

Tab 1	SB 132 by Braynon ; (Similar to H 00055) Sunshine Scholarship Program				
Tab 2	SB 754 by Baxley ; (Identical to H 00699) School Crossing Guards				
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Tab 3	SB 866 by Diaz ; (Identical to H 01203) Florida Talent Development Council				
Tab 4	SB 918 by Brandes ; (Similar to H 00581) Civic Education				
Tab 5	SB 1220 by Diaz ; Education				
535638	D	S	ED, Diaz	Delete everything after	01/17 02:00 PM
Tab 6	SB 1246 by Stargel ; (Compare to CS/H 00187) Dual Enrollment				
Tab 7	SB 1420 by Flores ; (Similar to H 01029) Charter Schools				
Tab 8	SPB 7040 by ED ; Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Tuesday, January 21, 2020
TIME: 2:30—4:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Diaz, Chair; Senator Montford, Vice Chair; Senators Baxley, Berman, Cruz, Perry, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 132 Braynon (Similar H 55, S 1004)	Sunshine Scholarship Program; Establishing the Sunshine Scholarship Program; requiring the Department of Education to administer the program; requiring certain financial aid to be credited to a student's tuition and fees before the award of a Sunshine Scholarship; requiring a student to repay the scholarship amount under certain circumstances, etc.	ED 01/21/2020 AED AP
2	SB 754 Baxley (Identical H 699)	School Crossing Guards; Authorizing a school crossing guard employed by a private school, upon approval of the sheriff of the county in which such private school is located, to direct traffic at certain locations under certain circumstances; providing that the school crossing guard is not required to meet specified uniform minimum standards, etc.	ED 01/21/2020 IS RC
3	SB 866 Diaz (Identical H 1203)	Florida Talent Development Council; Requiring the council to submit, by a specified date, a report with recommendations related to the Pathways in Technology Early College High School (P-TECH) program, or a similar program, to the Governor, the Legislature, the Board of Governors, and the State Board of Education; requiring the P-TECH program to incorporate secondary and postsecondary education with workforce education and work experience, etc.	ED 01/21/2020 AED AP

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, January 21, 2020, 2:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 918 Brandes (Similar H 581)	Civic Education; Requiring the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students, beginning with a specified school year; authorizing students to apply the hours they devote to practicum activities to certain community service requirements; requiring the State Board of Education to designate certain high schools as Freedom Schools, based on criteria the board establishes relating to students' civic learning and civic engagement, etc.	ED 01/21/2020 AED AP
5	SB 1220 Diaz	Education; Requiring that the rules to establish uniform core curricula for each state-approved teacher preparation program include evidence-based reading instructional strategies and mental health strategies and support; providing that for a subject requiring only a baccalaureate degree, a baccalaureate degree with a major in the subject area, conferred within the last 10 years, is an acceptable means of demonstrating mastery of subject area knowledge; directing the Commissioner of Education, with the advice and consent of the chair of the Education Practices Commission, to appoint an executive director who is exempt from career service and may be removed by the commissioner, etc.	ED 01/21/2020 AED AP
6	SB 1246 Stargel (Compare CS/H 187, S 62)	Dual Enrollment; Clarifying that secondary students eligible for dual enrollment programs include students who are enrolled in home education programs; prohibiting district school boards and Florida College System institutions from denying students who have met eligibility requirements from participating in dual enrollment except under specified circumstances; providing that certain independent colleges and universities are eligible for inclusion in the dual enrollment and early admission programs; establishing the Dual Enrollment Scholarship Program, etc.	ED 01/21/2020 AED AP

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, January 21, 2020, 2:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1420 Flores (Similar H 1029)	Charter Schools; Prohibiting sponsors from refusing to receive a charter school application submitted during the calendar year; requiring certain charter school employees or governing board members to inform a school district if he or she has completed a criminal history check in another district within a certain timeframe; specifying how many applications a high-performing charter school may submit in any school district in the state to establish and operate a new charter school; revising the virtual instruction a virtual charter school may provide, etc.	ED 01/21/2020 AED AP

Consideration of proposed bill:

8	SPB 7040	Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission; Authorizing a sheriff to contract for services to provide training under the Coach Aaron Feis Guardian Program; adding penalties for persons who knowingly submit false information to a law enforcement agency; revising the training, consultation, and coordination responsibilities of the Office of Safe Schools; requiring the Louis de la Parte Florida Mental Health Institute to consult with specified state agencies and convene a workgroup to advise those agencies on the implementation of specified mental health recommendations, etc.	
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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 Committee on Education

BILL: SB 132

INTRODUCER: Senator Braynon

SUBJECT: Sunshine Scholarship Program

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dew	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 132 establishes the Sunshine Scholarship Program (scholarship), administered by the Department of Education, to provide funding for 100 percent of tuition and fees for Florida residents pursuing an associate degree or career certificate from a Florida College System (FCS) institution or a career center. The bill specifies that a student must repay the awarded amount if the student does not reside and work within the state for a specified period after program completion or disenrollment.

The bill takes effect July 1, 2020.

II. Present Situation:

Postsecondary Tuition and Fees

Florida law establishes the tuition rate for resident students¹ and authorizes specific student fees at Florida postsecondary institutions. The cost of tuition at Florida College System (FCS) institutions is set by law at \$71.98 per credit hour for resident students pursuing an associate degree program.² The standard cost of tuition per contact hour for programs leading to a career certificate or an applied technology diploma is \$2.33.³

By law, all students must be charged tuition and fees except students who are exempt from fees or students whose fees are waived.⁴ School districts and FCS institutions may waive fees for

¹ “Legal resident” means a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state. Section 1009.21(d), F.S.

² Section 1009.23(3)(a), F.S.

³ Section 1009.22(3)(c), F.S.

⁴ Sections 1009.22(2) and 1009.23(2)(a), F.S.

students who are not otherwise exempt from fees, in accordance with certain conditions,⁵ or defer tuition and fees for students receiving financial aid from a federal or state assistance program when the aid is delayed.⁶

The cost of tuition and fees for residents enrolled full-time for the 2018-2019 academic year was:

- Approximately \$3,200 for an associate degree at an FCS institution.
- Approximately \$2,500 for a career certificate at an FCS institution or a career center.⁷

Financial Aid

State and federal student financial aid and tuition assistance programs are available to assist students in accessing and pursuing higher education in Florida. The Office of Student Financial Assistance (OSFA), within the Department of Education (DOE), administers state financial aid and scholarship programs. Student financial assistance available for use in Florida⁸ includes a variety of grants, scholarships, and loans.⁹

In addition to meeting requirements specific to each financial aid program, in order to be eligible for state financial aid awards, students must:

- Achieve the academic requirements of acceptance and be accepted at an eligible institution;¹⁰
- Reside in this state, for purposes other than to obtain an education, for no less than 1 year preceding the award of aid or a tuition assistance grant program;¹¹ and
- Submit certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate eligibility.¹²

Institutions are required to expend moneys designated as need-based financial aid with no preference given to students who also qualify for merit-based or other financial aid awards.¹³

Pell Grant

Federal Pell Grants are awarded to undergraduate students displaying exceptional financial need who have not earned a bachelor's, graduate, or professional degree.¹⁴ The basis for determining the award amount depends on an applicant's:

⁵ Section 1009.26(1), F.S.

⁶ Section 1009.27(1), F.S.

⁷ Email, Florida Department of Education (Jan. 3, 2020). Career centers can only offer career certificate programs by contact hour, not credit hour. The average cost per contact hour for students enrolled at career centers in Florida as residents for 2018-2019, inclusive of optional fees authorized by law, was \$2.79. *Id.* Cost of average annual tuition at a career center may be determined by converting the standard cost of tuition and fees per contact hour at a career center (\$2.79) to cost per credit hour (\$82.77) and factoring with a comparable full-time credit load per year (30).

⁸ See Florida Student Financial Aid, *Office of Student Financial Assistance*, <http://www.floridastudentfinancialaid.org/> (last visited Dec. 11, 2019).

⁹ See ss. 1009.50-1009.894, F.S. and Rules 6A-20.001 - 20.111, F.A.C.

¹⁰ Section 1009.40(1)(a)1., F.S.

¹¹ Section 1009.40(1)(a)2., F.S.

¹² Section 1009.40(1)(a)3., F.S.

¹³ Section 1009.44, F.S.

¹⁴ Federal Student Aid, *Federal Pell Grants*, <https://studentaid.gov/understand-aid/types/grants/pell> (last visited Dec. 23, 2019).

- Expected Family Contribution;¹⁵
- Cost of attendance determined by the relevant school for the specific program;
- Status as a full-time or part-time student; and
- Plans to attend school for a full academic year or less.¹⁶

Once a student has earned a baccalaureate degree or the student's first professional degree, or the 12 semesters of eligibility have expired, a student is no longer eligible to receive a Federal Pell Grant.¹⁷

The maximum Federal Pell Grant award is \$6,195 for the 2019-2020 academic year.¹⁸

Florida Student Assistance Grant

The Florida Student Assistance Grant (FSAG) Program, created in 1972, is Florida's largest need-based grant program for degree-seeking students.¹⁹ There are four FSAG programs under which a student may receive need-based aid, depending on the type of postsecondary institution the student attends. The four FSAG programs are the:²⁰

- Florida Public Student Assistance Grant (FSAG Public) for students attending a state university or FCS institution;
- Florida Public Postsecondary Career Education Student Assistance Grant (FSAGCE) for certificate-seeking students attending an eligible FCS institution or career center operated by district school boards.²¹
- Florida Private Student Assistance Grant (FSAG Private) for students attending an eligible private, non-profit, four-year college or university; and
- Florida Postsecondary Student Assistance Grant (FSAG Postsecondary) for students attending an eligible postsecondary institution licensed by the Commission for Independent Education or offering a nursing diploma as approved by the Florida Board of Nursing.²²

The procedures for application, eligibility, award, renewal, disbursement, and reinstatement are similar across the FSAG Programs. Awards are made annually for the amount of demonstrated unmet need for the cost of education up to the maximum award established in the General Appropriations Act. The program is administered by participating institutions in accordance with State Board of Education (SBE) rule.²³

¹⁵ Expected Family Contribution is calculated using a student's: family size; family's taxed and untaxed income, assets, and benefits; and number of family members who will attend college or career school during the year. Federal Student Aid, *How Aid is Calculated*, <https://studentaid.gov/complete-aid-process/how-calculated#efc> (last visited Dec. 23, 2019).

¹⁶ Federal Student Aid, *supra* note 15.

¹⁷ *Id.*

¹⁸ *Id.* In certain situations, a student who is eligible can receive up to 150 percent of his or her scheduled Pell grant award for an award year.

¹⁹ Florida Department of Education Office of Student Financial Assistance, *Annual Report to the Commissioner 2018-19* (2019), at 11, available at <https://www.floridastudentfinancialaidsg.org/pdf/annualreportcurrent.pdf>.

²⁰ Florida Student Financial Aid, *Florida Student Assistance Grant Program 2019-20 Fact Sheet*, <https://www.floridastudentfinancialaidsg.org/PDF/factsheets/FSAG.pdf>, at 1.

²¹ See Florida Student Financial Aid, *Florida Public Postsecondary Career Education Student Assistance Grant Program 2019-20 Fact Sheet*, <https://www.floridastudentfinancialaidsg.org/PDF/factsheets/FSAG-CE.pdf>.

²² Section 1009.52(2)(a)1.-2., F.S.

²³ See Rule 6A-20.031, F.A.C.

The average FSAG award amounts disbursed for 2018-2019 were:

- \$1,492.55 for FSAG Public to 157,003 students.²⁴
- \$729.92 for FSAGCE to 4,308 students.²⁵
- \$1,498.96 for FSAG Private to 16,345 students.²⁶
- \$1,081.96 for FSAG Postsecondary to 6,284 students.²⁷

A total of \$269,396,012 has been appropriated for the FSAG programs for the 2019-2020 fiscal year.²⁸ The current maximum annual award amount of \$2,610 has not changed since 2013.²⁹

Florida Bright Futures Scholarship

The Florida Bright Futures Scholarship Program (program)³⁰ is a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and enrolls in a degree, certificate, or applied technology program at an eligible Florida public or private postsecondary education institution.³¹ The program is administered by the DOE according to SBE rule,³² and funding for the program is allocated from the Education Enhancement Trust Fund.³³ Awards are issued annually,³⁴ and a student may receive only one type of award from the program.³⁵

In order to be eligible for an initial program award, a student must:

- Be a Florida resident;³⁶
- Earn a standard Florida high school diploma or high school equivalency diploma, except upon meeting a specified alternative;³⁷
- Meet specified academic criteria;³⁸ and

²⁴ Florida Department of Education Office of Financial Assistance, *End-of-Year-Report 2018-19* (Sept. 3, 2019), at 4, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/FSAGPU_2018_2019.pdf.

²⁵ Florida Department of Education Office of Financial Assistance, *End-of-Year-Report 2018-19* (Sept. 3, 2019), at 5, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/FSAGCE_2018_2019.pdf.

²⁶ Florida Department of Education Office of Financial Assistance, *End-of-Year-Report 2018-19* (Sept. 3, 2019), at 4, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/FSAGPR_2018_2019.pdf.

²⁷ Florida Department of Education Office of Financial Assistance, *End-of-Year-Report 2018-19* (Sept. 3, 2019), at 6, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/FSAGPO_2018_2019.pdf.

