. ED 03/26/2019 Fav/CS AED 04/16/2019 Favorable AP	Favorable Yeas 5 Nays 3
8	SB 1594 Harrell (Identical H 1193)	Voluntary Prekindergarten Education Program; Requiring a parent of a student enrolled in the Voluntary Prekindergarten Education Program to submit his or her student for a specified screening; requiring the Office of Early Learning to make available professional development and training courses that meet certain criteria; requiring each private prekindergarten provider and public school participating in the program to participate in a program assessment, etc. ED 04/02/2019 Favorable AED 04/16/2019 Temporarily Postponed AP	Temporarily Postponed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 194

INTRODUCER: Senator Stargel

SUBJECT: Higher Education

DATE: April 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	Favorable
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 194 modifies higher education programs to improve state university data, to provide greater opportunities for transfer students, and to inform students of college credit opportunities through examinations or dual enrollment. Specifically, the bill:

- Requires the Office of the Inspector General of the Board of Governors of the State University System (BOG) to annually verify data used in the State University System Performance-Based Incentive and the preeminent state research universities program.
- Requires the BOG to enter into an agreement with the Department of Economic Opportunity for access to individual reemployment assistance wage reports for auditing and evaluation purposes.
- Establishes the “2+2” targeted pathway program to provide students guaranteed access to baccalaureate degree programs at state universities.
- Requires each district school board to notify students in acceleration mechanisms of opportunities guaranteeing college credit for specified examinations for completion of dual enrollment courses.

The bill does not have an impact on state revenues or expenditures. The changes within the bill expand upon existing initiatives.

The bill takes effect July 1, 2019.

II. Present Situation:

Board of Governors Powers and Duties Relating to Accountability

The State University System of Florida (SUS) is established to achieve excellence through teaching students, advancing research, and providing public service for the benefit of Florida's citizens, their communities and economies.¹

For each state university, the Board of Governors of the SUS (BOG), or the board's designee, is responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.²

In general, the BOG's duties relating to accountability align the missions of each state university to specified criteria. Such criteria include the academic success of its students, the national reputation of faculty and research programs, and strategic plans and accountability plans that address institutional and system goals and objectives.³ Specifically, the BOG is required to maintain an effective information system to provide accurate, timely, and cost-effective information about each university.⁴

The Office of Inspector General

The BOG's Office of Inspector General⁵ (OIGC) is organized to promote accountability, efficiency, and effectiveness and to detect fraud and abuse within state universities. The OIGC has three functional responsibilities: audit, investigations, and compliance.⁶ The OIGC has access to all information and personnel necessary to perform its duties and has all of the current powers, duties, and responsibilities of agency inspectors general as specified in law.⁷ Such duties include, but are not limited to:⁸

- Advising in the development of performance measures, standards, and procedures for the evaluation of state agency programs.
- Assessing the reliability and validity of the information provided by the state agency on performance measures and standards, and making recommendations for improvement, if necessary.

¹ Art. IX, Sec. 7(a), Fla. Const.

² Section 1001.706(1), F.S.

³ Section 1001.706(5), F.S.

⁴ Section 1001.706(5)(e), F.S.

⁵ The office is chartered as the Office of Inspector General and Director of Compliance (OIGC). Board of Governors, *Charter: Office of Inspector General and Director of Compliance* (June 18, 2009), available at https://www.flbog.edu/board/office/ig/_doc/OIGC_Charter_FINAL.pdf

⁶ https://www.flbog.edu/board/office/ig/_doc/OIGC_Charter_FINAL.pdf, at 4.

⁷ Section 20.155(5), F.S.

⁸ Section 20.055(2)(a) and (b), F.S.

State University System Performance-Based Incentive

The SUS Performance-Based Incentive is awarded to state universities using performance-based metrics⁹ adopted by the BOG.¹⁰ The metrics include 4-year graduation rates; retention rates; postgraduation education rates; degree production; affordability; postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree; access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and other metrics approved by the BOG.¹¹

The BOG currently supplies discrete data sets to the Florida Education and Training Placement Information Program (FETPIP) and requests that data be matched with employment information provided by the Florida Department of Economic Opportunity (DEO) at the student level. This process is facilitated by a three-way data sharing agreement between the BOG, FETPIP, and the DEO. The process can take months for each request to be generated, processed, and returned. It takes considerable time and effort to renew/renegotiate the data sharing agreement between the three parties each year.

The integrity of data provided to the BOG is critical to the performance-based funding decision-making process. To provide assurance that the data submitted for this process is reliable, accurate, and complete, the BOG developed a Data Integrity Certification process in June 2014. University presidents and boards of trustees were directed to task their chief audit executives to perform an audit of the university's processes to ensure the completeness, accuracy, and timeliness of data submissions to the BOG. Audits are to be conducted in accordance with professional auditing standards and are to be submitted to the BOG for their annual meeting each March. Based on such audits, university presidents and boards of trustees are required to execute a Data Integrity Certification.¹²

Preeminent State Research Universities Program

The preeminent state research universities program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida.¹³ A state university that meets 11 of the 12 academic and research excellent standards specified in law¹⁴ is designated a “preeminent state

⁹ Board of Governors, *Performance Funding Model Overview*, available at https://www.flbog.edu/board/office/budget/doc/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf.

¹⁰ Section 1001.92(1), F.S.

¹¹ *Id.*

¹² Board of Governors, *Performance Based Funding Model—Data and Methodology*, https://www.flbog.edu/board/office/budget/performance_funding.php (last visited Mar. 9, 2019).

¹³ Section 1001.7065(1), F.S.

¹⁴ Section 1001.7065(2), F.S. The standards include: incoming freshman academic characteristics (average weighted GPA and average SAT score); institutional ranking nationally; freshman retention rate; 6-year graduation rate; national academy membership of institution faculty; research expenditures and patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.

research university.”¹⁵ Currently, the University of Florida, Florida State University, and the University of South Florida are designated as preeminent state research universities.¹⁶

2+2 Articulation

The State Board of Education (SBE) and the BOG are required to enter into a statewide articulation agreement to preserve Florida’s “2+2” system of articulation, facilitate the seamless articulation of student credit across and among Florida’s education entities, and reinforce the articulation and access provisions¹⁷ specified in law.¹⁸

The articulation agreement must require each student who is seeking an associate in arts (AA) degree to indicate a baccalaureate degree program offered by an institution of interest by the time the student earns 30 semester hours.¹⁹ Additionally, the articulation agreement must provide that every AA graduate of a Florida College System (FCS) institution has met all general education requirements and must be granted admission to the upper division, with certain exceptions,²⁰ of a state university or an FCS institution that offers a baccalaureate degree.²¹ However, eligibility for admission to a state university does not guarantee a transfer student admission to the specific university or degree program that the student chooses.²²

Of the 57,864 FCS students who graduated with an AA degree in 2016-2017, 35,441 (61 percent) applied as a transfer student to the SUS. Of those that applied as a transfer student to the SUS, 30,491 (86 percent) students were admitted, and 25,181 (71 percent) students enrolled at a state university.²³

Notification of Acceleration College Credit

Articulated acceleration mechanisms include, but are not limited to, Advanced Placement (AP), Advanced International Certificate of Education (AICE), International Baccalaureate (IB), credit by examination, and dual enrollment.²⁴ The Department of Education is required to annually identify and publish the minimum scores, maximum credit, and course or courses for which credit must be awarded for specified examinations.²⁵ The Articulation Coordinating Committee

¹⁵ Section 1001.7065(3)(a), F.S.

¹⁶ Board of Governors, *2018 System Accountability Plan* (June 28, 2018), available at https://www.flbog.edu/board/doc/accountabilityplan/ap_2018/2018_System_Accountability_Plan_FINAL_2018-06-28.pdf, at 9.

¹⁷ See Chapter 1007, F.S.

¹⁸ Section 1007.23(1), F.S.

¹⁹ Section 1007.23(3), F.S.

²⁰ Section 1007.23(2)(a), F.S., exceptions include limited access programs, teacher certification programs, and those requiring an audition.

²¹ *Id.*

²² Board of Governors Regulation 6.004(2)(b).

²³ Board of Governors, *Overview of 2+2 Transfer Students in the State University System* (June 28, 2018), available at https://www.flbog.edu/documents_meetings/0272_1142_8634_12.6.2%20TWO%20+2_06b_Transfer%20Student%20Data_narrative.pdf

²⁴ Section 1007.27(1), F.S.

²⁵ Section 1007.27(2), F.S.

(ACC)²⁶ has established passing scores and course and credit equivalents for examinations specified in law.²⁷ The credit-by-exam equivalencies have been adopted in rule by the SBE.²⁸ Each FCS institution and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of the examinations associated with the identified acceleration mechanisms.²⁹

The law also requires the Commissioner of Education (commissioner) to appoint faculty committees representing secondary and public postsecondary education institutions to identify postsecondary courses that meet high school graduation requirements and equivalent high school credits earned through dual enrollment.³⁰ In addition, the commissioner must recommend such courses to the SBE.³¹ The dual enrollment course-to-high school subject area equivalency list specifies postsecondary courses that earn both high school and college credit when completed.³² All high schools must accept these dual enrollment courses toward meeting the standard high school diploma requirements.³³

III. Effect of Proposed Changes:

Board of Governors Powers and Duties Relating to Accountability

The bill amends s. 1001.706, F.S., to require the OIGC of the BOG to annually verify the accuracy of the data used to implement the State University System Performance-Based Incentive and the preeminent state research universities program. This may help to ensure that data collected for use in performance funding programs is timely and accurate.

The bill also requires the BOG to match individual student information with information from state and federal agencies that maintain educational and employment records and to enter into an agreement directly with the DEO that allows access to individual reemployment assistance wage reports maintained by the DEO. The agreement must protect individual privacy and provide that student information obtained through the agreement may be used only for the purposes of auditing and evaluating higher education programs offered by state universities. This access may improve the BOG's ability to evaluate higher education programs and decrease response time for legislative and other data requests.

²⁶ The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education in consultation with the Chancellor of the SUS, to make recommendations related to statewide articulation policies regarding access, quality, and data reporting. The ACC serves as an advisory body to the Higher Education Coordinating Council, the SBE, and BOG.

²⁷ Section 1007.27(2), F.S.

²⁸ Rule 6A-10.024, F.A.C. Florida Department of Education, *Articulation Coordinating Committee Credit by Exam Equivalencies* (Initially adopted Nov. 14, 2001, updated June 2018), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

²⁹ *Id.*

³⁰ Section 1007.271(9), F.S.

³¹ *Id.*

³² Florida Department of Education, *2018-2019 Dual Enrollment Course—High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

³³ Section 1007.271(9), F.S.

2+2 Articulation

The bill amends s. 1007.23, F.S., to establish the “2+2” targeted pathway program to strengthen Florida’s “2+2” system of articulation and improve student retention and on-time graduation. Specifically, the bill requires that by the 2019-2020 academic year:

- Each college must execute at least one “2+2” targeted pathway articulation agreement with one or more state universities.
- Each state university must execute at least one “2+2” targeted pathway articulation agreement with one or more colleges.

The bill requires the “2+2” targeted pathway articulation agreement to provide students who graduate with an associate in arts (AA) degree and who meet specified requirements guaranteed access to the state university and a baccalaureate degree program at that university, in accordance with the terms of the agreement. The bill also specifies related requirements for students, state universities, and the governing boards for colleges and state universities. Specifically, the bill:

- Establishes student eligibility criteria to participate in a “2+2” targeted pathway program to require that a student:
 - Enroll in the program before completing 30 credit hours;
 - Complete an AA degree; and
 - Meet the state university’s transfer requirements.
- Establishes requirements for state universities that execute “2+2” targeted pathway articulation agreements with their partner college to require a state university to:
 - Establish a 4-year on-time graduation plan for a baccalaureate degree program, including a plan for students to complete AA degree programs, general education courses, common prerequisite courses, and elective courses;
 - Advise students enrolled in the program about the university’s transfer and degree program requirements; and
 - Provide students access to academic advisors and campus events, and guarantee admittance to the state university and degree program of the state university, in accordance with the terms of the agreement.
- Requires the SBE and the BOG to collaborate to eliminate barriers in executing “2+2” targeted pathway articulation agreements.

The “2+2” targeted pathway program is consistent with recent efforts by state universities to strengthen regional articulation. The statewide “2+2” articulation agreement established in law³⁴ does not require a 4-year graduation plan and does not guarantee access to a specific university or degree program. To provide students a path to on-time graduation in four years with a baccalaureate degree, all Florida College System institutions have partnered with at least one state university to provide an articulation pathway program.³⁵

³⁴ Section 1007.23(2), F.S.

³⁵ Board of Governors, *Florida Statewide 2+2 Articulation Enhancement Programs & Partnerships at State Universities* (March 1, 2018), available at https://www.flbog.edu/documents_meetings/0270_1121_8484_6.4.2%20TWO%202+2_04b_Enhancement%20Programs_March%202018_2_27_18_CE_JMI.pdf.

For instance, the University of South Florida (USF) “FUSE” program offers students guaranteed admission to a USF System institution and specified degree program.³⁶ The FUSE program creates an academic pathway that provides a map for taking required courses, advising at USF and the partner institution regarding university requirements, a specially-designed orientation session for 2+2 students at the beginning of the program, and access to USF facilities and events.³⁷ The “DirectConnect to UCF” program guarantees admission to the University of Central Florida (UCF) with an associate degree from a partner institution, offers university advising to develop an academic plan, and provides access to UCF campuses for services and events.³⁸

Notification of Acceleration College Credit

The bill amends s. 1007.27, F.S., to require district school boards to notify students who enroll in acceleration mechanism courses or take exams about the *credit-by-examination equivalency list* and *dual enrollment course and high school subject area equivalency list*. The notification requirement promotes targeted student advising at the secondary school level to inform students about generating college credits through certain acceleration mechanism courses and exams, and applying such credits purposefully to a postsecondary certificate or degree program, to ensure students receive credit for such courses and exams taken during high school. The notification may assist students with higher education planning and affordability considerations.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

³⁶ University of South Florida, *Office of Admissions*, <http://www.usf.edu/admissions/transfer/fuse/index.aspx>, (last visited Mar. 9, 2019).

³⁷ *Id.*

³⁸ University of Central Florida, *Direct Connect to UCF*, <http://directconnectoucf.com/>, (last visited Mar. 9, 2019).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have an impact on state revenues or expenditures. The changes within the bill expand upon existing initiatives.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.706, 1007.23, and 1007.27.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Stargel

22-01521A-19

2019194__

1 A bill to be entitled
 2 An act relating to higher education; amending s.
 3 1001.706, F.S.; requiring the Office of the Inspector
 4 General of the Board of Governors to verify certain
 5 information for accuracy; requiring the Board of
 6 Governors to match specified information; requiring
 7 the board to enter into a data-sharing agreement with
 8 the Department of Economic Opportunity; providing
 9 requirements for such agreement; amending s. 1007.23,
 10 F.S.; requiring, by a specified academic year, Florida
 11 College System institutions and state universities to
 12 execute agreements to establish "2+2" targeted pathway
 13 programs; providing requirements for such agreements;
 14 specifying requirements for student participation;
 15 requiring the State Board of Education and the Board
 16 of Governors to collaborate to eliminate barriers in
 17 executing pathway articulation agreements; amending s.
 18 1007.27, F.S.; requiring district school boards to
 19 notify students about credit-by-examination and dual
 20 enrollment equivalency lists; providing an effective
 21 date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Paragraph (e) of subsection (5) of section
 26 1001.706, Florida Statutes, is amended, and paragraph (i) is
 27 added to that subsection, to read:

28 1001.706 Powers and duties of the Board of Governors.—

29 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

22-01521A-19

2019194__

30 (e) The Board of Governors shall maintain an effective
 31 information system to provide accurate, timely, and cost-
 32 effective information about each university. The board shall
 33 continue to collect and maintain, at a minimum, management
 34 information as such information existed on June 30, 2002. The
 35 Office of the Inspector General of the board shall annually
 36 verify the accuracy of the data used to implement ss. 1001.7065
 37 and 1001.92.

38 (i) The Board of Governors shall match individual student
 39 information with information in the files of state and federal
 40 agencies that maintain educational and employment records. The
 41 board must enter into an agreement with the Department of
 42 Economic Opportunity which allows access to the individual
 43 reemployment assistance wage records maintained by the
 44 department. The agreement must protect individual privacy and
 45 require that student information be used only for the purposes
 46 of auditing or evaluating higher education programs offered by
 47 state universities.

48 Section 2. Subsection (7) is added to section 1007.23,
 49 Florida Statutes, to read:

50 1007.23 Statewide articulation agreement.—

51 (7) By the 2019-2020 academic year, to strengthen Florida's
 52 "2+2" system of articulation and improve student retention and
 53 on-time graduation, each Florida College System institution
 54 shall execute at least one "2+2" targeted pathway articulation
 55 agreement with one or more state universities, and each state
 56 university shall execute at least one such agreement with one or
 57 more Florida College System institutions to establish "2+2"
 58 targeted pathway programs. The agreement must provide students

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

22-01521A-19 2019194__

59 who graduate with an associate in arts degree and who meet
 60 specified requirements guaranteed access to the state university
 61 and a degree program at that university, in accordance with the
 62 terms of the "2+2" targeted pathway articulation agreement.
 63 (a) To participate in a "2+2" targeted pathway program, a
 64 student must:
 65 1. Enroll in the program before completing 30 credit hours,
 66 including, but not limited to, college credits earned through
 67 articulated acceleration mechanisms pursuant to s. 1007.27;
 68 2. Complete an associate in arts degree; and
 69 3. Meet the university's transfer requirements.
 70 (b) A state university that executes a "2+2" targeted
 71 pathway articulation agreement must meet the following
 72 requirements in order to implement a "2+2" targeted pathway
 73 program in collaboration with its partner Florida College System
 74 institution:
 75 1. Establish a 4-year, on-time graduation plan for a
 76 baccalaureate degree program, including, but not limited to, a
 77 plan for students to complete associate in arts degree programs,
 78 general education courses, common prerequisite courses, and
 79 elective courses;
 80 2. Advise students enrolled in the program about the
 81 university's transfer and degree program requirements; and
 82 3. Provide students who meet the requirements under this
 83 paragraph with access to academic advisors and campus events and
 84 with guaranteed admittance to the state university and a degree
 85 program of the state university, in accordance with the terms of
 86 the agreement.
 87 (c) To assist the state universities and Florida College

22-01521A-19 2019194__

88 System institutions with implementing the "2+2" targeted pathway
 89 programs effectively, the State Board of Education and the Board
 90 of Governors shall collaborate to eliminate barriers in
 91 executing "2+2" targeted pathway articulation agreements.
 92 Section 3. Subsection (2) of section 1007.27, Florida
 93 Statutes, is amended to read:
 94 1007.27 Articulated acceleration mechanisms.—
 95 (2)(a) The Department of Education shall annually identify
 96 and publish the minimum scores, maximum credit, and course or
 97 courses for which credit is to be awarded for each College Level
 98 Examination Program (CLEP) subject examination, College Board
 99 Advanced Placement Program examination, Advanced International
 100 Certificate of Education examination, International
 101 Baccalaureate examination, Excelsior College subject
 102 examination, Defense Activity for Non-Traditional Education
 103 Support (DANTES) subject standardized test, and Defense Language
 104 Proficiency Test (DLPT). The department shall use student
 105 performance data in subsequent postsecondary courses to
 106 determine the appropriate examination scores and courses for
 107 which credit is to be granted. Minimum scores may vary by
 108 subject area based on available performance data. In addition,
 109 the department shall identify such courses in the general
 110 education core curriculum of each state university and Florida
 111 College System institution.
 112 (b) Each district school board shall notify students who
 113 enroll in articulated acceleration mechanism courses or who take
 114 examinations pursuant to this section of the credit-by-
 115 examination equivalency list adopted by rule by the State Board
 116 of Education and the dual enrollment course and high school

22-01521A-19

2019194__

117 subject area equivalencies approved by the state board pursuant
118 to s. 1007.271.

119 Section 4. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

SB 194

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Florida Policy Director

Address _____
Street

Phone 850-544-6108

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/2019

Meeting Date

Topic _____

Bill Number 199

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 522

INTRODUCER: Senator Diaz

SUBJECT: Apprenticeship Programs

DATE: April 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Sikes</u>	<u>ED</u>	Favorable
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 522 establishes a new reporting requirement and funding source to expand apprenticeship and preapprenticeship opportunities. Specifically, the bill:

- Requires the Department of Education (DOE) to report specified information to the Legislature and the State Apprentice Advisory Council regarding apprenticeship and preapprenticeship training in Florida.
- Requires the DOE to provide information on its website explaining how a Florida College System institution or a school district may assume the responsibilities of a local education agency for the purposes of administering an apprenticeship program.
- Creates the Florida Apprenticeship Grant (FLAG) Program, which provides eligibility for grant awards to registered apprenticeship program sponsors who do not require assistance from a career educational institution.
- Assigns to the DOE the responsibility for the administration and supervision of related and supplemental education and training of apprentices whose apprenticeship programs have received a FLAG Program award.

The provisions within the bill are subject to an annual appropriation.

The bill takes effect July 1, 2019.

II. Present Situation:

Federal and State Administration of Apprenticeships

The National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)¹ delegates to the U.S. Secretary of Labor the responsibility to formulate and promote labor standards necessary to safeguard the welfare of apprentices.²

On August 22, 2018, the U.S. Department of Labor published a Funding Opportunity Announcement regarding the availability of \$150 million to fund approximately 15-30 apprenticeship grant awards to accelerate the expansion of apprenticeships to new industry sectors reliant on H-1B visas, promote the large-scale expansion of apprenticeships across the nation, and increase apprenticeship opportunities for all Americans.³

The federal government also offers other resources to assist with funding registered apprenticeship programs, which include:⁴

- Federal Student Aid funds;
- Federal Workforce Funds for Registered Apprenticeship;
- GI Bill and Veterans Programs;
- Supplemental Nutrition Assistance Program;
- Federal Highway Administration On-the-Job Training and Supportive Services Program; and
- Covered Housing and Urban Development Financial Assistance Programs

The federal government works in cooperation with states to oversee the nation's apprenticeship programs. The states have the authority to register apprenticeship programs through federally-recognized SAAs (State Apprenticeship Agencies).⁵ In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.⁶

Apprenticeships and Preapprenticeships in Florida

Florida law states that it is the intent of the State of Florida to provide educational opportunities for its young people so that they can be trained for trades, occupations, and professions suited to their abilities and benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences.⁷

¹ U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited Mar. 6, 2019). See 29 U.S.C. s. 50 (1937), as amended.

² 29 U.S.C. s. 50

³ U.S. Department of Labor, Employment and Training Administration, *NOTICE OF AVAILABILITY OF FUNDS AND FUNDING OPPORTUNITY ANNOUNCEMENT FOR: Scaling Apprenticeship Through Sector-Based Strategies*, available by visiting <https://www.grants.gov/web/grants/view-opportunity.html?oppId=307212>, clicking on the related documents tab, and opening the pdf link titled "FOA-ETA-18-08.pdf," (last visited Mar. 6, 2019).

⁴ U.S. Department of Labor, Employment and Training Administration, *The Federal Resources Playbook for Registered Apprenticeship*, available at <https://www.doleta.gov/oa/federalresources/playbook.pdf>.

⁵ 29 C.F.R. ss. 29.1 and 29.13.

⁶ 29 C.F.R. s. 29.2.

⁷ Section 446.011, F.S.

An apprenticeable occupation is a skilled trade possessing all of the characteristics that are specified in law (*e.g.*, customarily learned in a practical way through a structured, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training).⁸

An “apprentice” is a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which should be combined with properly coordinated studies of technical and supplementary subjects. An apprentice must enter into an apprentice agreement with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.⁹

Potential candidates for apprenticeships may apply with a registered apprenticeship program sponsor, who determines whether the candidate meets the required qualifications.¹⁰ Apprenticeship program sponsors may provide private classroom instruction or coordinate with a local educational agency¹¹ to provide related supplemental classroom instruction.¹² The apprentices are exempt from paying tuition and fees at a school district technical center, Florida College System institution, or state university.¹³

The apprenticeship program sponsor operates and registers an agreed-upon apprenticeship program.¹⁴ An apprenticeship program is an organized course of instruction, registered and approved by the DOE that contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices.¹⁵ A preapprenticeship program is an organized course of instruction which is designed to prepare a person 16 years of age or older to become an apprentice.¹⁶

The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction is the responsibility of the appropriate career education institution.¹⁷ The career education institution is encouraged to provide facilities, equipment and

⁸ Section 446.092, F.S. The hours identified are in addition to the time spent at related classroom instruction. *Id.*

⁹ Section 446.021(2), F.S.

¹⁰ Florida Department of Education, Apprenticeship Program, *What is Registered Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml>, (last visited March 6, 2019).

¹¹ Though not defined in the federal regulations governing the U.S. Department of Labor, the U.S. Department of Education regulations define a *local educational agency* as a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program. 34 C.F.R. s. 400.4.

¹² Section 446.051(2), F.S.

¹³ Section 1009.25(1)(b), F.S.

¹⁴ Rule 65A-23.002(21), F.A.C.

¹⁵ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

¹⁶ Section 446.021(5), F.S.

¹⁷ Section 446.051(1), F.S.

supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the registered program.¹⁸

The State Apprenticeship Advisory Council (Council) advises the DOE on matters related to apprenticeship.¹⁹ The Commissioner of Education (commissioner) or the commissioner's designee must serve ex officio as chair of the Council, but may not vote.²⁰ The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.²¹ The voting members include:

- Four members representing employee organizations,
- Four members representing employer organizations, and
- Two members who are knowledgeable about registered apprenticeship and apprenticeable occupations, of which one must be recommended by joint organizations and one must be recommended by nonjoint organizations.²²

Participation in apprenticeship is expanding throughout the country.²³ 3,229 new apprenticeship programs were established nationwide in 2018.²⁴ In Florida:

- 221 registered apprenticeship programs served 12,207 apprentices.²⁵
- 5,233 new apprentices were registered.
- 22 apprenticeship programs were formed.²⁶
- 1,500 apprentices graduated their respective programs.²⁷
- 31 preapprenticeship programs throughout the state served adults and youth.²⁸

As of 2016, the nationwide average age of a registered apprentice was 28.²⁹

In June of 2018, an apprenticeship workgroup including members of CareerSource Florida, the Department of Economic Opportunity, and the DOE suggested enhancing the data and

¹⁸ Section 446.051(2), F.S.

¹⁹ Section 446.045(2)(a), F.S.

²⁰ Section 446.045(2)(b), F.S.

²¹ *Id.*

²² *Id.* A "joint organization" means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A "nonjoint organization" means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

²³ U.S. Department of Labor, *Registered Apprenticeship National Results Fiscal Year (FY) 2018 (10/01/2018-1 to 9/30/2018)*, https://www.doleta.gov/OA/data_statistics.cfm (last visited Mar. 6, 2019).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Florida Department of Education, *Youth Preapprenticeship Programs (2018)*, available at <http://www.fldoe.org/core/fileparse.php/5626/urlt/hs-preapprenticeship.pdf>, and Florida Department of Education, *Adult Preapprenticeship Programs (2018)*, available at <http://www.fldoe.org/core/fileparse.php/5626/urlt/adult-preapprenticeship.pdf>.

²⁹ Keith Rolland, *Apprenticeships and Their Potential in the U.S.*, Federal Reserve Bank of Philadelphia Cascade, No. 90, Winter 2016, available at https://www.philadelphiafed.org/community-development/publications/cascade/90/01_apprenticeships.

information available on the DOE website as a means to increase awareness of apprenticeship options.³⁰

Department of Education Responsibilities

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:³¹

- Developing and encouraging apprenticeship programs.
- Cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements.
- Monitoring registered apprenticeship programs.
- Investigating complaints regarding failure to meet the standards³² established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

The DOE must establish uniform minimum standards and policies governing apprenticeship programs and agreements. The standards and policies must govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and on-the-job training. In addition, the DOE must establish procedures to be used by the State Apprenticeship Advisory Council.³³

The DOE, along with district school boards and Florida College System institution boards of trustees, must work with existing apprenticeship programs so that individuals completing preapprenticeship programs are able to receive credit towards completing registered apprenticeship programs.³⁴

III. Effect of Proposed Changes:

The bill expands the class of intended beneficiaries of apprenticeship training to include all residents and not just young people.

The bill requires the Department of Education (DOE) to provide an annual report to the Legislature and the State Apprenticeship Advisory Council on apprenticeship and preapprenticeship training in this state. The report must include:

- The number of apprenticeship and preapprenticeship programs.

³⁰ Apprenticeship Florida, *Filling Florida's Skills Gap Through Apprenticeships*, available at https://careersourceflorida.com/wp-content/uploads/2018/07/2018-5-31_CSF_Apprenticeship_Booklet-Version-2_NoCrops.pdf, (last visited Mar. 7, 2019); and Apprenticeship Florida, *Workgroups Findings and Recommendations Report* (2018), available at <https://careersourceflorida.com/wp-content/uploads/2018/07/Apprenticeship-Workgroups-Report.pdf>.

³¹ Section 446.041, F.S.

³² F.S.; Rule 6A-23.004, F.A.C. "Uniform minimum preapprenticeship standards" means the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program. Section 446.021(8), F.S.

³³ Section 446.032, F.S.

³⁴ Section 446.052(3), F.S.

- The number of apprenticeship sponsors.
- The number of apprentices and preapprentices for each apprenticeable trade and occupation.
- The amount of state funding per apprentice and per apprenticeable trade and occupation.

Additionally, the bill requires the DOE to provide information under the apprenticeship programs section of its website explaining how a Florida College System institution or a school district may assume the responsibilities of a local educational agency for the purposes of administering an apprenticeship program.

The bill creates the Florida Apprenticeship Grant (FLAG) Program, which authorizes registered apprenticeship program sponsors who do not require assistance from a career education institution to apply to the DOE for grant awards to assist in funding apprenticeship programs. If a registered program sponsor has received a FLAG Program award, the bill provides that the DOE is responsible for the administration and supervision of supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction.

The FLAG Program awards may increase the number of available apprenticeship programs by providing an additional source of funding for eligible apprenticeship program sponsors. The FLAG Program, along with the additional reporting and DOE website information required by the bill, may increase participation in apprenticeship programs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Apprenticeship Grant Program is subject to a legislative appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.011, 446.032, and 446.051.

This bill creates the following section of the Florida Statutes: 446.042.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Diaz

36-00544A-19

2019522__

1 A bill to be entitled
 2 An act relating to apprenticeship programs; amending
 3 s. 446.011, F.S.; revising legislative intent;
 4 amending s. 446.032, F.S.; requiring the Department of
 5 Education to provide a specified annual report to the
 6 Legislature and the State Apprenticeship Advisory
 7 Council; providing requirements for the report;
 8 requiring the department to provide certain
 9 information on its website; creating s. 446.042, F.S.;
 10 requiring the department to develop and manage the
 11 Florida Apprenticeship Grant Program, subject to
 12 appropriation of funds by the Legislature; authorizing
 13 certain registered apprenticeship program sponsors to
 14 apply for grant awards to help fund apprenticeship
 15 programs; amending s. 446.051, F.S.; requiring the
 16 department to perform certain duties related to
 17 apprenticeships when a program sponsor has received a
 18 grant award; providing an effective date.

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

21
 22 Section 1. Subsection (1) of section 446.011, Florida
 23 Statutes, is amended to read:

24 446.011 Legislative intent regarding apprenticeship
 25 training.—

26 (1) It is the intent of the State of Florida to provide
 27 educational opportunities for its residents ~~young people~~ so that
 28 they can be trained for trades, occupations, and professions
 29 suited to their abilities. It is the intent of this act to

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-00544A-19

2019522__

30 promote the mode of training known as apprenticeship in
 31 occupations throughout industry in the state that require
 32 physical manipulative skills. By broadening job training
 33 opportunities and providing for increased coordination between
 34 public school academic programs, career programs, and registered
 35 apprenticeship programs, ~~the residents of this young people of~~
 36 ~~the~~ state will benefit from the valuable training opportunities
 37 developed when on-the-job training is combined with academic-
 38 related classroom experiences. This act is intended to develop
 39 the apparent potentials in apprenticeship training by assisting
 40 in the establishment of preapprenticeship programs in the public
 41 school system and elsewhere and by expanding presently
 42 registered programs as well as promoting new registered programs
 43 in jobs that lend themselves to apprenticeship training.

44 Section 2. Present subsection (2) of section 446.032,
 45 Florida Statutes, is renumbered as subsection (4), and new
 46 subsections (2) and (3) are added to that section, to read:

47 446.032 General duties of the department for apprenticeship
 48 training.—The department shall:

49 (2) Provide an annual report to the Legislature and the
 50 State Apprenticeship Advisory Council on apprenticeship and
 51 preapprenticeship training in this state. The report must
 52 include all of the following information:

53 (a) The number of apprenticeship and preapprenticeship
 54 programs in this state, respectively.

55 (b) The number of apprenticeship sponsors, as described in
 56 s. 446.071, in this state.

57 (c) The number of apprentices and preapprentices in this
 58 state for each apprenticeable trade and occupation,

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-00544A-19 2019522__

59 respectively.

60 (d) The amount of state funding per apprentice and per
61 apprenticeable trade and occupation.

62 (3) Provide information under the apprenticeship programs
63 section of its website as to how a Florida College System
64 institution or a school district may assume the responsibilities
65 of a local educational agency for the purposes of administering
66 an apprenticeship program.

67 Section 3. Section 446.042, Florida Statutes, is created to
68 read:

69 446.042 Florida Apprenticeship Grant Program.-

70 (1) Subject to the appropriation of funds by the
71 Legislature, the department shall develop and manage the Florida
72 Apprenticeship Grant Program.

73 (2) Registered apprenticeship program sponsors that do not
74 require assistance, as described in s. 446.051(2), may apply to
75 the department for grant awards to assist in funding
76 apprenticeship programs.

77 Section 4. Subsection (1) of section 446.051, Florida
78 Statutes, is amended to read:

79 446.051 Related instruction for apprentices.-

80 (1) The administration and supervision of related and
81 supplemental instruction for apprentices, coordination of such
82 instruction with job experiences, and selection and training of
83 teachers and coordinators for such instruction, all as approved
84 by the registered program sponsor, shall be the responsibility
85 of the appropriate career education institution or, if the
86 program sponsor has received a grant award from the Florida
87 Apprenticeship Grant Program, the department.

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-00544A-19 2019522__

88 Section 5. This act shall take effect July 1, 2019.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

SB522

Bill Number (if applicable)

Topic

Apprenticeship Programs

Amendment Barcode (if applicable)

Name

Dr. Danielle Thomas

Job Title

Legislation Chair

Address

1747 Orlando Central Pkwy

Phone

407 855 7604

Street

Orlando FL 32809

Email

legislation@floridapta.org

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

Florida PTA

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

522

Bill Number (if applicable)

Topic Apprenticeship Programs

Amendment Barcode (if applicable)

Name Carol Bowen

Job Title Chief Lobbyist

Address 3730 Coconut Creek Pkwy, Ste 200

Phone (954) 465-6811

Coconut Creek FL 33066

City

State

Zip

Email cbowen@abcaantflorida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Builders and Contractors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-16-18

Meeting Date

522

Bill Number (if applicable)

Topic Apprenticeship Programs

Amendment Barcode (if applicable)

Name Lana Yermans

Job Title Legislative Counsel

Address 100 W. Monroe St.

Phone _____

Street

Tal

City

FL

State

32307

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Association of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 798

INTRODUCER: Senator Mayfield

SUBJECT: Baccalaureate Degree Access

DATE: April 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	Favorable
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 798 modifies provisions relating to Florida College System (FCS) institution baccalaureate degrees to authorize a FCS institution to participate in intercollegiate athletics at the four-year level. The bill also removes obsolete language relating to the approval of baccalaureate degrees at St. Petersburg College.

The bill does not have an impact on state expenditures or revenues.

The bill takes effect July 1, 2019.

II. Present Situation:

Florida College System Baccalaureate Degrees

The Florida College System¹ (FCS) is intended to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state's employment needs.²

The Legislature created the site-determined baccalaureate degree access program in 1999 to authorize FCS institutions to offer baccalaureate degrees to meet the economic development and educational needs of place-bound, nontraditional students in areas of the state that are underserved by 4-year institutions.³

Any FCS institution that offers one or more baccalaureate degree programs must:

- Maintain as its primary mission:

¹ The Florida College System (FCS) is comprised of 28 FCS institutions specified in law. Section 1000.21(3), F.S.

² Section 1001.60, F.S. *See also* Art. IX, s. 8, Fla. Const.

³ Section 1, ch. 99-290, L.O.F.

- Responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in law.⁴
- The provision of associate degrees that provide access to a university.
- Maintain an open-door admission policy for associate-level degree programs and workforce education programs.
- Continue to provide outreach to underserved populations.
- Continue to provide remedial education.
- Comply with all provisions of the statewide articulation agreement⁵ that relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education (SBE).
- Not award graduate credit.
- Not participate in intercollegiate athletics beyond the 2-year level.

A FCS institution is authorized to:⁶

- Offer specified baccalaureate degree programs through formal agreements between the FCS institution and other regionally accredited postsecondary educational institutions to maximum articulation.⁷
- Offer baccalaureate degree programs that were authorized by law prior to July 1, 2009.
- Beginning July 1, 2009, establish a first or subsequent baccalaureate degree program for purposes of meeting district, regional, or statewide workforce needs if approved by the SBE.⁸

Currently, 27 FCS institutions offer 188 baccalaureate degrees.⁹

St. Petersburg College

In 2001, the Legislature redesignated St. Petersburg Junior College as St. Petersburg College (SPC) and authorized community colleges to offer baccalaureate degrees in populous counties that are underserved by public baccalaureate degree granting institutions.¹⁰

The SPC board of trustees (BOT) is authorized to establish additional baccalaureate degree programs if it determines a program is warranted and feasible based on specified factors. However, in 2014, the SPC BOT were prohibited from establishing any new baccalaureate degree programs from March 31, 2014, through May 31, 2015.¹¹

⁴ Section 1004.65(5), F.S.

⁵ Section 1007.23, F.S.

⁶ Section 1007.33(4)(a)-(c), F.S.

⁷ Section 1007.22, F.S.

⁸ The approval process and requirements for FCS institution baccalaureate programs are specified in s. 1007.33(5), F.S., and in rule 6A-14.095, F.A.C.

⁹ Florida College System, *Bachelor's Degrees*, available at <https://www.floridacollegesystem.com/sites/www/Uploads/files/Downloads/10DigitCIPs.xls>. Hillsborough Community College does not offer baccalaureate degrees. *Id.*

¹⁰ Section 40, ch. 2001-170, L.O.F.

¹¹ Section 1007.33(4), F.S. Section. 22, 2014-56, L.O.F., (HB 5101) prohibited the State Board of Education (SBE) from approving new baccalaureate degree programs at all FCS institutions after March 31, 2014. Existing FCS baccalaureate degree programs remained under the authority of the SBE. The bill emphasized that the primary mission of FCS institutions was providing lower level undergraduate instruction, awarding associate degrees, and preparing students directly for careers requiring less than a baccalaureate degree, and that providing upper level instruction and awarding baccalaureate degrees was a separate and secondary role.

Intercollegiate Athletics at Florida College System Institutions

National Junior College Athletic Association and Florida Junior College Athletic Association

The National Junior Collegiate Athletic Association (NJCAA) is the national governing body of two-year college athletics.¹² Florida is a member of the NJCAA in region eight.¹³ The NJCAA specifies that student athletes at member colleges may only participate in a maximum of two seasons at any intercollegiate level, without regard to the student-athlete's length of college attendance.¹⁴

The Florida College System Activities Association (FCSAA) is a statewide non-profit corporation regulating, coordinating, and promoting intercollegiate athletics, among other activities.¹⁵ Twenty-five FCS institutions participate in 55 men's sports and 80 women's sports.¹⁶ According to the FCSAA, in 2017-2018, there were 252 student-athletes from 13 FCS institutions who would be participating in intercollegiate athletics at a four-year college or university in the next academic year.¹⁷

Institution Eligibility, Student Eligibility, and Athletic Scholarships

The NJCAA and four-year athletic associations, such as the National Collegiate Athletics Association (NCAA) and the National Association of Intercollegiate Athletics (NAIA) each specify requirements for institution membership, student eligibility, and the number of scholarships a member institution may offer.

Institution Eligibility for Association Membership

Membership in the NJCAA is available to two-year colleges and institutions accredited by an appropriate state or regional accrediting agency.¹⁸

Membership in selected four-year athletic associations requires a member institution to be regionally accredited, and for membership in the:

¹² National Junior College Athletic Association, *History of the NJCAA*, <http://www.njcaa.org/about/history/index> (last visited Mar. 27, 2019).

¹³ National Junior College Athletic Association, *NJCAA National Office Staff*, http://njcaa.org/about/Staff_Bio/NJCAA_National_Staff_Directory (last visited Mar. 28, 2019).

¹⁴ National Junior College Athletic Association, *Eligibility Rules Pamphlet* (Aug. 1, 2018), available at https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf, at 20.

¹⁵ Florida College System Activities Association, *Welcome from the President*, http://thefcsaa.com/about_us/About_the_FCSAA (last visited Mar. 28, 2019).

¹⁶ Florida College System Activities Association, *Sports Offerings 2018-2019*, http://thefcsaasports.com/about_the_fcsaa/Sports_Offerings_2018-2019.pdf (last visited Mar. 28, 2019). Florida Keys Community College, North Florida Community College, and Valencia College do not have athletics programs. ASA College is not an FCS institution. *Id.*

¹⁷ Florida College System Activities Association, *Four Year Colleges & Universities*, http://thefcsaasports.com/stepping_stones/2017-18_Transfers (last visited Mar. 28, 2019).

¹⁸ National Junior College Athletics Association, *Join the NJCAA*, http://njcaa.org/member_colleges/Join_the_NJCAA (last visited Mar. 28, 2019).

- NCAA (Division I), an institution must sponsor a minimum of seven men's and seven women's sports, or six men's and eight women's sports, of which each must include two team sports.¹⁹
- NCAA (Division II), an institution must sponsor a minimum of five men's and five women's sports, or four men's and six women's sports, and each must include two team sports.^{20,21}
- NAIA, an institution must sponsor a minimum of six NAIA championship sports no later than the beginning of the fourth full academic year of active NAIA membership.²²

Student Initial Eligibility

The NJCAA and FCSAA require that students graduate with a state-approved high school diploma or equivalency diploma.²³

In addition to a high school diploma, general student eligibility for the following four-year athletic associations require that:

- Students attending an NCAA Division I institution must complete 16 specified core courses;²⁴ earn a core-course grade-point-average (GPA) of 2.3, and earn an SAT/ACT score that corresponds to their GPA.²⁵
- Students attending an NCAA Division II institution must complete 16 specified core courses, earn a core-course GPA of 2.2, and earn an SAT/ACT score that corresponds to their GPA.²⁶
- Students attending an NAIA institution must meet two of the following requirements: a cumulative GPA of 2.0; a class rank in the top 50 percent of the graduating class; or an SAT score of 860 Critical Reading and Math or ACT score of 16 (Beginning May 1, 2019, an SAT score of 970 or ACT score of 18).²⁷

¹⁹ National Collegiate Athletics Association, *2018-19 Division I Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D119.pdf>, at policy 20.9.6. Requirements also include minimum number of contests for each sport and minimum required number of participants in each contest.

²⁰ National Collegiate Athletics Association, *2018-19 Division II Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D219.pdf>, at policy 20.10.3. Similar to Division I, Division II specifies a minimum number of contests for each sport and minimum required number of participants in each contest.

²¹ NCAA Division III requires a member institution to sponsor either 5 or 6 men's and either 5 or 6 women's sports, based on institution enrollment of fewer or more than 1,000 students, including at least three team sports in each. National Collegiate Athletics Association, *2018-19 Division III Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D319.pdf>, at policy 20.11.3.

²² National Association of Intercollegiate Athletics, *Membership Basics*, available at http://www.naia.org/fls/27900/1NAIA/membership/NAIA_Membership_Basics_2019.pdf.

²³ National Junior College Athletic Association, *Eligibility Rules Pamphlet* (Aug. 1, 2018), available at https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf, at section 2.B.1. Students may also graduate from a home education program. *Id.* at section 2.B.2. See also Florida College System Activities Association, *Council for Athletic Affairs Handbook* (Nov. 2018), available at http://thefcsaa.com/resources/CAA_Handbook_2018_November.pdf, at Policy 5-Eligibility.

²⁴ Ten of the 16 courses must be in English, mathematics, or natural/physical science and must be completed before the senior year.

²⁵ National Collegiate Athletics Association, *Division I Academic Requirements*, available at https://www.ncaa.org/sites/default/files/2018DIEC_Requirements_Fact_Sheet_20180117.pdf

²⁶ National Collegiate Athletics Association, *Division II Academic Requirements*, available at https://www.ncaa.org/sites/default/files/2018DIEC_Requirements_Fact_Sheet_20180117.pdf.

²⁷ National Association of Intercollegiate Athletics, *NAIA Eligibility Center*, available at http://www.naia.org/fls/27900/1NAIA/membership/NAIA_EligibilityCenter.pdf.

Student-Athlete Scholarships

The NJCAA divides its competitive sports into three divisions (Division I-III).²⁸ The current scholarship parameters for the three competition divisions are:

- Division I colleges may grant full athletic scholarships,²⁹ with limits on the number of scholarships that can be granted. For example, baseball may award 24 scholarships, basketball may award 15 scholarships, soccer may award 24 scholarships, and outdoor track and field may award 20 scholarships.³⁰
- Division II colleges may grant athletic scholarships,³¹ with similar scholarship limitations.³²

The NCAA:

- Division I designates football, basketball, women's gymnastics, women's tennis, and women's volleyball as headcount sports, which typically award full scholarships.³³ Most NCAA varsity sports award scholarships based on the value (equivalency) of financial aid awards.³⁴ Equivalency awards may be split into partial scholarships up to the maximum allowable. For example, an NCAA Division I baseball program may award partial scholarships among its players (up to 27 players) up to the equivalent of 11.7 full scholarships.³⁵
- Division II specifies similar scholarship requirements, but sets a lower limits on scholarships. For example, baseball may award partial scholarships equivalent to nine full scholarships.³⁶

The NAIA specifies that each sport has an upper limit for the amount of institutional aid allowed per school. The school may choose to divide the scholarships among student-athletes, as long as the total does not exceed the limit for the sport (e.g., baseball may award 12 full scholarships, basketball may award 11, soccer may award 12, and volleyball may award eight scholarships).³⁷

III. Effect of Proposed Changes:

The bill modifies provisions relating to Florida College System (FCS) institution baccalaureate degrees to authorize an FCS institution to participate in intercollegiate athletics at the four-year

²⁸ National Junior College Athletic Association, *Divisional Structure*, http://www.njcaa.org/member_colleges/Divisional_Structure (last visited Mar. 28, 2019).

²⁹ Scholarships consist of tuition, books, fees, room & board, up to \$250 in course required supplies, and transportation costs one time per academic year.

³⁰ National Junior College Athletic Association, *2018-2019 NJCAA Sports Procedures*, available at https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf at Art. VI, s. 2(A)A.1. The *Sports Procedures* chart is Appendix B.

³¹ Such scholarships are limited to tuition, books, fees and up to \$250 in course required supplies.

³² *Id.* Division III institutions may not award athletic scholarships. National Junior College Athletic Association, *Divisional Structure*, http://www.njcaa.org/member_colleges/Divisional_Structure (last visited Mar. 28, 2019).

³³ Headcount sports mean the stated scholarship limit is absolute, and the number of student athletes receiving awards cannot exceed this number. National Collegiate Athletics Association, *2018-19 Division I Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D119.pdf> at policy 15.5.2.1.

³⁴ *Id.* at policy 15.5.3.

³⁵ *Id.* at policy 15.5.4.

³⁶ National Collegiate Athletics Association, *2018-19 Division II Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D219.pdf> at policy 15.4.2.1.1.

³⁷ National Association of Intercollegiate Athletics, *Financial Aid*, available at http://www.naia.org/fls/27900/1NAIA/membership/NAIA_FinancialAid.pdf. Academically gifted students can be exempted from these limits if they meet GPA or test score criteria established by the NAIA.

level. The bill also removes obsolete language relating to the approval of baccalaureate degrees at St. Petersburg College (SPC).

Baccalaureate Degrees

The bill amends s. 1007.33, F.S., to remove obsolete language that prohibited the SPC board of trustees to establish any new baccalaureate degree programs from March 31, 2014, through May 31, 2015.

Intercollegiate Athletics at Florida College System Institutions

The bill amends s. 1007.33, F.S., to remove the prohibition on an FCS institution that offers a baccalaureate degree from participating in intercollegiate athletics beyond the 2-year level, and to authorize an FCS institution to participate in intercollegiate athletics at the 4-year level. This will allow FCS institutions to choose to participate in intercollegiate athletics at either the 2-year or 4-year level. Such authorization may offer additional opportunities for students who wish to participate in intercollegiate athletics to earn a baccalaureate degree at an FCS institution.

Institution Eligibility

Those institutions that choose to offer 4-year intercollegiate varsity athletics will be required to join a 4-year athletic association. However, currently only selected FCS institutions would qualify for membership in certain associations, based on the number of sports offered. For example:³⁸

- No FCS institution offers the requisite number of men's and women's sports to participate in the NCAA Division I.
- Two FCS institutions (Eastern Florida State College and Daytona State College) would qualify to participate in the NCAA Division II.
- Nine FCS institutions would qualify for immediate membership in the NAIA.³⁹

Student Initial Eligibility

Students who participate in 4-year intercollegiate athletics at an FCS institution may be required to complete more rigorous eligibility requirements than required for the NJCAA or college admissions. Students are not required under NJCAA eligibility rules to present qualifying scores on the SAT or ACT or earn a specified high school grade-point-average (GPA). However, NCAA and NAIA student eligibility requirements include minimum scores on the SAT or ACT, based on a student's GPA. In addition, student eligibility for the NCAA requires completion of 16 specified core courses with a GPA higher than that required for a Florida standard diploma.⁴⁰

³⁸ Florida College System Activities Association, *Sports Offerings 2018-2019*, http://thefcsasports.com/about_the_fcsaa/Sports_Offerings_2018-2019.pdf (last visited Mar. 28, 2019).

³⁹ FCS institutions that would qualify for NAIA membership are: Broward College, Daytona State College, Eastern Florida State College, Florida State College at Jacksonville, Hillsborough Community College, Indian River State College, Pasco-Hernando State College, St. Petersburg College, and Tallahassee Community College. *Id.*

⁴⁰ Students must earn a 2.0 on a 4.0 scale to earn a high school diploma. Section 1003.4282(6)(a), F.S. Students must complete specified 16 core courses with at least a 2.3 GPA for NCAA Division I, and at least a 2.2 GPA for NCAA Division II.

Athletic Scholarships

An FCS institution that joins a 4-year athletic association may be required to adjust the number of scholarships available to student athletes. For example, the NJCAA, NCAA, and NAIA scholarship limitations vary in such sports as:

- Baseball—the NJCAA authorizes 24 full scholarships in baseball, the NCAA Division I authorizes equivalency to 11.7 scholarships, NCAA Division II equivalency to 9 scholarships, and the NAIA 12 full scholarships.
- Basketball—the NJCAA authorizes 15 full scholarships in basketball, the NCAA Division I authorizes 13 full scholarships, NCAA Division II 10 full scholarships, and the NAIA 11 full scholarships.
- Soccer—the NJCAA authorizes 24 full scholarships in soccer, the NCAA Division I authorizes equivalency to 9.9 scholarships, NCAA Division II equivalency to nine scholarships, and the NAIA 12 full scholarships.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1007.33 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Mayfield

17-01440-19

2019798__

1 A bill to be entitled
 2 An act relating to baccalaureate degree access;
 3 amending s. 1007.33, F.S.; deleting a prohibition
 4 against certain Florida College System institutions
 5 participating in intercollegiate athletics beyond the
 6 2-year level; authorizing Florida College System
 7 institutions to participate in intercollegiate
 8 athletics at the 4-year level; deleting obsolete
 9 language; providing an effective date.

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

11
 12
 13 Section 1. Paragraph (g) of subsection (2) and subsection
 14 (4) of section 1007.33, Florida Statutes, are amended to read:
 15 1007.33 Site-determined baccalaureate degree access.—
 16 (2) Any Florida College System institution that offers one
 17 or more baccalaureate degree programs must:
 18 ~~(g) Not participate in intercollegiate athletics beyond the~~
 19 ~~2-year level.~~
 20 (4) A Florida College System institution may:
 21 (a) Offer specified baccalaureate degree programs through
 22 formal agreements between the Florida College System institution
 23 and other regionally accredited postsecondary educational
 24 institutions pursuant to s. 1007.22.
 25 (b) Offer baccalaureate degree programs that were
 26 authorized by law ~~before~~ prior to July 1, 2009.
 27 (c) Participate in intercollegiate athletics at the 4-year
 28 level.
 29 ~~(d)(c) Beginning July 1, 2009,~~ Establish a first or

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

17-01440-19

2019798__

30 subsequent baccalaureate degree program for purposes of meeting
 31 district, regional, or statewide workforce needs if approved by
 32 the State Board of Education under this section.
 33
 34 ~~Beginning July 1, 2009,~~ The Board of Trustees of St. Petersburg
 35 College is authorized to establish one or more bachelor of
 36 applied science degree programs based on an analysis of
 37 workforce needs in Pinellas, Pasco, and Hernando Counties and
 38 other counties approved by the Department of Education. For each
 39 program selected, St. Petersburg College must offer a related
 40 associate in science or associate in applied science degree
 41 program, and the baccalaureate degree level program must be
 42 designed to articulate fully with at least one associate in
 43 science degree program. The college is encouraged to develop
 44 articulation agreements for enrollment of graduates of related
 45 associate in applied science degree programs. The Board of
 46 Trustees of St. Petersburg College is authorized to establish
 47 additional baccalaureate degree programs if it determines a
 48 program is warranted and feasible based on each of the factors
 49 in paragraph (5) (d). ~~Before~~ However, ~~the Board of Trustees of~~
 50 ~~St. Petersburg College may not establish any new baccalaureate~~
 51 ~~degree programs from March 31, 2014, through May 31, 2015. Prior~~
 52 ~~to~~ developing or proposing a new baccalaureate degree program,
 53 St. Petersburg College shall engage in need, demand, and impact
 54 discussions with the state university in its service district
 55 and other local and regional, accredited postsecondary providers
 56 in its region. Documentation, data, and other information from
 57 inter-institutional discussions regarding program need, demand,
 58 and impact shall be provided to the college's board of trustees

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

17-01440-19

2019798__

59 to inform the program approval process. Employment at St.
60 Petersburg College is governed by the same laws that govern
61 Florida College System institutions, except that upper-division
62 faculty are eligible for continuing contracts upon the
63 completion of the fifth year of teaching. Employee records for
64 all personnel shall be maintained as required by s. 1012.81.

65 Section 2. This act shall take effect July 1, 2019.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Education, *Vice Chair*
Governmental Oversight and
Accountability, *Vice Chair*
Agriculture
Appropriations Subcommittee on the Environment
and Natural Resources
Appropriations Subcommittee on General
Government
Judiciary

JOINT COMMITTEE:
Joint Legislative Auditing Committee,
Alternating Chair

SENATOR DEBBIE MAYFIELD
17th District

April 2, 2019

The Honorable Kelly Stargel
Chair, Appropriations Subcommittee on Education
408 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100


Re: SB 798


Dear Chair Stargel,

I am respectfully requesting Senate Bill 798, a bill relating to Baccalaureate Degree Access, be placed on the agenda for your Subcommittee on Education Appropriations.

I appreciate your consideration of this bill and I look forward to working with you and the Subcommittee on Education Appropriations. If there are any questions or concerns, please do not hesitate to call my office at 850-487-5017.

Thank you,


Senator Debbie Mayfield
District 17

*Please put up
next week - you
should have in your
committee by
~~tomorrow~~ tomorrow
*

Cc: Rachel Barnes, Chad Davis, Tim Elwell, JoAnne Bennett

REPLY TO:
 900 E. Strawbridge Avenue, Melbourne, Florida 32901 (321) 409-2025 FAX: (888) 263-3815
 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4116

Meeting Date

798

Bill Number (if applicable)

Topic Mayfield College Bill SB 798

Amendment Barcode (if applicable)

Name Chris Hansen

Job Title Ballard Partners

Address 201 E. Park Ave

Phone 577-0444

Street

Tallahassee

FL

32301

Email chansen@ballardfl.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Eastern Florida State College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: CS/SB 1164

INTRODUCER: Education Committee and Senator Gainer and others

SUBJECT: Postsecondary Fee Waivers

DATE: April 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Graf</u>	<u>Sikes</u>	<u>ED</u>	Fav/CS
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1164 authorizes certain Florida College System (FCS) institutions to waive out-of-state fees for students under certain conditions for the purpose of recruiting students. Specifically, the bill provides that:

- A FCS institution that serves counties directly impacted by a hurricane, and whose enrollment decreases by more than 10 percent as a result of such impact, may waive the out-of-state fees for the purpose of recruiting students for a period of three years, beginning 180 days after the date on which the hurricane directly impacted the counties served by the FCS institution.
- A student who qualifies for the hurricane-related out-of-state fee waiver is eligible to receive the waiver for up to 110 percent of the number of credit hours required for the degree or certificate program in which the student is enrolled. The bill specifies that such student may not disenroll from the FCS institution for more than one semester.
- Each FCS institution must report to the State Board of Education the number and value of all hurricane-related out-of-state fee waivers granted annually.
- Out-of-state students enrolled under the hurricane-related out-of-state fee waiver must not be included in the FCS institutions' enrollment totals by the Education Estimating Conference on Florida College System Enrollment.

The potential fiscal impact of the out-of-state fee waiver is indeterminate. While certain FCS institutions may lose revenue from waiving out-of-state fees, the waiver may also help these institutions recruit new students from out of state, who would still be required to pay in-state

tuition and fees.

The bill takes effect July 1, 2019.

II. Present Situation:

The Florida Legislature has enacted laws to make public postsecondary education more accessible and affordable in the state. For instance, Florida law extends fee waivers to students who meet specified conditions.¹ Some fee waivers are mandatory,² while others are permissive.³ For instance:

- A state university, a Florida College System (FCS) institution, a career center operated by a school district, or a charter technical career center must waive tuition for undergraduate college credit programs and career certificate programs for each recipient of a Purple Heart or another combat decoration superior in precedence if the recipient meets the criteria specified in law.⁴
- A FCS institution may waive any portion of the tuition, the activity and service fee, the financial aid fee, the technology fee, the capital improvement fee, and distance learning fee for the purpose of offering a baccalaureate degree for state residents for which the specified cost of tuition and the fees does not exceed \$10,000 for the entire degree program. The waivers provided must be applicable for upper-level courses not to exceed 100 percent of the number of required credit hours of the baccalaureate degree program for which the student is determined eligible.⁵

“Tuition” means the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.⁶ “Out-of-state fee” means the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate pursuant to Florida law.⁷

Florida law specifies the criteria that a student must meet to be classified as a Florida resident for tuition purposes.⁸ A student who is determined to be a Florida resident for tuition purposes qualifies for the in-state tuition rate.⁹ Such a student may also qualify for state financial aid awards and tuition assistance grants if he or she meets the criteria specified in law for such

¹ Section 1009.26, F.S.

² Section 1009.26 (5), (7)-(8), (12)-(14), F.S.

³ Section 1009.26 (1)-(4), (6), (9)-(11), and (15), F.S.

⁴ Section 1009.26(8), F.S.

⁵ Section 1009.26(11), F.S.

⁶ Section 1009.01(1), F.S.

⁷ Section 1009.01(2), F.S. For advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs, the standard tuition is \$71.98 per credit hour for residents and nonresidents, and the out-of-state fee is \$215.94 per credit hour. For baccalaureate degree programs, the tuition is \$91.79 per credit hour for students who are residents for tuition purposes. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes must be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the Florida College System institution. Section 1009.23(3), F.S.

⁸ Section 1009.21, F.S.

⁹ Section 1009.21(1)(g), F.S.

awards and grants.¹⁰ A nonresident student for tuition purposes does not qualify for the in-state tuition rate.¹¹ Accordingly, such student is responsible for paying the out-of-state fee.

III. Effect of Proposed Changes:

The bill authorizes certain FCS institutions to waive out-of-state fees for students under certain conditions for the purpose of recruiting students. Specifically, the bill provides that:

- An FCS institution that serves counties directly impacted by a hurricane, and whose enrollment decreases by more than 10 percent as a result of such impact, may waive the out-of-state fees for the purpose of recruiting students for a period of three years, beginning 180 days after the date on which the hurricane directly impacted the counties served by the FCS institution.
- A student who qualifies for the hurricane-related out-of-state fee waiver is eligible to receive the waiver for up to 110 percent of the number of credit hours required for the degree or certificate program in which the student is enrolled. The bill specifies that such student may not disenroll from the FCS institution for more than one semester.
- Each FCS institution must report to the State Board of Education the number and value of all hurricane-related out-of-state fee waivers granted annually.
- Out-of-state students enrolled under the hurricane-related out-of-state fee waiver must not be included in the FCS institutions' enrollment totals by the Education Estimating Conference on Florida College System Enrollment.

The out-of-state fee waiver may assist a FCS institution that experiences more than 10 percent dip in student enrollment owing to a hurricane impact recruit students from out of state. Additionally, the out-of-state fee waiver may help make earning a certificate or degree more affordable for non-Florida resident students enrolled at a FCS institution if the institution waives the out-of-state fee for such students for the specified period of time. The 3-year period, beginning 180 days after direct hurricane impact may provide the affected FCS institutions additional time to begin their student recruitment efforts.

The most recent hurricane that affected Florida was Hurricane Michael that made landfall on October 10, 2018 near Mexico Beach, Florida.¹² Hurricane Michael affected the following counties: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Wakulla, Walton, and Washington.¹³

The following FCS institutions serve the counties impacted by Hurricane Michael:

- Chipola College, which serves Calhoun, Holmes, Jackson, Liberty, and Washington counties.¹⁴
- Gulf Coast State College, which serves Bay, Franklin, and Gulf counties.¹⁵

¹⁰ Section 1009.40, F.S.

¹¹ Section 1009.21(1)(e), F.S.

¹² Office of the Governor, *Executive Order Number 18-360*, available at https://www.flgov.com/wp-content/uploads/orders/2018/EO_18-360.pdf.

¹³ *Id.*

¹⁴ Section 1000.21(3)(d), F.S.

¹⁵ Section 1000.21(3)(i), F.S.

- North Florida Community College, which serves Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor counties.¹⁶
- Tallahassee Community College, which serves Gadsden, Leon, and Wakulla counties.¹⁷

FCS institutions serving counties in the Hurricane Michael affected areas reported the following enrollment changes:

- Chipola College – No significant change in student enrollment during the fall 2018 semester. For the spring 2019 semester, the overall student enrollment changes were not provided. However, the institution reported a 4.7 percent enrollment decrease for Advanced & Professional, Postsecondary Vocational, and developmental education. For lower-level credit hour (associate degree) programs, student enrollment decreased between 10.1 percent and 30.92 percent compared to the spring 2018 semester.¹⁸
- Gulf Coast State College – An eight percent decrease in student enrollment during the fall 2018 semester, a 16 percent decrease during the spring 2019 semester, and a projected 18.0 percent decrease during the 2019-2020 academic year.¹⁹
- North Florida Community College – No significant change in student enrollment.²⁰
- Tallahassee Community College – No change in student enrollment.²¹

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁶ Section 1000.21(3)(p), F.S.

¹⁷ Section 1000.21(3)(aa), F.S.

¹⁸ Florida House of Representatives, *Staff Analysis of HB 593*, at 2. HB 593 is identical to SB 1164.

¹⁹ Telephone interview with staff from Gulf Coast State College (March 29, 2019).

²⁰ Florida House of Representatives, *Staff Analysis of HB 593*, at 2.

²¹ Telephone interview with staff from Tallahassee Community College (March 29, 2019).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Students who are not classified as Florida residents for tuition purposes may experience a cost savings through the hurricane-related out-of-state fee waiver.

C. Government Sector Impact:

The bill authorizes Florida College System (FCS) institutions who serve counties directly affected by a hurricane, and whose enrollment decreases by more than 10 percent as a result of such impact, to waive out-of-state fees for a period of three years, beginning 180 days after the date on which the hurricane directly impacted the counties served by the FCS institution. While the out-of-state fee waiver may result in a loss of revenue for such FCS institutions, it may also help such these institutions recruit students from out of state who will still be required to pay in-state tuition and fees. Thus, the potential fiscal impact of the fee waiver is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the section 1009.26 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education Committee on April 2, 2019:**

The committee substitute maintains the substance of the bill with some modifications. Specifically, the committee substitute:

- Clarifies Florida College System (FCS) institutions' authority to grant hurricane-related out-of-state fee waivers to specify that such institutions may waive out-of-state fees for the purpose of recruiting students for a period of three years, beginning 180 days after the date on which the hurricane directly impacted the counties served by the FCS institution.