²⁸ Florida Department of Education Office of Student Financial Assistance, *Annual Report to the Commissioner 2018-19* (2019), at 5, available at <https://www.floridastudentfinancialaidsg.org/pdf/annualreportcurrent.pdf>.

²⁹ See *Id.* at 12.

³⁰ Section 442, ch. 2002-387, L.O.F.

³¹ Section 1009.53(1), F.S. Awards are also available for graduate study. Section 1009.5341, F.S.

³² Section 1009.53(3), F.S.

³³ Section 1009.53(4), F.S.

³⁴ Section 1009.53(5), F.S.

³⁵ Section 1009.53(7), F.S.

³⁶ Section 1009.531(1)(a), F.S.

³⁷ Section 1009.531(1)(b), F.S.

³⁸ The Bright Futures Scholarship Program consists of four awards: the Florida Academic Scholarship, the Florida Medallion Scholarship, the Florida Gold Seal CAPE Scholarship, and the Florida Gold Seal Vocational Scholarship. Section 1009.53(2), F.S. A student is eligible for an award if he or she meets the general eligibility requirements for the program and relevant criteria outlined in s. 1009.534, 1009.535, or 1009.536, F.S.

- Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.³⁹

For the 2018-2019 academic year, the average award amounts for the program were:

- \$6,534 for the Florida Academic Scholarship to 53,742 students.⁴⁰
- \$3,946 for the Florida Medallion Scholarship to 48,589 students.⁴¹
- \$908 for the Florida Gold Seal CAPE Scholarship to 159 students.⁴²
- \$870 for the Florida Gold Seal Vocational Scholarship to 895 students.⁴³

A total of \$595,143,167 has been appropriated for Bright Future Scholarships for the 2019-2020 fiscal year.⁴⁴

III. Effect of Proposed Changes:

SB 132 establishes the Sunshine Scholarship Program (scholarship), administered by the Department of Education, to provide funding for 100 percent of tuition and fees for Florida residents pursuing an associate degree or career certificate from a Florida College System (FCS) institution or career center. The bill specifies that a student must repay the awarded amount if the student does not reside and work within the state for a specified period after program completion or disenrollment.

Eligibility

Student Eligibility

In order to be eligible to receive a scholarship, a student must:

- Be a resident for tuition purposes;⁴⁵
- Meet the general requirements for student eligibility,⁴⁶ except as otherwise provided;

³⁹ Sections 1009.531(1)(c)-(f), F.S.

⁴⁰ Florida Department of Education Office of Student Financial Assistance, *End-of-Year Report* (Sept. 3, 2019), at 7, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/BFFAS_2018_2019.pdf.

⁴¹ Florida Department of Education Office of Student Financial Assistance, *End-of-Year Report* (Sept. 3, 2019), at 8, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/BFFMS_2018_2019.pdf.

⁴² Florida Department of Education Office of Student Financial Assistance, *End-of-Year Report* (Sept. 3, 2019), at 5, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/BFGSC_2018_2019.pdf.

⁴³ Florida Department of Education Office of Student Financial Assistance, *End-of-Year Report* (Sept. 3, 2019), at 6, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/BFGSV_2018_2019.pdf.

⁴⁴ Florida Department of Education Office of Student Financial Assistance, *Annual Report to the Commissioner 2018-19* (2019), at 5, available at <https://www.floridastudentfinancialaidsg.org/pdf/annualreportcurrent.pdf>.

⁴⁵ Section 1009.21(1)(d), F.S., defines “resident” to mean a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state. Qualification as a resident for tuition purposes is outlined in s. 1009.21(2)(a), F.S., and involves a person or, if that person is a dependent child, his or her parent or parents, to have established legal residence in this state and maintained legal residence in this state for at least 12 consecutive months immediately prior to initial enrollment in an institution of higher education.

⁴⁶ Section 1009.40, F.S. provides general requirements for student eligibility consisting of achievement of academic requirements; residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant; and submission of certification attesting to a student’s eligibility to receive state financial aid awards or tuition assistance grants. Renewal of eligibility is conditional on a student earning a minimum cumulative GPA of 2.0 on a 4.0 scale and 12 credits per

- Have a total annual household income equal to or less than \$50,000;⁴⁷
- Complete the Free Application for Federal Student Aid (FAFSA)⁴⁸ for each academic year in which the scholarship is sought;
- Be accepted by and enroll in an eligible postsecondary institution; and
- Maintain continuous enrollment as a full-time student while receiving the scholarship.⁴⁹

The bill requires that, in order to remain eligible for the scholarship, a student must maintain the equivalent of a cumulative grade point average of 2.5 on a 4.0 scale while enrolled. The scholarship applies only to tuition and fees, with each recipient responsible for additional user fees, textbooks, and other college-related expenses.

Providing additional financial assistance to students from low-income families may provide greater opportunities for these students to pursue a postsecondary education.

Institutional Eligibility

The bill defines “eligible postsecondary institution” to mean a FCS institution, career center operated by a school district, or charter technical career center. Financial aid received from the Pell Grant, the Florida Public Student Assistance Grant Program, and the Florida Bright Futures Scholarship Program must be credited to the student’s tuition and fees before the award of a scholarship.

Conditions of Repayment

The bill requires scholarship recipients to repay the total scholarship amount awarded, plus an annual interest rate equal to the federal student loan interest rate in effect when the student entered the program, if the student does not reside and work within the state for the specified period.⁵⁰ Upon completion of his or her program of study, or disenrollment, the scholarship

term, for undergraduate full-time study, by the end of the second semester or third quarter of each academic year. Section 1009.40(1)(b), F.S.

⁴⁷ “Household income” means the adjusted gross income of all members of a household. Section 196.075(1)(b), F.S. Section 62 of the United States Internal Revenue Code defines “adjusted gross income” to mean gross income minus trade and business deductions; certain trade and business deductions of employees; losses from sale or exchange of property; deductions attributable to rents and royalties; certain deductions of life tenants and income beneficiaries of property; pension, profit-sharing, and annuity plans of self-employed individuals; retirement savings; penalties forfeited because of premature withdrawal of funds from time savings accounts or deposits; alimony; reforestation expenses; certain required repayments of supplemental unemployment compensation benefits; jury duty pay remitted to employer; moving expenses; Archer MSAs; interest on education loans; higher education expenses; health savings accounts; costs involving discrimination suits; and attorney fees relating to awards to whistleblowers. 26 U.S.C. s. 62.

⁴⁸ Completing a FAFSA form assists in applying for federal state, and school financial aid. In order to qualify for federal student aid, a student or prospective student must meet criteria, including demonstrating the following: financial need; status as a U.S. citizen or an eligible noncitizen; enrollment or acceptance for enrollment as a regular student in an eligible degree or certificate program; and qualification to obtain a college or career school education. Federal Student Aid, *Basic Eligibility Criteria*, <https://studentaid.gov/understand-aid/eligibility/requirements> (last visited Dec. 23, 2019).

⁴⁹ The bill defines “full-time student” for the purposes of this section to mean a student enrolled in a minimum of 12 semester hours or the clock hour equivalent.

⁵⁰ According to section 1009.21(8), F.S., a person who has been properly classified as a resident for tuition purposes but who, while enrolled in an institution of higher education in this state, loses his or her resident tuition status, continues to enjoy the in-state tuition rate for a statutory grace period for 12 months or, if the 12-month grace period ends during a semester or academic term for which such former resident is enrolled, the grace period is to be extended to the end of that semester or academic term.

recipient must live and work in Florida for the same length of time the scholarship was received. The bill specifies that this requirement does not apply if a student enlists in the United States Armed Forces.

The implementation of the scholarship program is subject to legislative appropriation in the General Appropriations Act.

The bill takes effect July 1, 2020.

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:

The establishment of the Sunshine Scholarship Program may provide eligible students with the opportunity to pursue a postsecondary education, or allow those already pursuing a postsecondary education to enroll in more courses.

C. Government Sector Impact:

The establishment of the Sunshine Scholarship Program is contingent on legislative appropriation. If funded, the Office of Student Financial Assistance (OSFA) may incur

expenses related to documenting, tracking, and funding student participation in the scholarship program.⁵¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1009.895 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.

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

⁵¹ Florida Department of Education, *Agency Bill Analysis for SB 132 (2020)*.

By Senator Braynon

35-00148-20

2020132__

A bill to be entitled

An act relating to the Sunshine Scholarship Program; creating s. 1009.895, F.S.; establishing the Sunshine Scholarship Program; requiring the Department of Education to administer the program; providing the purpose of the program; defining terms; requiring certain financial aid to be credited to a student's tuition and fees before the award of a Sunshine Scholarship; providing student eligibility requirements; requiring a student to repay the scholarship amount under certain circumstances; providing that the program only applies to a student's tuition and fees; providing for funding; providing for rulemaking; providing an effective date.

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

Section 1. Section 1009.895, Florida Statutes, is created to read:

1009.895 Sunshine Scholarship Program.—

(1) There is established the Sunshine Scholarship Program to be administered by the Department of Education. The Sunshine Scholarship Program shall provide funding for 100 percent of tuition and fees for Florida residents pursuing an associate degree or career certificate from an eligible postsecondary institution. For purposes of this section, "eligible postsecondary institution" means a Florida College System institution, a career center operated by a school district, or a charter technical career center. Financial aid received from the

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Pell Grant, the Florida Public Student Assistance Grant Program, and the Florida Bright Futures Scholarship Program shall be credited first to the student's tuition and fees before the award of a scholarship under this section.

(2) To be eligible to receive a scholarship pursuant to this section, a student must:

(a) Be a resident for tuition purposes, as defined in s. 1009.21.

(b) Meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section.

(c) Have a total annual household income equal to or less than \$50,000.

(d) Complete the Free Application for Federal Student Aid (FAFSA) for each academic year in which the scholarship is sought.

(e) Be accepted by and enroll in an eligible postsecondary institution.

(f) Maintain continuous enrollment as a full-time student while receiving the scholarship. For purposes of this section, "full-time student" means a student enrolled in a minimum of 12 semester hours or the clock hour equivalent.

(3) Upon completion of his or her program of study, or upon disenrollment from an eligible postsecondary institution, the student must reside and work within this state for the same period of time he or she received funds from the program. If the student does not reside and work within this state for the specified period, the student must repay the total amount awarded, plus an annual interest rate equal to the federal

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59 student loan interest rate in effect when the student entered
60 the program. The requirements of this subsection do not apply:

61 (a) When a student enlists in the United States Armed
62 Forces; or

63 (b) While a student is continuously enrolled in a
64 baccalaureate degree program or higher at a Florida
65 postsecondary institution. Once the student graduates or
66 disenrolls from a Florida postsecondary institution, the
67 requirements of this subsection apply.

68 (4) To remain eligible for the program, a student must
69 maintain the equivalent of a cumulative grade point average of
70 2.5 on a 4.0 scale while enrolled at an eligible postsecondary
71 institution.

72 (5) The Sunshine Scholarship Program applies only to
73 tuition and fees. Each student is responsible for additional
74 user fees, textbooks, and other college-related expenses.

75 (6) Funding for the program shall be as provided in the
76 General Appropriations Act.

77 (7) The State Board of Education shall adopt rules to
78 administer this section.

79 Section 2. This act shall take effect July 1, 2020.

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 Committee on Education

BILL: SB 754

INTRODUCER: Senator Baxley

SUBJECT: School Crossing Guards

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Pre-meeting
2.			IS	
3.			RC	

I. Summary:

SB 754 provides alternate training requirements for school crossing guards employed by a private school. The bill authorizes the local county sheriff to approve a private school crossing guard at specified locations if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Criminal Justice Standards and Training Commission or a similar program offered by the police or sheriff's department within the county.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2020.

II. Present Situation:

School Crossing Guards

The Department of Transportation publishes guidelines and administers the Florida School Crossing Guard Training Program.¹ Each local governmental entity administering a school crossing guard program must provide a training program for school crossing guards in accordance with the uniform guidelines.

Successful completion of the training program requires:²

- Classroom instruction. A crossing guard must pass at least 75 percent of the items on a written examination.

¹ Section 316.75, F.S. Florida Department of Transportation, *Florida School Crossing Guard Training Guidelines* (2016), available at <https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/safety/safety/2a-programs/bike-ped/fscgtguidelinesmarch2016.pdf>.

² *Id.*

- Practical training. A crossing guard must competently perform 12 job-related duties.
- Supervised duty. A crossing guard must satisfactorily perform 12 job-related duties during at least two supervised shifts.

A school crossing guard is not required to successfully complete a training program if the school crossing guard:³

- Received equivalent training during employment as a law enforcement officer.
- Receives less than \$5,000 in annual compensation in a county with a population of less than 75,000.
- Is a student who serves in a school patrol.

A nonpublic school may also contract with a local government entity for access to school crossing guard training programs.⁴

Local law enforcement agencies administer the local school crossing guard programs by training school crossing guards, who may be employed by the law enforcement agency or another agency such as the school district.⁵

Traffic Control Officers

Any police or sheriff's department may employ as a traffic control officer any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Criminal Justice Standards and Training Commission (CJST), or through a similar program offered by the local police or sheriff's department.⁶ The CJST provides an 8-hour Traffic Control Officer for Civilians course that includes instruction in traffic control procedures.⁷

A traffic control officer who only completes the required 8 hours of instruction may direct traffic or operate a traffic control device only at a fixed location and only upon the direction, but not the immediate supervision, of a fully qualified law enforcement officer.⁸ A nongovernmental entity may employ a traffic control officer to control traffic on public streets, highways, or roads only when off-duty, full-time law enforcement officers are unavailable.

Florida law provides minimum qualifications for employment or appointment as a law enforcement officer and also directs the CJST to establish minimum employment and training standards.⁹ Florida law specifies that a traffic control officer is not required to meet the uniform

³ Section 316.75, F.S.

⁴ *Id.*

⁵ Email, Florida Department of Transportation, School Crossing Guard Program (Jan. 10, 2020); Telephone interview with Government Affairs Director, Florida Sheriffs Association (Jan. 10, 2020). Counties and municipalities are authorized to impose a surcharge on parking fines for the purpose of funding school crossing guard programs. Section 318.21(11), F.S.; Florida Department of Transportation, *supra* note 1, at 1.

⁶ Section 316.640(4), F.S.

⁷ Staff of the Florida Department of Law Enforcement, *Legislative Bill Analysis for SB 754* (2020).

⁸ Section 316.640(4), F.S.

⁹ Sections 943.12 and 943.13, F.S.

minimum standards established by the CJST for law enforcement officers or auxiliary law enforcement officers.¹⁰

III. Effect of Proposed Changes:

SB 754 provides alternate training requirements for school crossing guards employed by a private school. The bill authorizes the local county sheriff to approve a private school crossing guard at specified locations if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Criminal Justice Standards and Training Commission (CJST) or a similar program offered by the police or sheriff's department within the county.

The bill also provides that a school crossing guard who completes the required instruction in traffic control procedures and is approved by the local sheriff:

- May perform his or her duties without the immediate supervision of a fully qualified law enforcement officer.
- Is not required to meet the uniform minimum standards established by the CJST for law enforcement officers or auxiliary law enforcement officers.

The bill takes effect July 1, 2020.

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.

¹⁰ Section 316.640(4), F.S.

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 s. 316.75, F.S.

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.



646272

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Baxley) recommended the following:

Senate Amendment

Delete lines 40 - 41

and insert:

approved by the Criminal Justice Standards and Training

Commission or through a

By Senator Baxley

12-00872A-20

2020754__

A bill to be entitled

An act relating to school crossing guards; amending s. 316.75, F.S.; authorizing a school crossing guard employed by a private school, upon approval of the sheriff of the county in which such private school is located, to direct traffic at certain locations under certain circumstances; providing that the school crossing guard is not required to meet specified uniform minimum standards; authorizing the school crossing guard to perform his or her duties without the immediate supervision of a fully qualified law enforcement officer if approved by the sheriff of the county; providing an effective date.

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

Section 1. Section 316.75, Florida Statutes, is amended to read:

316.75 School crossing guards.—

(1) The Department of Transportation shall adopt uniform guidelines for the training of school crossing guards. Each local governmental entity administering a school crossing guard program shall provide a training program for school crossing guards according to the uniform guidelines.

(2) Successful completion of the training program shall be required of each school guard except:

(a) ~~(1)~~ A person who received equivalent training during employment as a law enforcement officer.

(b) ~~(2)~~ A person who receives less than \$5,000 in annual

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

12-00872A-20

2020754__

compensation in a county with a population of less than 75,000.

~~(c)~~ ~~(3)~~ A student who serves in a school patrol.

(3) (a) Upon approval of the sheriff of the county in which a private school, as defined in s. 1002.01, is located, a school crossing guard employed by the private school may direct traffic at fixed locations, approved by the sheriff of the county, on private school property or the portion of a county road with egress or ingress to private school property if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement or through a similar program offered by the sheriff's department of the county or police department within the county.

(b) A school crossing guard under this subsection is not required to otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13.

(c) If approved by the sheriff of the county, a school crossing guard under this subsection may perform his or her duties without the immediate supervision of a fully qualified law enforcement officer.

(4) School crossing guard training programs may be made available to nonpublic schools upon contract.

Section 2. This act shall take effect July 1, 2020.

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

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 Committee on Education

BILL: SB 866

INTRODUCER: Senator Diaz

SUBJECT: Florida Talent Development Council

DATE: January 17, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 866 requires the Florida Talent Development Council (FTDC) to submit a report with recommendations addressing the feasibility of establishing and implementing a Pathways in Technology Early College High School (P-TECH) or similar program that incorporates secondary and postsecondary education with workforce education and work experience, in Florida. The report is required to minimally include the following:

- A school model, for students to earn a high school diploma and associate degree within six years of enrolling in ninth grade.
- A funding model that ensures the program is no cost to students.
- Modification to the school and district accountability requirements.
- An open enrollment policy that encourages a diverse student body.
- Courses of study that support program completion in 4-6 years.
- School governance and staffing recommendations.
- Timelines and additional funding requirements for planning and launching a P-TECH school.
- Seamless articulation with Florida post-secondary institutions.
- Partnerships with industry and business.
- A support model for student success.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Pathways in Technology Early College High School (P-TECH)

P-TECH, co-developed by the IBM Corporation, is an approach to education that blends high school, community college and workplace skills.¹ P-TECH schools are primarily public schools, governed and supported by the local school district, although there are some examples of similar charter schools. P-TECH is designed to help close the achievement gap among underserved youth. Within six years of enrolling in ninth grade, students graduate with their high school diplomas, no-cost associate degrees and applicable credentials, and participate in workplace learning opportunities.²

P-TECH schools are defined by a set of six key tenets:³

- Public-private partnership;
- Six year integrated program;
- Workplace learning including internships;
- Open enrollment with no grade or testing requirements;
- Cost-Free; and
- First in-line for job openings with industry partners.

The P-TECH model has spread to 200 schools⁴ in 23 countries and 8 states⁵, serving 100,000 students⁶ since its founding in 2011. The P-TECH programs currently in operation have developed 12 different pathways based on regional workforce demand, including:⁷

- Construction technology;
- Process technology;
- Cybersecurity;
- Business;
- Mechanical engineering;
- Energy management;
- Healthcare;
- Advanced manufacturing;
- Machining;
- Early childhood education;
- Computer science; and
- Networking technology.

¹ P-TECH, *P-TECH About* <http://www.ptech.org/about/> (last visited Dec. 17, 2019).

² P-TECH, *P-TECH Mission* <http://www.ptech.org/about/mission/> (last visited Dec. 17, 2019).

³ *Id.*

⁴ IBM, *P-TECH: when skills meet opportunity, success happens* <https://www.ibm.com/thought-leadership/ptech/index.html> (last visited Jan. 8, 2020).

⁵ P-TECH, *P-TECH Our Schools* <http://www.ptech.org/resources/schools-map/> (last visited Jan. 8, 2020).

⁶ IBM, *P-TECH: when skills meet opportunity, success happens* <https://www.ibm.com/thought-leadership/ptech/index.html> (last visited Jan. 8, 2020).

⁷ P-TECH, *P-TECH Network, Our Schools, USA* <http://www.ptech.org/p-tech-network/our-schools/usa/> (last visited Dec. 17, 2019).

Florida's Workforce Outlook

An estimated 60 percent of Florida jobs in 2025 will require a postsecondary degree or certificate (postsecondary vocational, associate, bachelor's, master's or higher).⁸ Currently, 49 percent of working age Floridians have a high quality credential or degree.⁹ Florida ranks 21st in the nation for percentage of adults with education and high-quality workforce credentials.¹⁰ In January, 2019, Governor DeSantis issued Executive Order 19-31 to chart a course for Florida to become number one in the nation for workforce education by 2030, with the goal of ensuring Florida students are prepared to succeed in jobs of the future and satisfy the state's growing workforce demands.¹¹

Career Education Opportunities for Secondary Students in Florida

The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency.¹² Career education program standards for which district school boards and the Florida College System are accountable for, include:¹³

- Student demonstration of the academic skills necessary to enter an occupation.
- Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
- Career program articulation with other corresponding postsecondary programs and job training experiences.
- Employer satisfaction with the performance of students who complete career education or reach occupational completion points.
- Student completion, placement, and retention rates.

Florida Career and Professional Education (CAPE)

In 2007, the Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.¹⁴ The primary purpose of the CAPE Act is to:¹⁵

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to post-secondary level coursework and lead to industry certification;
- Support local and regional economic development;

⁸ Lumina Foundation, *A Stronger Nation, Learning beyond high school builds American talent, Florida's Report 2019* available at <http://strongernation.luminafoundation.org/28b5a3da-d809-401e-835d-6a9a3640c35c> at 62.

⁹ *Id.* at 6.

¹⁰ Lumina Foundation, *A Stronger Nation, Learning beyond high school builds American talent, America's Progress* <http://strongernation.luminafoundation.org/report/2019/#nation&n-tsid=byAttainment> (last visited Dec. 17, 2019).

¹¹ Florida Department of Education, *Executive Order 19-31 Interim Report on Florida's Career and Technical Education Audit, July 11, 2019* available at <http://fldoe.org/core/fileparse.php/18788/urlt/EO19-31InterimReport.pdf>.

¹² Section 1004.92(1), F.S.

¹³ *Id.* at (2)(a).

¹⁴ Section 1003.491, F.S.

¹⁵ *Id.* at (1).

- Respond to Florida’s critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

As part of this act, the Department of Education’s (DOE’s) Division of Career and Adult Education is responsible for developing and maintaining Career and Technical Education (CTE) programs that prepare individuals for occupations important to Florida’s economic development.¹⁶ Each program is aligned to a career cluster and is detailed in curriculum frameworks adopted by the State Board of Education. The programs and courses adopted range from middle grades through associate in science degree level.¹⁷

Career Technical Education (CTE) Graduation Pathway

In addition to requiring high schools to provide students access to CTE courses¹⁸, a minimum 18 credit CTE Graduation pathway was codified in law beginning with the 2019-2020 school year.¹⁹ A student completing the CTE pathway option must complete the specified requirements and earn a cumulative grade point average (GPA) of 2.0 or higher on a 4.0 scale.²⁰ A student must also pass the statewide, standardized grade 10 English Language Arts (ELA) Florida Standards Assessment (FSA) and the statewide, standardized Algebra I End-of-Course (EOC) assessment. The 18 required credits minimally include:²¹

- Four credits in ELA;
- Four credits in mathematics;
- Three credits in science;
- Three credits in social studies;
- Two credits in career and technical education; and
- Two credits in work-based learning programs.

Dual Enrollment

Florida has a long history with articulated acceleration mechanisms for secondary and postsecondary students including dual enrollment.²² Dual enrollment is the enrollment of an eligible secondary student or home education program student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree.²³

Students who meet the eligibility requirements and choose to participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.²⁴

¹⁶ Florida Department of Education, Career & Technical Education <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/> (last visited Dec 17, 2019).

¹⁷ *Id.*

¹⁸ Section 1003.4282(8), F.S.

¹⁹ *Id.* at (11), F.S.

²⁰ *Id.* at (6)(a), F.S.

²¹ *Id.* at (11), F.S.

²² Section 6, ch. 87-212, L.O.F.

²³ Section 1007.271(1), F.S.

²⁴ *Id.* at (16), F.S.

Over an eight-year period, annual dual enrollment participation at Florida College System (FCS) institutions increased approximately 59 percent from 50,054 students in 2011-12²⁵ to 79,585 students in 2018-19²⁶, an increase of 29,531 students. In 2018-19, there were 2,107 students who obtained an associate degree by spring term of their high school graduation year.²⁷

However in 2018-2019, Hispanic, black, and low income students eligible for the Free and Reduced Lunch (FRL) program were underrepresented in Florida's dual enrollment programs at FCS institutions as compared to the composition of Florida public high schools:²⁸

- White students comprised 37.9 percent of all Florida public high school students, but represent 51.1 percent of students enrolled in dual enrollment.
- Hispanic students comprised 33.1 percent of all Florida public high school students but only represent 25 percent of students enrolled in dual enrollment.
- Black students comprised 22.5 percent of all Florida public high school students but only represent 15.2 percent of students enrolled in dual enrollment.
- FRL students represented 53.5 percent of all Florida public high school students but only 35.7 percent of students enrolled in dual enrollment.

Collegiate High School Program

In 2014, the Legislature codified the collegiate high school program and specified related requirements.²⁹ Florida law requires each FCS institution to work with each district school board in its designated service area³⁰ to establish one or more collegiate high school programs.³¹

At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications and to successfully complete 30 credit hours through dual enrollment toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.³²

In fall 2018, there were 11,146 students enrolled in a collegiate high school or collegiate high school program.³³

Florida Talent Development Council

In 2019, the legislature reconstituted the Higher Education Coordinating Council (HECC) as the Florida Talent Development Council (FTDC) for the purpose of developing a data-driven, statewide approach to meeting Florida's need for a 21st century workforce, which utilizes the in-

²⁵ The Florida College System, *Data Snapshot, Dual Enrollment in the Florida College System* available at https://www.floridacollegesystem.com/sites/www/Uploads/Publications/DataSnapshots/2018/FCS_Data_Snapshot_Dual_Enrollment_Participation_04.06.2018.pdf.

²⁶ Email, Florida Department of Education (Jan. 8, 2020).

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 10, ch. 2014-184, L.O.F.

³⁰ Section 1000.21(3), F.S.

³¹ Section 1007.273(1), F.S.

³² *Id.* at (2), F.S.