- Revises the student eligibility criterion regarding enrollment to specify that a student who qualifies for the hurricane-related fee waiver may not disenroll from the FCS institution for more than one semester.
- Specifies that out-of-state students enrolled under the hurricane-related out-of-state fee waiver must not be included in the FCS institutions' enrollment totals by the Education Estimating Conference on Florida College System Enrollment.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Education; and Senators Gainer and Perry

581-03739-19

20191164c1

1 A bill to be entitled
 2 An act relating to postsecondary fee waivers; amending
 3 s. 1009.26, F.S.; authorizing certain Florida College
 4 System institutions serving counties directly impacted
 5 by a hurricane to waive out-of-state fees for students
 6 for a specified time period; providing requirements;
 7 prohibiting certain students enrolled in certain
 8 Florida College System institutions who qualify for
 9 such fee waivers from being included in the enrollment
 10 totals of such institutions for a specified purpose;
 11 providing an effective date.

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

15 Section 1. Subsection (16) is added to section 1009.26,
 16 Florida Statutes, to read:

17 1009.26 Fee waivers.—

18 (16) A Florida College System institution that serves
 19 counties directly impacted by a hurricane, and whose enrollment
 20 decreases by more than 10 percent as a result of such impacts,
 21 is authorized to waive out-of-state fees for the purpose of
 22 recruiting students for a period of 3 years, beginning 180 days
 23 after the date on which the hurricane directly impacted the
 24 counties served by the Florida College System institution.

25 (a) A student who qualifies for the waiver under this
 26 subsection is eligible to receive the waiver for up to 110
 27 percent of the number of required credit hours of the degree or
 28 certificate program for which the student is enrolled. However,
 29 he or she may not disenroll from the institution for more than

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03739-19

20191164c1

30 one semester.

31 (b) Each Florida College institution shall report to the
 32 State Board of Education the number and value of all fee waivers
 33 granted annually under this subsection.

34 (c) Out-of-state students enrolled under this fee waiver
 35 shall not be included in the enrollment totals for these
 36 institutions by the Education Estimating Conference on Florida
 37 College System Enrollment.

38 Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Finance and Tax, *Chair*
Agriculture, *Vice Chair*
Appropriations
Appropriations Subcommittee on Criminal
and Civil Justice
Military and Veterans Affairs and Space

SENATOR GEORGE B. GAINER
2nd District

April 2, 2019

Re: SB 1164

Dear Chair Stargel,

I am respectfully requesting Senate Bill 1164, related to Post Secondary Fee Waivers, be placed on the agenda for the next meeting of the Appropriations & Subcommittee on Education Committee.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in blue ink that reads "George B. Gainer". The signature is fluid and cursive.

Senator George Gainer
District 2

Cc. Rachel Barnes, Chad Davis, Denise Debow, Kathleen Watson, Tim Elwell, JoAnne Bennett

REPLY TO:

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- 302 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002
- Northwest Florida State College, 100 East College Boulevard, Building 330, Rooms 105 and 112, Niceville, Florida 32578 (850) 747-5454

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-16-2019
Meeting Date

1164
Bill Number (if applicable)

Topic Postsecondary Fee Waivers

Amendment Barcode (if applicable)

Name Marti Coley

Job Title Lobbyist / Consultant

Address 150 S. Monroe

Phone 850-209-0069

Tallahassee, FL 32301
City State Zip

Email marti.c@paintresults.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Gulf Coast State College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/13/2019

Meeting Date

Topic _____

Bill Number 1164

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: PCS/CS/SB 1198 (944746)

INTRODUCER: Appropriations Subcommittee on Education; Education Committee and Senator Stargel

SUBJECT: School Board Fiscal Transparency

DATE: April 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Olenick</u>	<u>Sikes</u>	<u>ED</u>	Fav/CS
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1198 revises and clarifies current statutory language that is scheduled to take effect July 1, 2019¹ concerning:

- School district reporting of classroom, administrative, and total costs.
- Development of a fiscal transparency tool by the Department of Education (DOE) that compares academic achievement with the percentage of funds spent on classroom instruction.
- Website display of these costs and financial efficiency for each school and school district.

Additionally the bill:

- Preserves the statutory purpose of financial transparency and efficiency through the reporting of cost and budget information for schools and school districts.
- Enables DOE and school districts to implement these provisions more efficiently at reduced cost by using current information systems and technical capabilities.
- Includes charter schools in the cost reporting and fiscal transparency requirements.
- Revises what board member travel expenses must receive prior district school board approval.
- Removes obsolete language and provisions.

The bill does not have an impact on state revenues or expenditures.

¹ Section 22, ch. 2018-5, L.O.F.

This bill is effective July 1, 2019.

II. Present Situation:

Charter Schools

Generally, charter schools are required to operate in accordance with their respective charters and are exempted from all statutes in chapters 1000-1013, F.S., with some exceptions.²

Charter School Requirements

Florida law requires charter schools to be in compliance with:³

- Student assessments and school grading.
- Services to students with disabilities.
- Student health, safety and welfare.
- Public meetings and records, public inspection and criminal and civil penalties.
- Public records.
- Maximum class size, except that the calculation for compliance shall be at the school average.
- Compensation and salary schedules.
- Workforce reductions.
- Contracts with instructional personnel and school administrators.

School Districts

Florida law requires schools districts to report various budget information related to administration, classroom and operating expenditures.

Cost Accounting and Reporting

Florida law requires school districts to report to the Department of Education (DOE) total operating costs and classroom instructional expenditures on a school-by-school and aggregate district basis. In turn, the DOE is required to calculate the percentage of classroom expenditures to total operating expenditures at school, district and state level. The results must be categorized into peer groups based on the size of each school and district. The DOE must also calculate the average percentage of classroom expenditures to total operating expenditures at the school, district and state level.⁴

Web-Based Fiscal Transparency Tool

Florida law requires the DOE to develop a fiscal transparency tool that identifies public schools and districts that produce high academic achievement by comparing the ratio of classroom instructional expenditures to total expenditures to student performance measures. The results must be displayed on the DOE website in an easy to use format that allows comparison between

² Section 1002.33, F.S.

³ *Id.*

⁴ Section 1010.20(2)(a)-(d), F.S.

schools and districts. Each school district is required to post a link to the fiscal transparency tool on the district's webpage.⁵

Budget Transparency

Each district school board must prepare, adopt, and submit an annual operating budget to the commissioner.⁶ Estimated expenditures in a school district's tentative budget cannot exceed estimated income.⁷ District expenditures must be limited to amount budgeted under the classification of accounts provided for each fund and to the total amount of the budget after the same have been amended as prescribed by law and rules of the State Board of Education.⁸ However, a district school board may establish policies that allow expenditures to exceed the amount budgeted by function and object, provided that the district school board approves the expenditure and amends the budget within timelines established by school board policies.⁹

Each district school board must post on its website a plain language version of each proposed, tentative, and official budget that describes each budget item in terms that are easily understandable to the public.¹⁰ This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.¹¹

Financial Emergency

Florida law requires the superintendent of a district school board that has an ending fund balance that falls below the three percent threshold for two consecutive years to reduce the district school board's administration expenditures in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater.¹²

Travel Expenses

Beginning July 1, 2019, Florida law requires that board member travel outside the district in excess of \$500 must receive prior district school board approval.¹³

III. Effect of Proposed Changes:

The bill revises and clarifies current statutory language that is scheduled to take effect July 1, 2019¹⁴ concerning:

- School district reporting of classroom, administrative, and total costs,
- Development of a fiscal transparency tool by the DOE that compares academic achievement with the percentage of funds spent on classroom instruction, and
- Website display of these costs and financial efficiency for each school and school district.

⁵ Section 1010.20(2), F.S.

⁶ Section 1011.01(3)(a), F.S.

⁷ *Id.*

⁸ Section 1011.06(1), F.S.

⁹ Section 1011.06(2), F.S.

¹⁰ Section 1011.035(2), F.S.

¹¹ *Id.*

¹² Section 1011.051, F.S.

¹³ Section 1001.39(1), F.S.

¹⁴ Section 22, ch. 2018-5, L.O.F.

Additionally the bill:

- Preserves the statutory purpose of financial transparency and efficiency through the reporting of cost and budget information for schools and school districts.
- Enables DOE and school districts to implement these provisions more efficiently with less cost by using current information systems and technical capabilities.
- Includes charter schools in the cost reporting and fiscal transparency requirements.
- Revises what board member travel expenses must receive prior district school board approval.
- Removes obsolete language and provisions.

Charter Schools

Charter School Requirements

The bill requires charter schools to comply with cost accounting and reporting for school districts as required under s. 1010.20, F.S. and school district budget transparency as required under s. 1011.035, F.S.

School Districts

Cost Accounting and Reporting

The bill clarifies that the school district shall report expenditures to the department on a school-by-school and on a district-aggregate basis for total operating costs provided in “School District Program Cost Reports” by category¹⁵ as specified in law,¹⁶ including subtotals for direct and indirect costs, total school costs, and program costs as well as total costs for classroom instruction.

Additionally, the bill permits the DOE to categorize schools by school type, age of facility, and any other category that equalizes cost comparability to determine groups of peer schools and districts.

In addition, the bill clarifies that the department is required annually to calculate the total costs for classroom instruction to specify that:

- For schools, this means school direct classroom instructions costs plus instructional supports costs divided by total school costs, and

¹⁵ All expenditures within the general and special revenue funds for each district school board, including salaries, benefits, purchased services, energy services, materials and supplies, capital outlay, and miscellaneous expenditures, for the following purposes are classified as administrative expenditures: district school board, general administration, school administration, excluding support expenditures, facilities acquisition and construction at the district level, fiscal services, central services at the district level. Section 1010.215(4)(a).

¹⁶ All expenditures within the general and special revenue funds for each district school board, including salaries, benefits, purchased services, energy services, materials and supplies, capital outlay, and miscellaneous expenditures, for the following purposes are classified as instructional expenditures: instruction, instructional support services, including student personnel services, instructional media services, instruction and curriculum development, and instructional staff training services, school administration, including support expenditures, facilities acquisition and construction at the school level, food services, central services at the school level, student transportation services, operation of plant, maintenance of plant. *Id.* at (4)(b).

- For school districts, this means total direct costs plus total school and district instructional supports costs divided by total program costs.

Web-Based Fiscal Transparency Tool

The bill clarifies that the web-based fiscal transparency tool combines and compares academic achievement and the percentage of funds spent on classroom instruction for all public schools and districts based on cost reporting and student performance measurement calculations.

School District Budget Transparency

The bill modifies school district budget transparency and removes the requirement to include graphical representations for each public school within the district on its budget items.

Additionally, the bill clarifies the:

- Financial efficiency information be calculated pursuant to specified cost reporting requirements with a link to the web-based fiscal transparency tool developed by the DOE.
- School district's budget's fiscal trend information for the previous three years is required to use educational funding accountability definitions in current law and the total instructional expenditures are to be calculated pursuant to specified cost reporting requirements.
- Fiscal trend information for the previous three years related to general administrative expenditures and general fund ending balances to specify:
 - The general administrative expenditures as a total budget are the inverse of the total costs for classroom instruction as a percentage of total operating costs.
 - The general fund's ending fund balance not classified as restricted is expressed as the financial condition ratio, which is the fund balance as a percentage of the total general fund revenues.

Financial Emergency

The bill removes the provisions regarding financial emergencies, which required the superintendent to reduce the district's administration expenditures reported in proportion to the reduction in general fund's ending balance or the reduction in student enrollment, whichever is greater if a financial condition existed for two consecutive fiscal years.

In addition the bill removes language related to financial conditions that existed in the 2015-2016 school year or thereafter, which required the department to contract with an independent third party to conduct an investigation into all accounts and records to determine the cause of the deficit and any efforts that were taken to avoid the deficit.

Travel Expenses

The bill replaces the requirement that the school board approve travel outside the school district that exceeds \$500 with a requirement that all board member travel outside the state must receive prior district school board approval.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have an impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1010.20, 1011.035, and 1011.051.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriation Subcommittee on Education on April 16, 2019.

The committee substitute revises what board member travel expenses must receive prior district school board approval, changing the requirement from a \$500 threshold for out of district travel to requiring prior approval for all out of state travel.

CS by Education on March 12, 2019.

The committee substitute restores current law relating to financial emergencies, and makes technical changes related to the enacting clause and the subject of a referenced statute.

B. Amendments:

None.



619262

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Between lines 16 and 17

insert:

Section 1. Subsection (1) of section 1001.39, Florida Statutes, as amended by section 5 of chapter 2018-5, Laws of Florida, is amended to read:

1001.39 District school board members; travel expenses.—

(1) In addition to the salary provided in s. 1001.395, each member of a district school board shall be allowed, from the



619262

11 district school fund, reimbursement of travel expenses as
12 authorized in s. 112.061, provided that any travel outside the
13 state district that exceeds \$500 requires prior approval by the
14 district school board to confirm that such travel is for
15 official business of the school district and complies with rules
16 of the State Board of Education. Any request for travel outside
17 the state must include an itemized list detailing all
18 anticipated travel expenses, including, but not limited to, the
19 anticipated costs of all means of travel, lodging, and
20 subsistence. Immediately preceding a request, the public must
21 have an opportunity to speak on the specific travel agenda item.

22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Between lines 2 and 3

26 insert:

27 amending s. 1001.39, F.S.; revising a requirement
28 relating to the authorization of a district school
29 member to be reimbursed for travel expenses;

By the Committee on Education; and Senator Stargel

581-02951-19

20191198c1

1 A bill to be entitled
 2 An act relating to school board fiscal transparency;
 3 amending s. 1002.33, F.S.; expanding provisions with
 4 which charter schools are required to comply; amending
 5 s. 1010.20, F.S.; revising requirements for school
 6 districts' reports to the Department of Education on
 7 certain costs; amending s. 1011.035, F.S.; revising
 8 the requirements for data and information that
 9 district school boards must post on their respective
 10 websites; amending s. 1011.051, F.S.; deleting a
 11 requirement that superintendents reduce certain
 12 expenditures under specified circumstances; providing
 13 an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Subsection (16) of section 1002.33, Florida
 18 Statutes, is amended to read:
 19 1002.33 Charter schools.—
 20 (16) EXEMPTION FROM STATUTES.—
 21 (a) A charter school shall operate in accordance with its
 22 charter and shall be exempt from all statutes in chapters 1000-
 23 1013. However, a charter school shall be in compliance with the
 24 following statutes in chapters 1000-1013:
 25 1. Those statutes specifically applying to charter schools,
 26 including this section.
 27 2. Those statutes pertaining to the student assessment
 28 program and school grading system.
 29 3. Those statutes pertaining to the provision of services

Page 1 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-02951-19

20191198c1

30 to students with disabilities.
 31 4. Those statutes pertaining to civil rights, including s.
 32 1000.05, relating to discrimination.
 33 5. Those statutes pertaining to student health, safety, and
 34 welfare.
 35 (b) Additionally, a charter school shall be in compliance
 36 with the following statutes:
 37 1. Section 286.011, relating to public meetings and
 38 records, public inspection, and criminal and civil penalties.
 39 2. Chapter 119, relating to public records.
 40 3. Section 1003.03, relating to the maximum class size,
 41 except that the calculation for compliance pursuant to s.
 42 1003.03 shall be the average at the school level.
 43 4. Section 1012.22(1)(c), relating to compensation and
 44 salary schedules.
 45 5. Section 1012.33(5), relating to workforce reductions.
 46 6. Section 1012.335, relating to contracts with
 47 instructional personnel hired on or after July 1, 2011.
 48 7. Section 1012.34, relating to the substantive
 49 requirements for performance evaluations for instructional
 50 personnel and school administrators.
 51 8. Section 1010.20, relating to cost accounting and
 52 reporting for school districts.
 53 9. Section 1011.035, relating to school district fiscal
 54 transparency.
 55 (c) For purposes of subparagraphs (b)4.-7.:
 56 1. The duties assigned to a district school superintendent
 57 apply to charter school administrative personnel, as defined in
 58 s. 1012.01(3)(a) and (b), and the charter school governing board

Page 2 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-02951-19 20191198c1

59 shall designate at least one administrative person to be
60 responsible for such duties.
61 2. The duties assigned to a district school board apply to
62 a charter school governing board.
63 3. A charter school may hire instructional personnel and
64 other employees on an at-will basis.
65 4. Notwithstanding any provision to the contrary,
66 instructional personnel and other employees on contract may be
67 suspended or dismissed any time during the term of the contract
68 without cause.
69 Section 2. Subsection (2) of section 1010.20, Florida
70 Statutes, as amended by section 8 of chapter 2018-5, Laws of
71 Florida, is amended to read:
72 1010.20 Cost accounting and reporting for school
73 districts.—
74 (2) COST REPORTING.—
75 (a) Each district shall report on a district-aggregate
76 basis expenditures for inservice training pursuant to s.
77 1011.62(3) and for categorical programs as provided in s.
78 1011.62(6).
79 (b) Each district shall report to the department on a
80 school-by-school and on a district-aggregate ~~an aggregate~~
81 ~~district~~ basis all of the following expenditures for:
82 1. Expenditures for each program funded in s.
83 1011.62(1)(c).
84 2. Total operating costs provided in "School District
85 Program Cost Reports," by category as reported pursuant to s.
86 1010.215(4)(a) and (b), including subtotals for direct and
87 indirect costs, total school costs, and total program costs ~~s.~~

581-02951-19 20191198c1

88 ~~1010.215.~~
89 3. Total costs ~~Expenditures~~ for classroom instruction as
90 defined pursuant to the calculation in s. 1010.215(4)(b)1. and
91 2. and as provided in "School District Program Cost Reports."
92 (c) The department shall:
93 1. Categorize all public schools and districts into
94 ~~appropriate~~ groups based primarily on average full-time
95 equivalent student enrollment as reported on the most recent
96 student membership survey under s. 1011.62 and may categorize
97 schools by school type, age of facility, and any other category
98 that equalizes cost comparability and in-state board rule to
99 determine groups of peer schools and districts.
100 2. Annually calculate for each public school, district, and
101 for the entire state, the percentage of total costs for
102 classroom instruction expenditures to total operating costs as
103 provided expenditures reported in subparagraphs (b)2. and 3. For
104 schools, this means school direct classroom instruction costs
105 plus instructional support costs divided by total school costs.
106 For school districts, this means total direct costs plus total
107 school and district instructional support costs divided by total
108 program costs. The results ~~must~~ shall be categorized pursuant to
109 this paragraph.
110 ~~3. Annually calculate for all public schools, districts,~~
111 ~~and the state, the average percentage of total direct school~~
112 ~~costs classroom expenditures to total school costs operating~~
113 ~~expenditures reported in subparagraphs (b)2. and 3. The results~~
114 ~~shall be categorized pursuant to this paragraph.~~
115 ~~3.4.~~ Develop a web-based fiscal transparency tool that
116 combines and compares academic achievement and the percentage of

581-02951-19

20191198c1

117 ~~funds spent on classroom instruction for all identifies~~ public
 118 schools and districts ~~that produce high academic achievement~~
 119 based on the calculations ~~the ratio of classroom instruction~~
 120 ~~expenditures to total expenditures.~~ The fiscal transparency tool
 121 ~~shall combine the data calculated~~ pursuant to this paragraph and
 122 ~~with~~ the student performance measurements calculated pursuant to
 123 s. 1012.34(7) to determine the financial efficiency of each
 124 public school and district. The results shall be displayed in an
 125 easy to use format that enables the user to compare performance
 126 among public schools and districts.

127 (d) The Commissioner of Education shall present to the
 128 Legislature, prior to the opening of the regular session each
 129 year, a district-by-district report of the costs expenditures
 130 reported pursuant to paragraphs (a) and (b). The report shall
 131 include total costs expenditures, a detailed analysis showing
 132 costs expenditures for each program, and such other data as may
 133 be useful for management of the education system. The
 134 Commissioner of Education shall also compute cost factors
 135 relative to the base student allocation for each funded program
 136 in s. 1011.62(1)(c).

137 Section 3. Subsection (2) of section 1011.035, Florida
 138 Statutes, as amended by section 12 of chapter 2018-5, Laws of
 139 Florida, is amended to read:

140 1011.035 School district fiscal transparency.—

141 (2) Each district school board shall post on its website a
 142 plain language version of each proposed, tentative, and official
 143 budget which describes each budget item in terms that are easily
 144 understandable to the public and, in addition, includes:

145 ~~(a) Graphical representations, for each public school~~

581-02951-19

20191198c1

146 within the district and for the school district, as appropriate,
 147 ~~of~~ the following:

148 ~~(a)1-~~ Summary Financial efficiency information calculated
 149 pursuant to s. 1010.20 with a link to the web-based fiscal
 150 transparency tool developed by the department ~~data.~~

151 ~~(b)2-~~ Fiscal trend information for the previous 3 years on:

152 ~~1.a-~~ The ratio of full-time equivalent students to full-
 153 time equivalent instructional personnel, as defined in s.
 154 1010.215.

155 ~~2.b-~~ The ratio of full-time equivalent students to full-
 156 time equivalent administrative personnel, as defined in s.
 157 1010.215.

158 ~~3.e-~~ The total operating expenditures, as calculated
 159 pursuant to s. 1010.20(2), per full-time equivalent student.

160 ~~4.d-~~ The total instructional expenditures, as calculated
 161 pursuant to s. 1010.20(3), per full-time equivalent student.

162 ~~5.e-~~ The general administrative expenditures as a
 163 percentage of total budget, which is the inverse of total costs
 164 for classroom instruction as a percentage of total operating
 165 costs calculated in s. 1010.20.

166 ~~6.f-~~ The ~~rate of change in the~~ general fund's ending fund
 167 balance not classified as restricted, expressed as the financial
 168 condition ratio, which is the fund balance as a percentage of
 169 total general fund revenues.

170 ~~(b) A link to the web-based fiscal transparency tool~~
 171 ~~developed by the department pursuant to s. 1010.20 to enable~~
 172 ~~taxpayers to evaluate the financial efficiency of the school~~
 173 ~~district and compare the financial efficiency of the school~~
 174 ~~district with other similarly situated school districts.~~

581-02951-19

20191198c1

175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

Section 4. Subsection (1) of section 1011.051, Florida Statutes, as amended by section 13 of chapter 2018-5, Laws of Florida, is amended to read:

1011.051 Guidelines for general funds.—The district school board shall maintain a general fund ending fund balance that is sufficient to address normal contingencies.

(1) If at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the district's approved operating budget is projected to fall below 3 percent of projected general fund revenues during the current fiscal year, the superintendent shall provide written notification to the district school board and the Commissioner of Education. ~~If such financial condition exists for 2 consecutive fiscal years, the superintendent shall reduce the district's administration expenditures reported pursuant to s. 1010.215(4)(a) in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater.~~

Section 5. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-16-19
Meeting Date

1198
Bill Number (if applicable)
619262
Amendment Barcode (if applicable)

Topic School Board Fiscal Transparency

Name Billie Anne Gay

Job Title Legislative Affairs & Comms Director

Address _____ Phone _____
Street

City _____ State _____ Zip _____ Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida School Boards Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19
Meeting Date

1198
Bill Number (if applicable)

Topic School Board Fiscal Transparency

Amendment Barcode (if applicable)

Name Vernon A. Pickup - Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace

Phone 561-644-2439

Street

Wellington
City

FL
State

33414
Zip

Email vacrow@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Collier County School District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-16-19
Meeting Date

1198
Bill Number (if applicable)

Topic School Board Fiscal Transparency

Amendment Barcode (if applicable)

Name Shawn R Frost

Job Title Dir. of Advocacy & Past President

Address 981 E. Eau Gallie Blvd #E13102 Phone 850 706 0128
Street

Melbourne FL 32937 Email info@FCSBM.org
City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 / 16 / 2019

Meeting Date

Topic _____

Bill Number 1198
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/19

Meeting Date

1198

Bill Number (if applicable)

Topic Fiscal Transparency

Amendment Barcode (if applicable)

Name Joy Frank

Job Title General Counsel

Address 208 S. Monroe St

Phone 850-377-5784

Street

Tallahassee FL 32301

City

State

Zip

Email JFRANK@FANSS.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLA Assoc. of District School Superintendents

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: PCS/SB 1366 (259884)

INTRODUCER: Appropriations Subcommittee on Education and Senator Baxley

SUBJECT: Education

DATE: April 16, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Sikes</u>	<u>ED</u>	Favorable
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1366 promotes options for education in computer science by:

- Providing that a student may substitute one computer science credit for one science credit, excluding Biology I, in order to satisfy the credit requirements to earn a standard high school diploma;
- Including high-quality professional development for teachers to provide instruction in computer science courses to the existing training that a school district or consortium of school districts may apply to the Department of Education for funding to deliver, subject to legislative appropriation; and
- Increasing the number of potential certificates available to elementary and middle school students by doubling the limit on CAPE Digital Tool certificates that may be included on the Industry Certification Funding List.

The bill also:

- Permits a parent to request an exemption for their child from any portion of the comprehensive health education course of study the parent finds objectionable.
- Removes from inclusion in comprehensive health education course of study concepts related to dating violence and abuse and adds concepts related to techniques to respond to child abuse and the warning signs of human trafficking.
- Allows a virtual instruction provider to use learning gains for students in other states as a way to demonstrate success and extends the conditional approval period from one year to two years.

The bill does not have an impact on state revenues or expenditures. However, increasing the number of CAPE Digital Tool certificates may allow some school districts to generate additional bonus funding through the Florida Education Finance Program (FEFP).

The bill takes effect July 1, 2019.

II. Present Situation:

Science Credits Required for High School Graduation

Receipt of a standard high school diploma requires successful completion of 24 credits.¹ A student must earn three science credits to earn a standard high school diploma:²

- One credit in Biology I; and
- Two credits in equally rigorous courses, one of which a student may satisfy by earning a credit in computer science and the earning of a related industry certification approved for college credit by the State Board of Education.³ A computer science credit and the earning of a related industry certification may not substitute for a Biology I or higher-level science credit.

Public schools are required to offer courses in computer science to middle school and high school students and to provide all students opportunities for learning computer science in the classroom or through the Florida Virtual School or other means.⁴ A teacher with a valid teaching certificate which requires a minimum of a baccalaureate degree can provide instruction in a computer science course.⁵ However, only 19 percent of Florida high schools offered a computer science course during the 2017-2018 academic year.⁶

CAPE Digital Tool Certificates

The Career and Professional Education Act (CAPE)⁷ provides multiple options for students to attain digital skills through digital tools and industry certifications.⁸ Digital tools are certificates reflecting core computer skills. The Department of Education (DOE) is required to annually identify, and the Commissioner of Education may recommend, up to 15 CAPE Digital Tool certificates for inclusion on a CAPE Industry Certification Funding List.⁹ Public schools must make the certificates available to all elementary and middle school students. School districts are eligible for 0.025 full-time equivalent (FTE) bonus funding through the Florida Education

¹ Section 1003.4282, F.S. A Student may also receive a standard high school diploma by completing the curriculum of an International Baccalaureate, or an Advanced International Certificate of Education.

² Section 1003.4282, F.S.

³ Section 1007.2616(6)(a), F.S.

⁴ Section 1007.2616(1) and (3), F.S.

⁵ Section 1012.55, F.S.; Rules 6A-1.0503 and 6A-1.09441(5), F.A.C.; Florida Department of Education, *Course Code Directory and Instructional Personnel Assignments 2018-2019* (2018), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09272>. Open the pdf titled "CCD1819v2.pdf" (last visited Mar. 15, 2019).

⁶ Code.org, *Support K-12 Computer Science Education in Florida* (2018), available at <https://code.org/advocacy/state-facts/FL.pdf>.

⁷ Chapter 2007-216, L.O.F.

⁸ Section 1003.4203, F.S.

⁹ Section 1008.44(1)(b), F.S.

Finance Program (FEFP) for each certificate earned by a student; however, additional FTE may not exceed 0.1 for certificates or certifications earned by an elementary or middle school student within the same fiscal year.¹⁰

A CAPE Digital Tool certificate may be included on the CAPE Industry Certification Funding List if it:¹¹

- Is achievable by elementary and middle school students;
- Assesses skills in word processing, development of spreadsheets, digital arts, cybersecurity, and coding;
- Is part of a career pathway leading to the attainment of a career and professional education industry certification on the career and professional education funding list, and
- Does not articulate for college credit.

Fifteen CAPE Digital Tool certificates are included on the CAPE Industry Certification Funding List for 2018-2019.¹² The bonus funding associated with earning a CAPE Digital Tool certificate is approximately \$105 per certificate earned for the 2018-2019 academic year.¹³ During the 2017-18 school year, 33,714 students earned 40,947 CAPE Digital Tool certificates.¹⁴

Parent Rights

The law provides K-12 students and their parents numerous statutory rights as it pertains to health issues. Although the law expressly states that a parent may request that his or her child be exempted from the teaching of reproductive health, the law does not explicitly authorize parents to request an exemption from the comprehensive health education course of study.¹⁵

Comprehensive Health Education

The law specifies various prescribed courses of study that instructional staff must provide to students enrolled in public schools. For the prescribed comprehensive health education course of study, curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component. Current statutory provisions do not specifically address human trafficking.¹⁶

Virtual Instruction Programs

The Department of Education is required to annually publish a list of providers approved to offer virtual instruction programs. To be included on the approved list, a provider must possess prior

¹⁰ *Id.* and s. 1011.62(1)(o)1., F.S.

¹¹ *See* s. 1008.44(1)(b), F.S.; Rule 6A-6.0573(7)(d), F.A.C.

¹² Florida Department of Education, *2018-2019 CAPE Industry Funding List, Revised*, at 9 (2018), available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/1819icfl.pdf>.

¹³ Florida Department of Education, Career and Adult Education, *Estimated Funding Values by District (Excel)*, <http://www.fldoe.org/academics/career-adult-edu/cape-secondary/resources.stml>. Open the excel file in the “CAPE Implementation Tools” section of the page (last visited Mar. 15, 2019).

¹⁴ Florida Department of Education, Division of Career and Adult Education, *Career and Professional Education Act Enrollment and Performance Report, 2017-18* (2018), available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1718capepr.pdf>.

¹⁵ Section 1002.20(3), F.S.

¹⁶ Section 1003.42(2)(n), F.S.

successful experience offering online courses to elementary, middle, and high school students. Providers may demonstrate prior success through quantified learning gains for each subject area and grade provided for consideration. A provider that does not have sufficient prior success in offering online courses may be granted conditional approval, valid for one school year.¹⁷

III. Effect of Proposed Changes:

Computer Science Credits

The bill specifies that a student may substitute one computer science credit for one science credit, excluding Biology I. This may result in more students earning computer science credits.

Additionally, the bill authorizes school districts or a consortium of school districts to apply to the Department of Education for funding, contingent on legislative appropriation, for high-quality professional development for teachers to provide instruction in computer science courses and content. This may increase the number of teachers with the skills necessary to teach computer science courses.

CAPE Digital Tools

The bill increases the number of potential CAPE Digital Tool certificates available to students by doubling the cap on the certificates that may be included on the Industry Certification Funding List. This may provide more options for school districts to offer CAPE Digital Tool certificates, which may increase the number of students earning CAPE Digital Tool certificates.

Parent Rights

The bill permits a parent to request an exemption for their child from any portion of the comprehensive health education course of study the parent finds objectionable.

Comprehensive Health Education

The bill removes from inclusion in comprehensive health education course of study concepts related to dating violence and abuse and adds concepts related to techniques to respond to child abuse and the warning signs of human trafficking.

Virtual Instruction Programs

The bill specifies that to be a qualifying provider of virtual instruction, success experience can be demonstrated using other statewide assessments, nationally recognized assessments or other third-party pre- and post- assessments for students in other states. In addition, the bill extends the conditional approval timeframe from one year to two years, allowing a provider additional time to demonstrate success.

¹⁷ Section 1002.45(2)(a)5., F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have an impact on state revenues or expenditures. Increasing the number of CAPE Digital Tool certificates may allow some school districts to generate additional bonus funding through the Florida Education Finance Program (FEFP). School districts receive bonus funding of approximately \$105 for each CAPE Digital Tool certificate awarded in the 2018-2019 academic year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.4282, 1007.2616, and 1008.44.

This bill reenacts the following sections of the Florida Statutes: 1002.20, 1002.3105, 1003.4281, 1003.4285, 1003.49, 1004.935, 1006.15, 1007.271, 1008.25, 1009.531, and 1009.893.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriation Subcommittee on Education on April 16, 2019.