³³ Email, Florida Department of Education (Jan. 8, 2020).

state talent supply system.³⁴ The FTDC is responsible for the development and monitoring of a strategic plan for talent development to accomplish the attainment goal of 60 percent of working age adults with a high-value postsecondary credential by 2030.³⁵

III. Effect of Proposed Changes:

SB 866 requires the Florida Talent Development Council (FTDC) to submit a report with recommendations addressing the feasibility of establishing and implementing a Pathways in Technology Early College High School (P-TECH) or similar program, in Florida. The report must be submitted to the Governor, President of the Senate, Speaker of the House of Representatives, Board of Governors, and State Board of Education by December 1, 2020.

The report must include, at a minimum, recommendations regarding the following:

- A school model, for students to earn a high school diploma, an associate degree, and applicable industry certifications and work experience within 6 years of enrolling in 9th grade.
- A funding model that ensures the P-TECH program is no cost to students.
- Modification to the school and district accountability requirements.
- An open enrollment policy that encourages a diverse student body.
- Courses of study that support program completion in 4-6 years and meet regional workforce demand.
- School governance and staffing recommendations.
- Timelines and additional funding requirements for planning and launching a P-TECH school.
- Seamless articulation with Florida post-secondary institutions.
- Partnerships with industry and business to include private investment, work-based training, internships, and first-in-line job opportunities upon graduation.
- A support model for student success.

Requiring the FTDC to prepare and submit a report on the feasibility of implementing a P-TECH, or similar program, may lead to the establishment of such schools in Florida. The establishment of P-TECH programs may assist in preparing students for careers and help Florida attain its goal of 60 percent of working age adults with a high-value postsecondary credential by 2030.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁴ Section 1004.015(1), F.S.

³⁵ *Id.* at (4).

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 1004.015 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 Diaz

36-01031B-20

2020866__

A bill to be entitled

An act relating to the Florida Talent Development Council; amending s. 1004.015, F.S.; requiring the council to submit, by a specified date, a report with recommendations related to the Pathways in Technology Early College High School (P-TECH) program, or a similar program, to the Governor, the Legislature, the Board of Governors, and the State Board of Education; requiring the P-TECH program to incorporate secondary and postsecondary education with workforce education and work experience; providing requirements for the report; providing an effective date.

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

Section 1. Subsection (6) is added to section 1004.015, Florida Statutes, to read:

1004.015 Florida Talent Development Council.—

(6) By December 1, 2020, the council shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors, and the State Board of Education a report with recommendations that address the feasibility of establishing and implementing the Pathways in Technology Early College High School (P-TECH) program, or a similar program, in Florida. The term "P-TECH program" means a program that incorporates secondary and postsecondary education with workforce education and work experience through a flexible 6-year integrated model. The report must, at a minimum, include the following:

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(a) A school model program for students to earn a high school diploma, an associate degree, and applicable industry certifications and work experience within 6 years after enrolling in the 9th grade. Magnet schools, schools-within-a-school, charter schools, pilot programs, and other school model options may be considered by the council.

(b) A funding model that ensures that the P-TECH program, or a similar program, is provided at no cost to students. Funding model recommendations may incorporate K-12, postsecondary, workforce, grants, scholarships, and other funding options.

(c) Recommendations for modifications to the school and district accountability requirements of s. 1008.34 to accommodate flexibility within the model program.

(d) An open enrollment policy that encourages a diverse student body that includes students from low-income families and first-generation college students.

(e) Courses of study which support program completion in 4 years to 6 years and which meet regional workforce demand.

(f) School governance and staffing recommendations, including faculty qualifications.

(g) Timelines and additional funding requirements for planning and launching a P-TECH program, or a similar program, at a school.

(h) A plan for seamless articulation with Florida's postsecondary institutions.

(i) Recommendations for partnerships with industries and businesses, which include private investment, work-based training, internships, and priority placement for job

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2020866__

59 opportunities upon graduation.

60 (j) A support model for student success, which may include
61 flexible class scheduling, advising and mentoring components,
62 and other wrap-around services.

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

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 Committee on Education

BILL: SB 918

INTRODUCER: Senator Brandes

SUBJECT: Civic Education

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dew	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 918 authorizes the development and integration of a nonpartisan civic literacy practicum and the designation of a public school providing high-quality civic learning as a Freedom School. Specifically, the bill requires:

- The Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school’s curriculum for the high school United States Government course, along with a process for district school boards to verify student completion of the practicum.
- School districts to include and accept nonpartisan civic literacy practicum activities and hours in requirements for academic awards.
- The State Board of Education to annually designate each public school in the state which provides students with high-quality civic learning, based on specified criteria, as a Freedom School.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2020.

II. Present Situation:

Florida law requires the adoption of standards for core curricula content taught in public schools and specifies the requirements students must meet to earn a standard high school diploma.¹

Next Generation Sunshine State Standards

The Next Generation Sunshine State Standards (NGSSS) establish the core content to

¹ Sections 1003.41 and 1003.4282(3), F.S.

be taught in Florida and specify the core knowledge and skills K-12 public school students are expected to acquire.² The curricular content must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; collaboration skills; information and media-literacy skills; and civic-engagement skills, among others.³

The State Board of Education (SBE) is responsible for adopting the NGSSS and subsequent revisions to standards in rule.⁴ NGSSS for social studies include at a minimum curricular content for geography, United States and world history, government, civics, humanities, economics, and financial literacy.⁵

High School Diploma Requirements

A student can graduate from a Florida high school with a standard high school diploma through successfully completing one of the following options:⁶

- The 24-credit option;
- The 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) option;
- The Career and Technical Education (CTE) Pathway;
- An International Baccalaureate (IB) curriculum; or
- An Advanced International Certificate of Education (AICE) curriculum.

To earn a standard high school diploma through the 24-credit option, 18-credit ACCEL option, or CTE Pathway, a student must complete 14 credits in the following subject areas:⁷

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one each in Algebra I and Geometry.
- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.⁸
- Three credits in social studies, including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.

Service Learning

Service learning refers to a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their schools or communities.⁹ Service learning activities are directly tied to academic curricula, standards, and course, district, or state assessments.¹⁰ The Department of Education must encourage school districts to initiate, adopt, expand and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12.

² Section 1003.41(1), F.S.

³ *Id.*

⁴ Section 1003.41(3)-(4), F.S.

⁵ Section 1003.41(2)(d), F.S.

⁶ Section 1003.4282(1)(a), F.S.

⁷ Section 1003.4282(3), F.S.

⁸ Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

⁹ Section 1003.497(1), F.S.

¹⁰ *Id.*

Civic Literacy in Florida

Florida law establishes civic literacy as a priority of the Florida K-20 education system and defines civic literacy to mean that students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.¹¹

III. Effect of Proposed Changes:

SB 918 authorizes the development and integration of a nonpartisan civic literacy practicum and the designation of a public school providing high-quality civic learning as a Freedom School. Specifically, the bill requires:

- The Commissioner of Education (commissioner) to develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school’s curriculum for the high school United States Government course, along with a process for district school boards to verify student completion of the practicum.
- School districts to include and accept nonpartisan civic literacy practicum activities and hours in requirements for academic awards.
- The State Board of Education (SBE) to annually designate each public school in the state which provides students with high-quality civic learning, based on specified criteria, as a Freedom School.

The bill requires the commissioner to develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school’s curriculum for the high school United States Government course required for high school graduation, beginning with the 2021-2022 school year. The bill also requires the commissioner to develop a process by which a district school board can verify that a student successfully completed a practicum meeting the required criteria, specifically:

- The criteria must require a student to:
 - Identify a civic issue that impacts his or her community.
 - Rigorously research the issue from multiple perspectives and develop a plan for his or her personal involvement in addressing the issue.
 - Create a portfolio to evaluate and reflect upon his or her experience and the outcomes or likely outcomes of his or her involvement. A portfolio must, at a minimum, include research, evidence, and a written plan of involvement.
- A civic literacy practicum must be:
 - Nonpartisan;
 - Focus on addressing at least one community issue; and
 - Promote a student’s ability to consider differing points of view and engage in civil discourse with individuals who hold an opposing opinion.

School districts are required to include and accept nonpartisan civic literacy practicum activities and hours in requirements for academic awards, especially those awards that currently include community service as a criterion or selection actor. The bill authorizes school districts to count

¹¹ Section 1000.03(5), F.S. “Civic literacy” means students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities. Section 1000.03(5)(c), F.S.

the hours outside of classroom instruction a student devotes to the nonpartisan civic literacy practicum to implement his or her plan of involvement toward meeting the community service requirements of the Florida Bright Futures Scholarship Program.

The bill requires the SBE to designate on an annual basis each public school in the state which provides students with high-quality civic learning, including civic-engagement skills, as a Freedom School. The SBE must establish the criteria for a school's designation as a Freedom School, which must include:

- The extent to which strategies to develop high-quality civic learning, including civic-engagement skills, are integrated into the classroom using best instructional practices.
- The scope of integration of high-quality civic learning, including civic-engagement skills, across the school's curricula.
- The extent to which the school supports interdisciplinary, teacher-led professional learning communities to support continuous improvement in instruction and student achievement.
- The percentage of students graduating with a standard high school diploma who successfully completed a civic literacy practicum and earned associated community service.

This bill aligns with the Governor's Executive Order 19-32, which requires the commissioner to review Florida's education standards and materials and to identify opportunities to equip high school graduates with sufficient knowledge of America's civics.

The creation of a civic literacy practicum may promote civic literacy in Florida and create an additional pathway for students to fulfil the community service requirements of other academic awards.

The bill takes effect July 1, 2020.

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 has no impact on state revenues or expenditures. There may be costs for a school district to incorporate a nonpartisan civic literacy practicum into a school's curriculum for the high school United States Government course. However, the nonpartisan civic literacy practicum is not required and a school district will only experience these costs if the district chooses to incorporate the practicum into its curriculum for the course.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1003.44 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 Brandes

24-01214-20

2020918__

1 A bill to be entitled
 2 An act relating to civic education; amending s.
 3 1003.44, F.S.; requiring the Commissioner of Education
 4 to develop minimum criteria for a nonpartisan civic
 5 literacy practicum for high school students, beginning
 6 with a specified school year; requiring the
 7 commissioner to develop a certain process for use by
 8 district school boards; specifying criteria for the
 9 civic literacy practicum; authorizing students to
 10 apply the hours they devote to practicum activities to
 11 certain community service requirements; requiring the
 12 State Board of Education to designate certain high
 13 schools as Freedom Schools, based on criteria the
 14 board establishes relating to students' civic learning
 15 and civic engagement; providing an effective date.
 16
 17 Be It Enacted by the Legislature of the State of Florida:
 18
 19 Section 1. Present subsection (5) of section 1003.44,
 20 Florida Statutes, is redesignated as subsection (6), and a new
 21 subsection (5) is added to that section, to read:
 22 1003.44 Patriotic programs; rules.—
 23 (5) (a) In order to help students evaluate the roles,
 24 rights, and responsibilities of United States citizens and
 25 determine methods of active participation in society,
 26 government, and the political system, the commissioner shall
 27 develop minimum criteria for a nonpartisan civic literacy
 28 practicum that may be incorporated into a school's curriculum
 29 for the high school United States Government course under s.

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

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30 1003.4282(3) (d), beginning with the 2021-2022 school year. The
 31 commissioner also shall develop a process by which a district
 32 school board can verify that a student successfully completed a
 33 practicum meeting the criteria.
 34 1. The criteria must require a student to:
 35 a. Identify a civic issue that impacts his or her
 36 community.
 37 b. Rigorously research the issue from multiple perspectives
 38 and develop a plan for his or her personal involvement in
 39 addressing the issue.
 40 c. Create a portfolio to evaluate and reflect upon his or
 41 her experience and the outcomes or likely outcomes of his or her
 42 involvement. A portfolio must, at minimum, include research,
 43 evidence, and a written plan of involvement.
 44 2. A civic literacy practicum must be nonpartisan, focus on
 45 addressing at least one community issue, and promote a student's
 46 ability to consider differing points of view and engage in civil
 47 discourse with individuals who hold an opposing opinion.
 48 (b) The hours outside of classroom instruction which a
 49 student devotes to the nonpartisan civic literacy practicum to
 50 implement his or her plan of involvement may be counted toward
 51 meeting the community service requirements of the Florida Bright
 52 Futures Scholarship Program. School districts must include and
 53 accept nonpartisan civic literacy practicum activities and hours
 54 in requirements for academic awards, especially those awards
 55 that currently include community service as a criterion or
 56 selection factor.
 57 (c) The State Board of Education shall annually designate
 58 each public school in the state which provides students with

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

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59 high-quality civic learning, including civic-engagement skills,
60 as a Freedom School. The state board shall establish the
61 criteria for a school's designation as a Freedom School. The
62 criteria must include:

63 1. The extent to which strategies to develop high-quality
64 civic learning, including civic-engagement skills, are
65 integrated into the classroom using best instructional
66 practices.

67 2. The scope of integration of high-quality civic learning,
68 including civic-engagement skills, across the school's
69 curricula.

70 3. The extent to which the school supports
71 interdisciplinary, teacher-led professional learning communities
72 to support continuous improvement in instruction and student
73 achievement.

74 4. The percentage of students graduating with a standard
75 high school diploma who successfully completed a civic literacy
76 practicum and earned community service hours as provided in this
77 subsection.

78 Section 2. This act shall take effect July 1, 2020.

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 Committee on Education

BILL: SB 1220

INTRODUCER: Senator Diaz

SUBJECT: Education

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1220 modifies provisions relating to initial teacher preparation (ITP) programs, demonstration of subject area mastery for educator certification, and the Education Practices Commission (EPC). Specifically, the bill:

- Modifies admissions and uniform core curricula requirements for ITP programs by:
 - Changing from an admission requirement to a program requirement the provisions related to student grade point average and mastery of general knowledge.
 - Modifying ITP program core curricula relating to reading instructional strategies and adding a new requirement for mental health strategies and support.
- Authorizes an additional option to demonstrate mastery of subject area competence to include a bachelor's degree in the subject area, with conditions.
- Modifies requirements relating to the EPC to specify that:
 - The Commissioner of Education may select and remove the EPC executive director, and may establish the duties of the executive director.
 - The administrative assignment of the EPC to the Department of Education includes fiscal accountability.
 - The EPC may expend funds for legal services, and removes the authority to expend funds for a general counsel or access to counsel.

The bill has no impact on state expenditures. The bill may impact state revenues, see section V.

The bill takes effect on July 1, 2020.

II. Present Situation:

Education Preparation Programs

In Florida, initial teacher preparation (ITP) programs are accountable for producing individuals with the competencies and skills necessary to achieve state education goals.¹ ITP programs prepare candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas, mastery of general knowledge, and mastery of professional preparation and education competence. There are currently 53 state-approved² ITP programs at Florida College System institutions, state universities, and independent colleges and universities, which typically culminate in a bachelor's or master's degree.³ ITP program completers are eligible for a Florida Professional Educator's Certification upon program completion.⁴

In order to be admitted into an ITP program, a student must, at a minimum:

- Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from an approved college or university.⁵
- Demonstrate mastery of general knowledge sufficient for entry into the program, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an approved institution.⁶

Each ITP program may waive these admissions requirements for up to 10 percent of the students admitted. Programs must implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification, and must annually report to the Department of Education the status of each candidate admitted under such a waiver.

The State Board of Education (SBE) must adopt rules to establish uniform core curricula for each state-approved teacher preparation program.⁷ These rules must include, at a minimum, the following:⁸

- The Florida Educator Accomplished Practices.⁹

¹ Section 1004.04(1)(b), F.S.

² Section 1004.04, F.S., and Rule 6A-5.066(2), F.A.C., detail criteria for state approval of ITP programs.

³ Florida Department of Education, *State-Approved Educator Preparation Programs*, <http://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.stml> (last visited Jan. 15, 2020). Thirty-three ITP programs are at public colleges and universities, and 20 ITP programs are at independent colleges and universities. *Id.*

⁴ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation/> (last visited Jan. 15, 2020), and Rule 6A-5.066(1)(p), F.A.C.

⁵ An approved institution is one that is accredited by a specified regional accrediting association or an accrediting agency approved by the United States Department of Education. A qualifying non-accredited institution is one that is identified as having a quality program resulting in a bachelor's degree or higher by criteria specified in SBE rule. Rule 6A-4.003, F.A.C.

⁶ Rule 6A-4.003, *supra* note 5.

⁷ Section 1004.04(2)(a), F.S.

⁸ Section 1004.04(2)(b)1.-7., F.S.

⁹ The Florida Educator Accomplished Practices are Florida's core standards for effective educators. The Accomplished Practices form the foundation for the state's teacher preparation programs, educator certification requirements and school district instructional personnel appraisal systems. The Accomplished Practices are based on three essential principles: (1) the

- The use of state-adopted content standards to guide curricula and instruction.
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.
- Content literacy and mathematics practices.
- Strategies appropriate for the instruction of English language learners.
- Strategies appropriate for the instruction of students with disabilities.
- Strategies to differentiate instruction based on student needs.
- The use of character-based classroom management.

Educator Certification Requirements

The Legislature has established certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.¹⁰

In order to seek educator certification, a person must meet general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution.¹¹ Individuals must also demonstrate mastery of general knowledge, if the person serves as a classroom teacher; mastery of subject area knowledge; and mastery of professional preparation.¹²

Mastery of General Knowledge

In order to seek professional certification as a classroom teacher,¹³ a person must, among other requirements, demonstrate mastery of general knowledge.¹⁴ Florida law provides options for a teacher to demonstrate mastery of general knowledge.¹⁵ Such options include achieving passing scores on all sections of the general knowledge examination required by SBE rule,¹⁶ holding a specified teaching certificate from another state, completing specified postsecondary teaching experience, or achieving passing scores on the Graduate Record Examination.

effective educator creates a culture of high expectations for all students by promoting the importance of education and each student's capacity for academic achievement; (2) the effective educator demonstrates deep and comprehensive knowledge of the subject taught; and (3) the effective educator exemplifies the standards of the profession. Rule 6A-5.065, F.A.C.

¹⁰ Section 1012.54, F.S.

¹¹ Section 1012.56(2)(c), F.S., and Rule 6A-4.003, *supra* note 5.

¹² Section 1012.56(2)(g)-(i), F.S.

¹³ Section 1012.01(2)(a), F.S.

¹⁴ Section 1012.56(2), F.S.

¹⁵ Section 1012.56(3), F.S.

¹⁶ In 2014, the general knowledge test was redeveloped to match the increased rigor of competencies and skills required for teacher certification. The SBE also approved new higher passing scores for the examination. These new passing scores for all subtests of the General Knowledge Test became effective January 1, 2015. State Board of Education, *Approval of Amendment to Rule 6A-4.0021, Florida Teacher Certification Examinations* (Nov. 18, 2014), available at <http://www.fldoe.org/core/fileparse.php/9931/urlt/0109031-40021.pdf>. The cut scores were set for a beginning effective teacher, one that is likely to have successful students in his or her classroom as opposed to the prior standard, which was minimum competency. State Board of Education, *Nov. 18, 2014 Meeting Minutes* (Jan. 14, 2015), available at <http://www.fldoe.org/core/fileparse.php/9971/urlt/minutes11415.pdf>, at 7.

The General Knowledge Test is a component of the Florida Teacher Certification Examination¹⁷ and includes subtests in English language skills, reading, writing, mathematics.¹⁸ In 2018, there were 87,457 first-time and retake attempts, with a pass rate of 52 percent.¹⁹ Among examinees in a state-approved teacher preparation program, there were 11,924 first-time and retake attempts, with a pass rate of 60 percent.²⁰

Mastery of Subject Area Knowledge

Acceptable means of demonstrating mastery of subject area knowledge are:²¹

- For bachelor's degree level subjects:²² achievement of a passing score on the appropriate subject area examination²³ earned no more than 10 years prior to the date of application.²⁴
- For master's degree level subjects:²⁵ completion of the required degree and content courses for the subject and achievement of a passing score on the appropriate Florida subject area examination earned no more than 10 years prior to the date of application.
- For all subject areas: hold a valid standard certificate in the subject area applied for from a state or territory, or hold a specified valid national certificate in the subject area.
- For select world languages: passage of a specified foreign language proficiency examination.

Education Practices Commission

Educator misconduct occurs in various forms and ranges in severity from allegations of direct harm to students (such as physical or sexual abuse) to an act detrimental to the education profession (such as falsifying documentation of continuing education courses or cheating on a professional exam).²⁶

¹⁷ The purpose of the Florida Teacher Certification examinations (FTCE) is to ensure that all teacher candidates demonstrate the necessary content and pedagogical knowledge necessary to effectively instruct students in Florida. Florida Department of Education, *Florida Teacher Certification Examinations (FTCE)*, <http://fldoe.org/accountability/assessments/postsecondary-assessment/ftce/> (last visited Jan. 14, 2020). The written examinations includes subtests of English language skills, reading, writing, mathematics, professional skills, and subject area specialty. Rule 6A-4.0021(2), F.A.C.

¹⁸ Rule 6A-4.0021, F.A.C.

¹⁹ Florida Department of Education, *2018 Annual Administration and Technical Report* (June 2019), available at <http://www.fldoe.org/core/fileparse.php/5627/urlt/18FTCEFELEAATR.PDF>, at 33.

²⁰ *Id.* at 73.

²¹ Florida Department of Education, *Subject Area Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Jan. 14, 2020). See also s. 1012.56(5), F.S.

²² All elementary, middle, and secondary coverage areas, including world languages and exceptional student education require a bachelor's degree. Florida Department of Education, *Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects> (last visited Jan. 14, 2020).

²³ The fee for a first time registration or retake of the full battery of subject area subtests is \$150. Retake fees are prorated based on the number of subtests required. Rule 6A-4.0021(4), F.A.C. For a subject without a subject area examination, the SBE may identify a passing score on a standardized examination or competency may be verified by a school district. Section 1012.56(5), F.S.

²⁴ Rule 6A-4.002(4)(a), F.A.C.

²⁵ Subject areas that require a master's degree include school counseling, psychologist, and social work; and administrative coverages. Florida Department of Education, *Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects> (last visited Jan. 14, 2020).

²⁶ Florida Department of Education, *What is Educator Misconduct?*, <http://www.fldoe.org/teaching/professional-practices/what-is-educator-misconduct.stml> (last visited Jan 14, 2020). Section 1012.795, F.S., specifies the offenses for which the EPC may suspend or revoke an educator certificate.

The SBE has adopted standards for educator conduct, referred to as the Principles of Professional Conduct for the Education Profession.²⁷ The Education Practices Commission (EPC or commission) interprets and applies the principles.²⁸ If the Commissioner of Education determines the educator's conduct warrants disciplinary action, the EPC determines what penalty to issue against an educator's certificate. Penalties that can be issued against an educator's certificate include a letter of reprimand, fines, probation, suspension or revocation.²⁹

The EPC is composed of 25 members specified in law, who are appointed by the SBE based on nominations by the commissioner.³⁰ From among the commission members, the EPC elects a chair who presides over meetings and performs other duties as directed by the EPC or rules.³¹ The EPC, by a vote of three-fourths of the membership, employs an executive director, who may be dismissed by a majority vote of the membership.³²

The EPC is assigned to the DOE only for administrative purposes, and is not subject to control, supervision, or direction by the DOE.³³

The EPC is financed from educator certification fees; fines, penalties, and costs collected pursuant to law;³⁴ and general revenue.³⁵ The EPC may make expenditures as necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding.³⁶

III. Effect of Proposed Changes:

SB 1220 modifies provisions relating to initial teacher preparation (ITP) programs, demonstration of subject area mastery for educator certification, and the Education Practices Commission (EPC). Specifically, the bill:

- Modifies admissions and uniform core curricula requirements for ITP programs by:
 - Changing from an admission requirement to a program requirement the provisions related to student grade point average and mastery of general knowledge.
 - Modifying ITP program core curricula relating to reading instructional strategies and adding a new requirement for mental health strategies and support.
- Authorizes an additional option to demonstrate mastery of subject area competence to include a bachelor's degree in the subject area, with conditions.
- Modifies requirements relating to the EPC to specify that:

²⁷ Section 1012.795(1)(j), F.S.; Rule 6A-10.081, F.A.C.

²⁸ Section 1012.79(7)(a), F.S.

²⁹ Florida Department of Education, *What is Educator Misconduct?*, <http://www.fldoe.org/teaching/professional-practices/what-is-educator-misconducta.stml> (last visited Jan. 14, 2020), and s. 1012.79(7)(b), F.S.

³⁰ Section 1012.79(1), F.S.

³¹ Section 1012.79(4), F.S.

³² Section 1012.79(5), F.S.

³³ Section 1012.79(6)(a), F.S.

³⁴ Section 1012.796(9), F.S.

³⁵ Section 1012.79(10), F.S.

³⁶ Section 1012.79(9), F.S.

- The Commissioner of Education may select and remove the EPC executive director, and may establish the duties of the executive director.
- The administrative assignment of the EPC to the Department of Education includes fiscal accountability.
- The EPC may expend funds for legal services, and removes the authority to expend funds for a general counsel or access to counsel.

The bill modifies s. 1004.04, F.S., relating to prerequisites for admission to, and uniform core curricula of, each state-approved teacher preparation program. The bill:

- Changes the admission requirements to an ITP program to specify that the grade point average and General Knowledge (GK) Test requirements are not required for admission, but instead are required to be completed during the student's time in the program. Accordingly, the bill removes provisions relating to waivers of admission requirements that are not necessary under the bill modifications.
- Modifies the requirement for State Board of Education (SBE) rules establishing uniform core curricula to require:
 - Reading instructional strategies be evidence based, and removes the requirement that such strategies be scientifically researched.
 - A new provision for mental health strategies and support.

Such changes may enable students who have not meet the GPA or general knowledge requirement to be admitted into a program and meet the requirement while in the program. Completion of the GK Test has been a barrier to student admittance to ITP programs, and so such changes may enable more students to be admitted into ITP programs and increase the supply of available teachers.

In addition, changes to the uniform core curricula are consistent with the current designation of reading strategies,³⁷ and with the recent emphasis on school-based mental health supports for students and families.³⁸

The bill modifies s. 1012.56, F.S., to add another acceptable method of demonstrating mastery of subject area knowledge. The bill authorizes that a person seeking an educator certificate in a subject requiring only a baccalaureate degree may demonstrate subject area knowledge with a baccalaureate degree with a major in the subject area, conferred within the last 10 years from an accredited or approved institution as defined in SBE rule.³⁹ The provision of an additional option to demonstrate mastery of subject area competence may allow more candidates for educator certification to meet the requirements. In 2018, there were 63,774 first time and retake subject

³⁷ See s. 1001.215, F.S., and Rule 6A-6.053, F.A.C.