The committee substitute permits a parent to request an exemption for his or her child from any portion of the comprehensive health education course of study the parent finds objectionable.

The committee substitute removes from inclusion in comprehensive health education course of study concepts related to dating violence and abuse and adds concepts related to techniques to respond to child abuse and the warning signs of human trafficking.

The committee substitute allows a virtual instruction provider to use learning gains for students in other states as a way to demonstrate success and extends the conditional approval period from one year to two years.

- B. **Amendments:**

None.



839172

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Baxley) recommended the following:

Senate Amendment (with title amendment)

Between lines 40 and 41

insert:

Section 1. Paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be



839172

11 approved by the department, a provider must document that it:
12 1. Is nonsectarian in its programs, admission policies,
13 employment practices, and operations;
14 2. Complies with the antidiscrimination provisions of s.
15 1000.05;
16 3. Locates an administrative office or offices in this
17 state, requires its administrative staff to be state residents,
18 requires all instructional staff to be Florida-certified
19 teachers under chapter 1012 and conducts background screenings
20 for all employees or contracted personnel, as required by s.
21 1012.32, using state and national criminal history records;
22 4. Provides to parents and students specific information
23 posted and accessible online that includes, but is not limited
24 to, the following teacher-parent and teacher-student contact
25 information for each course:
26 a. How to contact the instructor via phone, e-mail, or
27 online messaging tools.
28 b. How to contact technical support via phone, e-mail, or
29 online messaging tools.
30 c. How to contact the administration office via phone, e-
31 mail, or online messaging tools.
32 d. Any requirement for regular contact with the instructor
33 for the course and clear expectations for meeting the
34 requirement.
35 e. The requirement that the instructor in each course must,
36 at a minimum, conduct one contact via phone with the parent and
37 the student each month;
38 5. Possesses prior, successful experience offering online
39 courses to elementary, middle, or high school students.



839172

40 Successful experience may be ~~as~~ demonstrated by showing, for
41 students in this state, quantified student learning gains in
42 each subject area and grade level provided ~~for consideration as~~
43 ~~an instructional program option.~~ or, for students in other
44 states, quantified student learning gains using other statewide
45 assessments, nationally recognized assessments, or other third-
46 party pre- and post-assessments. However, for a provider without
47 sufficient prior, successful experience offering online courses,
48 the department may conditionally approve the provider to offer
49 courses measured pursuant to subparagraph (8) (a)2. Conditional
50 approval shall be valid for 2 school years ~~1 school year only~~
51 and, based on the provider's experience in offering the courses,
52 the department shall determine whether to grant approval to
53 offer a virtual instruction program;

54 6. Is accredited by a regional accrediting association as
55 defined by State Board of Education rule;

56 7. Ensures instructional and curricular quality through a
57 detailed curriculum and student performance accountability plan
58 that addresses every subject and grade level it intends to
59 provide through contract with the school district, including:

60 a. Courses and programs that meet the standards of the
61 International Association for K-12 Online Learning and the
62 Southern Regional Education Board.

63 b. Instructional content and services that align with, and
64 measure student attainment of, student proficiency in the Next
65 Generation Sunshine State Standards.

66 c. Mechanisms that determine and ensure that a student has
67 satisfied requirements for grade level promotion and high school
68 graduation with a standard diploma, as appropriate;



839172

69 8. Publishes for the general public, in accordance with
70 disclosure requirements adopted in rule by the State Board of
71 Education, as part of its application as a provider and in all
72 contracts negotiated pursuant to this section:

73 a. Information and data about the curriculum of each full-
74 time and part-time program.

75 b. School policies and procedures.

76 c. Certification status and physical location of all
77 administrative and instructional personnel.

78 d. Hours and times of availability of instructional
79 personnel.

80 e. Student-teacher ratios.

81 f. Student completion and promotion rates.

82 g. Student, educator, and school performance accountability
83 outcomes;

84 9. If the provider is a Florida College System institution,
85 employs instructors who meet the certification requirements for
86 instructional staff under chapter 1012; and

87 10. Performs an annual financial audit of its accounts and
88 records conducted by an independent certified public accountant
89 which is in accordance with rules adopted by the Auditor
90 General, is conducted in compliance with generally accepted
91 auditing standards, and includes a report on financial
92 statements presented in accordance with generally accepted
93 accounting principles.

94
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete line 2



839172

98 and insert:

99 An act relating to education; amending s. 1002.45,
100 F.S.; revising requirements for qualifications of
101 virtual instruction program providers; revising the
102 length of time for which the Department of Education's
103 conditional approval of a provider is valid; amending
104 s. 1003.4282,



363068

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Baxley) recommended the following:

Senate Amendment (with title amendment)

Between lines 40 and 41

insert:

Section 1. Paragraph (n) is added to subsection (3) of section 1002.20, Florida Statutes, to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12



363068

11 students and their parents are afforded numerous statutory
12 rights including, but not limited to, the following:

13 (3) HEALTH ISSUES.—

14 (n) Comprehensive health education.—A public school student
15 whose parent makes a written request to the school principal
16 shall be exempted from any portion of the comprehensive health
17 education required under s. 1003.42(2)(n) which the parent finds
18 objectionable.

19 Section 2. Paragraph (n) of subsection (2) of 1003.42,
20 Florida Statutes, is amended to read:

21 1003.42 Required instruction.—

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

29 (n) Comprehensive health education that addresses concepts
30 of community health; consumer health; environmental health;
31 family life, including an awareness of the benefits of sexual
32 abstinence as the expected standard and the consequences of
33 teenage pregnancy; mental and emotional health; injury
34 prevention and safety; Internet safety; nutrition; personal
35 health; prevention and control of disease; ~~and~~ substance use and
36 abuse; ~~The health education curriculum for students in grades 7~~
37 ~~through 12 shall include a teen dating violence and abuse~~
38 ~~component that includes, but is not limited to, the definition~~
39 ~~of dating violence and abuse,~~ the warning signs of dating



40 violence and abusive behavior; techniques for students and
41 teachers to recognize, prevent, and respond to child abuse; and
42 the dangers and warning signs of human trafficking, ~~the~~
43 ~~characteristics of healthy relationships, measures to prevent~~
44 ~~and stop dating violence and abuse, and community resources~~
45 ~~available to victims of dating violence and abuse.~~ The State
46 Board of Education is encouraged to adopt standards and pursue
47 assessment of the requirements of this subsection. A character
48 development program that incorporates the values of the
49 recipients of the Congressional Medal of Honor and that is
50 offered as part of a social studies, English Language Arts, or
51 other schoolwide character building and veteran awareness
52 initiative meets the requirements of paragraphs (s) and (t).

53
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete line 2

57 and insert:

58 An act relating to education; amending s. 1002.20,
59 F.S.; providing that students be exempted from certain
60 portions of the comprehensive health education
61 curriculum upon a written request by the parent to the
62 school principal; amending s. 1003.42, F.S.; revising
63 the health education concepts required to be taught by
64 instructional staff of public schools; amending s.
65 1003.4282,

By Senator Baxley

12-01938-19

20191366__

1 A bill to be entitled
 2 An act relating to education; amending s. 1003.4282,
 3 F.S.; revising science credits required for a standard
 4 high school diploma; amending s. 1007.2616, F.S.;
 5 authorizing school districts and consortiums of school
 6 districts to apply to the Department of Education for
 7 funding for professional development for classroom
 8 teachers to provide instruction in computer science
 9 courses and content; deleting a provision providing
 10 that one credit in computer science and the earning of
 11 related industry certifications constitutes the
 12 equivalent of up to one credit of the science
 13 requirement for high school graduation; amending s.
 14 1008.44, F.S.; expanding the number of CAPE Digital
 15 Tool certificates relating to certain areas which the
 16 department must annually identify and the Commissioner
 17 of Education may recommend; reenacting ss. 1002.20(8),
 18 1002.3105(5), 1003.4281(1), 1003.4285(1), 1003.49(1),
 19 1004.935(1)(c), 1006.15(3)(a), 1007.271(2) and (9),
 20 1008.25(2)(f), 1009.531(1)(b), and 1009.893(4), F.S.,
 21 relating to Academically Challenging Curriculum to
 22 Enhance Learning (ACCEL) options; K-12 student and
 23 parent rights; early high school graduation; standard
 24 high school diploma designations; graduation and
 25 promotion requirements for publicly operated schools;
 26 the Adults with Disabilities Workforce Education
 27 Program; student standards for participation in
 28 interscholastic and intrascholastic extracurricular
 29 student activities and related regulations; dual

Page 1 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

12-01938-19

20191366__

30 enrollment programs; public school student
 31 progression, student support, and reporting
 32 requirements; Florida Bright Futures Scholarship
 33 Program and student eligibility requirements for
 34 initial awards; and the Benacquisto Scholarship
 35 Program, respectively, to incorporate the amendment
 36 made to s. 1003.4282, F.S., in references thereto;
 37 providing an effective date.
 38

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

40
 41 Section 1. Paragraph (c) of subsection (3) of section
 42 1003.4282, Florida Statutes, is amended to read:
 43 1003.4282 Requirements for a standard high school diploma.-
 44 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
 45 REQUIREMENTS.-
 46 (c) *Three credits in science.*-Two of the three required
 47 credits must have a laboratory component. A student must earn
 48 one credit in Biology I and two credits in equally rigorous
 49 courses. The statewide, standardized Biology I EOC assessment
 50 constitutes 30 percent of the student's final course grade. A
 51 student who earns an industry certification for which there is a
 52 statewide college credit articulation agreement approved by the
 53 State Board of Education or who earns credit in a computer
 54 science course, as identified in s. 1007.2616, may substitute
 55 the certification or the computer science credit for one science
 56 credit, except for Biology I.
 57 Section 2. Paragraph (a) of subsection (4) and paragraph
 58 (a) of subsection (6) of section 1007.2616, Florida Statutes,

Page 2 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

12-01938-19

20191366__

59 are amended to read:

60 1007.2616 Computer science and technology instruction.—

61 (4) (a) Subject to legislative appropriation, a school
62 district or a consortium of school districts may apply to the
63 department, in a format prescribed by the department, for
64 funding to deliver or facilitate training for classroom teachers
65 to earn an educator certificate in computer science pursuant to
66 s. 1012.56, ~~or~~ an industry certification associated with a
67 course identified in the Course Code Directory pursuant to
68 paragraph (2) (b), or for high-quality professional development
69 for teachers to provide instruction in computer science courses
70 and content. Such funding shall only be used to provide training
71 for classroom teachers and to pay fees for examinations that
72 lead to a credential pursuant to this paragraph.

73 (6) High school students must be provided opportunities to
74 take computer science courses to satisfy high school graduation
75 requirements, including, but not limited to, the following:

76 (a) High school computer science courses of sufficient
77 rigor, as identified by the commissioner, such that one credit
78 in computer science and the earning of related industry
79 certifications constitute the equivalent of up to one credit of
80 the mathematics requirement, with the exception of Algebra I or
81 higher-level mathematics, ~~or up to one credit of the science~~
82 ~~requirement, with the exception of Biology I or higher-level~~
83 ~~science~~, for high school graduation. Computer science courses
84 and technology-related industry certifications that are
85 identified as eligible for meeting mathematics or science
86 requirements for high school graduation shall be included in the
87 Course Code Directory.

Page 3 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

12-01938-19

20191366__

88 Section 3. Paragraph (b) of subsection (1) of section
89 1008.44, Florida Statutes, is amended to read:

90 1008.44 CAPE Industry Certification Funding List and CAPE
91 Postsecondary Industry Certification Funding List.—

92 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
93 of Education shall, at least annually, identify, under rules
94 adopted by the State Board of Education, and the Commissioner of
95 Education may at any time recommend adding the following
96 certificates, certifications, and courses:

97 (b) No more than 30 ~~45~~ CAPE Digital Tool certificates
98 limited to the areas of word processing; spreadsheets; sound,
99 motion, and color presentations; digital arts; cybersecurity;
100 and coding pursuant to s. 1003.4203(3) that do not articulate
101 for college credit. Such certificates shall be annually
102 identified on the CAPE Industry Certification Funding List and
103 updated solely by the Chancellor of Career and Adult Education.
104 The certificates shall be made available to students in
105 elementary school and middle school grades and, if earned by a
106 student, shall be eligible for additional full-time equivalent
107 membership pursuant to s. 1011.62(1)(o)1.

108 Section 4. For the purpose of incorporating the amendment
109 made by this act to section 1003.4282, Florida Statutes, in a
110 reference thereto, subsection (8) of section 1002.20, Florida
111 Statutes, is reenacted to read:

112 1002.20 K-12 student and parent rights.—Parents of public
113 school students must receive accurate and timely information
114 regarding their child's academic progress and must be informed
115 of ways they can help their child to succeed in school. K-12
116 students and their parents are afforded numerous statutory

Page 4 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

12-01938-19 20191366__

117 rights including, but not limited to, the following:

118 (8) STUDENTS WITH DISABILITIES.—Parents of public school
119 students with disabilities and parents of public school students
120 in residential care facilities are entitled to notice and due
121 process in accordance with the provisions of ss. 1003.57 and
122 1003.58. Public school students with disabilities must be
123 provided the opportunity to meet the graduation requirements for
124 a standard high school diploma as set forth in s. 1003.4282 in
125 accordance with the provisions of ss. 1003.57 and 1008.22.

126 Section 5. For the purpose of incorporating the amendment
127 made by this act to section 1003.4282, Florida Statutes, in a
128 reference thereto, subsection (5) of section 1002.3105, Florida
129 Statutes, is reenacted to read:

130 1002.3105 Academically Challenging Curriculum to Enhance
131 Learning (ACCEL) options.—

132 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who
133 meets the applicable grade 9 cohort graduation requirements of
134 s. 1003.4282(3)(a)-(e) or s. 1003.4282(9)(a)1.-5., (b)1.-5.,
135 (c)1.-5., or (d)1.-5., earns three credits in electives, and
136 earns a cumulative grade point average (GPA) of 2.0 on a 4.0
137 scale shall be awarded a standard high school diploma in a form
138 prescribed by the State Board of Education.

139 Section 6. For the purpose of incorporating the amendment
140 made by this act to section 1003.4282, Florida Statutes, in a
141 reference thereto, subsection (1) of section 1003.4281, Florida
142 Statutes, is reenacted to read:

143 1003.4281 Early high school graduation.—

144 (1) The purpose of this section is to provide a student the
145 option of early graduation and receipt of a standard high school

12-01938-19 20191366__

146 diploma if the student earns 24 credits and meets the graduation
147 requirements set forth in s. 1003.4282. For purposes of this
148 section, the term "early graduation" means graduation from high
149 school in less than 8 semesters or the equivalent.

150 Section 7. For the purpose of incorporating the amendment
151 made by this act to section 1003.4282, Florida Statutes, in a
152 reference thereto, subsection (1) of section 1003.4285, Florida
153 Statutes, is reenacted to read:

154 1003.4285 Standard high school diploma designations.—

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

158 (a) *Scholar designation*.—In addition to the requirements of
159 s. 1003.4282, in order to earn the Scholar designation, a
160 student must satisfy the following requirements:

161 1. Mathematics.—Earn one credit in Algebra II and one
162 credit in statistics or an equally rigorous course. Beginning
163 with students entering grade 9 in the 2014-2015 school year,
164 pass the Geometry statewide, standardized assessment.

165 2. Science.—Pass the statewide, standardized Biology I EOC
166 assessment and earn one credit in chemistry or physics and one
167 credit in a course equally rigorous to chemistry or physics.
168 However, a student enrolled in an Advanced Placement (AP),
169 International Baccalaureate (IB), or Advanced International
170 Certificate of Education (AICE) Biology course who takes the
171 respective AP, IB, or AICE Biology assessment and earns the
172 minimum score necessary to earn college credit as identified
173 pursuant to s. 1007.27(2) meets the requirement of this
174 subparagraph without having to take the statewide, standardized

12-01938-19 20191366__

175 Biology I EOC assessment.

176 3. Social studies.—Pass the statewide, standardized United

177 States History EOC assessment. However, a student enrolled in an

178 AP, IB, or AICE course that includes United States History

179 topics who takes the respective AP, IB, or AICE assessment and

180 earns the minimum score necessary to earn college credit as

181 identified pursuant to s. 1007.27(2) meets the requirement of

182 this subparagraph without having to take the statewide,

183 standardized United States History EOC assessment.

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

185 language.

186 5. Electives.—Earn at least one credit in an Advanced

187 Placement, an International Baccalaureate, an Advanced

188 International Certificate of Education, or a dual enrollment

189 course.

190 (b) *Merit designation*.—In addition to the requirements of

191 s. 1003.4282, in order to earn the Merit designation, a student

192 must attain one or more industry certifications from the list

193 established under s. 1003.492.

194 Section 8. For the purpose of incorporating the amendment

195 made by this act to section 1003.4282, Florida Statutes, in a

196 reference thereto, subsection (1) of section 1003.49, Florida

197 Statutes, is reenacted to read:

198 1003.49 Graduation and promotion requirements for publicly

199 operated schools.—

200 (1) Each state or local public agency, including the

201 Department of Children and Families, the Department of

202 Corrections, the boards of trustees of universities and Florida

203 College System institutions, and the Board of Trustees of the

12-01938-19 20191366__

204 Florida School for the Deaf and the Blind, which agency is

205 authorized to operate educational programs for students at any

206 level of grades kindergarten through 12, shall be subject to all

207 applicable requirements of ss. 1002.3105(5), 1003.4281,

208 1003.4282, 1008.23, and 1008.25. Within the content of these

209 cited statutes each such state or local public agency or entity

210 shall be considered a "district school board."

211 Section 9. For the purpose of incorporating the amendment

212 made by this act to section 1003.4282, Florida Statutes, in a

213 reference thereto, paragraph (c) of subsection (1) of section

214 1004.935, Florida Statutes, is reenacted to read:

215 1004.935 Adults with Disabilities Workforce Education

216 Program.—

217 (1) The Adults with Disabilities Workforce Education

218 Program is established in the Department of Education in Hardee,

219 DeSoto, Manatee, and Sarasota Counties to provide the option of

220 receiving a scholarship for instruction at private schools for

221 up to 30 students who:

222 (c) Are receiving instruction from an instructor in a

223 private school to meet the high school graduation requirements

224 in s. 1002.3105(5) or s. 1003.4282;

225

226 As used in this section, the term "student with a disability"

227 includes a student who is documented as having an intellectual

228 disability; a speech impairment; a language impairment; a

229 hearing impairment, including deafness; a visual impairment,

230 including blindness; a dual sensory impairment; an orthopedic

231 impairment; another health impairment; an emotional or

232 behavioral disability; a specific learning disability,

12-01938-19 20191366__

233 including, but not limited to, dyslexia, dyscalculia, or
 234 developmental aphasia; a traumatic brain injury; a developmental
 235 delay; or autism spectrum disorder.

236 Section 10. For the purpose of incorporating the amendment
 237 made by this act to section 1003.4282, Florida Statutes, in a
 238 reference thereto, paragraph (a) of subsection (3) of section
 239 1006.15, Florida Statutes, is reenacted to read:

240 1006.15 Student standards for participation in
 241 interscholastic and intrascholastic extracurricular student
 242 activities; regulation.—

243 (3) (a) As used in this section and s. 1006.20, the term
 244 "eligible to participate" includes, but is not limited to, a
 245 student participating in tryouts, off-season conditioning,
 246 summer workouts, preseason conditioning, in-season practice, or
 247 contests. The term does not mean that a student must be placed
 248 on any specific team for interscholastic or intrascholastic
 249 extracurricular activities. To be eligible to participate in
 250 interscholastic extracurricular student activities, a student
 251 must:

252 1. Maintain a grade point average of 2.0 or above on a 4.0
 253 scale, or its equivalent, in the previous semester or a
 254 cumulative grade point average of 2.0 or above on a 4.0 scale,
 255 or its equivalent, in the courses required by s. 1002.3105(5) or
 256 s. 1003.4282.

257 2. Execute and fulfill the requirements of an academic
 258 performance contract between the student, the district school
 259 board, the appropriate governing association, and the student's
 260 parents, if the student's cumulative grade point average falls
 261 below 2.0, or its equivalent, on a 4.0 scale in the courses

12-01938-19 20191366__

262 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
 263 contract must require that the student attend summer school, or
 264 its graded equivalent, between grades 9 and 10 or grades 10 and
 265 11, as necessary.

266 3. Have a cumulative grade point average of 2.0 or above on
 267 a 4.0 scale, or its equivalent, in the courses required by s.
 268 1002.3105(5) or s. 1003.4282 during his or her junior or senior
 269 year.

270 4. Maintain satisfactory conduct, including adherence to
 271 appropriate dress and other codes of student conduct policies
 272 described in s. 1006.07(2). If a student is convicted of, or is
 273 found to have committed, a felony or a delinquent act that would
 274 have been a felony if committed by an adult, regardless of
 275 whether adjudication is withheld, the student's participation in
 276 interscholastic extracurricular activities is contingent upon
 277 established and published district school board policy.

278 Section 11. For the purpose of incorporating the amendment
 279 made by this act to section 1003.4282, Florida Statutes, in
 280 references thereto, subsections (2) and (9) of section 1007.271,
 281 Florida Statutes, are reenacted to read:

282 1007.271 Dual enrollment programs.—

283 (2) For the purpose of this section, an eligible secondary
 284 student is a student who is enrolled in any of grades 6 through
 285 12 in a Florida public school or in a Florida private school
 286 that is in compliance with s. 1002.42(2) and provides a
 287 secondary curriculum pursuant to s. 1003.4282. Students who are
 288 eligible for dual enrollment pursuant to this section may enroll
 289 in dual enrollment courses conducted during school hours, after
 290 school hours, and during the summer term. However, if the

12-01938-19 20191366__

291 student is projected to graduate from high school before the
 292 scheduled completion date of a postsecondary course, the student
 293 may not register for that course through dual enrollment. The
 294 student may apply to the postsecondary institution and pay the
 295 required registration, tuition, and fees if the student meets
 296 the postsecondary institution's admissions requirements under s.
 297 1007.263. Instructional time for dual enrollment may vary from
 298 900 hours; however, the full-time equivalent student membership
 299 value shall be subject to the provisions in s. 1011.61(4). A
 300 student enrolled as a dual enrollment student is exempt from the
 301 payment of registration, tuition, and laboratory fees. Applied
 302 academics for adult education instruction, developmental
 303 education, and other forms of precollegiate instruction, as well
 304 as physical education courses that focus on the physical
 305 execution of a skill rather than the intellectual attributes of
 306 the activity, are ineligible for inclusion in the dual
 307 enrollment program. Recreation and leisure studies courses shall
 308 be evaluated individually in the same manner as physical
 309 education courses for potential inclusion in the program.

310 (9) The Commissioner of Education shall appoint faculty
 311 committees representing public school, Florida College System
 312 institution, and university faculties to identify postsecondary
 313 courses that meet the high school graduation requirements of s.
 314 1003.4282 and to establish the number of postsecondary semester
 315 credit hours of instruction and equivalent high school credits
 316 earned through dual enrollment pursuant to this section that are
 317 necessary to meet high school graduation requirements. Such
 318 equivalencies shall be determined solely on comparable course
 319 content and not on seat time traditionally allocated to such

12-01938-19 20191366__

320 courses in high school. The Commissioner of Education shall
 321 recommend to the State Board of Education those postsecondary
 322 courses identified to meet high school graduation requirements,
 323 based on mastery of course outcomes, by their course numbers,
 324 and all high schools shall accept these postsecondary education
 325 courses toward meeting the requirements of s. 1003.4282.

326 Section 12. For the purpose of incorporating the amendment
 327 made by this act to section 1003.4282, Florida Statutes, in a
 328 reference thereto, paragraph (f) of subsection (2) of section
 329 1008.25, Florida Statutes, is reenacted to read:

330 1008.25 Public school student progression; student support;
 331 reporting requirements.—

332 (2) STUDENT PROGRESSION PLAN.—Each district school board
 333 shall establish a comprehensive plan for student progression
 334 which must provide for a student's progression from one grade to
 335 another based on the student's mastery of the standards in s.
 336 1003.41, specifically English Language Arts, mathematics,
 337 science, and social studies standards. The plan must:

338 (f) Provide instructional sequences by which students in
 339 kindergarten through high school may attain progressively higher
 340 levels of skill in the use of digital tools and applications.
 341 The instructional sequences must include participation in
 342 curricular and instructional options and the demonstration of
 343 competence of standards required pursuant to ss. 1003.41 and
 344 1003.4203 through attainment of industry certifications and
 345 other means of demonstrating credit requirements identified
 346 under ss. 1002.3105, 1003.4203, and 1003.4282.

347 Section 13. For the purpose of incorporating the amendment
 348 made by this act to section 1003.4282, Florida Statutes, in a

12-01938-19 20191366__

349 reference thereto, paragraph (b) of subsection (1) of section
 350 1009.531, Florida Statutes, is reenacted to read:
 351 1009.531 Florida Bright Futures Scholarship Program;
 352 student eligibility requirements for initial awards.—
 353 (1) In order to be eligible for an initial award from any
 354 of the three types of scholarships under the Florida Bright
 355 Futures Scholarship Program, a student must:
 356 (b) Earn a standard Florida high school diploma pursuant to
 357 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 or a high school
 358 equivalency diploma pursuant to s. 1003.435 unless:
 359 1. The student completes a home education program according
 360 to s. 1002.41; or
 361 2. The student earns a high school diploma from a non-
 362 Florida school while living with a parent or guardian who is on
 363 military or public service assignment away from Florida.
 364 Section 14. For the purpose of incorporating the amendment
 365 made by this act to section 1003.4282, Florida Statutes, in a
 366 reference thereto, subsection (4) of section 1009.893, Florida
 367 Statutes, is reenacted to read:
 368 1009.893 Benacquisto Scholarship Program.—
 369 (4) In order to be eligible for an award under the
 370 scholarship program, a student must meet the requirements of
 371 paragraph (a) or paragraph (b).
 372 (a) A student who is a resident of this state, as
 373 determined in s. 1009.40 and rules of the State Board of
 374 Education, must:
 375 1. Earn a standard Florida high school diploma or its
 376 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,
 377 or s. 1003.435 unless:

12-01938-19 20191366__

378 a. The student completes a home education program according
 379 to s. 1002.41; or
 380 b. The student earns a high school diploma from a non-
 381 Florida school while living with a parent who is on military or
 382 public service assignment out of this state;
 383 2. Be accepted by and enroll in a Florida public or
 384 independent postsecondary educational institution that is
 385 regionally accredited; and
 386 3. Be enrolled full-time in a baccalaureate degree program
 387 at an eligible regionally accredited Florida public or
 388 independent postsecondary educational institution during the
 389 fall academic term following high school graduation.
 390 (b) A student who initially enrolls in a baccalaureate
 391 degree program in the 2018-2019 academic year or later and who
 392 is not a resident of this state, as determined in s. 1009.40 and
 393 rules of the State Board of Education, must:
 394 1. Physically reside in this state on or near the campus of
 395 the postsecondary educational institution in which the student
 396 is enrolled;
 397 2. Earn a high school diploma from a school outside Florida
 398 which is comparable to a standard Florida high school diploma or
 399 its equivalent pursuant to s. 1002.3105, s. 1003.4281, s.
 400 1003.4282, or s. 1003.435 or must complete a home education
 401 program in another state; and
 402 3. Be accepted by and enrolled full-time in a baccalaureate
 403 degree program at an eligible regionally accredited Florida
 404 public or independent postsecondary educational institution
 405 during the fall academic term following high school graduation.
 406 Section 15. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/17
Meeting Date

SB 1216
Bill Number (if applicable)

839172
Amendment Barcode (if applicable)

Topic Education

Name Shan Goff

Job Title Florida Policy Director

Address _____
Street

Phone 850-544-6138

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

SB1366

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Robby Holroyd

Job Title _____

Address 110 SE 6th St. Fifteenth Floor

Phone 954-803-0231

Street

Ft. Lauderdale FL 33301

Email REH@trippscott.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Code.org

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/2019

Meeting Date

1366

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Bethany Swonson

Job Title Leg. Affairs Director

Address 325 W Gaines

Phone 850-621-2556

Street

Tallahassee

FL

32303

Email bethany.swonson@fldoe.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL. Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19
Meeting Date

1366
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education / Computer Science

Name Tara Reid

Job Title Lobbyist

Address 200 W. College Ave
Street

Phone 386-530-0426

Tallahassee FL 32301
City State Zip

Email treid@strategosgroup.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Project Lead the Way

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 / 16 / 2019

Meeting Date

Topic _____

Bill Number 1366

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

SB 1366

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Florida Policy Director

Address _____
Street

Phone 850-544-6128

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/2019

Meeting Date

1366

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Matthew Choy

Job Title Director

Address 136 S Bronough St.

Phone 5613863451

Street

Tallahassee

FL

32301

Email mchoy@flchamber.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: CS/SB 1470

INTRODUCER: Education Committee and Senator Diaz

SUBJECT: Charter Schools

DATE: April 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	Fav/CS
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1470 renames the Charter School Appeal Commission to the Charter School Commission (CSC) and authorizes the CSC to review applications from specified entities and maintain duties related to charter application appeals. The bill also:

- Adds the CSC to requirements relating to sponsor review of charter applications.
- Requires the CSC to submit recommendations for approval or denial of specified charter applications to the State Board of Education (state board) for approval.
- Establishes a sponsor and applicant appeals process for CSC recommendations to approve or deny an application, and requires state board action on an appeal.

The bill also establishes penalties for specified charter school personnel or entities if:

- A sponsor chooses not to renew or to terminate a charter, or a charter school closes mid-year or within one year of beginning operations, except for closures due to consolidation.
- Such personnel or entities are convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school.

The bill does not have an impact on state expenditures or revenues. However, the CSC may have an increased workload as a result of the bill.

The bill takes effect July 1, 2019.

II. Present Situation:

Charter schools are public schools that operate under a performance contract, or a “charter” which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results. The charter contract between the charter school governing board and the sponsor details the school’s mission, program, goals, students served, methods of assessment and ways to measure success.¹

Under current law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.² Additionally, a state university may grant a charter to a developmental research (laboratory) school³ and must be considered to be the school’s sponsor.⁴ Such school must be considered a charter lab school.⁵

Charter School Application Process

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.⁶

A sponsor receives and reviews all charter school applications⁷ and, within 90 calendar days of receipt, must by majority vote approve or deny the application.⁸ All charter applicants must prepare and submit an application on a standard application form prepared by the Department of Education, which:⁹

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor must deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years. This plan must contain anticipated fund balances based on

¹ Florida Department of Education, *FAQ, What are charter schools?*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 22, 2019).

² Section 1002.33(5)(a)1., F.S.

³ Section 1002.32, F.S.

⁴ Section 1002.33(5)(a)2., F.S.

⁵ *Id.*

⁶ Section 1002.33(3)(a), F.S.

⁷ Section 1002.33(6)(b), F.S.

⁸ Section 1002.33(6)(b)3.a., F.S.

⁹ Section 1002.33(6)(a), F.S.

revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require, which must be attached as an addendum to the charter school application.
- For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services in accordance with the law.¹⁰

A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant.¹¹

A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment.¹²

Charter School Appeals

If a sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must provide specific written reasons for the denial within 10 calendar days after such denial.¹³ An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education (state board) no later than 30 calendar days after receipt of the sponsor's decision or failure to act and must notify the sponsor of its appeal.¹⁴ Any response of the sponsor must be submitted to the state board within 30 calendar days after notification of the appeal.¹⁵

Upon receipt of notification from the state board that a charter school applicant is filing an appeal, the Commissioner of Education (commissioner) must convene a meeting of the Charter School Appeal Commission (commission) to study and make recommendations to the state board regarding its pending decision about the appeal.¹⁶ The commission must forward its recommendation to the state board at least seven calendar days before the date on which the appeal is to be heard.¹⁷

¹⁰ Section 1002.45(1)(d), F.S.

¹¹ Section 1002.33(6)(b), F.S. A sponsor may receive and consider applications after February 1, if it chooses. *Id.*

¹² *Id.*

¹³ Section 1002.33(6)(b)3.c., F.S.

¹⁴ Section 1002.33(6)(c)1, F.S.

¹⁵ *Id.*

¹⁶ Section 1002.33(6)(c)1., F.S. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. Section 1003.22(6)(e)2., F.S.

¹⁷ *Id.*

The state board must by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed.¹⁸ The state board's decision is a final action subject to judicial review in the district court of appeal.¹⁹

Charter School Appeal Commission

The commission assists the commissioner and the state board with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors.²⁰

The commissioner appoints the members to the commission sufficient to ensure that no potential conflict of interest exists for any commission appeal decision. Of the members hearing the appeal, one-half must represent currently operating charter schools and one-half must represent sponsors.²¹

Nonrenewal or Termination of a Charter

The sponsor must make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter.²² The sponsor may also choose not to renew or may terminate the charter if the sponsor finds that one of the grounds set forth below exists by clear and convincing evidence:²³

- Failure to participate in the state's education accountability system²⁴ or failure to meet the requirements for student performance stated in the charter.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.