³⁸ Examples of recent activity related to school-based mental health services include: (1) the requirement in s. 1012.584, F.A.C., for the DOE to, beginning in the 2018-2019 school years, establish an evidence-based youth mental health awareness and assistance training program for school personnel; (2) the establishment of a Mental Health Allocation, with specified application requirements, that has allocated over \$144 million to school districts in Specific Appropriation, s. 36, ch. 2018-3, L.O.F., and Specific Appropriation 93, ch. 2019-115, L.O.F.; (3) the 2019 requirement in SBE Rule 6A-1.094121, F.A.C., that all school districts annually provide a minimum of five hours of specified instruction regarding youth mental health awareness and assistance; and (4) specifying the purpose for and adding duties to the multiagency network for students with emotional and behavioral disabilities in s. 23, ch. 2018-3, L.O.F.

³⁹ Rule 6A-4.003, F.A.C., *supra* note 5.

area exams attempted,⁴⁰ but it is not clear how many such attempts were by individuals who could otherwise qualify with a specified bachelor's degree under the additional option authorized in the bill.

The bill also modifies s. 1012.586, F.S., to provide a conforming cross-reference relating to completion of a subject area examination for addition of subject coverage or an endorsement to an educator certificate.

The bill modifies s. 1012.79, F.S., to modify the selection and duties of the executive director of the EPC and to modify EPC accountability and allowable expenditures, which may increase collaboration between the DOE and the EPC, and may strengthen financial accountability of the EPC. Specifically, the bill:

- Removes from the EPC the authority to select and remove an executive director, and authorizes the Commissioner of Education, with the advice and consent of the EPC chair, to appoint and remove an executive director.
- Specifies that the executive director has administrative duties, as specified by the commissioner, and may not impact or influence decisions of the EPC.
- Specifies that the EPC is assigned to the DOE for not only administrative purposes, but also for fiscal accountability purposes.
- Removes the authorization for the EPC to make expenditures for a general counsel or access to counsel, and authorizes expenditures for legal services.

The bill takes effect on July 1, 2020.

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.

⁴⁰ Florida Department of Education, *2018 Annual Administration and Technical Report* (June 2019), available at <http://www.fldoe.org/core/fileparse.php/5627/urlt/18FTCEFELEAATR.PDF>, at 40.

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

None.

B. Private Sector Impact:

Persons seeking an educator certificate who demonstrate subject area knowledge by a specified baccalaureate degree from an approved institution may not have to take a subject area examination, and so would not have to pay the fee for such exam.

C. Government Sector Impact:

If individuals demonstrate mastery of subject area competence through a specified bachelor's degree as authorized in the bill rather than by a subject area examination, the Department of Education may experience decreased revenue from the loss of subject area examination fees. Such fees are deposited into the Educational Certification and Services Trust Fund and are used for the payment of expenses incurred by the Educational Practices Commission and in the printing of forms and bulletins and the issuing of certificates. The number of individuals who may demonstrate subject area competence under this additional option is not known.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1004.04, 1012.56, 1012.79, and 1012.586.

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.



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LEGISLATIVE ACTION

Senate

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. .
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. .
. .

House

The Committee on Education (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (3) and subsection
(5) of section 1002.394, Florida Statutes, are amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
for a Family Empowerment Scholarship under this section if the
student meets the following criteria:

(b)1. The student is eligible to enroll in kindergarten or



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12 has spent the prior school year in attendance at a Florida
13 public school; or

14 2. Beginning with the 2020-2021 school year, the student
15 received a scholarship pursuant to s. 1002.395 during the
16 previous school year and, before initial receipt of such
17 scholarship, spent the prior school year in attendance at a
18 Florida public school.

19
20 For purposes of this paragraph, the term "prior school year in
21 attendance" means that the student was enrolled and reported by
22 a school district for funding during the preceding October and
23 February Florida Education Finance Program surveys in
24 kindergarten through grade 12, which includes time spent in a
25 Department of Juvenile Justice commitment program if funded
26 under the Florida Education Finance Program. However, a
27 dependent child of a member of the United States Armed Forces
28 who transfers to a school in this state from out of state or
29 from a foreign country due to a parent's permanent change of
30 station orders or a foster child is exempt from the prior public
31 school attendance requirement under this paragraph, but must
32 meet the other eligibility requirements specified under this
33 section to participate in the program.

34 (5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
35 a Family Empowerment Scholarship while he or she is:

36 (a) Enrolled in a public school, including, but not limited
37 to, the Florida School for the Deaf and the Blind, the College-
38 Preparatory Boarding Academy, a developmental research school
39 authorized under s. 1002.32, or a charter school authorized
40 under this chapter;



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41 (b) Enrolled in a school operating for the purpose of
42 providing educational services to youth in a Department of
43 Juvenile Justice commitment program;

44 (c) Receiving any other educational scholarship pursuant to
45 this chapter;

46 (d) Participating in a home education program as defined in
47 s. 1002.01(1);

48 (e) Participating in a private tutoring program pursuant to
49 s. 1002.43; or

50 (f) Participating in a virtual school, correspondence
51 school, or distance learning program that receives state funding
52 pursuant to the student's participation, unless the
53 participation is limited to no more than two courses per school
54 year.

55 Section 2. Subsection (3) and paragraph (e) of subsection
56 (6) of section 1002.395, Florida Statutes, are amended to read:

57 1002.395 Florida Tax Credit Scholarship Program.—

58 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

59 (a) The Florida Tax Credit Scholarship Program is
60 established.

61 (b) A student is eligible for a Florida tax credit
62 scholarship under this section if the student meets one or more
63 of the following criteria:

64 1. The student is on the direct certification list or the
65 student's household income level does not exceed 300 ~~185~~ percent
66 of the federal poverty level; or

67 2. The student is currently placed, or during the previous
68 state fiscal year was placed, in foster care or in out-of-home
69 care as defined in s. 39.01.



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70 ~~3. The student's household income level is greater than 185~~
71 ~~percent of the federal poverty level but does not exceed 260~~
72 ~~percent of the federal poverty level.~~

73
74 Priority must be given to students whose household income levels
75 do not exceed 185 percent of the federal poverty level or who
76 are in foster care or out-of-home care. A student who initially
77 receives a scholarship based on eligibility under this paragraph
78 ~~subparagraph (b)2.~~ remains eligible to participate until he or
79 she ~~the student~~ graduates from high school or attains the age of
80 21 years, whichever occurs first, regardless of the student's
81 household income level. ~~A student who initially received a~~
82 ~~scholarship based on income eligibility before the 2019-2020~~
83 ~~school year remains eligible to participate until he or she~~
84 ~~graduates from high school, attains the age of 21 years, or the~~
85 ~~student's household income level exceeds 260 percent of the~~
86 ~~federal poverty level, whichever occurs first.~~ A sibling of a
87 student who is participating in the scholarship program under
88 this subsection is eligible for a scholarship if the student
89 resides in the same household as the sibling.

90 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
91 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
92 organization:

93 (e) Must give first priority to eligible students who
94 received a scholarship from an eligible nonprofit scholarship-
95 funding organization or from the State of Florida during the
96 previous school year. ~~Beginning in the 2016-2017 school year, an~~
97 ~~eligible nonprofit scholarship-funding organization shall give~~
98 ~~priority to new applicants whose household income levels do not~~



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99 ~~exceed 185 percent of the federal poverty level or who are in~~
100 ~~foster care or out-of-home care.~~

101
102 Information and documentation provided to the Department of
103 Education and the Auditor General relating to the identity of a
104 taxpayer that provides an eligible contribution under this
105 section shall remain confidential at all times in accordance
106 with s. 213.053.

107 Section 3. Paragraph (b) of subsection (2) of section
108 1004.04, Florida Statutes, is amended, paragraph (b) of
109 subsection (3) of that section is amended, paragraphs (d) and
110 (e) of subsection (3) of that section are added, and subsection
111 (4) of that section is amended, to read:

112 1004.04 Public accountability and state approval for
113 teacher preparation programs.—

114 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

115 (b) The rules to establish uniform core curricula for each
116 state-approved teacher preparation program must include, but are
117 not limited to, the following:

118 1. Candidate instruction and assessment in the Florida
119 Educator Accomplished Practices across content areas.

120 2. The use of state-adopted content standards to guide
121 curricula and instruction.

122 3. Evidence-based ~~Scientificallly researched and evidence-~~
123 ~~based~~ reading instructional strategies that improve reading
124 performance for all students, including explicit, systematic,
125 and sequential approaches to teaching phonemic awareness,
126 phonics, vocabulary, fluency, and text comprehension and
127 multisensory intervention strategies.



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- 128 4. Content literacy and mathematics practices.
- 129 5. Strategies appropriate for the instruction of English
130 language learners.
- 131 6. Strategies appropriate for the instruction of students
132 with disabilities.
- 133 7. Strategies to differentiate instruction based on student
134 needs.
- 135 8. The use of character-based classroom management.
- 136 9. Mental health strategies and support.
- 137 (3) INITIAL STATE PROGRAM APPROVAL.—
- 138 (b) Each teacher preparation program approved by the
139 Department of Education, as provided for by this section, shall
140 require students, at a minimum, ~~to meet, at a minimum, the~~
141 ~~following as prerequisites for admission into the program:~~
- 142 1. Have a grade point average of at least 2.5 on a 4.0
143 scale for the general education component of undergraduate
144 studies or have completed the requirements for a baccalaureate
145 degree with a minimum grade point average of 2.5 on a 4.0 scale
146 from any college or university accredited by a regional
147 accrediting association as defined by State Board of Education
148 rule or any college or university otherwise approved pursuant to
149 State Board of Education rule.
- 150 2. Demonstrate mastery of general knowledge ~~sufficient for~~
151 ~~entry into the program,~~ including the ability to read, write,
152 and perform in mathematics, by passing the General Knowledge
153 Test of the Florida Teacher Certification Examination or, for a
154 graduate level program, obtain a baccalaureate degree from an
155 institution that is accredited or approved pursuant to the rules
156 of the State Board of Education.



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157
158 ~~Each teacher preparation program may waive these admissions~~
159 ~~requirements for up to 10 percent of the students admitted.~~
160 ~~Programs shall implement strategies to ensure that students~~
161 ~~admitted under a waiver receive assistance to demonstrate~~
162 ~~competencies to successfully meet requirements for certification~~
163 ~~and shall annually report to the Department of Education the~~
164 ~~status of each candidate admitted under such a waiver.~~

165 (d) Each program must include the opportunity for the
166 candidate to complete coursework to obtain a required
167 endorsement in the candidate's chosen teaching field.

168 (e) Each program must include, in addition to the core
169 standards for effective education, instruction in the training
170 required of certified instructional personnel, including, but
171 not limited to:

172 1. Identification, intervention, and prevention of child
173 abuse, abandonment, and neglect;

174 2. Integration of technology into classroom teaching;

175 3. Management, assessment, and monitoring of student
176 learning and performance;

177 4. Skills in classroom management, violence prevention,
178 conflict resolution, and related areas;

179 5. Developmental disabilities pursuant to s. 1012.582;

180 6. Youth suicide awareness and prevention pursuant to s.
181 1012.583; and

182 7. Youth mental health awareness and assistance pursuant to
183 s. 1012.584.

184 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
185 teacher preparation program shall be based upon evidence that



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186 the program continues to implement the requirements for initial
187 approval and upon significant, objective, and quantifiable
188 measures of the program and the performance of the program
189 completers.

190 (a) The criteria for continued approval must include each
191 of the following:

192 1. Documentation from the program that each program
193 candidate met the admission requirements provided in subsection
194 (3).

195 2. Documentation from the program that the program and each
196 program completer have met the requirements provided in
197 subsection (2).

198 3. Evidence of performance in each of the following areas:

199 a. Placement rate of program completers into instructional
200 positions in Florida public schools and private schools, if
201 available.

202 b. Rate of retention for employed program completers in
203 instructional positions in Florida public schools.

204 c. Performance of students in prekindergarten through grade
205 12 who are assigned to in-field program completers on statewide
206 assessments using the results of the student learning growth
207 formula adopted under s. 1012.34.

208 d. Performance of students in prekindergarten through grade
209 12 who are assigned to in-field program completers aggregated by
210 student subgroup, as defined in the federal Elementary and
211 Secondary Education Act (ESEA), 20 U.S.C. s.

212 6311(b)(2)(C)(v)(II), as a measure of how well the program
213 prepares teachers to work with a diverse population of students
214 in a variety of settings in Florida public schools.



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215 e. Results of program completers' annual evaluations in
216 accordance with the timeline as set forth in s. 1012.34.

217 f. Production of program completers in statewide critical
218 teacher shortage areas as identified in s. 1012.07.

219 4. Results of the program completers' survey measuring
220 their satisfaction with preparation for the realities of the
221 classroom.

222 5. Results of the employers' survey measuring satisfaction
223 with the program and the program's responsiveness to local
224 school districts. The survey must include the employer's
225 assessment of the student's proficiency in the use of state-
226 adopted content standards and general preparation for the
227 classroom.

228 Section 4. Paragraph (a) of subsection (3) and subsection
229 (5) of section 1004.85, Florida Statutes, are amended to read:

230 1004.85 Postsecondary educator preparation institutes.—

231 (3) Educator preparation institutes approved pursuant to
232 this section may offer competency-based certification programs
233 specifically designed for noneducation major baccalaureate
234 degree holders to enable program participants to meet the
235 educator certification requirements of s. 1012.56. An educator
236 preparation institute choosing to offer a competency-based
237 certification program pursuant to the provisions of this section
238 must implement a program previously approved by the Department
239 of Education for this purpose or a program developed by the
240 institute and approved by the department for this purpose.
241 Approved programs shall be available for use by other approved
242 educator preparation institutes.

243 (a) Within 90 days after receipt of a request for approval,



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244 the Department of Education shall approve a preparation program
245 pursuant to the requirements of this subsection or issue a
246 statement of the deficiencies in the request for approval. The
247 department shall approve a certification program if the
248 institute provides evidence of the institute's capacity to
249 implement a competency-based program that includes each of the
250 following:

251 1.a. Participant instruction and assessment in the Florida
252 Educator Accomplished Practices across content areas.

253 b. The use of state-adopted student content standards to
254 guide curriculum and instruction.

255 c. Scientifically researched and evidence-based reading
256 instructional strategies that improve reading performance for
257 all students, including explicit, systematic, and sequential
258 approaches to teaching phonemic awareness, phonics, vocabulary,
259 fluency, and text comprehension and multisensory intervention
260 strategies.

261 d. Content literacy and mathematical practices.

262 e. Strategies appropriate for instruction of English
263 language learners.

264 f. Strategies appropriate for instruction of students with
265 disabilities.

266 g. Strategies to differentiate instruction based on student
267 needs.

268 h. The use of character-based classroom management.

269 2. An educational plan for each participant to meet
270 certification requirements and demonstrate his or her ability to
271 teach the subject area for which the participant is seeking
272 certification, which is based on an assessment of his or her



273 competency in the areas listed in subparagraph 1.

274 3. Field experiences appropriate to the certification
275 subject area specified in the educational plan with a diverse
276 population of students in a variety of challenging environments,
277 including, but not limited to, high-poverty schools, urban
278 schools, and rural schools, under the supervision of qualified
279 educators.

280 4. A certification ombudsman to facilitate the process and
281 procedures required for participants who complete the program to
282 meet any requirements related to the background screening
283 pursuant to s. 1012.32 and educator professional or temporary
284 certification pursuant to s. 1012.56.

285 5. The opportunity for a candidate to complete coursework
286 to obtain a required endorsement in the candidate's chosen
287 teaching field.

288 6. In addition to the core standards for effective
289 education, instruction in the training required of certified
290 instructional personnel, including, but not limited to:

291 a. Identification, intervention, and prevention of child
292 abuse, abandonment, and neglect;

293 b. Integration of technology into classroom teaching;

294 c. Management, assessment, and monitoring of student
295 learning and performance;

296 d. Skills in classroom management, violence prevention,
297 conflict resolution, and related areas;

298 e. Developmental disabilities pursuant to s. 1012.582;

299 f. Youth suicide awareness and prevention pursuant to s.
300 1012.583; and

301 g. Youth mental health awareness and assistance pursuant to



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302 s. 1012.584.

303 (5) Each institute approved pursuant to this section shall
304 submit to the Department of Education annual performance
305 evaluations that measure the effectiveness of the programs,
306 including the pass rates of participants on all examinations
307 required for teacher certification, employment rates,
308 longitudinal retention rates, and satisfaction surveys of
309 employers and candidates. The satisfaction surveys must be
310 designed to measure the sufficient preparation of the educator
311 for the student's proficiency in the use of state-adopted
312 content standards, the realities of the classroom, and the
313 institute's responsiveness to local school districts. These
314 evaluations shall be used by the Department of Education for
315 purposes of continued approval of an educator preparation
316 institute's certification program.

317 Section 5. Subsection (4) of section 1011.61, Florida
318 Statutes, is amended to read:

319 1011.61 Definitions.—Notwithstanding the provisions of s.
320 1000.21, the following terms are defined as follows for the
321 purposes of the Florida Education Finance Program:

322 (4) The maximum value for funding a student in kindergarten
323 through grade 12 or in a prekindergarten program for exceptional
324 children as provided in s. 1003.21(1)(e) shall be the sum of the
325 calculations in paragraphs (a), (b), and (c) as calculated by
326 the department.

327 (a) The sum of the student's full-time equivalent student
328 membership value for the school year or the equivalent derived
329 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
330 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and



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331 subsection (2). If the sum is greater than 1.0, the full-time
332 equivalent student membership value for each program or course
333 shall be reduced by an equal proportion so that the student's
334 total full-time equivalent student membership value is equal to
335 1.0.

336 (b) If the result in paragraph (a) is less than 1.0 full-
337 time equivalent student and the student has full-time equivalent
338 student enrollment pursuant to sub-sub-subparagraph
339 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
340 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
341 1.0 less the value in paragraph (a).

342 (c) The full-time equivalent student enrollment value in
343 sub-subparagraph (1)(c)2.a.

344
345 A scholarship award provided to a student enrolled in the John
346 M. McKay Scholarships for Students with Disabilities Program
347 pursuant to s. 1002.39 or the Family Empowerment Scholarship
348 Program pursuant to s. 1002.394 is not subject to the maximum
349 value for funding a student under this subsection.

350 Section 6. Subsection (5) of section 1012.56, Florida
351 Statutes, is amended to read:

352 1012.56 Educator certification requirements.—

353 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
354 demonstrating mastery of subject area knowledge are:

355 (a) For a subject requiring only a baccalaureate degree, a
356 baccalaureate degree with a major in the subject area, conferred
357 within the last 10 years from an accredited or approved
358 institution as defined in rule 6A-4.003, Florida Administrative
359 Code;



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360 (b)~~(a)~~ For a subject requiring only a baccalaureate degree
361 for which a Florida subject area examination has been developed,
362 achievement of a passing score on the Florida-developed subject
363 area examination specified in state board rule;

364 (c)~~(b)~~ For a subject for which a Florida subject area
365 examination has not been developed, achievement of a passing
366 score on a standardized examination specified in state board
367 rule, including, but not limited to, passing scores on both the
368 oral proficiency and written proficiency examinations
369 administered by the American Council on the Teaching of Foreign
370 Languages;

371 (d)~~(e)~~ For a subject for which a Florida subject area
372 examination has not been developed or a standardized examination
373 has not been specified in state board rule, completion of the
374 subject area specialization requirements specified in state
375 board rule and verification of the attainment of the essential
376 subject matter competencies by the district school
377 superintendent of the employing school district or chief
378 administrative officer of the employing state-supported or
379 private school;

380 (e)~~(d)~~ For a subject requiring a master's or higher degree,
381 completion of the subject area specialization requirements
382 specified in state board rule and achievement of a passing score
383 on the Florida-developed subject area examination or a
384 standardized examination specified in state board rule;

385 (f)~~(e)~~ Documentation of a valid professional standard
386 teaching certificate issued by another state;

387 (g)~~(f)~~ Documentation of a valid certificate issued by the
388 National Board for Professional Teaching Standards or a national



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389 educator credentialing board approved by the State Board of
390 Education;

391 (h)~~(g)~~ Documentation of successful completion of a United
392 States Defense Language Institute Foreign Language Center
393 program; or

394 (i)~~(h)~~ Documentation of a passing score on the Defense
395 Language Proficiency Test (DLPT).

396

397 School districts are encouraged to provide mechanisms for middle
398 grades teachers holding only a K-6 teaching certificate to
399 obtain a subject area coverage for middle grades through
400 postsecondary coursework or district add-on certification.

401 Section 7. Paragraph (g) is added to subsection (3) of
402 section 1012.585, Florida Statutes, to read:

403 1012.585 Process for renewal of professional certificates.—

404 (3) For the renewal of a professional certificate, the
405 following requirements must be met:

406 (g) A teacher may earn inservice points only once during
407 each 5-year validity period for any mandatory training topic
408 that is not linked to student learning or professional growth.

409 Section 8. Subsections (5), (6), and (9) of section
410 1012.79, Florida Statutes, are amended to read:

411 1012.79 Education Practices Commission; organization.—

412 (5) The Commissioner of Education, with the advice and
413 consent of the commission chair, is responsible for appointing,
414 and may remove, commission, by a vote of three-fourths of the
415 membership, shall employ an executive director, who shall be
416 exempt from career service. The executive director shall have
417 administrative duties, as determined by the Commissioner of



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418 Education. The executive director may not impact or influence
419 decisions of the commission. ~~The executive director may be~~
420 ~~dismissed by a majority vote of the membership.~~

421 (6) (a) The commission shall be assigned to the Department
422 of Education for administrative and fiscal accountability
423 purposes. The commission, in the performance of its powers and
424 duties, shall not be subject to control, supervision, or
425 direction by the Department of Education.

426 (b) The property, personnel, and appropriations related to
427 the specified authority, powers, duties, and responsibilities of
428 the commission shall be provided to the commission by the
429 Department of Education.

430 (9) The commission shall make such expenditures as may be
431 necessary in exercising its authority and powers and carrying
432 out its duties and responsibilities, including expenditures for
433 personal services, legal services ~~general counsel or access to~~
434 ~~counsel~~, and rent at the seat of government and elsewhere; for
435 books of reference, periodicals, furniture, equipment, and
436 supplies; and for printing and binding. The expenditures of the
437 commission shall be subject to the powers and duties of the
438 Department of Financial Services as provided in s. 17.03.

439 Section 9. Subsection (5) of section 1012.98, Florida
440 Statutes, is amended, and subsections (13), (14), and (15) are
441 added to that section, to read:

442 1012.98 School Community Professional Development Act.—

443 (5) Each district school board shall provide funding for
444 the professional development system as required by s. 1011.62
445 and the General Appropriations Act, and shall direct
446 expenditures from other funding sources to continuously



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447 strengthen the system in order to increase student achievement
448 and support instructional staff in enhancing rigor and relevance
449 in the classroom. Each district school board shall calculate a
450 proportionate share of professional development funds for each
451 classroom teacher and allow each classroom teacher to use up to
452 25 percent of the proportionate share on professional
453 development that addresses the academic needs of students or an
454 identified area of professional growth for the classroom
455 teacher. The department shall identify professional development
456 opportunities that require the classroom teacher to demonstrate
457 proficiency in a specific classroom practice. A school district
458 may coordinate its professional development program with that of
459 another district, with an educational consortium, or with a
460 Florida College System institution or university, especially in
461 preparing and educating personnel. Each district school board
462 shall make available inservice activities to instructional
463 personnel of nonpublic schools in the district and the state
464 certified teachers who are not employed by the district school
465 board on a fee basis not to exceed the cost of the activity per
466 all participants.

467 (13) To assist school district planning for required
468 teacher professional development, by August 1, 2020, the
469 department shall develop a model annual and 5-year calendar that
470 incorporates all state-required professional development. No
471 later than January 1, 2021, school districts shall develop an
472 annual and a 5-year calendar of professional development for
473 inclusion in the professional development system approved by the
474 department pursuant to subsection (4).

475 (14) The department shall develop and maintain a statewide



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476 registry of approved professional development providers and
477 professional development activities for use by teachers in this
478 state. The registry is intended to provide educators with high-
479 quality professional development opportunities in addition to
480 those offered by an entity specified in subsection (1).

481 (a) Any professional development provider seeking to be
482 added to the registry must complete an application developed by
483 the department. Approved providers are responsible for notifying
484 the department of any changes to the provider or approved
485 activities using an update form developed by the department. The
486 approval form must include, but is not limited to, requirements
487 that the provider specify:

488 1. Compliance with this section.

489 2. The alignment of professional development activities
490 with professional development standards adopted by the state
491 board in rule and standards adopted by the National Staff
492 Development Council.

493 3. Professional development activities offered by the
494 provider.

495 4. Qualifications of instructors for the professional
496 development activities to be approved.

497 (b) Providers specified in subsection (1), as well as
498 providers approved by such entities, are not required to seek
499 department approval to offer professional development activities
500 and are not required to be added to the registry. However, such
501 providers that wish to offer statewide professional development
502 opportunities may seek department approval and be added to the
503 registry.

504 (c) Providers approved by the department must maintain



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505 information that includes, but is not limited to, the
506 professional development activity, date of the activity, hours
507 of instruction, and instructor, if applicable. The approved
508 provider must provide such information to each participant.

509 (d) The department shall review the professional
510 development provider application for compliance with
511 requirements. The department must inform the provider in writing
512 within 90 days after submission of an application regarding the
513 approval or denial of the provider. The approval is valid for a
514 period not to exceed 5 years, after which the provider must
515 reapply.

516 1. Each school district shall accept an approved
517 professional development activity on the registry toward meeting
518 the requirements of s. 1002.385(3).

519 2. The department shall determine the number of inservice
520 hours to be awarded for completion of each specified
521 professional development activity.

522 (15) There is created the Professional Development Choice
523 Pilot Program to be administered by the department for a period
524 of 3 years, subject to legislative appropriation. The purpose of
525 the pilot program is to provide grants to eligible teachers to
526 select professional learning opportunities that best meet each
527 teacher's individual needs.

528 (a) A teacher may use a pilot program grant for
529 professional development approved by a school district or by a
530 provider approved by the department pursuant to subsection (14).

531 1. Professional development must be aligned with the
532 standards adopted by the state board in rule and standards
533 adopted by the National Staff Development Council.



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534 2. Training completed under this subsection must comply
535 with and satisfy the requirements of s. 1012.585(3).

536 3. Professional learning activities may include, but are
537 not limited to, in-person or online training; travel and
538 registration for conferences or workshops; college credit
539 courses; and district professional development certification and
540 education competency programs.