A charter may also be terminated if the:

- Charter school's governing board determines to voluntarily terminate the charter; the charter school governing board must follow closure procedures specified in law.²⁵
- Sponsor sets forth in writing the particular facts and circumstances indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists.²⁶
- Charter school earns two consecutive grades of "F" after all school grade appeals are final, subject to exceptions established in law.²⁷

¹⁸ Section 1002.33(6)(c)3.a., F.S.

¹⁹ Section 1002.33(6)(d), F.S.

²⁰ Section 1002.33(6)(e)1., F.S.

²¹ Section 1002.33(6)(e)3., F.S.

²² Section 1002.33(8)(a), F.S.

²³ *Id.*

²⁴ Section 1008.31, F.S. The K-20 education performance accountability system be established as a single, unified accountability system with multiple components, including, but not limited to, student performance in public schools and school and district grades. *Id.* at (1)(b). School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education, the Board of Governors of the State University System, and the Legislature with information and reports necessary to address the specifications of the accountability system. Section 1008.31(3)(a), F.S.

²⁵ Section 1002.33(7)(e), F.S.

²⁶ Section 1002.33(8)(c), F.S.

²⁷ Section 1002.33(9)(n)2.e.3., F.S.

- Charter school does not comply with the law requiring background screening for employees and members of the governing board of the charter school.²⁸

III. Effect of Proposed Changes:

Charter School Commission

The bill amends s. 1002.33, F.S., to rename the Charter School Appeal Commission (commission) to the Charter School Commission (CSC). The CSC retains the responsibilities established in law related to an applicant's appeal of the sponsor's denial of an application, but adds additional responsibilities. Specifically, the bill requires:

- The CSC to review specified applications and assist the Commissioner of Education (commissioner) with specified appeals.
- The commissioner to appoint the number of members sufficient to ensure no conflict of interest exists for application review, as well as for appeal decisions.
- That for members reviewing a charter application, one-half must represent charter schools and one-half must represent sponsors.

Charter School Applications

The bill authorizes the following applicants to submit an application directly to the CSC:

- A high-performing charter school seeking to replicate;²⁹
- A high-performing charter school system seeking to replicate;³⁰ and
- A hope operator;³¹

The bill requires the CSC, in addition to the sponsor, to:

- Recommend denial of an application that does not propose a reading curriculum that is consistent with effective teaching strategies grounded in scientifically based reading research.
- Consider specified information relating to applicants, education service providers, and school closure and financial history in making a final determination on the application.
- Review all charter applications using the evaluation instrument developed by the Department of Education (DOE).
- Receive and consider a charter school application by a specified timeline. The bill also removes outdated dates relating to receipt of applications by the sponsor.
- Not charge a fee for consideration of an application or base its decision on the promise of future payments of any kind.
- Allow an applicant, upon written notification, seven days to make technical corrections to the application.

The bill also establishes requirements for applicants to the CSC, which require the applicant to:

- Submit any additional information that the CSC may require.

²⁸ Section 1002.33(12)(g)5., F.S.

²⁹ Section 1002.331, F.S.

³⁰ Section 1002.332, F.S.

³¹ Section 1002.333, F.S.

- Provide to the charter sponsor within three days of submission any application submitted to the CSC.

The bill requires the CSC to submit its recommendation for approval of a charter school application to the state board for approval. Therefore, the CSC does not approve or deny an application, but instead recommends approval or denial to the state board. The bill adds the CSC to charter approval requirements currently assigned to the sponsor. The CSC must:

- By majority vote recommend to approve or deny an application no later than 90 days after submission, unless a delay is agreed to by both parties.
- Articulate in writing to the applicant the specific reasons for any recommendation for denial of an application within 10 days.
- Comply with requirements relating to applications by high-performing charter schools.

In addition, for an application submitted to the CSC, the bill authorizes the sponsor to provide input to the CSC within 30 days after receiving a copy of the final application submitted to the CSC. The CSC must consider such input in reviewing the application.

Charter School Appeals

The bill specifies an appeals process for sponsors and applicants for applications submitted to the CSC. The appeals process includes the following:

- The sponsor may appeal to the state board the CSC recommendation to approve the application no later than 30 days after the CSC's decision.
- The applicant may appeal any recommendation to deny that applicant's application or the failure to act on an application by the CSC to the state board no later than 30 calendar days after receipt of the CSC's decision or failure to act, and the applicant shall notify the CSC of its appeal. The state board must notify the commissioner of an applicant's appeal.

The bill specifies that for appeals by both the sponsor and the applicant, upon receipt of notification from the state board that a charter school sponsor or applicant is filing an appeal of the CSC's recommendation, the commissioner must review the appeal and make recommendations to the state board regarding its pending decision regarding the appeal. The commissioner must report his or her recommendation to the state board at least seven calendar days before the date on which the appeal is considered. The bill also adds the CSC to appeals process requirements relating to a recommendation to deny a charter application by a high-performing charter school.

The bill authorizes the commissioner, in addition to the CSC, to reject an appeal submission for failure to comply with procedural rules, and maintains current law regarding correction of application errors. The bill also maintains the requirement that a corrected application is timely filed within 30 days after receipt of the notice of the specific reasons for commissioner or CSC rejection of the appeal.

The bill requires the state board, by majority vote, to accept or reject the recommendation of the CSC to approve the application no later than 90 calendar days after an appeal is filed in accordance with state board rule. The bill maintains current law that requires the sponsor to

implement the decision of the state board, which is not subject to the Administrative Procedures Act.³²

Finally, for budget projection purposes, the bill requires the CSC to report to the Department of Education the approval or denial of an application within 10 days after such approval or denial and, if an application is approved, requires the final projected FTE for the charter schools to be reported.

Nonrenewal or Termination of a Charter

The bill establishes penalties for specified individuals or entities that wish to submit a charter application. The bill specifies that:

- If sponsor chooses not to renew or to terminate a charter as authorized in law³³ or if a charter school closes before the end of a school year or within one year after beginning operations, excluding charter schools that close due to consolidation with another charter school, the applicant for the charter, the charter school owner, president, superintendent, principal, the charter school governing board members, and the relatives of such owner, president, superintendent, principal, or governing board member may not submit an application to open a charter school in this state for a period of 5 years after the termination of the charter or closure of the charter school.
- If a charter school applicant, owner, president, superintendent, principal, member of a charter school governing board, a charter management organization, or an education management organization is convicted of a crime, including, but not limited to, fraud or financial offenses related to the operation of a charter school, that the owner, president, or governing board member, including any relatives³⁴ of such individuals, or the charter management organization or the education management organization, may not submit an application to open a charter school in this state for a period of 10 years after such conviction.

The penalties established in the bill may reduce incidences of charter schools closing mid-year or early in their operations due to errors in enrollment projections or financial mismanagement. In addition, the penalties for crimes related to charter school operations may limit the ability of such individuals or entities to be involved in future charter school applications, operations, or management.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³² Chapter 120, F.S.

³³ Section 1002.33(8)(a) and (c), F.S.

³⁴ The term “relative” father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. Section 1002.33(24)(a)2.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have an impact on state expenditures or revenues. However, the CSC may have an increased workload as a result of the bill passing.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.33 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Committee Substitute by Education on March 26, 2019:

The committee substitute:

- Removes the following entities that may directly submit a charter school application to the Charter School Commission named in the bill:
 - A business entity or municipality authorized in law to form a charter school.
 - An applicant or group of applicants, who are authorized in law to submit an application for a charter school, for the purpose of opening a charter school in a school district that received three consecutive district grades lower than a “C.”
- Modifies the provision establishing penalties for individuals and organizations that close a charter school or are convicted of a crime related to charter school operations. Specifically, the committee substitute:
 - Makes a technical change to place the provision under the subsection regarding charter school requirements, rather than under the subsection for causes for nonrenewal or termination.
 - Changes the provision establishing a penalty if a charter school closes within 3 years of beginning operations to specify closure within 1 year of beginning operations; and provides an exception from the penalty for charter schools that close due to consolidation with another charter school.
 - Modifies the individuals to whom the penalties specified in this paragraph apply, to include the charter school superintendent and principal, which aligns with current law regarding charter school personnel.

B. Amendments:

None.

By the Committee on Education; and Senator Diaz

581-03502-19

20191470c1

1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; revising requirements for the annual
 4 reports that charter school sponsors are required to
 5 submit to the Department of Education; requiring the
 6 Charter School Appeal Commission, which is renamed the
 7 Charter School Commission, to recommend denial of a
 8 charter school application if the school does not
 9 propose a certain reading curriculum; specifying the
 10 entities from which the commission may receive and
 11 consider applications; providing that the commission
 12 may recommend approval of applications to the State
 13 Board of Education; providing that sponsors may appeal
 14 such recommendations to the state board; providing a
 15 process for the review of appeals; requiring the
 16 Commissioner of Education to review appeals and make
 17 recommendations to the state board; providing the
 18 process for that review and for consideration by the
 19 state board of the commissioner's recommendations;
 20 requiring action by the state board on the
 21 recommendation within a specified timeframe; requiring
 22 sponsors to implement the decision of the state board;
 23 authorizing applicants to appeal to the state board
 24 certain recommendations by the commission or the
 25 commission's failure to act on an application;
 26 providing the process for such review and the
 27 disposition of such appeals; conforming provisions to
 28 changes made by the act; authorizing applicants to
 29 appeal to the state board if the commission fails to

Page 1 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19

20191470c1

30 act on an application; requiring the commission to
 31 articulate its recommendation for denial of an
 32 application to the department within a specified
 33 timeframe after such denial; authorizing the
 34 commission to recommend denial of applications
 35 submitted by certain entities, under specified
 36 circumstances; requiring the commission to articulate
 37 its recommendation for denial of such applications to
 38 the department within a specified timeframe;
 39 authorizing applicants to appeal the commission's
 40 recommendation for denial of an application;
 41 authorizing sponsors to provide input regarding final
 42 applications to the commission within a specified
 43 timeframe; requiring the commission to consider such
 44 input; requiring the commission to submit
 45 recommendations for approval of charter school
 46 applications to the state board; authorizing sponsors
 47 to appeal to the state board such recommendations
 48 within a specified timeframe after the commission's
 49 decision; requiring the Commissioner of Education to
 50 review such appeals and make recommendations to the
 51 state board within a specified timeframe; requiring
 52 the state board to accept or reject such
 53 recommendations by majority vote; requiring sponsors
 54 to implement decisions of the state board; providing
 55 that state board decisions are not subject to
 56 specified provisions; conforming provisions to changes
 57 made by the act; authorizing applicants to appeal
 58 recommendations for denial of an application or the

Page 2 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19

20191470c1

59 failure to act on applications; requiring the state
60 board to notify the commissioner of such appeals;
61 requiring the commissioner to review such appeals and
62 make recommendations to the state board; authorizing
63 the commissioner to reject appeal submissions under
64 specified circumstances; conforming provisions to
65 changes made by the act; prohibiting specified
66 individuals and entities from submitting an
67 application to open a charter school for specified
68 periods of time; providing an exception; defining the
69 term "relative" for the purpose of applying the
70 prohibition; providing an effective date.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. Paragraph (b) of subsection (5) and subsection
75 (6) of section 1002.33, Florida Statutes, are amended, and
76 paragraph (r) is added to subsection (9) of that section, to
77 read:

78 1002.33 Charter schools.—

79 (5) SPONSOR; DUTIES.—

80 (b) *Sponsor duties*.—

81 1.a. The sponsor shall monitor and review the charter
82 school in its progress toward the goals established in the
83 charter.

84 b. The sponsor shall monitor the revenues and expenditures
85 of the charter school and perform the duties provided in s.
86 1002.345.

87 c. The sponsor may approve a charter for a charter school

581-03502-19

20191470c1

88 before the applicant has identified space, equipment, or
89 personnel, if the applicant indicates approval is necessary for
90 it to raise working funds.

91 d. The sponsor shall not apply its policies to a charter
92 school unless mutually agreed to by both the sponsor and the
93 charter school. If the sponsor subsequently amends any agreed-
94 upon sponsor policy, the version of the policy in effect at the
95 time of the execution of the charter, or any subsequent
96 modification thereof, shall remain in effect and the sponsor may
97 not hold the charter school responsible for any provision of a
98 newly revised policy until the revised policy is mutually agreed
99 upon.

100 e. The sponsor shall ensure that the charter is innovative
101 and consistent with the state education goals established by s.
102 1000.03(5).

103 f. The sponsor shall ensure that the charter school
104 participates in the state's education accountability system. If
105 a charter school falls short of performance measures included in
106 the approved charter, the sponsor shall report such shortcomings
107 to the Department of Education.

108 g. The sponsor shall not be liable for civil damages under
109 state law for personal injury, property damage, or death
110 resulting from an act or omission of an officer, employee,
111 agent, or governing body of the charter school.

112 h. The sponsor shall not be liable for civil damages under
113 state law for any employment actions taken by an officer,
114 employee, agent, or governing body of the charter school.

115 i. The sponsor's duties to monitor the charter school shall
116 not constitute the basis for a private cause of action.

581-03502-19

20191470c1

117 j. The sponsor shall not impose additional reporting
118 requirements on a charter school without providing reasonable
119 and specific justification in writing to the charter school.

120 k. The sponsor shall submit an annual report to the
121 Department of Education in a web-based format to be determined
122 by the department.

123 (I) The report shall include the following information for
124 applications reviewed by the sponsor and by the Charter School
125 Commission established under subparagraph (6)(e)1., hereinafter
126 referred to as "the commission":

127 (A) The number of draft applications received on or before
128 May 1 and each applicant's contact information.

129 (B) The number of final applications received on or before
130 August 1 and each applicant's contact information.

131 (C) The date each application was approved, denied, or
132 withdrawn.

133 (D) The date each final contract was executed.

134 (II) Beginning August 31, 2013, and each year thereafter,
135 the sponsor shall submit to the department the information for
136 the applications submitted the previous year.

137 (III) The department shall compile an annual report, by
138 district, and post the report on its website by November 1 of
139 each year.

140 2. Immunity for the sponsor of a charter school under
141 subparagraph 1. applies only with respect to acts or omissions
142 not under the sponsor's direct authority as described in this
143 section.

144 3. This paragraph does not waive a district school board's
145 sovereign immunity.

581-03502-19

20191470c1

146 4. A Florida College System institution may work with the
147 school district or school districts in its designated service
148 area to develop charter schools that offer secondary education.
149 These charter schools must include an option for students to
150 receive an associate degree upon high school graduation. If a
151 Florida College System institution operates an approved teacher
152 preparation program under s. 1004.04 or s. 1004.85, the
153 institution may operate no more than one charter school that
154 serves students in kindergarten through grade 12. In
155 kindergarten through grade 8, the charter school shall implement
156 innovative blended learning instructional models in which, for a
157 given course, a student learns in part through online delivery
158 of content and instruction with some element of student control
159 over time, place, path, or pace and in part at a supervised
160 brick-and-mortar location away from home. A student in a blended
161 learning course must be a full-time student of the charter
162 school and receive the online instruction in a classroom setting
163 at the charter school. District school boards shall cooperate
164 with and assist the Florida College System institution on the
165 charter application. Florida College System institution
166 applications for charter schools are not subject to the time
167 deadlines outlined in subsection (6) and may be approved by the
168 district school board at any time during the year. Florida
169 College System institutions may not report FTE for any students
170 who receive FTE funding through the Florida Education Finance
171 Program.

172 5. A school district may enter into nonexclusive interlocal
173 agreements with federal and state agencies, counties,
174 municipalities, and other governmental entities that operate

581-03502-19 20191470c1
 175 within the geographical borders of the school district to act on
 176 behalf of such governmental entities in the inspection,
 177 issuance, and other necessary activities for all necessary
 178 permits, licenses, and other permissions that a charter school
 179 needs in order for development, construction, or operation. A
 180 charter school may use, but may not be required to use, a school
 181 district for these services. The interlocal agreement must
 182 include, but need not be limited to, the identification of fees
 183 that charter schools will be charged for such services. The fees
 184 must consist of the governmental entity's fees plus a fee for
 185 the school district to recover no more than actual costs for
 186 providing such services. These services and fees are not
 187 included within the services to be provided pursuant to
 188 subsection (20).

189 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 190 applications are subject to the following requirements:

191 (a) A person or entity seeking to open a charter school
 192 shall prepare and submit an application on the standard
 193 application form prepared by the Department of Education which:

194 1. Demonstrates how the school will use the guiding
 195 principles and meet the statutorily defined purpose of a charter
 196 school.

197 2. Provides a detailed curriculum plan that illustrates how
 198 students will be provided services to attain the Sunshine State
 199 Standards.

200 3. Contains goals and objectives for improving student
 201 learning and measuring that improvement. These goals and
 202 objectives must indicate how much academic improvement students
 203 are expected to show each year, how success will be evaluated,

581-03502-19 20191470c1
 204 and the specific results to be attained through instruction.

205 4. Describes the reading curriculum and differentiated
 206 strategies that will be used for students reading at grade level
 207 or higher and a separate curriculum and strategies for students
 208 who are reading below grade level. A sponsor shall deny, or the
 209 commission shall recommend denial of, an application if the
 210 school does not propose a reading curriculum that is consistent
 211 with effective teaching strategies that are grounded in
 212 scientifically based reading research.

213 5. Contains an annual financial plan for each year
 214 requested by the charter for operation of the school for up to 5
 215 years. This plan must contain anticipated fund balances based on
 216 revenue projections, a spending plan based on projected revenues
 217 and expenses, and a description of controls that will safeguard
 218 finances and projected enrollment trends.

219 6. Discloses the name of each applicant, governing board
 220 member, and all proposed education services providers; the name
 221 and sponsor of any charter school operated by each applicant,
 222 each governing board member, and each proposed education
 223 services provider that has closed and the reasons for the
 224 closure; and the academic and financial history of such charter
 225 schools, which the sponsor or the commission, as applicable,
 226 shall consider in making a final determination on deciding
 227 ~~whether to approve or deny~~ the application.

228 7. Contains additional information that the a sponsor or
 229 the commission may require, which must shall be attached as an
 230 addendum to the charter school application described in this
 231 paragraph.

232 8. For the establishment of a virtual charter school,

581-03502-19

20191470c1

233 documents that the applicant has contracted with a provider of
 234 virtual instruction services pursuant to s. 1002.45(1)(d).

235 (b) An applicant may submit an application to a sponsor or
 236 to the commission pursuant to subparagraph 1. The A sponsor or
 237 the commission, as applicable, shall receive and review all
 238 applications for a charter school using the evaluation
 239 instrument developed by the Department of Education. An
 240 applicant that submits an application to the commission also
 241 shall provide the application to the sponsor within 3 days after
 242 its submission to the commission ~~A sponsor shall receive and~~
 243 ~~consider charter school applications received on or before~~
 244 ~~August 1 of each calendar year for charter schools to be opened~~
 245 ~~at the beginning of the school district's next school year, or~~
 246 ~~to be opened at a time agreed to by the applicant and the~~
 247 ~~sponsor. A sponsor may not refuse to receive a charter school~~
 248 ~~application submitted before August 1 and may receive an~~
 249 ~~application submitted later than August 1 if it chooses.~~
 250 ~~Beginning in 2018 and thereafter,~~ A sponsor or the commission,
 251 as applicable, shall receive and consider charter school
 252 applications received on or before February 1 of each calendar
 253 year for charter schools to be opened 18 months later at the
 254 beginning of the school district's school year, or to be opened
 255 at a time determined by the applicant. A sponsor and the
 256 commission may not refuse to receive a charter school
 257 application submitted before February 1 and may receive an
 258 application submitted later than February 1 if the sponsor or
 259 the commission ~~it~~ chooses. A sponsor and the commission may not
 260 charge an applicant for a charter any fee for the processing or
 261 consideration of an application, and a sponsor and the

Page 9 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19

20191470c1

262 commission may not base their ~~its~~ consideration or approval of a
 263 final application upon the promise of future payment of any
 264 kind. Before approving or denying any application, the sponsor
 265 or the commission, as applicable, shall allow the applicant,
 266 upon receipt of written notification, at least 7 calendar days
 267 to make technical or nonsubstantive corrections and
 268 clarifications, including, but not limited to, corrections of
 269 grammatical, typographical, and like errors or missing
 270 signatures, if such errors are identified by the sponsor or the
 271 commission as cause to deny the final application.

272 1. The commission may receive and consider applications
 273 from:

274 a. A high-performing charter school pursuant to s.
 275 1002.331.

276 b. A high-performing charter school system pursuant to s.
 277 1002.332.

278 c. A hope operator pursuant to s. 1002.333.

279 2.1- In order to facilitate an accurate budget projection
 280 process, a sponsor shall be held harmless for FTE students who
 281 are not included in the FTE projection due to approval of
 282 charter school applications after the FTE projection deadline.
 283 In a further effort to facilitate an accurate budget projection,
 284 within 15 calendar days after receipt of a charter school
 285 application, a sponsor shall report to the Department of
 286 Education the name of the applicant entity, the proposed charter
 287 school location, and its projected FTE.

288 3.2- In order to ensure fiscal responsibility, an
 289 application for a charter school shall include a full accounting
 290 of expected assets, a projection of expected sources and amounts

Page 10 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19

20191470c1

291 of income, including income derived from projected student
 292 enrollments and from community support, and an expense
 293 projection that includes full accounting of the costs of
 294 operation, including start-up costs.

295 ~~4.a.3.a.~~ A sponsor shall by a majority vote approve or
 296 deny, or the commission shall by majority vote recommend to
 297 approve or deny, an application no later than 90 calendar days
 298 after the application is received, unless the sponsor or the
 299 commission and the applicant mutually agree in writing to
 300 temporarily postpone the vote to a specific date, at which time
 301 the sponsor shall by a majority vote approve or deny, or the
 302 commission shall by a majority vote recommend to approve or
 303 deny, the application. If the sponsor or the commission fails to
 304 act on the application, an applicant may appeal to the State
 305 Board of Education as provided in paragraph (c). If an
 306 application is denied or recommended for denial, the sponsor or
 307 the commission shall, within 10 calendar days after such denial,
 308 articulate in writing the specific reasons, based upon good
 309 cause, supporting its denial of the application and shall
 310 provide the letter of denial and supporting documentation to the
 311 applicant and to the Department of Education.

312 b. An application submitted by a high-performing charter
 313 school identified pursuant to s. 1002.331 or a high-performing
 314 charter school system identified pursuant to s. 1002.332 may be
 315 denied by the sponsor or recommended for denial by the
 316 commission only if the sponsor or the commission demonstrates by
 317 clear and convincing evidence that:

318 (I) The application of a high-performing charter school
 319 does not materially comply with the requirements in paragraph

Page 11 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19

20191470c1

320 (a) or, for a high-performing charter school system, the
 321 application does not materially comply with s. 1002.332(2)(b);
 322 (II) The charter school proposed in the application does
 323 not materially comply with the requirements in paragraphs
 324 (9)(a)-(f);

325 (III) The proposed charter school's educational program
 326 does not substantially replicate that of the applicant or one of
 327 the applicant's high-performing charter schools;

328 (IV) The applicant has made a material misrepresentation or
 329 false statement or concealed an essential or material fact
 330 during the application process; or

331 (V) The proposed charter school's educational program and
 332 financial management practices do not materially comply with the
 333 requirements of this section.

334
 335 Material noncompliance is a failure to follow requirements or a
 336 violation of prohibitions applicable to charter school
 337 applications, which failure is quantitatively or qualitatively
 338 significant either individually or when aggregated with other
 339 noncompliance. An applicant is considered to be replicating a
 340 high-performing charter school if the proposed school is
 341 substantially similar to at least one of the applicant's high-
 342 performing charter schools and the organization or individuals
 343 involved in the establishment and operation of the proposed
 344 school are significantly involved in the operation of replicated
 345 schools.

346 c. If the sponsor denies or the commission recommends
 347 denial of an application submitted by a high-performing charter
 348 school or a high-performing charter school system, the sponsor

Page 12 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19 20191470c1

349 or the commission, as applicable, must, within 10 calendar days
 350 after such denial, state in writing the specific reasons, based
 351 upon the criteria in sub-subparagraph b., supporting its denial
 352 of the application and must provide the letter of denial and
 353 supporting documentation to the applicant and to the Department
 354 of Education. The applicant may appeal the sponsor's denial or
 355 the commission's recommendation for denial of the application in
 356 accordance with paragraph (c).

357 5.a. A sponsor may provide input to the commission within
 358 30 days after receiving a copy of the final application
 359 submitted to the commission. The commission must consider such
 360 input in reviewing the application.

361 b. The commission must submit its recommendation for
 362 approval of a charter school application to the State Board of
 363 Education for approval.

364 c. The sponsor may appeal to the state board any
 365 recommendation to approve the application by the commission no
 366 later than 30 days from the commission's decision. Upon receipt
 367 of notification from the state board that a sponsor is filing an
 368 appeal, the commissioner shall review the appeal and make
 369 recommendations to the state board regarding its pending
 370 decision about the appeal. The commissioner shall report his or
 371 her recommendations to the state board at least 7 calendar days
 372 before the date on which the appeal is considered.

373 d. The state board by majority vote shall accept or reject
 374 the recommendation of the commission to approve the application
 375 no later than 90 calendar days after an appeal is filed in
 376 accordance with State Board of Education rule. The sponsor shall
 377 implement the decision of the state board. The decision of the

581-03502-19 20191470c1

378 state board is not subject to chapter 120.

379 6.4- For budget projection purposes, the sponsor or the
 380 commission, as applicable, shall report to the Department of
 381 Education the approval or denial of an application within 10
 382 calendar days after such approval or denial. In the event of
 383 approval by the sponsor or the state board, as applicable, the
 384 report to the Department of Education shall include the final
 385 projected FTE for the approved charter school.

386 7.5- Upon approval of an application, the initial startup
 387 shall commence with the beginning of the public school calendar
 388 for the district in which the charter is granted. A charter
 389 school may defer the opening of the school's operations for up
 390 to 3 years to provide time for adequate facility planning. The
 391 charter school must provide written notice of such intent to the
 392 sponsor and the parents of enrolled students at least 30
 393 calendar days before the first day of school.

394 (c)1. An applicant may appeal any denial of that
 395 applicant's application or failure to act on an application to
 396 the State Board of Education by the sponsor no later than 30
 397 calendar days after receipt of the sponsor's decision or failure
 398 to act and shall notify the sponsor of its appeal. Any response
 399 of the sponsor shall be submitted to the State Board of
 400 Education within 30 calendar days after notification of the
 401 appeal. Upon receipt of notification from the State Board of
 402 Education that a charter school applicant is filing an appeal,
 403 the Commissioner of Education shall convene a meeting of the
 404 Charter School ~~Appeal~~ Commission to study and make
 405 recommendations to the State Board of Education regarding its
 406 pending decision about the appeal. The commission shall forward

581-03502-19

20191470c1

407 its recommendation to the state board at least 7 calendar days
408 before the date on which the appeal is to be heard.

409 2. An applicant may appeal any recommendation to deny that
410 applicant's application or the failure to act on an application
411 by the commission to the state board no later than 30 calendar
412 days after receipt of the commission's decision or failure to
413 act, and the applicant shall notify the commission of its
414 appeal. The state board shall notify the commissioner of an
415 applicant's appeal. Upon receipt of notification from the state
416 board that a charter school applicant is filing an appeal of the
417 commission's recommendation, the commissioner shall review the
418 appeal and make recommendations to the state board regarding its
419 pending decision regarding the appeal. The commissioner shall
420 report his or her recommendation to the state board at least 7
421 calendar days before the date on which the appeal is considered.

422 ~~3.2. The Charter School Appeal commission or the~~
423 ~~commissioner may reject an appeal submission for failure to~~
424 ~~comply with procedural rules governing the appeals process. The~~
425 ~~rejection shall describe the submission errors. The appellant~~
426 ~~shall have 15 calendar days after notice of rejection in which~~
427 ~~to resubmit an appeal that meets the requirements set forth in~~
428 ~~State Board of Education rule. An appeal submitted subsequent to~~
429 ~~such rejection is considered timely if the original appeal was~~
430 ~~filed within 30 calendar days after receipt of notice of the~~
431 ~~specific reasons for the sponsor's or commission's denial of the~~
432 ~~charter application.~~

433 ~~4.a.3.a.~~ The State Board of Education shall by majority
434 vote accept or reject the decision of the sponsor or the
435 commission no later than 90 calendar days after an appeal is

Page 15 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19

20191470c1

436 filed in accordance with State Board of Education rule. The
437 State Board of Education shall remand the application to the
438 sponsor with its written decision that the sponsor approve or
439 deny the application. The sponsor shall implement the decision
440 of the State Board of Education. The decision of the State Board
441 of Education is not subject to the provisions of the
442 Administrative Procedure Act, chapter 120.

443 b. If an appeal concerns an application submitted by a
444 high-performing charter school identified pursuant to s.
445 1002.331 or a high-performing charter school system identified
446 pursuant to s. 1002.332, the State Board of Education shall
447 determine whether the sponsor's or the commission's denial was
448 in accordance with sub-subparagraph (b)4.b. ~~sub-subparagraph~~
449 ~~(b)3.b.~~

450 (d) The sponsor shall act upon the decision of the State
451 Board of Education within 30 calendar days after it is received.
452 The State Board of Education's decision is a final action
453 subject to judicial review in the district court of appeal.

454 (e)1. ~~The A Charter School Appeal~~ commission is established
455 to review applications submitted pursuant to subparagraph (b)1.
456 and to assist the commissioner and the State Board of Education
457 with a fair and impartial review of appeals by applicants whose
458 charter applications have been denied, whose charter contracts
459 have not been renewed, or whose charter contracts have been
460 terminated by their sponsors.

461 2. The ~~Charter School Appeal~~ commission may receive copies
462 of the appeal documents forwarded to the State Board of
463 Education, review the documents, gather other applicable
464 information regarding the appeal, and make a written

Page 16 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19 20191470c1

465 recommendation to the commissioner. The recommendation must
 466 state whether the appeal should be upheld or denied and include
 467 the reasons for the recommendation being offered. The
 468 commissioner shall forward the recommendation to the State Board
 469 of Education no later than 7 calendar days prior to the date on
 470 which the appeal is to be heard. The state board must consider
 471 the commission's recommendation in making its decision, but is
 472 not bound by the recommendation. The decision of the ~~Charter~~
 473 ~~School Appeal~~ commission is not subject to the ~~provisions of the~~
 474 Administrative Procedure Act, chapter 120.

475 3. The commissioner shall appoint a number of members to
 476 the ~~Charter School Appeal~~ commission sufficient to ensure that
 477 no potential conflict of interest exists for any commission
 478 application review or appeal decision. Members shall serve
 479 without compensation but may be reimbursed for travel and per
 480 diem expenses in conjunction with their service. Of the members
 481 reviewing an application or hearing the appeal, one-half must
 482 represent currently operating charter schools and one-half must
 483 represent sponsors. The commissioner or a named designee shall
 484 chair the ~~Charter School Appeal~~ commission.

485 4. The chair shall convene meetings of the commission and
 486 shall ensure that the written recommendations are completed and
 487 forwarded in a timely manner. In cases in which ~~where~~ the
 488 commission cannot reach a decision, the chair shall make the
 489 written recommendation with justification, noting that the
 490 decision was rendered by the chair.

491 5. Commission members shall thoroughly review the materials
 492 presented to them from the applicant ~~appellant~~ and the sponsor.
 493 The commission may request information to clarify the

Page 17 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19 20191470c1

494 documentation presented to it. In the course of its review, the
 495 commission may facilitate the postponement of an appeal in those
 496 cases where additional time and communication may negate the
 497 need for a formal appeal and both parties agree, in writing, to
 498 postpone the appeal to the State Board of Education. A new date
 499 certain for the appeal shall then be set based upon the rules
 500 and procedures of the State Board of Education. Commission
 501 members shall provide a written recommendation to the state
 502 board as to whether the appeal should be upheld or denied. A
 503 fact-based justification for the recommendation must be
 504 included. The chair must ensure that the written recommendation
 505 is submitted to the State Board of Education members no later
 506 than 7 calendar days prior to the date on which the appeal is to
 507 be heard. Both parties in the case shall also be provided a copy
 508 of the recommendation.

509 (f)1. The Department of Education shall provide or arrange
 510 for training and technical assistance to charter schools in
 511 developing and adjusting business plans and accounting for costs
 512 and income. Training and technical assistance shall also
 513 address, at a minimum, state and federal grant and student
 514 performance accountability reporting requirements and provide
 515 assistance in identifying and applying for the types and amounts
 516 of state and federal financial assistance the charter school may
 517 be eligible to receive. The department may provide other
 518 technical assistance to an applicant upon written request.

519 2. A charter school applicant must participate in the
 520 training provided by the Department of Education after approval
 521 of an application but at least 30 calendar days before the first
 522 day of classes at the charter school. However, a sponsor may

Page 18 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03502-19 20191470c1

523 require the charter school applicant to attend training provided
 524 by the sponsor in lieu of the department's training if the
 525 sponsor's training standards meet or exceed the standards
 526 developed by the department. In such case, the sponsor may not
 527 require the charter school applicant to attend the training
 528 within 30 calendar days before the first day of classes at the
 529 charter school. The training must include instruction in
 530 accurate financial planning and good business practices. If the
 531 applicant is a management company or a nonprofit organization,
 532 the charter school principal and the chief financial officer or
 533 his or her equivalent must also participate in the training. A
 534 sponsor may not require a high-performing charter school or
 535 high-performing charter school system applicant to participate
 536 in the training described in this subparagraph more than once.

537 (g) In considering charter applications for a lab school, a
 538 state university shall consult with the district school board of
 539 the county in which the lab school is located. The decision of a
 540 state university may be appealed pursuant to the procedure
 541 established in this subsection.

542 (9) CHARTER SCHOOL REQUIREMENTS.—

543 (r) If a sponsor chooses not to renew or to terminate a
 544 charter pursuant to paragraphs (8)(a) or (8)(c), or if a charter
 545 school voluntarily closes before the end of a school year or
 546 within 1 year after beginning operations, excluding charter
 547 schools that close due to consolidation with another charter
 548 school, the applicant for the charter, the charter school owner,
 549 president, superintendent, principal, charter school governing
 550 board members, and the relatives of such applicant, owner,
 551 president, superintendent, principal, or governing board member

581-03502-19 20191470c1

552 may not submit an application to open a charter school in this
 553 state pursuant to subsection (6) for a period of 5 years after
 554 the charter is not renewed or is terminated, or the charter
 555 school closes pursuant to this paragraph. If a charter school
 556 applicant, owner, president, superintendent, principal, or a
 557 member of a charter school governing board, a charter management
 558 organization, or an education management organization is
 559 convicted of a crime, including, but not limited to, fraud or
 560 financial offenses related to the operation of a charter school,
 561 such applicant, owner, president, superintendent, principal, or
 562 governing board member, including any relatives of such
 563 individuals, or the charter management organization or the
 564 education management organization, may not apply for a charter
 565 pursuant to subsection (6) or operate or manage a charter school
 566 in this state for a period of 10 years after such conviction.
 567 For the purpose of this paragraph, the term "relative" has the
 568 same meaning as specified under subparagraph (24)(a)2.

569 Section 2. This act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

SB 1470

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Dr. Danielle Thomas

Job Title Legislation Chair

Address 1747 Orlando Central Pkwy

Phone 407855 7604

Street
Orlando FL 32809
City State Zip

Email legislation@floridapta.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19
Meeting Date

SB 1470
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Shan Goff

Job Title Florida Policy Director

Address _____
Street

Phone 850-544-6128

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-16-19

Meeting Date

1470

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Director of Advocacy

Address 1103 Hays St

Phone 850 329-8473

Tallahassee FL 32301

City

State

Zip

Email admin@SchoolChoiceMovements.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing School Choice Movement

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04/16/2019

Meeting Date

SB 1470

Bill Number (if applicable)

Topic CHARTER SCHOOLS

Amendment Barcode (if applicable)

Name CESAR GRAJALES

Job Title DIRECTOR OF COALITIONS

Address 200 W COLLEGE AVE

Phone 786 260.9283

Street

TALLAHASSEE FL

Email Cgrajales@belibr.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing THE LIBRE INITIATIVE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/2019

1470

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Bethany Swonson

Job Title Leg. Affairs Director

Address 325 W Gaines

Phone 850-621-2556

Street

Tallahassee

FL

32303

Email bethany.swonson@fldoe.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL. Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 1594

INTRODUCER: Senator Harrell

SUBJECT: Voluntary Prekindergarten Education Program

DATE: April 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Sikes</u>	<u>ED</u>	Favorable
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1594 shifts the method for assessing Voluntary Prekindergarten Education Program (VPK) providers from a kindergarten readiness rate based on the results of a screening taken in kindergarten to a program score based on assessments and a screening taken during the VPK school year. The bill eliminates the connection between the kindergarten readiness screening and a student's VPK provider. The bill also:

- Revises the statewide kindergarten screening to conform to Next Generation Sunshine State Standards for K-12 public school students.
- Removes the Office of Early Learning's (OEL's) authority to adopt procedures to calculate the kindergarten readiness rate.
- Authorizes the Department of Education (DOE) to adopt procedures to calculate each public school's kindergarten readiness rate.

The bill requires the OEL to adopt a methodology for calculating each VPK provider's program score, which must include:

- Program assessment scores;
- Developmentally appropriate learning gain data from a pre-and post-VPK assessment; and
- The results of the statewide end-of-prekindergarten screening.

The bill maintains the responsibility of Early Learning Coalitions (ELCs) and school districts for regulating private and public VPK provider compliance at the county and regional levels. The bill enhances the education standards for VPK by:

- Adding mathematical thinking, early math skills, and executive functioning skills to the list of student skills required to be addressed in performance standards adopted by the OEL.
- Adding early math skills to the required curricula of a VPK provider.
- Requiring the OEL to adopt standards for training courses for VPK instructors on the performance standards of students.

- Providing for a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages three to five years, in each VPK classroom.
- Requiring each VPK provider to implement an evidence-based pre-and post-prekindergarten assessment to determine developmentally appropriate learning gains.
- Requiring the OEL and the DOE to adopt a statewide end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the OEL.
- Outlining consequences for a VPK provider who fails to attain the required minimum program score, including probation, corrective measures, suspension, and good cause exemptions.

The bill will have a state fiscal impact. The revised assessment and screening requirements specified in the bill will result in additional state costs of between \$3.1 million and \$9 million, depending how it is implemented. See Section V.

The bill takes effect July 1, 2019.

II. Present Situation:

The Voluntary Prekindergarten Education Program

The Florida Constitution requires the State to provide every four-year old child a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which must be voluntary, high quality, free, and delivered according to professionally accepted standards.¹ In 2004, the State established a free Voluntary Prekindergarten Education Program (VPK) offered to eligible four-year-old children.² Parents may choose either a school-year or summer program offered by either a public or private school.³ Student enrollment in the VPK program has increased from 106,479 in the 2005-2006 school year to 169,819 in the 2018-2019 school year.⁴

Early Learning Coalitions (ELCs) and school districts administer the VPK program at the county or regional level. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.⁵ A local ELC must coordinate with the local school district in the ELC's service area to develop procedures for enrolling children in public school VPK programs.⁶

¹ Art. IX, s. 1(b), Fla. Const. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

² Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; see also Art. IX, s. 1(b)-(c), Fla. Const.

³ Section 1002.53(3), F.S.

⁴ Email, Florida Office of Early Learning (Mar. 29, 2019).

⁵ Section 1002.53(4), F.S. There are currently 30 ELCs. Florida's Office of Early Learning, *Early Learning Coalitions*, <http://www.floridaearlylearning.com/family-resources/find-quality-child-care/locate-your-early-learning-coalition> (last visited Mar. 29, 2019).

⁶ Section 1002.53(4), F.S.

The Office of Early Learning (OEL) adopts procedures governing the administration of the VPK program for ELCs and school districts, including procedures for:⁷

- Child enrollment.
- Attendance reporting.
- Eligibility of VPK program providers.
- Regulating the compliance of VPK program providers.
- Reimbursing VPK program providers for the costs of the VPK program.

OEL consults with the Department of Education (DOE) regarding procedures implemented by ELCs and school districts for administering corrective action to VPK program providers and administering the VPK program for specialized instructional services for children with disabilities.⁸

Statewide Kindergarten Readiness Screening

The DOE develops a statewide kindergarten readiness screening⁹ and requires each school district to administer the statewide kindergarten readiness screening within the first 30 days of each school year.¹⁰ The screening must measure a child's readiness for kindergarten in eight domains: physical development; approaches to learning; social and emotional development; language and literacy; mathematical thinking; scientific inquiry; social studies; and creative expression through the arts.¹¹

Kindergarten Readiness Rate

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the annual screening.¹² The readiness rates are expressed as the percentage of children whose scores demonstrate readiness for kindergarten.¹³ The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK pre-assessment and post-assessment, known as the "Florida VPK Assessment."¹⁴ The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the Florida VPK Assessment from at least two successive years of administration.¹⁵

⁷ Section 1002.75(2), F.S.

⁸ Section 1002.67(3), F.S.; *see also* s. 1002.66, F.S.

⁹ The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the Florida Kindergarten Readiness Screener (FLKRS) in 2017. Florida Department of Education Contract No. 17-651 (2017). *See* rule 6M-8.602(3)(b)1., F.A.C. ⁴⁰ Rule 6M-8.601(3)(b)1., F.A.C.

¹⁰ Sections 1002.69(1)-(3) and 1002.73, F.S.

¹¹ *See* s. 1002.67(1), F.S. *See also* Florida's Office of Early Learning, *Early Learning and Developmental Standards: 4 Years Old to Kindergarten* (2017) at 1, *incorporated by reference* in rule 6M-8.602, F.A.C.

¹² Rule 6M-8.601(3)(b), F.A.C.

¹³ Sections 1002.69(5)-(6), F.S.; To be considered "ready for kindergarten," a student must achieve a score of 500 or higher on the Star Early Literacy assessment. Rule 6M-8.601, F.A.C.

¹⁴ Section 1002.69(5), F.S.; Rule 6A-1.09433(1)(b), F.A.C.

¹⁵ Section 1002.69(5), F.S. The current readiness rate determined by the OEL is calculated by the results of the kindergarten screening only. Rule 6M-8.601(3)(b), F.A.C.

VPK Provider Probation and Corrective Action

At least 60 percent of a VPK provider's students must meet the "ready for kindergarten" score on the screening in order for the provider to avoid probationary status.¹⁶ Providers that do not meet the minimum readiness rate are placed on probation.¹⁷ An ELC or school district must require a VPK provider that falls below the minimum kindergarten readiness rate to:¹⁸

- Submit for approval and implement an improvement plan;
- Place the provide or school on probation; and
- Take certain corrective actions, including the use of an OEL-approved curriculum or an OEL approved staff development plan to strengthen instruction in language development and phonological awareness.

Nearly 54 percent of kindergarten students were designated as "ready for kindergarten" based on the Fall 2017 administration of the kindergarten screening.¹⁹ Of 6,026 rated VPK providers, 2,615 failed to meet the minimum rate.²⁰ Of these 2,615 providers, 547 remained on probation.²¹ However, ELCs and school districts may not place any provider on a new probation until the 2018-2019 program year's rates are issued.²²

Good Cause Exemption

A VPK provider on probation and failing to meet the minimum readiness rate for two consecutive years must be removed from eligibility to provide the VPK program for five years; unless the provider receives a good cause exemption.²³ A VPK provider must submit a request for a good cause exemption to OEL for review and approval. The request must include the following:²⁴

- Data which documents student achievement and learning gains, as measured by a state-approved pre- and post-assessment.
- Data available from the respective ELC or district school board, DCF, local licensing authority, or an accrediting association, as applicable, relating to the provider's compliance with state and local health and safety standards.
- Data available to OEL on the performance of the children served and the calculation of the provider's kindergarten readiness rate.

A VPK provider who receives a good cause exemption must continue to implement its improvement plan and take corrective actions until the provider meets the minimum kindergarten

¹⁶ *Id.*

¹⁷ Section 1002.67(4), F.S.

¹⁸ Section 1002.67(4)(c)1., F.S.

¹⁹ Florida Department of Education, *Fall 2017 FLKRS Results by District* (2018), available at <http://www.fldoe.org/core/fileparse.php/18494/urlt/Fall17FLKRSbyDistrict.xlsx>.

²⁰ *Id.*

²¹ Email, Office of Early Learning (Mar. 29, 2019).

²² Rule 6M-8.601(5)(b), F.A.C.

²³ Section 1002.67(4)(c)3., F.S.

²⁴ Section 1002.69(7)(b)-(c), F.S.

readiness rate.²⁵ OEL must notify the applicable ELC of the good cause exemption, which remains valid for one year and may be renewed upon request by the VPK provider.²⁶

A good cause exemption may not be granted to any VPK provider that has any class I violations or two or more class II violations within the two years preceding the provider's request for an exemption.²⁷ In addition, if a provider refuses to comply with program requirements or engages in misconduct, OEL must require the ELC or district school board to remove the provider from eligibility to deliver the VPK program for a period of five years.²⁸

VPK Instructor Requirements

Instructor Qualifications

A VPK provider offering a school-year VPK program must have, for each class, at least one instructor with the following credentials: ²⁹

- A Child Development Associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition; or
- A credential approved by the Department of Children and Families as being equivalent to or greater than the CDA; and
- Five clock hours of training in emergent literacy and successful completion of a student performance standards training course.

In lieu of the minimum credentials listed above, a private VPK program instructor may hold: ³⁰

- An associate's or higher degree in child development;
- An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of teaching or providing child care services for children any age from birth through eight years of age;
- A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
- A bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade six, regardless of whether the educator certificate is current; or
- An educational credential approved by the OEL as being equivalent to or greater than any of these educational credentials.

²⁵ Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

²⁶ Section 1002.69(7), F.S.

²⁷ Section 1002.69(7)(d), F.S. DCF classifies licensing violations as class I, II, and III violations. Class I violations consist of conduct posing an imminent threat to a child. Class II violations pose a threat to the health, safety or well-being of a child, although the threat is not imminent. Rule 65C-22.010(1)(d), F.A.C.

²⁸ Section 1002.67(4)(b), F.S.

²⁹ Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), F.S. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential, Florida Department of Education Child Care Apprenticeship Certificate, or Early Childhood Professional Certificate satisfies the staff credential requirement. Florida Department of Children and Families, *Child Care Facility Handbook* (2017), incorporated by reference in Rule 65C-22.001(7), F.A.C.

³⁰ Section 1002.55(4), F.S.

An instructor in a school-year VPK program implemented by a public school district must meet the same qualifications that are required of a private VPK program instructor, in addition to standard employment requirements for all instructional personnel in public schools.³¹ A school-year VPK program provider must have a second adult instructor for each class of 12 or more students; however, the second instructor is not required to meet the same qualifications as the lead instructor.³²

Instructor Training

The OEL sets minimum standards for emergent literacy training courses for VPK instructors.³³ Each course must be at least five clock hours long and provide strategies and techniques regarding the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including:³⁴

- Oral communication;
- Knowledge of print and letters;
- Phonemic and phonological awareness; and
- Vocabulary and comprehension.

Each emergent literacy course must also provide strategies for helping students with disabilities and other special needs maximize their benefit from the VPK program.³⁵ In addition, the OEL must adopt minimum standards for training courses on the VPK performance standards for students.³⁶

OEL outlines a 5-Tier career pathway with certifications that require different levels of foundational training up to a bachelor's degree or higher.³⁷

Early Learning Florida, developed in partnership between the OEL and the Lastinger Center at the University of Florida, is a statewide professional learning system designed to support the development of early childhood professionals' knowledge and skills in effectively educating and caring for young children.³⁸ Since 2015, Early Learning Florida has delivered over 400,000 hours of online and blended training to more than 30,000 early childhood practitioners in Florida, at no cost to educators.³⁹ All Early Learning Florida courses and trainings provide teachers with Continuing Education Units that articulate to national and state credentials.⁴⁰

³¹ Sections 1002.63(5)-(6), F.S.; *see also* Florida Department of Education, *Technical Assistance Paper: VPK Instructor Qualifications #07-01*, at 2 (Jan. 2007), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

³² Sections 1002.55(3)(f) and 1002.63(7), F.S.

³³ Section 1002.59(1), F.S.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Section 1002.59(2), F.S.

³⁷ Office of Early Learning, *Florida Early Care and Education Career Pathway*, available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/Career%20Pathway%20Revised_ADA.pdf.

³⁸ Early Learning Florida, *Who We Are*, <https://www.earlylearningflorida.com/about> (last visited Mar. 29, 2019).

³⁹ The Lastinger Center at the University of Florida, *Early Learning Florida*, <https://lastinger.center.ufl.edu/early-learning/early-learning-florida/> (last visited Mar. 29, 2019).

⁴⁰ *Id.*

Next Generation Sunshine State Standards

The Next Generation Sunshine State Standards (NGSSS) establish the core curricula content to be taught in Florida and specify the core content knowledge and skills that K-12 public school students are expected to acquire.⁴¹ The standards must be rigorous and relevant to incrementally increase a student's core content knowledge and skills over time.⁴² The curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.⁴³ The standards applicable to students in grades 9 through 12 may be organized by grade clusters that include more than one grade level, except as otherwise provided for visual performing arts, physical education, health, and foreign language standards.⁴⁴

The State Board of Education (SBE) is responsible for adopting the NGSSS and subsequent revisions to such standards in rule.⁴⁵

III. Effect of Proposed Changes:

VPK Instructor Training

The bill requires the OEL to develop and adopt standards for training courses on student performance standards relating to early literacy, numeracy, language, mathematical thinking, early math skills, and executive functioning skills, in addition to the skills required to be addressed in performance standards pursuant to existing law. The bill also requires the OEL to make professional development courses available that train prekindergarten instructors and increase the competency of teacher-child interactions. Each course must be comprised of at least 8 clock hours, provide instruction in strategies and techniques to address the age-appropriate progress of each child in attaining performance standards, and be available online.

VPK Assessments

The bill requires the State Board of Education to establish requirements for an individual to administer the assessments that make up the VPK provider program score, which include:

- The program assessment.
- The pre- and post-kindergarten assessment.
- The statewide end-of-prekindergarten screening.

Program Assessment

The bill requires each VPK provider to participate in a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged

⁴¹ Section 1003.41(1), F.S.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Section 1003.41(3)-(4), F.S.

support for learning, classroom organization, and instructional support for children ages three to five years.

Classroom Pre- and Post-VPK Assessments

The bill requires each VPK provider to implement an evidence-based pre-and post-prekindergarten assessment to determine developmentally appropriate learning gains. The pre- and post-prekindergarten assessment must be approved by the State Board of Education. In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains that include, but are not limited to, early literacy, numeracy, and language.

End-of-Prekindergarten Screening

The bill requires the OEL and the DOE to adopt a statewide end-of-prekindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the OEL. The bill requires the OEL to require that each ELC or school district, as applicable, administer the statewide end-of-prekindergarten screening to each VPK student within the last thirty school days of a school-year VPK program, or within the last ten days of a summer VPK program.

The bill requires that the statewide end-of-prekindergarten screening provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the OEL. Data from the screening, along with other available data, must be used to identify students in need of intervention for reading deficiencies and support pursuant to s. 1008.25(5), F.S. In addition, the bill requires the statewide end-of-prekindergarten screening to incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

The bill requires the DOE and the OEL to jointly:

- Review performance standards for the statewide end-of-prekindergarten screening and revise if necessary.
- Ensure a coordinated assessment system tracks the progress of VPK students through grade two in order to provide timely interventions and supports to students not meeting grade level expectations.

Program Score

The bill requires the OEL to establish a program score to measure the effectiveness of a VPK provider. Specifically, the bill requires the OEL to:

- Select an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems to develop the methodology with a weighted formula for calculating each provider's score.
- Adopt a minimum program score for a provider to maintain eligibility to provide VPK.
- Adopt procedures and a methodology for annually calculating each provider's program score, which must include:
 - Program assessment scores;
 - Developmentally appropriate learning gain data from the pre- and post-assessment; and

- The results of the statewide end-of-prekindergarten screening.

Probation

If a VPK provider falls below the minimum program score, the bill requires the applicable ELC or school district to place the VPK provider on probation and require the VPK provider to:

- Submit an improvement plan for approval by the ELC or school district, as applicable, implement the plan; and
- Implement a curriculum approved by the OEL; or
- Implement a staff development plan to strengthen instruction in language development, phonological awareness, and mathematical thinking approved by the OEL.

The probation lasts until the VPK provider attains the minimum required program score. The failure to comply with the probation or attain the minimum program score after two years of probation must result in the VPK provider's suspension from the program for a period of two to five years, as determined by the applicable ELC or school district.

Good Cause Exemption

The bill authorizes the OEL to grant a VPK provider a good cause exemption from being determined ineligible to deliver the VPK program and receive state funds for the program. The exemption is valid for one year and renewable. A request for a good cause exemption must include:

- Data from the VPK provider which documents the achievement and progress of the children served, as measured by any required screenings or assessments.
- Data from program assessments which demonstrates effective teaching practices as recognized by the program assessment tool developer.
- Data from the ELC or district school board, the Department of Children and Families, the local licensing authority, or an accrediting association, as applicable, relating to the VPK provider's compliance with state and local health and safety standards.

The bill requires the OEL to adopt criteria to consider when determining whether to grant a request for an exemption. The criteria must include:

- Learning gains of children served in VPK by the provider.
- Program assessment data which demonstrates effective teaching practices as recognized by the program assessment tool developer.
- Verification that local and state health and safety requirements are met.

The bill prohibits the OEL from granting a good cause exemption to any VPK provider that has any class I violations involving an imminent threat to the health, safety, or welfare of a student or two or more class II⁴⁶ violations involving an unreasonable risk to the health, safety, or welfare of a student within the two years preceding the provider's request for an exemption. The OEL is required to inform the applicable ELC or school district if an exemption is granted.

⁴⁶ Class I and Class II violations are defined in s. 402.281(4), F.S.

The OEL must require each applicable ELC or school district to suspend a provider who refuses to comply with VPK requirements or commits misconduct. The ELC or school district must suspend the provider's eligibility to provide VPK for a period of two to five years.

Statewide Kindergarten Screening

The bill revises the statewide kindergarten screening to conform to Next Generation Sunshine State Standards for K-12 public school students and authorizes the DOE to approve alternative kindergarten screening. The bill also:

- Maintains the requirement that each school district administer the kindergarten screening within the first thirty days of each school year.
- Adds the requirement to administer the kindergarten screening upon a student's enrollment into public school for the first time.
- Requires a school district to provide scores to teachers within one week and to parents within thirty days.
- Eliminates the authority for nonpublic schools to administer state kindergarten screening.
- Eliminates the requirement that a parent of a VPK student submit the student to the kindergarten readiness screening regardless of whether the child is enrolled in a public or private school.
- Requires a school to re-administer the kindergarten screening between 30-45 days before the end of the school year to students who did not meet the readiness level.

The bill requires the DOE to adopt procedures for identification of alternative kindergarten screenings that equate to the statewide kindergarten screening. The bill also requires the DOE to adopt procedures to calculate:

- A student's kindergarten readiness rate.
- The percentage of students at each school who scored below the kindergarten readiness level during the first 30 days of school who met the kindergarten readiness level by the end of the school year.
- The percentage of students at each school who did not meet the kindergarten readiness level by the end of the school year and who were promoted to first grade.

Data Collection and Storage

The bill requires data collected regarding the statewide end-of-prekindergarten screening and the kindergarten screening to be maintained in the DOE's PK-20 Education Data Warehouse.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private providers may be required to purchase new curricula if their current curricula do not align with the newly implemented end-of-prekindergarten screening.

C. Government Sector Impact:

The bill will have a state fiscal impact. The revised assessment and screening requirements specified in the bill will result in additional state costs between \$3.1 million and \$9 million, depending how it is implemented.

The bill has other associated costs as well. Specifically, the additional training and professional development requirements will result in costs to the Office of Early Learning (OEL). The OEL, Early Learning Coalitions, schools, and districts will incur costs associated with administering the various assessments. Districts may be required to purchase new curricula if their current curricula do not align with the newly implemented end-of-prekindergarten screening. The DOE will also incur costs to incorporate data collected from the statewide end-of-prekindergarten screening and the kindergarten screening into the PK-20 Education Data Warehouse. The fiscal impact of these additional requirements is currently indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.53, 1002.55, 1002.59, 1002.61, 1002.63, 1002.67, 1002.69, 1002.73, and 1002.75.

This bill creates the following sections of the Florida Statutes: 1002.68.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



610458

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Appropriations Subcommittee on Education (Harrell) recommended the following:

1 **Senate Amendment (with title amendment)**

2 Delete everything after the enacting clause
3 and insert:

4 Section 1. Paragraph (b) of subsection (5) of section
5 1002.53, Florida Statutes, is amended to read:

6 1002.53 Voluntary Prekindergarten Education Program;
7 eligibility and enrollment.—

8 (5) The early learning coalition shall provide each parent
9 enrolling a child in the Voluntary Prekindergarten Education



610458

10 Program with a profile of every private prekindergarten provider
11 and public school delivering the program within the county where
12 the child is being enrolled. The profiles shall be provided to
13 parents in a format prescribed by the Office of Early Learning.
14 The profiles must include, at a minimum, the following
15 information about each provider and school:

16 (b) The provider's or school's kindergarten readiness rate
17 calculated in accordance with s. 1002.69, based upon the most
18 recent available results of the statewide kindergarten screening
19 and the provider's program score, calculated in accordance with
20 s. 1002.685, when available.

21 Section 2. Subsection (6) is added to section 1002.55,
22 Florida Statutes, to read:

23 1002.55 School-year prekindergarten program delivered by
24 private prekindergarten providers.—

25 (6) Each early learning coalition must verify that each
26 private prekindergarten provider delivering the Voluntary
27 Prekindergarten Education Program within the coalition's county
28 or multicounty region complies with this part. If a private
29 prekindergarten provider fails or refuses to comply with this
30 part, or if a provider engages in misconduct, the office must
31 require the early learning coalition to remove the provider from
32 eligibility to deliver the program and to receive state funds
33 under this part for a period of at least 2 years but not more
34 than 5 years.

35 Section 3. Section 1002.59, Florida Statutes, is amended to
36 read:

37 1002.59 Emergent literacy and performance standards training
38 courses and professional development.—



610458

39 (1) The office shall adopt minimum standards for one or
40 more training courses in emergent literacy for prekindergarten
41 instructors. Each course must comprise 5 clock hours and provide
42 instruction in strategies and techniques to address the age-
43 appropriate progress of prekindergarten students in developing
44 emergent literacy skills, including oral communication,
45 knowledge of print and letters, phonemic and phonological
46 awareness, and vocabulary and comprehension development. Each
47 course must also provide resources containing strategies that
48 allow students with disabilities and other special needs to
49 derive maximum benefit from the Voluntary Prekindergarten
50 Education Program. Successful completion of an emergent literacy
51 training course approved under this section satisfies
52 requirements for approved training in early literacy and
53 language development under ss. 402.305(2)(e)5., 402.313(6), and
54 402.3131(5).

55 (2) The office shall adopt minimum standards for one or more
56 training courses on the performance standards adopted under s.
57 1002.67(1), which must include, but not be limited to, training
58 relating to mathematical thinking. Each course must consist of
59 ~~comprise~~ at least 3 clock hours, provide instruction in
60 strategies and techniques to address age-appropriate progress of
61 each child in attaining the standards, and be available online.

62 (3) The office shall make available online professional
63 development and training courses consisting of at least 8 clock
64 hours which support prekindergarten instructors in increasing
65 the competency of teacher-child interactions.

66 Section 4. Subsection (9) is added to section 1002.61,
67 Florida Statutes, to read:



610458

68 1002.61 Summer prekindergarten program delivered by public
69 schools and private prekindergarten providers.—

70 (9) (a) Each early learning coalition shall verify that each
71 private prekindergarten provider delivering the Voluntary
72 Prekindergarten Education Program within the coalition's county
73 or multicounty region complies with this part. Each district
74 school board shall verify that each public school delivering the
75 program within the school district complies with this part.

76 (b) If a private prekindergarten provider or public school
77 fails or refuses to comply with this part, or if a provider or
78 school engages in misconduct, the office must require the early
79 learning coalition to remove the provider or require the school
80 district to remove the school from eligibility to deliver the
81 Voluntary Prekindergarten Education Program and to receive state
82 funds under this part for a period of at least 2 years but not
83 more than 5 years.

84 Section 5. Subsection (9) is added to section 1002.63,
85 Florida Statutes, to read:

86 1002.63 School-year prekindergarten program delivered by
87 public schools.—

88 (9) (a) Each district school board shall verify that each
89 public school delivering the Voluntary Prekindergarten Education
90 Program within the school district complies with this part.

91 (b) If a public school fails or refuses to comply with this
92 part, or if a school engages in misconduct, the office must
93 require the school district to remove the school from
94 eligibility to deliver the Voluntary Prekindergarten Education
95 Program and to receive state funds under this part for a period
96 of at least 2 years but not more than 5 years.



610458

97 Section 6. Section 1002.67, Florida Statutes, is amended to
98 read:

99 1002.67 Performance standards and, ~~and~~ curricula ~~and~~
100 ~~accountability.~~—

101 (1) (a) The office shall develop and adopt performance
102 standards for students in the Voluntary Prekindergarten Education
103 Program. The performance standards must address the age-
104 appropriate progress of students in the development of:

105 1. The capabilities, capacities, and skills required under
106 s. 1(b), Art. IX of the State Constitution; ~~and~~

107 2. Emergent literacy skills, including oral communication,
108 knowledge of print and letters, phonemic and phonological
109 awareness, and vocabulary and comprehension development; and

110 3. Mathematical thinking and early math skills.

111

112 ~~By October 1, 2013, the office shall examine the existing~~
113 ~~performance standards in the area of mathematical thinking and~~
114 ~~develop a plan to make appropriate professional development and~~
115 ~~training courses available to prekindergarten instructors.~~

116 (b) At least every 3 years, the office and the department
117 shall jointly periodically review and revise the performance
118 standards, if necessary, ~~for the statewide kindergarten~~
119 ~~screening administered under s. 1002.69 and align the standards~~
120 ~~to ensure alignment with the standards adopted by established by~~
121 ~~the state board for student performance on the statewide~~
122 ~~assessments administered pursuant to s. 1008.22.~~

123 (2) (a) Each private prekindergarten provider and public
124 school may select or design the curriculum that the provider or
125 school uses to implement the Voluntary Prekindergarten Education



610458

126 Program, except as otherwise required for a provider or school
127 that is placed on probation under paragraph (4) (c).

128 (b) Each private prekindergarten provider's and public
129 school's curriculum must be developmentally appropriate and must:

130 1. Be designed to prepare a student for early literacy and
131 provide for instruction in early math skills;

132 2. Enhance the age-appropriate progress of students in
133 attaining the performance standards adopted by the department
134 under subsection (1); and

135 3. Prepare students to be ready for kindergarten based upon
136 the statewide end-of-prekindergarten screening ~~statewide~~
137 ~~kindergarten screening~~ administered under s. 1002.685 ~~s.~~
138 ~~1002.69~~.

139 (c) The office shall review and approve curricula for use
140 by private prekindergarten providers and public schools that are
141 placed on probation under paragraph (4) (c). The office shall
142 maintain a list of the curricula approved under this paragraph.
143 Each approved curriculum must meet the requirements of paragraph
144 (b).

145 (3) (a) Contingent upon legislative appropriation, each
146 private prekindergarten provider and public school in the
147 Voluntary Prekindergarten Education Program must implement an
148 evidence-based pre- and post-assessment that has been approved
149 by rule of the State Board of Education.

150 (b) In order to be approved, the assessment must be valid,
151 reliable, developmentally appropriate, and designed to measure
152 student progress on domains which must include, but are not
153 limited to, early literacy, numeracy, and language.

154 (c) The pre- and post-assessment must be administered by



610458

155 individuals meeting requirements established by rule of the
156 State Board of Education.

157

158 This subsection expires July 1, 2021.

159 (4) (a) Each early learning coalition shall verify that each
160 private prekindergarten provider delivering the Voluntary
161 Prekindergarten Education Program within the coalition's county
162 or multicounty region complies with this part. Each district
163 school board shall verify that each public school delivering the
164 program within the school district complies with this part.

165 (b) If a private prekindergarten provider or public school
166 fails or refuses to comply with this part, or if a provider or
167 school engages in misconduct, the office shall require the early
168 learning coalition to remove the provider and require the school
169 district to remove the school from eligibility to deliver the
170 Voluntary Prekindergarten Education Program and receive state
171 funds under this part for a period of 5 years.

172 (c)1. If the kindergarten readiness rate of a private
173 prekindergarten provider or public school falls below the
174 minimum rate adopted by the office as satisfactory under s.
175 1002.69(5) ~~s. 1002.69(6)~~, the early learning coalition or school
176 district, as applicable, shall require the provider or school to
177 submit an improvement plan for approval by the coalition or
178 school district, as applicable, and to implement the plan; shall
179 place the provider or school on probation; and shall require the
180 provider or school to take certain corrective actions, including
181 the use of a curriculum approved by the office under paragraph
182 (2) (c) or a staff development plan to strengthen instruction in
183 language development and phonological awareness approved by the



610458

184 office.

185 2. A private prekindergarten provider or public school that
186 is placed on probation must continue the corrective actions
187 required under subparagraph 1., including the use of a
188 curriculum or a staff development plan to strengthen instruction
189 in language development and phonological awareness approved by
190 the office, until the provider or school meets the minimum rate
191 adopted by the office as satisfactory under s. 1002.69(5) ~~s.~~
192 ~~1002.69(6)~~. Failure to implement an approved improvement plan or
193 staff development plan shall result in the termination of the
194 provider's contract to deliver the Voluntary Prekindergarten
195 Education Program for a period of 5 years.

196 3. If a private prekindergarten provider or public school
197 remains on probation for 2 consecutive years and fails to meet
198 the minimum rate adopted by the office as satisfactory under s.
199 1002.69(5) ~~s. 1002.69(6)~~ and is not granted a good cause
200 exemption by the office pursuant to s. 1002.69(6) ~~s. 1002.69(7)~~,
201 the office shall require the early learning coalition or the
202 school district to remove, as applicable, the provider or school
203 from eligibility to deliver the Voluntary Prekindergarten
204 Education Program and receive state funds for the program for a
205 period of 5 years.

206 (d) Each early learning coalition and the office shall
207 coordinate with the Child Care Services Program Office of the
208 Department of Children and Families to minimize interagency
209 duplication of activities for monitoring private prekindergarten
210 providers for compliance with requirements of the Voluntary
211 Prekindergarten Education Program under this part, the school
212 readiness program under part VI of this chapter, and the



610458

213 licensing of providers under ss. 402.301-402.319.

214

215 This subsection expires July 1, 2021.

216 Section 7. Section 1002.68, Florida Statutes, is created to
217 read:

218 1002.68 Voluntary Prekindergarten Education Program
219 Assessment.-

220 (1) Each private prekindergarten provider and public school
221 in the Voluntary Prekindergarten Education Program must
222 participate in a program assessment of each voluntary
223 prekindergarten education classroom. The program assessment must
224 measure the quality of teacher-child interactions, including
225 emotional and behavioral support, engaged support for learning,
226 classroom organization, and instructional support for children
227 ages 3 to 5 years. Each private prekindergarten provider and
228 public school in the Voluntary Prekindergarten Education Program
229 shall receive the results of the program assessment for each
230 classroom within 14 days after the observation.

231 (2) The program assessment must be administered by
232 individuals meeting requirements established by rule of the
233 state board.

234 Section 8. Section 1002.685, Florida Statutes, is created to
235 read:

236 1002.685 Voluntary Prekindergarten Education Program
237 accountability.-

238 (1) (a) Each private prekindergarten provider and public
239 school participating in the Voluntary Prekindergarten Education
240 Program must participate in the statewide screening and progress
241 monitoring program adopted by rule of the state board. The



610458

242 statewide screening and progress monitoring program shall be
243 used for determining developmentally appropriate learning gains
244 and assess the readiness of each student for kindergarten based
245 upon the performance standards adopted under s. 1002.67(1).

246 (b) The end-of-prekindergarten screening and progress
247 monitoring tools must be administered by individuals meeting the
248 requirements established by rule of the state board.

249 (c) Each prekindergarten student in the Voluntary
250 Prekindergarten Education Program shall be screened during the
251 last 30 school days of a school-year prekindergarten program and
252 during the last 10 days of a summer prekindergarten program.
253 Each private prekindergarten provider and public school shall
254 provide a student's performance results to the student's parents
255 no later than 7 days after the administration.

256 (d) The statewide end-of-prekindergarten screening shall
257 incorporate mechanisms for recognizing potential variations in
258 kindergarten readiness rates for students with disabilities.

259 (e) Data collected pursuant to this section must be
260 maintained in the department's PK-20 Education Data Warehouse.

261 (2) Each private prekindergarten provider and public school
262 in the Voluntary Prekindergarten Education Program must
263 participate in a program assessment of each voluntary
264 prekindergarten education classroom, as required by s. 1002.68.

265 (3) (a) Beginning with the 2019-2020 program year, the
266 office shall adopt a methodology and procedures for annually
267 calculating each provider's program score, which must include:

268 1. Student learning gain data from the prekindergarten
269 progress monitoring tool;

270 2. Student performance on the end-of-prekindergarten



610458

271 screener; and

272 3. Program assessment scores.

273 (b) The office shall periodically adopt a minimum program
274 score that, if achieved by a private prekindergarten provider or
275 public school, would demonstrate the provider's or school's
276 satisfactory delivery of the Voluntary Prekindergarten Education
277 Program.

278 (4) (a) If a private prekindergarten provider's or public
279 school's program score falls below the minimum program score,
280 the early learning coalition or school district, as applicable,
281 shall:

282 1. Require the provider or school to submit an improvement
283 plan for approval by the coalition or school district, as
284 applicable, and to implement the plan;

285 2. Place the provider or school on probation; and

286 3. Require the provider or school to take certain
287 corrective actions, including the use of a curriculum approved
288 by the office under s. 1002.67(2)(c) or a staff development plan
289 approved by the office to strengthen instruction in language
290 development, phonological awareness, and mathematical thinking.

291 (b) A private prekindergarten provider or public school
292 placed on probation must continue the corrective actions
293 required under paragraph (a) until the provider or school meets
294 the minimum program score adopted by the office. Failure to meet
295 the requirements of subparagraphs (a)1. and 3. shall result in
296 the termination of the provider's or school's contract to
297 deliver the Voluntary Prekindergarten Education Program for a
298 period of at least 2 years but not more than 5 years.

299 (c) If a private prekindergarten provider or public school



610458

300 remains on probation for 2 consecutive years and fails to meet
301 the minimum program score or is not granted a good cause
302 exemption by the office, the office shall require the early
303 learning coalition or the school district to revoke the
304 provider's or school's eligibility to deliver the Voluntary
305 Prekindergarten Education Program and to receive state funds for
306 the program for a period of at least 2 years but not more than 5
307 years.

308 (5) (a) The office, upon the request of a private
309 prekindergarten provider or public school that remains on
310 probation for at least 2 consecutive years and subsequently
311 fails to meet the minimum program score adopted pursuant to
312 paragraph (4) (c), and for good cause shown, may grant the
313 provider or school an exemption from being determined ineligible
314 to deliver the Voluntary Prekindergarten Education Program and
315 to receive state funds for the program. The exemption is valid
316 for 1 year and, upon the request of the private prekindergarten
317 provider or public school and for good cause shown, may be
318 renewed.

319 (b) A private prekindergarten provider's or public school's
320 request for a good cause exemption, or renewal of such an
321 exemption, must be submitted to the office in the manner and
322 within the timeframes prescribed by the office and must include
323 the following:

324 1. Data from the private prekindergarten provider or public
325 school which documents the achievement and progress of the
326 children served, as measured by any required screenings or
327 assessments.

328 2. Data from the program assessment required under



610458

329 subsection (2) which demonstrates effective teaching practices,
330 as recognized by the program assessment tool developer.

331 3. Data from the early learning coalition or district
332 school board, as applicable, the Department of Children and
333 Families, the local licensing authority, or an accrediting
334 association, as applicable, relating to the private
335 prekindergarten provider's or public school's compliance with
336 state and local health and safety standards.

337 (c) The office shall adopt criteria for granting good cause
338 exemptions. Such criteria must include, but are not limited to,
339 all of the following:

340 1. Learning gains of children served in the Voluntary
341 Prekindergarten Education Program by the private prekindergarten
342 provider or public school.

343 2. Program assessment data under s. 1002.68 which
344 demonstrates effective teaching practices, as recognized by the
345 program assessment tool developer.

346 3. Verification that local and state health and safety
347 requirements are met.

348 (d) A good cause exemption may not be granted to any
349 private prekindergarten provider or public school that has any
350 class I violations or two or more class II violations within the
351 2 years preceding the provider's or school's request for the
352 exemption. For purposes of this paragraph, class I and class II
353 violations have the same meaning as provided in s. 402.281(4).

354 (e) A private prekindergarten provider or public school
355 granted a good cause exemption shall continue to implement its
356 improvement plan and continue the corrective actions required
357 under subsection (4) until the provider or school meets the



610458

358 minimum program score.

359 (f) If a good cause exemption is granted to a private
360 prekindergarten provider or public school that remains on
361 probation for 2 consecutive years, the office shall notify the
362 early learning coalition or school district of the good cause
363 exemption and direct that the coalition or school district not
364 remove the provider from eligibility to deliver the Voluntary
365 Prekindergarten Education Program or to receive state funds for
366 the program if the provider meets all other applicable
367 requirements of this part.

368 (g) Representatives from the school districts and early
369 learning coalitions must meet yearly to develop strategies to
370 transition students from the Voluntary Prekindergarten Education
371 Program to kindergarten.

372 (h) The office shall report the number of Voluntary
373 Prekindergarten Education providers or public schools that have
374 received a good cause exemption and the reasons for the
375 exemptions as part of its annual reporting requirements under s.
376 1002.82(5).

377 Section 9. Section 1002.69, Florida Statutes, is amended to
378 read:

379 ~~1002.69 Statewide kindergarten screening; kindergarten~~
380 ~~readiness rates; state-approved prekindergarten enrollment~~
381 ~~screening; good cause exemption.-~~

382 (1) The department shall adopt a statewide kindergarten
383 screening that assesses the readiness of each student for
384 kindergarten based upon the English Language Arts performance
385 standards adopted by the department under s. 1002.67(1) for the
386 Voluntary Prekindergarten Education Program. The department



610458

387 shall require that each school district administer the statewide
388 kindergarten screening to each kindergarten student in the
389 school district within the first 30 school days of each school
390 year or upon enrollment into public school for the first time.
391 Each school district must provide a student's performance
392 results to the student's teachers within 1 week and to the
393 student's parents no later than 30 days after the
394 administration. Nonpublic schools may administer the statewide
395 kindergarten screening to each kindergarten student in a
396 nonpublic school who was enrolled in the Voluntary
397 Prekindergarten Education Program.

398 (2) The statewide kindergarten screening shall provide
399 objective data concerning each student's readiness for
400 kindergarten and progress in attaining the performance standards
401 adopted by the office under s. 1002.67(1). Data from the
402 screening, along with other available data, must be used to
403 identify students in need of intervention and support pursuant
404 to s. 1008.25(5).

405 (3) The statewide kindergarten screening shall incorporate
406 mechanisms for recognizing potential variations in kindergarten
407 readiness rates for students with disabilities.

408 (4) Data collected from the statewide kindergarten
409 screening by school districts must be submitted to the
410 department in accordance with the department's instructions, and
411 shall be maintained in the department's PK-20 Education Data
412 Warehouse. Release of a school district's subsequent years
413 research-based reading instruction allocation under s.
414 1011.62(9)(d) shall also be contingent upon submission of the
415 data ~~Each parent who enrolls his or her child in the Voluntary~~



610458

416 ~~Prekindergarten Education Program must submit the child for the~~
417 ~~statewide kindergarten screening, regardless of whether the~~
418 ~~child is admitted to kindergarten in a public school or~~
419 ~~nonpublic school. Each school district shall designate sites to~~
420 ~~administer the statewide kindergarten screening for children~~
421 ~~admitted to kindergarten in a nonpublic school.~~

422 ~~(5) The office shall adopt procedures to annually calculate~~
423 ~~each private prekindergarten provider's and public school's~~
424 ~~kindergarten readiness rate, which must be expressed as the~~
425 ~~percentage of the provider's or school's students who are~~
426 ~~assessed as ready for kindergarten. The methodology for~~
427 ~~calculating each provider's kindergarten readiness rate must~~
428 ~~include student learning gains when available and the percentage~~
429 ~~of students who meet all state readiness measures. The rates~~
430 ~~must not include students who are not administered the statewide~~
431 ~~kindergarten screening. The office shall determine learning~~
432 ~~gains using a value-added measure based on growth demonstrated~~
433 ~~by the results of the preassessment and postassessment from at~~
434 ~~least 2 successive years of administration of the preassessment~~
435 ~~and postassessment.~~

436 ~~(5)~~(5)~~(6)~~ The office shall periodically adopt a minimum
437 kindergarten readiness rate that, if achieved by a private
438 prekindergarten provider or public school, would demonstrate the
439 provider's or school's satisfactory delivery of the Voluntary
440 Prekindergarten Education Program.

441 ~~(6)~~(6)~~(7)~~(a) Notwithstanding s. 1002.67(4)(c)3., the office,
442 upon the request of a private prekindergarten provider or public
443 school that remains on probation for 2 consecutive years or more
444 and subsequently fails to meet the minimum rate adopted under



610458

445 subsection (5) ~~(6)~~ and for good cause shown, may grant to the
446 provider or school an exemption from being determined ineligible
447 to deliver the Voluntary Prekindergarten Education Program and
448 receive state funds for the program. Such exemption is valid for
449 1 year and, upon the request of the private prekindergarten
450 provider or public school and for good cause shown, may be
451 renewed.

452 (b) A private prekindergarten provider's or public school's
453 request for a good cause exemption, or renewal of such an
454 exemption, must be submitted to the office in the manner and
455 within the timeframes prescribed by the office and must include
456 the following:

457 1. Submission of data by the private prekindergarten
458 provider or public school which documents the achievement and
459 progress of the children served as measured by the state-
460 approved prekindergarten enrollment screening and the
461 standardized postassessment approved by the office pursuant to
462 subparagraph (c)1.

463 2. Submission and review of data available from the
464 respective early learning coalition or district school board,
465 the Department of Children and Families, local licensing
466 authority, or an accrediting association, as applicable,
467 relating to the private prekindergarten provider's or public
468 school's compliance with state and local health and safety
469 standards.

470 3. Submission and review of data available to the office on
471 the performance of the children served and the calculation of
472 the private prekindergarten provider's or public school's
473 kindergarten readiness rate.



610458

474 (c) The office shall adopt criteria for granting good cause
475 exemptions. Such criteria shall include, but are not limited to:

476 1. Learning gains of children served in the Voluntary
477 Prekindergarten Education Program by the private prekindergarten
478 provider or public school.

479 2. Verification that local and state health and safety
480 requirements are met.

481 (d) A good cause exemption may not be granted to any
482 private prekindergarten provider that has any class I violations
483 or two or more class II violations within the 2 years preceding
484 the provider's or school's request for the exemption. For
485 purposes of this paragraph, class I and class II violations have
486 the same meaning as provided in s. 402.281(4).

487 (e) A private prekindergarten provider or public school
488 granted a good cause exemption shall continue to implement its
489 improvement plan and continue the corrective actions required
490 under s. 1002.67(4)(c)1., including the use of a curriculum
491 approved by the office, until the provider or school meets the
492 minimum rate adopted under subsection (5) ~~(6)~~.

493 (f) If a good cause exemption is granted to a private
494 prekindergarten provider who remains on probation for 2
495 consecutive years, the office shall notify the early learning
496 coalition of the good cause exemption and direct that the
497 coalition, notwithstanding s. 1002.67(4)(c)3., not remove the
498 provider from eligibility to deliver the Voluntary
499 Prekindergarten Education Program or to receive state funds for
500 the program, if the provider meets all other applicable
501 requirements of this part.

502



610458

503 This section expires July 1, 2021.

504 Section 10. Section 1002.73, Florida Statutes, is amended
505 to read:

506 1002.73 Department of Education; powers and duties;
507 ~~accountability requirements.-~~

508 (1) The department shall administer the accountability
509 requirements of the Voluntary Prekindergarten Education Program
510 at the state level.

511 (2) The department shall adopt procedures for its:

512 (a) Approval of prekindergarten director credentials under
513 ss. 1002.55 and 1002.57.

514 (b) Approval of emergent literacy training courses under
515 ss. 1002.55 and 1002.59.

516 (c) Administration of the statewide kindergarten screening
517 ~~and calculation of kindergarten readiness rates~~ under s.
518 1002.69.

519 ~~(d) Implementation of, and determination of costs~~
520 ~~associated with, the state-approved prekindergarten enrollment~~
521 ~~screening and the standardized postassessment approved by the~~
522 ~~department, and determination of the learning gains of students~~
523 ~~who complete the state-approved prekindergarten enrollment~~
524 ~~screening and the standardized postassessment approved by the~~
525 ~~department.-~~

526 (d)-(e) Approval of specialized instructional services
527 providers under s. 1002.66.

528 (e)-(f) Annual reporting of the percentage of kindergarten
529 students who meet all state readiness measures.

530 (f)-(g) Granting of a private prekindergarten provider's or
531 public school's request for a good cause exemption under s.



610458

532 1002.685 ~~s. 1002.69(7)~~.

533 (3) Except as provided by law, the department may not
534 impose requirements on a private prekindergarten provider that
535 does not deliver the Voluntary Prekindergarten Education Program
536 or receive state funds under this part.

537 Section 11. Present subsections (4) and (5) of section
538 1002.75, Florida Statutes, are redesignated as subsections (5)
539 and (6), a new subsection (4) is added to that section, and
540 paragraph (e) of subsection (2) and paragraphs (a), (b), and (c)
541 of subsection (3) are amended, to read:

542 1002.75 Office of Early Learning; powers and duties.—

543 (2) The Office of Early Learning shall adopt procedures
544 governing the administration of the Voluntary Prekindergarten
545 Education Program by the early learning coalitions and school
546 districts for:

547 (e) Verifying the compliance of private prekindergarten
548 providers and public schools and removing providers or schools
549 from eligibility to deliver the program due to noncompliance or
550 misconduct ~~as provided in s. 1002.67~~.

551 (3) The Office of Early Learning shall adopt, ~~in~~
552 ~~consultation with and subject to approval by the department,~~
553 procedures governing the administration of the Voluntary
554 Prekindergarten Education Program by the early learning
555 coalitions and school districts for:

556 (a) Approving improvement plans of private prekindergarten
557 providers and public schools under s. 1002.685 ~~s. 1002.67~~.

558 (b) Placing private prekindergarten providers and public
559 schools on probation and requiring corrective actions under s.
560 1002.685 ~~s. 1002.67~~.



610458

561 (c) Removing a private prekindergarten provider or public
562 school from eligibility to deliver the program due to the
563 provider's or school's remaining on probation beyond the time
564 permitted under s. 1002.685 ~~s. 1002.67~~. Notwithstanding any
565 other provision of law, if a private prekindergarten provider
566 has been cited for a class I violation, as defined by rule, the
567 coalition may refuse to contract with the provider or revoke the
568 provider's eligibility to deliver the Voluntary Prekindergarten
569 Education Program.

570 (4) The Office of Early Learning shall administer the
571 accountability requirements of the Voluntary Prekindergarten
572 Education Program at the state level under s. 1002.685.

573 Section 12. Section 1008.333, Florida Statutes, is created
574 to read:

575 1008.333 Coordinated screening and progress monitoring
576 program for students in state-funded prekindergarten through
577 grade 3.—

578 (1) PURPOSE.—The primary purpose of the coordinated
579 screening and progress monitoring program for state-funded
580 prekindergarten through grade 3 is to provide information on
581 students' progress in mastering the appropriate grade-level
582 standards and to provide information on their progress to
583 parents, teachers, and school and program administrators. Data
584 provided under the program shall be used by Voluntary
585 Prekindergarten Education Program providers and school districts
586 to improve instruction; by parents and teachers to guide
587 learning objectives and provide timely and appropriate supports
588 and interventions to students not meeting grade level
589 expectations; and by the public to assess the cost benefit of



610458

590 the expenditure of taxpayer dollars. The program must be
591 designed to:
592 (a) Assess the progress of students in state-funded
593 prekindergarten through grade 3 in meeting the appropriate
594 expectations in early literacy and math skills and in English
595 Language Arts and mathematics, as required by ss. 1002.67(1)(a)
596 and 1003.41.
597 (b) Provide data for making decisions regarding
598 accountability of state-funded prekindergarten, as required by
599 s. 1002.685.
600 (c) Identify the educational strengths and needs of
601 students in state-funded prekindergarten through grade 3.
602 (d) Provide teachers with progress monitoring data to
603 provide timely interventions and supports to students not
604 meeting expectations.
605 (e) Assess the fulfillment of educational goals and
606 curricular standards at the provider, school, district, and
607 state levels.
608 (f) Provide information to aid in the evaluation and
609 development of educational programs and policies.
610 (2) SCREENING AND PROGRESS MONITORING PROGRAM.—The
611 Commissioner of Education shall design a statewide, standardized
612 screening and progress monitoring program to assess early
613 literacy and mathematics skills, and English Language Arts and
614 mathematics standards, established in ss. 1002.67(1)(a) and
615 1003.41, respectively. The screening and progress monitoring
616 program must be a valid and reliable direct assessment to
617 accurately measure the core content in the applicable grade
618 level standards, provide learning gains for the achievement of



610458

619 these standards, and provide teachers with progress monitoring
620 supports and materials that enhance differentiated instruction
621 and parent communication. Participation in the screening and
622 progress monitoring program is mandatory for all state-funded
623 prekindergarten and public school students. Beginning in the
624 2021-2022 school year, the coordinated screening and progress
625 monitoring program shall be implemented as follows:

626 (a) The state-funded prekindergarten through grade 3
627 screening and progress monitoring program shall be administered
628 during the first 30 days of enrollment, mid-year, and during the
629 last 30 days of the program or school year in accordance with
630 the rules adopted by the department.

631 (b) The results of the state-funded prekindergarten through
632 grade 3 screening and progress monitoring program shall be
633 reported to the department in accordance with the rules adopted
634 by the department and maintained in the department's PK-20
635 Education Data Warehouse.

636 (3) COMMISSIONER DUTIES.—The Commissioner of Education
637 shall:

638 (a) Develop a plan for implementation of the state-funded
639 prekindergarten through grade 3 screening and progress
640 monitoring program in consideration of the timelines required
641 for the completion of the review of the Next Generation Sunshine
642 State Standards and the Voluntary Prekindergarten Education
643 Program standards; and

644 (b) Include a request for funding in the department's
645 legislative budget request for fiscal year 2020-2021 for the
646 procurement and the provision of training to state-funded
647 prekindergarten providers, early learning coalitions, and school



610458

648 districts.

649 (4) RULEMAKING.—The department shall adopt rules to
650 administer this section.

651 Section 13. This act shall take effect July 1, 2019.

652

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

654 And the title is amended as follows:

655 Delete everything before the enacting clause
656 and insert:

657 A bill to be entitled
658 An act relating to prekindergarten education; amending
659 s. 1002.53, F.S.; revising the basis of the
660 calculation of private prekindergarten provider and
661 public school kindergarten readiness rates; amending
662 s. 1002.55, F.S.; requiring early learning coalitions
663 to verify compliance of certain private
664 prekindergarten providers with specified provisions;
665 conforming provisions to changes made by the act; s.
666 1002.59, F.S.; requiring the Office of Early Learning
667 to adopt minimum standards for courses on specified
668 domains; requiring the office to make available
669 professional development and training courses that
670 meet certain requirements; amending ss. 1002.61 and
671 1002.63, F.S.; conforming provisions to changes made
672 by the act; amending s. 1002.67, F.S.; requiring the
673 office to develop and adopt performance standards for
674 students in the Voluntary Prekindergarten Education
675 Program to determine progress in mathematical thinking
676 and early math skills; deleting obsolete language;



610458

677 requiring the office and the Department of Education
678 to jointly review and, as necessary, revise certain
679 performance standards; conforming provisions to
680 changes made by the act; providing for the future
681 expiration of specified provisions; creating s.
682 1002.68, F.S.; requiring each private prekindergarten
683 provider and public school participating in the
684 program to participate in a certain program assessment
685 for a specified purpose; providing requirements for
686 the assessment; providing that private prekindergarten
687 providers and public schools participating in the
688 program assessment must receive the results of the
689 assessment within a specified time; requiring the
690 assessment to be administered by individuals meeting
691 certain requirements; creating s. 1002.685, F.S.;
692 requiring each private prekindergarten provider and
693 public school participating in the program to
694 participate in the statewide screening and progress
695 monitoring program for a specified purpose; providing
696 requirements for the monitoring program; requiring
697 data collected under the program to be maintained in a
698 specified department data warehouse; requiring each
699 private prekindergarten provider and public school in
700 the program to participate in a program assessment;
701 providing requirements for such assessment; beginning
702 with a specified program year, requiring the office to
703 develop a methodology for calculating a program score
704 for each private prekindergarten provider and public
705 school participating in the program; requiring the



610458

706 office to adopt a minimum program score that such
707 providers and schools must attain to demonstrate
708 satisfactory delivery of the program; providing
709 requirements for such providers and schools that fail
710 to attain at least the minimum score; authorizing the
711 office to grant good cause exemptions to private
712 prekindergarten providers and public schools that meet
713 certain criteria; specifying requirements for
714 providers and schools that receive an exemption;
715 requiring representatives from school districts and
716 early learning coalitions to annually meet for a
717 specified purpose; requiring the office to annually
718 report the number of program providers and public
719 schools that have received good cause exemptions and
720 the reasons for such exemptions; amending s. 1002.69,
721 F.S.; requiring that the department require school
722 districts to administer the statewide kindergarten
723 screening to specified students within a specified
724 timeframe; requiring school districts to provide
725 students' performance results to their parents and
726 teachers within a specified timeframe after
727 administration of the screening; requiring certain
728 data to be stored in a specified department data
729 warehouse; providing that the release of a certain
730 allocation to a school district is contingent upon
731 submission of specified data; conforming provisions to
732 changes made by the act; providing for the future
733 expiration of specified provisions; amending s.
734 1002.73, F.S.; conforming provisions to changes made



610458

735 by the act; amending s. 1002.75, F.S.; conforming
736 provisions to changes made by the act; deleting the
737 requirement that the office adopt procedures governing
738 the administration of the program in consultation with
739 the department and subject to its approval; requiring
740 the office to administer the accountability
741 requirements of the program; creating s. 1008.333,
742 F.S.; providing the purpose of the coordinated
743 screening and progress monitoring program for state-
744 funded prekindergarten through grade 3; specifying
745 requirements for the program; requiring the
746 Commissioner of Education to design a statewide,
747 standardized screening and progress monitoring program
748 for a specified purpose; providing requirements for
749 the monitoring program; requiring specified students
750 to participate in the monitoring program; requiring
751 the implementation of the monitoring program beginning
752 in a specified school year; providing requirements
753 relating to the implementation of the monitoring
754 program; requiring results of the program to be
755 reported to the Department of Education and maintained
756 in the PK-20 Education Data Warehouse; requiring the
757 commissioner to develop a plan for implementation of
758 the program and to include a specified request for
759 funding in the department's legislative budget request
760 in a specified year; requiring rulemaking by the
761 department; providing an effective date.

By Senator Harrell

25-01149B-19

20191594__

1 A bill to be entitled
 2 An act relating to the Voluntary Prekindergarten
 3 Education Program; amending s. 1002.53, F.S.;
 4 requiring a parent of a student enrolled in the
 5 Voluntary Prekindergarten Education Program to submit
 6 his or her student for a specified screening;
 7 conforming provisions to changes made by the act;
 8 amending s. 1002.55, F.S.; conforming provisions to
 9 changes made by the act; amending s. 1002.59, F.S.;
 10 requiring the Office of Early Learning to make
 11 available professional development and training
 12 courses that meet certain criteria; amending ss.
 13 1002.61 and 1002.63, F.S.; conforming provisions to
 14 changes made by the act; amending s. 1002.67, F.S.;
 15 requiring the office to develop performance standards
 16 for certain mathematical and executive functioning
 17 skills; requiring the Department of Education and the
 18 office to provide for a coordinated assessment system
 19 for specified purposes; conforming provisions to
 20 changes made by the act; creating s. 1002.68, F.S.;
 21 requiring each private prekindergarten provider and
 22 public school participating in the program to
 23 participate in a program assessment; providing
 24 requirements for such assessment; requiring the office
 25 and department to develop a statewide end-of-
 26 prekindergarten screening for specified purposes;
 27 providing requirements for such screening; requiring
 28 certain data to be stored in a specified department
 29 data warehouse; requiring the office to calculate a

Page 1 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

30 program score for each private prekindergarten
 31 provider and public school participating in the
 32 program; requiring the office to establish a minimum
 33 program score that such providers and schools must
 34 meet; providing requirements for such providers and
 35 schools that do not meet such score; authorizing the
 36 office to grant good cause exemptions to private
 37 prekindergarten providers and public schools that meet
 38 certain criteria; providing requirements for such good
 39 cause exemptions; amending s. 1002.69, F.S.; revising
 40 the standards used to establish the statewide
 41 kindergarten screening; requiring certain screenings
 42 to be administered to students who enroll in a public
 43 school for the first time; providing reporting
 44 requirements for such screening; providing for
 45 screenings to be re-administered to certain students;
 46 providing requirements for screenings that are re-
 47 administered; requiring the department, rather than
 48 the office, to calculate each public school's
 49 kindergarten readiness rate; revising the requirements
 50 for such calculation; requiring certain data to be
 51 stored in a specified department data warehouse;
 52 conforming provisions to changes made by the act;
 53 amending s. 1002.73, F.S.; requiring the department to
 54 adopt procedures for the identification of an
 55 alternate kindergarten screening; conforming
 56 provisions to changes made by the act; amending s.
 57 1002.75, F.S.; conforming provisions to changes made
 58 by the act; providing an effective date.

Page 2 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

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

60 Section 1. Paragraph (b) of subsection (5) of section
61 1002.53, Florida Statutes, is amended, and paragraph (d) is
62 added to subsection (6) of that section, to read:

63 1002.53 Voluntary Prekindergarten Education Program;
64 eligibility and enrollment.—

65 (5) The early learning coalition shall provide each parent
66 enrolling a child in the Voluntary Prekindergarten Education
67 Program with a profile of every private prekindergarten provider
68 and public school delivering the program within the county where
69 the child is being enrolled. The profiles shall be provided to
70 parents in a format prescribed by the Office of Early Learning.
71 The profiles must include, at a minimum, the following
72 information about each provider and school:

73 (b) The provider's or school's program score kindergarten
74 ~~readiness rate~~ calculated in accordance with s. 1002.68 ~~or~~
75 ~~1002.69, based upon the most recent available results of the~~
76 ~~statewide kindergarten screening.~~

77 (6)

78 (d) Each parent who enrolls his or her child in the
79 Voluntary Prekindergarten Education Program must submit his or
80 her child for the statewide end-of-prekindergarten screening
81 administered pursuant to s. 1002.68.

82 Section 2. Subsection (6) is added to section 1002.55,
83 Florida Statutes, to read:

84 1002.55 School-year prekindergarten program delivered by
85 private prekindergarten providers.—

25-01149B-19

20191594__

88 (6) Each early learning coalition must verify that each
89 private prekindergarten provider delivering the Voluntary
90 Prekindergarten Education Program within the coalition's county
91 or multicounty region complies with this part. If a private
92 prekindergarten provider fails or refuses to comply with this
93 part, or if a provider engages in misconduct, the office shall
94 require the early learning coalition to remove the provider from
95 eligibility to deliver the program and receive state funds under
96 this part for a period of at least 2 years and up to 5 years.

97 Section 3. Section 1002.59, Florida Statutes, is amended to
98 read:

99 1002.59 Emergent literacy and performance standards
100 training courses and professional development.—

101 (1) The office shall adopt minimum standards for one or
102 more training courses in emergent literacy for prekindergarten
103 instructors. Each course must comprise 5 clock hours and provide
104 instruction in strategies and techniques to address the age-
105 appropriate progress of prekindergarten students in developing
106 emergent literacy skills, including oral communication,
107 knowledge of print and letters, phonemic and phonological
108 awareness, and vocabulary and comprehension development. Each
109 course must also provide resources containing strategies that
110 allow students with disabilities and other special needs to
111 derive maximum benefit from the Voluntary Prekindergarten
112 Education Program. Successful completion of an emergent literacy
113 training course approved under this section satisfies
114 requirements for approved training in early literacy and
115 language development under ss. 402.305(2)(e)5., 402.313(6), and
116 402.3131(5).

25-01149B-19

20191594__

117 (2) The office shall adopt minimum standards for one or
 118 more training courses on the performance standards adopted under
 119 s. 1002.67(1) and the domains listed in s. 1002.68(1)(b), which
 120 must include, but not be limited to, training relating to
 121 mathematical thinking and executive functioning. Each course
 122 must be comprised of ~~comprise~~ at least 3 clock hours, provide
 123 instruction in strategies and techniques to address age-
 124 appropriate progress of each child in attaining the standards,
 125 and be available online.

126 (3) The office shall make available professional
 127 development and training courses that support prekindergarten
 128 instructors in increasing the competency of teacher-child
 129 interactions. Each course must be comprised of at least 8 clock
 130 hours, provide instruction in strategies and techniques to
 131 address the age-appropriate progress of each child in attaining
 132 the standards, and be available online.

133 Section 4. Subsection (9) is added to section 1002.61,
 134 Florida Statutes, to read:

135 1002.61 Summer prekindergarten program delivered by public
 136 schools and private prekindergarten providers.-

137 (9) (a) Each early learning coalition shall verify that each
 138 private prekindergarten provider delivering the Voluntary
 139 Prekindergarten Education Program within the coalition's county
 140 or multicounty region complies with this part. Each district
 141 school board shall verify that each public school delivering the
 142 program within the school district complies with this part.

143 (b) If a private prekindergarten provider or public school
 144 fails or refuses to comply with this part, or if a provider or
 145 school engages in misconduct, the office shall require the early

Page 5 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

146 learning coalition to remove the provider or require the school
 147 district to remove the school from eligibility to deliver the
 148 Voluntary Prekindergarten Education Program and receive state
 149 funds under this part for a period of at least 2 years and up to
 150 5 years.

151 Section 5. Subsection (9) is added to section 1002.63,
 152 Florida Statutes, to read:

153 1002.63 School-year prekindergarten program delivered by
 154 public schools.-

155 (9) (a) Each district school board shall verify that each
 156 public school delivering the Voluntary Prekindergarten Education
 157 Program within the school district complies with this part.

158 (b) If a public school fails or refuses to comply with this
 159 part, or if a school engages in misconduct, the office shall
 160 require the school district to remove the school from
 161 eligibility to deliver the Voluntary Prekindergarten Education
 162 Program and receive state funds under this part for a period of
 163 at least 2 years and up to 5 years.

164 Section 6. Section 1002.67, Florida Statutes, is amended to
 165 read:

166 1002.67 Performance standards ~~and~~ curricula ~~and~~
 167 accountability.-

168 (1) (a) The office shall develop and adopt performance
 169 standards for students in the Voluntary Prekindergarten
 170 Education Program. The performance standards must address the
 171 age-appropriate progress of students in the development of:

- 172 1. The capabilities, capacities, and skills required under
- 173 s. 1(b), Art. IX of the State Constitution; ~~and~~
- 174 2. Emergent literacy skills, including oral communication,

Page 6 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

175 knowledge of print and letters, phonemic and phonological
176 awareness, and vocabulary and comprehension development;

177 3. Mathematical thinking and early math skills; and

178 4. Executive functioning skills.

179

180 ~~By October 1, 2013, the office shall examine the existing~~
181 ~~performance standards in the area of mathematical thinking and~~
182 ~~develop a plan to make appropriate professional development and~~
183 ~~training courses available to prekindergarten instructors.~~

184 (b) At least every 3 years, the office and the department
185 shall jointly periodically review and, if necessary, revise the
186 performance standards for the statewide end-of-prekindergarten
187 kindergarten screening administered under s. 1002.68(3)(a) s.
188 1002.69 and align the standards to the standards established by
189 the state board for student performance on the statewide
190 assessments administered pursuant to s. 1008.22. The office and
191 the department shall ensure that there is a coordinated
192 assessment system that allows for tracking the progress of
193 students in the Voluntary Prekindergarten Education Program
194 through grade 2 in order to provide timely interventions and
195 supports to students not meeting grade level expectations.

196 (2) (a) Each private prekindergarten provider and public
197 school may select or design the curriculum that the provider or
198 school uses to implement the Voluntary Prekindergarten Education
199 Program, except as otherwise required for a provider or school
200 that is placed on probation under paragraph (4) (c).

201 (b) Each private prekindergarten provider's and public
202 school's curriculum must be developmentally appropriate and
203 must:

Page 7 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

204 1. Be designed to prepare a student for early literacy and
205 provide for instruction in early math skills;

206 2. Enhance the age-appropriate progress of students in
207 attaining the performance standards adopted by the department
208 under subsection (1); and

209 3. Prepare students to be ready for kindergarten based upon
210 the statewide end-of-prekindergarten screening statewide
211 kindergarten screening administered under s. 1002.68 s. 1002.69.

212 (c) The office shall review and approve curricula for use
213 by private prekindergarten providers and public schools that are
214 placed on probation under paragraph (4) (c). The office shall
215 maintain a list of the curricula approved under this paragraph.
216 Each approved curriculum must meet the requirements of paragraph
217 (b).

218 ~~(3) (a) Contingent upon legislative appropriation, each~~
219 ~~private prekindergarten provider and public school in the~~
220 ~~Voluntary Prekindergarten Education Program must implement an~~
221 ~~evidence-based pre- and post-assessment that has been approved~~
222 ~~by rule of the State Board of Education.~~

223 ~~(b) In order to be approved, the assessment must be valid,~~
224 ~~reliable, developmentally appropriate, and designed to measure~~
225 ~~student progress on domains which must include, but are not~~
226 ~~limited to, early literacy, numeracy, and language.~~

227 ~~(c) The pre- and post-assessment must be administered by~~
228 ~~individuals meeting requirements established by rule of the~~
229 ~~State Board of Education.~~

230 ~~(4) (a) Each early learning coalition shall verify that each~~
231 ~~private prekindergarten provider delivering the Voluntary~~
232 ~~Prekindergarten Education Program within the coalition's county~~

Page 8 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

233 or multicounty region complies with this part. Each district
 234 school board shall verify that each public school delivering the
 235 program within the school district complies with this part.

236 ~~(b) If a private prekindergarten provider or public school
 237 fails or refuses to comply with this part, or if a provider or
 238 school engages in misconduct, the office shall require the early
 239 learning coalition to remove the provider and require the school
 240 district to remove the school from eligibility to deliver the
 241 Voluntary Prekindergarten Education Program and receive state
 242 funds under this part for a period of 5 years.~~

243 ~~(c)1. If the kindergarten readiness rate of a private
 244 prekindergarten provider or public school falls below the
 245 minimum rate adopted by the office as satisfactory under s.
 246 1002.69(6), the early learning coalition or school district, as
 247 applicable, shall require the provider or school to submit an
 248 improvement plan for approval by the coalition or school
 249 district, as applicable, and to implement the plan; shall place
 250 the provider or school on probation; and shall require the
 251 provider or school to take certain corrective actions, including
 252 the use of a curriculum approved by the office under paragraph
 253 (2)(c) or a staff development plan to strengthen instruction in
 254 language development and phonological awareness approved by the
 255 office.~~

256 ~~2. A private prekindergarten provider or public school that
 257 is placed on probation must continue the corrective actions
 258 required under subparagraph 1., including the use of a
 259 curriculum or a staff development plan to strengthen instruction
 260 in language development and phonological awareness approved by
 261 the office, until the provider or school meets the minimum rate~~

25-01149B-19

20191594__

262 ~~adopted by the office as satisfactory under s. 1002.69(6).
 263 Failure to implement an approved improvement plan or staff
 264 development plan shall result in the termination of the
 265 provider's contract to deliver the Voluntary Prekindergarten
 266 Education Program for a period of 5 years.~~

267 ~~3. If a private prekindergarten provider or public school
 268 remains on probation for 2 consecutive years and fails to meet
 269 the minimum rate adopted by the office as satisfactory under s.
 270 1002.69(6) and is not granted a good cause exemption by the
 271 office pursuant to s. 1002.69(7), the office shall require the
 272 early learning coalition or the school district to remove, as
 273 applicable, the provider or school from eligibility to deliver
 274 the Voluntary Prekindergarten Education Program and receive
 275 state funds for the program for a period of 5 years.~~

276 ~~(d) Each early learning coalition and the office shall
 277 coordinate with the Child Care Services Program Office of the
 278 Department of Children and Families to minimize interagency
 279 duplication of activities for monitoring private prekindergarten
 280 providers for compliance with requirements of the Voluntary
 281 Prekindergarten Education Program under this part, the school
 282 readiness program under part VI of this chapter, and the
 283 licensing of providers under ss. 402.301-402.319.~~

284 ~~Section 7. Section 1002.68, Florida Statutes, is created to
 285 read:~~

286 1002.68 Voluntary Prekindergarten Education Program
 287 Accountability.—

288 (1) (a) Each private prekindergarten provider and public
 289 school participating in the Voluntary Prekindergarten Education
 290 Program must implement an evidence-based pre- and post-

25-01149B-19

20191594__

291 assessment that can be used for determining developmentally
 292 appropriate learning gains and that has been approved by rule of
 293 the State Board of Education.

294 (b) In order to be approved, the assessment must be valid,
 295 reliable, developmentally appropriate, and designed to measure
 296 student progress on domains that include, but are not limited
 297 to, early literacy, numeracy, and language.

298 (c) The pre- and post-assessment must be administered by
 299 individuals meeting requirements established by rule of the
 300 state board.

301 (2) (a) Each private prekindergarten provider and public
 302 school in the Voluntary Prekindergarten Education Program must
 303 participate in a program assessment of each voluntary
 304 prekindergarten education classroom. The program assessment
 305 shall measure the quality of teacher-child interactions,
 306 including emotional and behavioral support, engaged support for
 307 learning, classroom organization, and instructional support for
 308 children ages 3 to 5 years.

309 (b) The program assessment must be administered by
 310 individuals meeting requirements established by rule of the
 311 state board.

312 (3) (a) The office and the department shall adopt a
 313 statewide end-of-prekindergarten screening that assesses the
 314 readiness of each student for kindergarten based upon the
 315 performance standards adopted under s. 1002.67(1) for the
 316 Voluntary Prekindergarten Education Program. The office shall
 317 require that each early learning coalition or school district
 318 administer the statewide end-of-prekindergarten screening to
 319 each prekindergarten student in the Voluntary Prekindergarten

Page 11 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

320 Education Program within the last 30 school days of a school-
 321 year prekindergarten program and within the last 10 days of a
 322 summer prekindergarten program.

323 (b) The statewide end-of-prekindergarten screening shall
 324 provide objective data concerning each student's readiness for
 325 kindergarten and progress in attaining the performance standards
 326 adopted by the office under s. 1002.67(1). Data from the
 327 screening, along with other available data, must be used to
 328 identify students in need of intervention and support pursuant
 329 to s. 1008.25(5).

330 (c) The statewide end-of-prekindergarten screening shall
 331 incorporate mechanisms for recognizing potential variations in
 332 kindergarten readiness rates for students with disabilities.

333 (d) The statewide end-of-prekindergarten screening must be
 334 administered by individuals meeting requirements established by
 335 rule of the state board.

336 (4) Data collected pursuant to this section must be
 337 maintained in the department's PK-20 Education Data Warehouse.

338 (5) (a) The office shall adopt a methodology for calculating
 339 each provider's program score, which must include program
 340 assessment scores, developmentally appropriate learning gain
 341 data from the pre- and post-assessment under subsection (1), and
 342 the results of the statewide end-of-prekindergarten screening.
 343 The office shall select an independent expert with experience in
 344 relevant quantitative analysis, early childhood assessment, and
 345 designing state-level accountability systems to develop the
 346 methodology, which must include a weighted formula, for
 347 calculating each provider's score.

348 (b) The office shall adopt procedures to annually calculate

Page 12 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

349 each private prekindergarten provider's and public school's
 350 program score based on the methodology adopted in paragraph (a).

351 (c) The office shall periodically adopt a minimum program
 352 score that, if achieved by a private prekindergarten provider or
 353 public school, would demonstrate the provider's or school's
 354 satisfactory delivery of the Voluntary Prekindergarten Education
 355 Program.

356 (6) (a) If a private prekindergarten provider's or public
 357 school's program score falls below the minimum program score,
 358 the early learning coalition or school district, as applicable,
 359 shall:

360 1. Require the provider or school to submit an improvement
 361 plan for approval by the coalition or school district, as
 362 applicable, and to implement the plan;

363 2. Place the provider or school on probation; and

364 3. Require the provider or school to take certain
 365 corrective actions, including the use of a curriculum approved
 366 by the office under s. 1002.67(2)(c) or a staff development plan
 367 to strengthen instruction in language development, phonological
 368 awareness, and mathematical thinking approved by the office.

369 (b) A private prekindergarten provider or public school
 370 that is placed on probation must continue the corrective actions
 371 required under paragraph (a) until the provider or school meets
 372 the minimum program score adopted by the office. Failure to meet
 373 the requirements of subparagraphs (a)1. and 3. shall result in
 374 the termination of the provider's or school's contract to
 375 deliver the Voluntary Prekindergarten Education Program for a
 376 period of at least 2 years and up to 5 years.

377 (c) If a private prekindergarten provider or public school

Page 13 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

378 remains on probation for 2 consecutive years and fails to meet
 379 the minimum program score or is not granted a good cause
 380 exemption by the office, the office shall require the early
 381 learning coalition or the school district to revoke the
 382 provider's or school's eligibility to deliver the Voluntary
 383 Prekindergarten Education Program and receive state funds for
 384 the program for a period of at least 2 years and up to 5 years.

385 (7) (a) The office, upon the request of a private
 386 prekindergarten provider or public school that remains on
 387 probation for at least 2 consecutive years and subsequently
 388 fails to meet the minimum program score adopted pursuant to
 389 paragraph (5) (c), and for good cause shown, may grant to the
 390 provider or school an exemption from being determined ineligible
 391 to deliver the Voluntary Prekindergarten Education Program and
 392 receive state funds for the program. Such exemption is valid for
 393 1 year and, upon the request of the private prekindergarten
 394 provider or public school and for good cause shown, may be
 395 renewed.

396 (b) A private prekindergarten provider's or public school's
 397 request for a good cause exemption, or renewal of such an
 398 exemption, must be submitted to the office in the manner and
 399 within the timeframes prescribed by the office and must include
 400 the following:

401 1. Data from the private prekindergarten provider or public
 402 school which documents the achievement and progress of the
 403 children served, as measured by any required screenings or
 404 assessments.

405 2. Data from the program assessment data required under
 406 paragraph (2) (a) which demonstrates effective teaching practices

Page 14 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19 20191594__

407 as recognized by the program assessment tool developer.
 408 3. Data from the early learning coalition or district
 409 school board, as applicable, the Department of Children and
 410 Families, the local licensing authority, or an accrediting
 411 association, as applicable, relating to the private
 412 prekindergarten provider's or public school's compliance with
 413 state and local health and safety standards.
 414 (c) The office shall adopt criteria for granting good cause
 415 exemptions. Such criteria must include, but is not limited to,
 416 all of the following:
 417 1. Learning gains of children served in the Voluntary
 418 Prekindergarten Education Program by the private prekindergarten
 419 provider or public school.
 420 2. Program assessment data under paragraph (2) (a) which
 421 demonstrates effective teaching practices as recognized by the
 422 program assessment tool developer.
 423 3. Verification that local and state health and safety
 424 requirements are met.
 425 (d) A good cause exemption may not be granted to any
 426 private prekindergarten provider or public school that has any
 427 class I violations or two or more class II violations within the
 428 2 years preceding the provider's or school's request for the
 429 exemption. For purposes of this paragraph, class I and class II
 430 violations have the same meaning as provided in s. 402.281(4).
 431 (e) A private prekindergarten provider or public school
 432 granted a good cause exemption shall continue to implement its
 433 improvement plan and continue the corrective actions required
 434 under subsection (6) until the provider or school meets the
 435 minimum program score.

Page 15 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19 20191594__

436 (f) If a good cause exemption is granted to a private
 437 prekindergarten provider or public school that remains on
 438 probation for 2 consecutive years, the office shall notify the
 439 early learning coalition or school district of the good cause
 440 exemption and direct that the coalition or school district not
 441 remove the provider from eligibility to deliver the Voluntary
 442 Prekindergarten Education Program or to receive state funds for
 443 the program, if the provider meets all other applicable
 444 requirements of this part.

445 Section 8. Section 1002.69, Florida Statutes, is amended to
 446 read:

447 1002.69 Statewide kindergarten screening ~~and~~ kindergarten
 448 ~~readiness rates; state approved prekindergarten enrollment~~
 449 ~~screening; good cause exemption.-~~

450 (1) The department shall adopt a statewide kindergarten
 451 screening that assesses the readiness of each student for
 452 kindergarten based upon the performance standards adopted by the
 453 department under s. 1003.41 s. 1002.67(1) for the Voluntary
 454 ~~Prekindergarten Education Program~~. The department shall require
 455 that each school district administer the statewide kindergarten
 456 screening or an alternative kindergarten screening approved by
 457 the department to each kindergarten student in the school
 458 district within the first 30 school days of each school year or
 459 upon enrollment into public school for the first time. Each
 460 school district must provide a student's performance results to
 461 the student's teachers within 1 week and to the student's
 462 parents no later than 30 days after the administration.
 463 ~~Nonpublic schools may administer the statewide kindergarten~~
 464 ~~screening to each kindergarten student in a nonpublic school who~~

Page 16 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

465 ~~was enrolled in the Voluntary Prekindergarten Education Program.~~

466 (2) ~~The statewide kindergarten screening shall provide~~
 467 ~~objective data concerning each student's readiness for~~
 468 ~~kindergarten and progress in attaining the performance standards~~
 469 ~~adopted by the office under s. 1002.67(1).~~ Data from the
 470 screening, along with other available data, must be used to
 471 identify students in need of intervention and support pursuant
 472 to s. 1008.25(5).

473 (3) The statewide kindergarten screening shall incorporate
 474 mechanisms for recognizing potential variations in kindergarten
 475 readiness rates for students with disabilities.

476 (4) School districts must re-administer the statewide
 477 screening or an alternative kindergarten screening approved by
 478 the department no sooner than the last 45 days of school and no
 479 later than the last 30 days of school to all students who did
 480 not score above the readiness level. School districts must
 481 provide a student's performance results to the student's
 482 teachers within 1 week and to the student's parents no later
 483 than 30 days after the administration ~~Each parent who enrolls~~
 484 ~~his or her child in the Voluntary Prekindergarten Education~~
 485 ~~Program must submit the child for the statewide kindergarten~~
 486 ~~screening, regardless of whether the child is admitted to~~
 487 ~~kindergarten in a public school or nonpublic school. Each school~~
 488 ~~district shall designate sites to administer the statewide~~
 489 ~~kindergarten screening for children admitted to kindergarten in~~
 490 ~~a nonpublic school.~~

491 (5) The department office shall adopt procedures to
 492 annually calculate:

493 (a) Each private prekindergarten provider's and public

25-01149B-19

20191594__

494 school's kindergarten readiness rate, which must be expressed as
 495 the percentage of the ~~provider's or~~ school's students who are
 496 assessed as ready for kindergarten.

497 (b) The percentage of students at each school who scored
 498 below the kindergarten readiness level during the first 30 days
 499 of school who met the kindergarten readiness level by the end of
 500 the school year.

501 (c) The percentage of students at each school who did not
 502 meet the kindergarten readiness level by the end of the school
 503 year and who were promoted to first grade ~~The methodology for~~
 504 ~~calculating each provider's kindergarten readiness rate must~~
 505 ~~include student learning gains when available and the percentage~~
 506 ~~of students who meet all state readiness measures. The rates~~
 507 ~~must not include students who are not administered the statewide~~
 508 ~~kindergarten screening. The office shall determine learning~~
 509 ~~gains using a value-added measure based on growth demonstrated~~
 510 ~~by the results of the preassessment and postassessment from at~~
 511 ~~least 2 successive years of administration of the preassessment~~
 512 ~~and postassessment.~~

513 (6) Data collected pursuant to this section must be
 514 maintained in the department's PK-20 Education Data Warehouse
 515 ~~The office shall periodically adopt a minimum kindergarten~~
 516 ~~readiness rate that, if achieved by a private prekindergarten~~
 517 ~~provider or public school, would demonstrate the provider's or~~
 518 ~~school's satisfactory delivery of the Voluntary Prekindergarten~~
 519 ~~Education Program.~~

520 (7) (a) ~~Notwithstanding s. 1002.67(4)(c)3., the office, upon~~
 521 ~~the request of a private prekindergarten provider or public~~
 522 ~~school that remains on probation for 2 consecutive years or more~~

25-01149B-19

20191594__

523 and subsequently fails to meet the minimum rate adopted under
 524 subsection (6) and for good cause shown, may grant to the
 525 provider or school an exemption from being determined ineligible
 526 to deliver the Voluntary Prekindergarten Education Program and
 527 receive state funds for the program. Such exemption is valid for
 528 1 year and, upon the request of the private prekindergarten
 529 provider or public school and for good cause shown, may be
 530 renewed.

531 ~~(b) A private prekindergarten provider's or public school's~~
 532 ~~request for a good cause exemption, or renewal of such an~~
 533 ~~exemption, must be submitted to the office in the manner and~~
 534 ~~within the timeframes prescribed by the office and must include~~
 535 ~~the following:~~

536 1. Submission of data by the private prekindergarten
 537 provider or public school which documents the achievement and
 538 progress of the children served as measured by the state-
 539 approved prekindergarten enrollment screening and the
 540 standardized postassessment approved by the office pursuant to
 541 subparagraph (c)1.

542 2. Submission and review of data available from the
 543 respective early learning coalition or district school board,
 544 the Department of Children and Families, local licensing
 545 authority, or an accrediting association, as applicable,
 546 relating to the private prekindergarten provider's or public
 547 school's compliance with state and local health and safety
 548 standards.

549 3. Submission and review of data available to the office on
 550 the performance of the children served and the calculation of
 551 the private prekindergarten provider's or public school's

25-01149B-19

20191594__

552 ~~kindergarten readiness rate.~~

553 ~~(c) The office shall adopt criteria for granting good cause~~
 554 ~~exemptions. Such criteria shall include, but are not limited to:~~

555 1. Learning gains of children served in the Voluntary
 556 Prekindergarten Education Program by the private prekindergarten
 557 provider or public school.

558 2. Verification that local and state health and safety
 559 requirements are met.

560 ~~(d) A good cause exemption may not be granted to any~~
 561 ~~private prekindergarten provider that has any class I violations~~
 562 ~~or two or more class II violations within the 2 years preceding~~
 563 ~~the provider's or school's request for the exemption. For~~
 564 ~~purposes of this paragraph, class I and class II violations have~~
 565 ~~the same meaning as provided in s. 402.281(4).~~

566 (e) A private prekindergarten provider or public school
 567 granted a good cause exemption shall continue to implement its
 568 improvement plan and continue the corrective actions required
 569 under s. 1002.67(4)(c)1., including the use of a curriculum
 570 approved by the office, until the provider or school meets the
 571 minimum rate adopted under subsection (6).

572 ~~(f) If a good cause exemption is granted to a private~~
 573 ~~prekindergarten provider who remains on probation for 2~~
 574 ~~consecutive years, the office shall notify the early learning~~
 575 ~~coalition of the good cause exemption and direct that the~~
 576 ~~coalition, notwithstanding s. 1002.67(4)(c)3., not remove the~~
 577 ~~provider from eligibility to deliver the Voluntary~~
 578 ~~Prekindergarten Education Program or to receive state funds for~~
 579 ~~the program, if the provider meets all other applicable~~
 580 ~~requirements of this part.~~

25-01149B-19

20191594__

581 Section 9. Paragraphs (d) and (g) of subsection (2) of
 582 section 1002.73, Florida Statutes, are amended to read:
 583 1002.73 Department of Education; powers and duties;
 584 accountability requirements.—

585 (2) The department shall adopt procedures for its:

586 (d) Identification of alternative kindergarten screenings
 587 that equate to the statewide kindergarten screening established
 588 under s. 1002.69(1) ~~Implementation of, and determination of~~
 589 ~~costs associated with, the state-approved prekindergarten~~
 590 ~~enrollment screening and the standardized postassessment~~
 591 ~~approved by the department, and determination of the learning~~
 592 ~~gains of students who complete the state-approved~~
 593 ~~prekindergarten enrollment screening and the standardized~~
 594 ~~postassessment approved by the department.~~

595 ~~(g) Granting of a private prekindergarten provider's or~~
 596 ~~public school's request for a good cause exemption under s.~~
 597 ~~1002.69(7).~~

598 Section 10. Paragraph (e) of subsection (2) and paragraphs
 599 (a), (b), and (c) of subsection (3) of section 1002.75, Florida
 600 Statutes, are amended to read:

601 1002.75 Office of Early Learning; powers and duties.—

602 (2) The Office of Early Learning shall adopt procedures
 603 governing the administration of the Voluntary Prekindergarten
 604 Education Program by the early learning coalitions and school
 605 districts for:

606 (e) Verifying the compliance of private prekindergarten
 607 providers and public schools and removing providers or schools
 608 from eligibility to deliver the program due to noncompliance or
 609 misconduct as ~~provided in s. 1002.67.~~

Page 21 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

25-01149B-19

20191594__

610 (3) The Office of Early Learning shall adopt, in
 611 consultation with and subject to approval by the department,
 612 procedures governing the administration of the Voluntary
 613 Prekindergarten Education Program by the early learning
 614 coalitions and school districts for:

615 (a) Approving improvement plans of private prekindergarten
 616 providers and public schools under s. 1002.68 ~~s. 1002.67.~~

617 (b) Placing private prekindergarten providers and public
 618 schools on probation and requiring corrective actions under s.
 619 1002.68 ~~s. 1002.67.~~

620 (c) Removing a private prekindergarten provider or public
 621 school from eligibility to deliver the program due to the
 622 provider's or school's remaining on probation beyond the time
 623 permitted under s. 1002.68 ~~s. 1002.67.~~ Notwithstanding any other
 624 provision of law, if a private prekindergarten provider has been
 625 cited for a class I violation, as defined by rule, the coalition
 626 may refuse to contract with the provider or revoke the
 627 provider's eligibility to deliver the Voluntary Prekindergarten
 628 Education Program.

629 Section 11. This act shall take effect July 1, 2019.

Page 22 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

SB 1594

Bill Number (if applicable)

610458

Amendment Barcode (if applicable)

Topic VPK

Name Jessica Janasiewicz

Job Title Governmental Consultant

Address 119 South Monroe Street

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-681-6788

Email jessica@rutledge-ecenia.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Association of School Administrators (FASA)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

1594

Bill Number (if applicable)

Topic Voluntary Prekindergarten Education Program

Amendment Barcode (if applicable)

Name Kaitlyn Gardner

Job Title Consultant

Address 113 E. College Ave

Phone 813-422-6571

Street

Tallahassee

FL

32301

City

State

Zip

Email Kaitlyn@rtaconsultingllc.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing United Way Suncoast

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

1594

Bill Number (if applicable)

Topic Voluntary PreKindergarten Education Program

Amendment Barcode (if applicable)

Name Kaitlyn Gardner

Job Title Consultant

Address 113 E. College Ave

Phone 813-422-8571

Street

Tallahassee

FL

32301

Email Kaitlyn@rsaconultingllc.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Helios Education Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19
Meeting Date

1594
Bill Number (if applicable)

Topic VPK

Amendment Barcode (if applicable)

Name Tara Reid

Job Title Lobbyist

Address 200 W. College Ave
Street

Phone 386-530-0426

Tallahassee FL 32301
City State Zip

Email treid@strategosgroup.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Children's Movement of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-16-19

Meeting Date

1594

Bill Number (if applicable)

Topic EARLY LEARNING

Amendment Barcode (if applicable)

Name TED GRANGER

Job Title PRESIDENT

Address 307 E 7th AVE

Phone 850-488-8276

Street

TALLAHASSEE

City

FL

State

32303

Zip

Email TGRANGER@UNWOF.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ~~Home~~ UNITED WAY OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/2019
Meeting Date

1594
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St. Petersburg FL

33705

Email justice2jesus@yahoo.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/19

Meeting Date

SB 1594

Bill Number (if applicable)

Topic Voluntary Prek Education Program

Amendment Barcode (if applicable)

Name Dr. Danielle Thomas

Job Title Legislation Chair

Address 1747 Orlando Central Pkwy

Phone 407 855 7604

Street

Orlando

FL

32809

City

State

Zip

Email legislation@floridapta.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4.16.19

Meeting Date

1594

Bill Number (if applicable)

Topic VPK

Amendment Barcode (if applicable)

Name Saralyn Grass

Job Title Executive Director

Address 202 S. Monroe

Phone 904.651.5959

Street

JLH

FL

32301

City

State

Zip

Email Sgrass@aelefl.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Association of Early Learning Coalitions

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412
Caption: Senate Appropriations Subcommittee on Education

Case No.:

Type:
Judge:

Started: 4/16/2019 9:05:15 AM

Ends: 4/16/2019 9:45:16 AM

Length: 00:40:02

9:05:19 AM Sen. Stargel (Chair)
9:06:06 AM S. 1594
9:06:11 AM Sen. Harrell
9:09:43 AM Sen. Diaz
9:09:48 AM S. 522
9:10:52 AM Danielle Thomas, Legislative Chair, Florida PTA (waives in support)
9:10:57 AM Carol Bowen, Chief Lobbyist, Associated Builders and Contractors (waives in support)
9:11:37 AM Sen. Diaz
9:11:40 AM S. 1470
9:12:30 AM Danielle Thomas, Legislative Chair, Florida PTA (waives in opposition)
9:12:38 AM Shan Goff, Florida Policy Director, Foundation for Florida's Future (waives in support)
9:12:42 AM Shawn R Frost, Director of Advocacy and Past President, Florida Coalition of School Board Members (waives in support)
9:12:48 AM Cesar Grajales, Director of Coalitions, The Libre Initiative (waives in support)
9:13:00 AM Sen. Montford
9:14:04 AM Sen. Diaz
9:15:20 AM Sen. Montford
9:15:28 AM S. 1164
9:16:46 AM Marti Coley, Lobbyist/Consultant, Gulf Coast State College (waives in support)
9:16:51 AM Brian Pitts, Trustee, Justice - 2 - Jesus
9:19:47 AM Sen. Flores
9:20:32 AM Sen. Montford
9:21:13 AM Sen. Baxley
9:21:16 AM S. 1366
9:21:46 AM Am. 363068
9:21:52 AM Sen. Baxley
9:22:22 AM Shan Goff, Florida Policy Director, Foundation for Florida's Future (waives in support)
9:22:46 AM Am. 839172
9:22:49 AM Sen. Baxley
9:24:37 AM Ruby Holroyd, Code.org (waives in support)
9:24:43 AM Bethany Swanson, Leg. Affairs Director, Florida Department of Education (waives in support)
9:24:52 AM Tara Reid, Lobbyist, Project Lead the Way (waives in support)
9:24:58 AM Brian Pitts, Trustee, Justice - 2 - Jesus
9:28:09 AM Shan Goff, Florida Policy Director, Foundation for Florida's Future (waives in support)
9:28:12 AM Mathew Choy (waives in support)
9:28:26 AM Sen. Book
9:29:03 AM Sen. Baxley
9:30:30 AM Sen. Diaz (chair)
9:30:42 AM S. 194
9:30:44 AM Sen. Stargel
9:32:03 AM Shan Goff, Florida Policy Director, Foundation for Florida's Future (waives in support)
9:32:09 AM Brian Pitts, Trustee, Justice - 2 - Jesus
9:36:15 AM Sen. Mayfield
9:36:18 AM S. 798
9:37:08 AM Chris Hansen, Ballard Partners, Eastern Florida State College (waives in support)
9:37:46 AM S. 1198
9:37:47 AM Sen. Stargel
9:38:40 AM Am. 619612
9:38:45 AM Sen. Stargel
9:38:59 AM Billie Anne Gay, Legislative Affairs and Comms Director, Florida School Board Association (waives in support)
9:39:31 AM Vernon A. Pickup Crawford, Legislative Liaison, Collier County School District (waives in support)

9:39:38 AM Shawn R Frost, Director of Advocacy and Past President, Florida Coalition of School Board Members
(waives in support)

9:39:42 AM Brian Pitts, Trustee, Justice - 2 - Jesus

9:42:40 AM Joy Frank, General Council, Florida Association of District School Superintendents (waives in support)

9:42:48 AM Sen. Stargel

9:43:57 AM Sen. Stargel (Chair)

9:44:12 AM Sen. Pizzo Favorably 522 1164 1366 194 798 Unfavorably 1470

9:44:37 AM Sen. Baxley Favorably 522

9:44:45 AM Sen. Simmons Favorably 522 1470

9:44:47 AM Meeting Adjourned