541 (b) To be eligible for a pilot program grant, an individual
542 must:

543 1. Hold a professional certificate issued pursuant to s.
544 1012.56(7) (a);

545 2. Be employed as a classroom teacher, as defined in s.
546 1012.01(2) (a), excluding substitute teachers, by a district
547 school board or by a charter school; and

548 3. Apply for a grant in a format determined by the
549 department. The application must require an applicant to
550 describe how the professional development activity relates to
551 and will improve instruction in the classroom.

552 (c) Each classroom teacher eligible under paragraph (b) may
553 receive a reimbursement for training pursuant to paragraph (a).
554 The reimbursement for each teacher participating in the pilot
555 program may not exceed \$500 per school year. Each classroom
556 teacher is eligible for one grant per school year. The pilot
557 program grants must be awarded on a first-come, first-served
558 basis.

559 (d) Each school district shall:

560 1. Review a proposed professional development activity to
561 determine alignment with district and individual professional
562 development plans and determine the number of inservice credit



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563 hours to be awarded; and
564 2. Approve any professional development opportunity
565 included on the department's registry pursuant to subsection
566 (13).
567 (e) The department shall:
568 1. Maintain a registry of approved providers and
569 professional development activities pursuant to subsection (14).
570 2. Establish, no later than August 1, 2020, a grant
571 application form.
572 Section 10. Section 1012.981, Florida Statutes, is created
573 to read:
574 1012.981 Professional Education Excellence Resources Pilot
575 Program.—
576 (1) There is established the Professional Education
577 Excellence Resources (PEER) Pilot Program, administered by the
578 department, to provide school district flexibility to increase
579 opportunities for professional learning, collaboration with
580 teachers and leaders, and teacher leadership.
581 (2) The PEER Pilot Program is established in Clay,
582 Pinellas, and Walton Counties.
583 (3) Participating school districts implementing the PEER
584 Pilot Program may:
585 (a) Extend the contract day or the contract year, or both,
586 for participating teachers for professional development,
587 collaboration with colleagues, or instructional coaching. A
588 participating school district that chooses to extend the
589 contract day or year must, before the start of the 2020-2021
590 school year, negotiate with the certified collective bargaining
591 unit for instructional personnel a memorandum of understanding



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592 that addresses the additional duty hours in a week or duty days
593 in a school year and additional payments based on the salary
594 scale of the district to teachers who participate in the pilot
595 program.

596 (b) Use program funds to:

597 1. Compensate teachers who are assigned to an extended
598 school day or school year pursuant to paragraph (a).

599 2. Hire additional instructional personnel to provide
600 teachers with additional planning periods or other release time
601 to complete professional development, collaborate with
602 colleagues, or perform other appropriate activities.

603 3. Provide content area specialists to provide support for
604 teachers' individual needs and professional growth.

605 4. Provide instructional coaches for participating
606 teachers.

607 5. Provide professional development opportunities.

608 (4) School districts participating in the pilot program
609 must collaborate with the department, postsecondary educational
610 institutions, regional education consortia, the University of
611 Florida Lastinger Center, or other appropriate organizations to
612 develop high-quality online professional development
613 opportunities accessible to instructional personnel statewide.

614 Such online professional development must:

615 (a) Be self-paced and available to teachers at any time.

616 (b) Align with standards for professional development as
617 described in state board rule.

618 (c) Protect the private information of participants.

619 (d) Satisfy requirements for renewal of an educator
620 certificate.



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621 (e) Include online assessments with timely feedback to
622 evaluate participant learning measured against program goals.

623 (5) Participating school districts may use program funds to
624 establish a master teacher program. The master teacher program
625 provides accomplished teachers the opportunity to innovate and
626 improve classroom practices, facilitate improved professional
627 development, and improve instructional quality through
628 collaboration with teachers and leaders. School districts shall
629 determine the specific roles assigned to a master teacher.

630 (a) Each master teacher program must include, but is not
631 limited to:

632 1. Providing release time for planning and meeting with
633 teachers and leaders;

634 2. Additional professional development opportunities, to
635 include participation in local and national conferences or
636 payments for college credit courses to increase skills or obtain
637 a higher university degree; and

638 3. Monetary compensation.

639 (b) School districts may select for the master teacher
640 program teachers who were rated highly effective in the previous
641 school year and may determine other selection criteria, which
642 may include, but are not limited to, information in performance
643 evaluations, peer reviews, demonstration of content expertise,
644 principal recommendation, or candidate interviews.

645 (c) Each participating school district must collaborate
646 with the department and with the University of Florida Lastinger
647 Center to develop a master teacher academy to support
648 instructional personnel statewide. The master teacher academy
649 must:



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650 1. Provide recommendations for the selection, training, and
651 support of district master teachers.

652 2. Create a bank of online professional development tools
653 that serve as exemplars for instructional best practices. Such
654 content may include pedagogy, instructional delivery,
655 professional learning communities, collaboration, personalized
656 learning, teacher and student or parent conferencing, positive
657 behavior supports, and using data to improve instruction.

658 3. Provide instructional coaching for school-based leaders
659 and principal supervisors. The content must focus on providing
660 teachers with actionable feedback on performance.

661 (6) Each school district participating in the PEER Pilot
662 Program must annually, by August 1, report to the Governor, the
663 President of the Senate, the Speaker of the House of
664 Representatives, and the department on the performance of the
665 pilot program. Each report must include, but is not limited to:

666 (a) The use of the pilot program funds.

667 (b) The impact of the pilot program on student achievement.

668 (c) The impact of the pilot program on teacher annual
669 evaluations.

670 (d) The results of satisfaction surveys given to pilot
671 program participants.

672 (e) Recommendations for continuation of the pilot program
673 and for scaling the pilot program for statewide implementation.

674 (7) The State Board of Education shall adopt rules to
675 administer this section.

676 (8) This section shall be implemented only to the extent
677 specifically funded and authorized by law.

678 Section 11. Subsection (1) of section 1012.586, Florida



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679 Statutes, is amended to read:

680 1012.586 Additions or changes to certificates; duplicate
681 certificates.—A school district may process via a Department of
682 Education website certificates for the following applications of
683 public school employees:

684 (1) Addition of a subject coverage or endorsement to a
685 valid Florida certificate on the basis of the completion of the
686 appropriate subject area testing requirements of s.
687 1012.56(5)(b) ~~s. 1012.56(5)(a)~~ or the completion of the
688 requirements of an approved school district program or the
689 inservice components for an endorsement.

690 (a) To reduce duplication, the department may recommend the
691 consolidation of endorsement areas and requirements to the State
692 Board of Education.

693 (b) By July 1, 2018, and at least once every 5 years
694 thereafter, the department shall conduct a review of existing
695 subject coverage or endorsement requirements in the elementary,
696 reading, and exceptional student educational areas. The review
697 must include reciprocity requirements for out-of-state
698 certificates and requirements for demonstrating competency in
699 the reading instruction professional development topics listed
700 in s. 1012.98(4)(b)11. The review must also consider the award
701 of an endorsement to an individual who holds a certificate
702 issued by an internationally recognized organization that
703 establishes standards for providing evidence-based interventions
704 to struggling readers or who completes a postsecondary program
705 that is accredited by such organization. Any such certificate or
706 program must require an individual who completes the certificate
707 or program to demonstrate competence in reading intervention



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708 strategies through clinical experience. At the conclusion of
709 each review, the department shall recommend to the state board
710 changes to the subject coverage or endorsement requirements
711 based upon any identified instruction or intervention strategies
712 proven to improve student reading performance. This paragraph
713 does not authorize the state board to establish any new
714 certification subject coverage.

715
716 The employing school district shall charge the employee a fee
717 not to exceed the amount charged by the Department of Education
718 for such services. Each district school board shall retain a
719 portion of the fee as defined in the rules of the State Board of
720 Education. The portion sent to the department shall be used for
721 maintenance of the technology system, the web application, and
722 posting and mailing of the certificate.

723 Section 12. This act shall take effect July 1, 2020.

724
725 ===== T I T L E A M E N D M E N T =====

726 And the title is amended as follows:

727 Delete everything before the enacting clause
728 and insert:

729 A bill to be entitled
730 An act relating to education; amending s. 1002.394,
731 F.S.; revising initial scholarship eligibility
732 criteria for the Family Empowerment Scholarship
733 Program, beginning with a specified school year;
734 providing that participation in certain virtual
735 schools, correspondence schools, or distance learning
736 programs does not make a student ineligible for a



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737 scholarship under the program in certain
738 circumstances; amending s. 1002.395, F.S.; revising
739 eligibility criteria for the Florida Tax Credit
740 Scholarship Program and applying the criteria only to
741 initial eligibility; requiring that priority be given
742 to students whose household incomes do not exceed a
743 specified amount; amending s. 1004.04, F.S.; requiring
744 that the rules to establish uniform core curricula for
745 each state-approved teacher preparation program
746 include evidence-based reading instructional
747 strategies and mental health strategies and support;
748 requiring state-approved teacher preparation programs
749 include opportunities to complete endorsements and
750 complete training required of instructional personnel;
751 removing admission requirements, and deleting a
752 provision allowing teacher preparation programs to
753 waive admission requirements for up to 10 percent of
754 the students admitted; requiring an assessment of
755 student proficiency is employer surveys; amending s.
756 1004.85, F.S.; expanding requirements for the
757 certification program of a postsecondary educator
758 preparation institute to be approved by the Department
759 of Education; amending s. 1011.61, F.S.; providing
760 that a certain scholarship award is not subject to the
761 maximum value for funding a student under the Florida
762 Education Finance Program; amending s. 1012.56, F.S.;
763 providing that for a subject requiring only a
764 baccalaureate degree, a baccalaureate degree with a
765 major in the subject area, conferred within the last



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766 10 years, is an acceptable means of demonstrating
767 mastery of subject area knowledge; amending s.
768 1012.585, F.S.; specifying that teachers may earn
769 inservice points only once during a certain time
770 period for any mandatory training topic not linked to
771 student learning or professional growth; amending s.
772 1012.79, F.S.; directing the Commissioner of
773 Education, with the advice and consent of the chair of
774 the Education Practices Commission, to appoint an
775 executive director who is exempt from career service
776 and may be removed by the commissioner; specifying
777 that the executive director will have administrative
778 duties, as determined by the commissioner; making a
779 technical change; amending s. 1012.98, F.S.; requiring
780 district school boards to calculate a proportionate
781 share of professional development funds for each
782 classroom teacher; authorizing classroom teachers to
783 use up to a certain amount of such funds for certain
784 purposes; requiring the Department of Education to
785 identify professional development opportunities for
786 classroom teachers to demonstrate proficiency in a
787 specific classroom practice; requiring the department
788 to create and develop a model annual and 5-year
789 calendar of professional development by a specified
790 date; requiring school districts to develop annual and
791 5-year calendars of professional development for
792 inclusion in the department's professional development
793 system by a specified date; requiring the department
794 to maintain a statewide registry of approved



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795 professional development providers and professional
796 development activities for use by teachers; requiring
797 professional development providers to be approved by
798 the department; specifying requirements for
799 professional development providers; requiring the
800 department to review professional development provider
801 applications for compliance and to approve or deny an
802 application within a certain timeframe; providing for
803 provider reapplication; requiring each school district
804 to accept an approved professional development
805 activity for a certain purpose; requiring the
806 department to determine the number of inservice hours
807 to be awarded for completion of an activity; creating
808 the Professional Development Choice Pilot Program to
809 be administered by the department for a specified
810 period; providing the pilot program's purpose;
811 authorizing the use of pilot program grants for
812 specified purposes; providing requirements for the use
813 of such grants; providing eligibility requirements for
814 receiving pilot program grants; providing requirements
815 and limits for grant disbursements; providing certain
816 duties of each school district; requiring the
817 department to maintain a registry of approved provider
818 and professional development activities; requiring the
819 department to establish an application form by a
820 specified date; creating s. 1012.981, F.S.; creating
821 the Professional Education Excellence Resources (PEER)
822 Pilot Program in specified counties; authorizing
823 school districts implementing the pilot program to



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824 engage in certain activities; authorizing school
825 districts to use program funds for certain purposes;
826 requiring school districts participating in the
827 program to collaborate with the department and other
828 entities to develop high-quality online professional
829 development opportunities accessible to instructional
830 personnel statewide; providing requirements for such
831 professional online development opportunities;
832 authorizing participating school districts to use
833 program funds to establish a master teacher program;
834 providing requirements for the master teacher program;
835 requiring participating school districts to
836 collaborate with the department and the University of
837 Florida Lastinger Center to develop a master teacher
838 academy; providing duties for the master teacher
839 academy; requiring each school district participating
840 in the PEER Pilot Program to report annually to the
841 Governor, the Legislature, and the department on the
842 performance of the pilot program; requiring the annual
843 report to contain certain information; requiring the
844 State Board of Education to adopt rules; specifying
845 that the pilot program be implemented only to the
846 extent specifically funded and authorized by law;
847 amending s. 1012.586, F.S.; conforming a cross-
848 reference; providing an effective date.

By Senator Diaz

36-01326-20

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1 A bill to be entitled
 2 An act relating to education; amending s. 1004.04,
 3 F.S.; requiring that the rules to establish uniform
 4 core curricula for each state-approved teacher
 5 preparation program include evidence-based reading
 6 instructional strategies and mental health strategies
 7 and support; deleting a provision allowing teacher
 8 preparation programs to waive admission requirements
 9 for up to 10 percent of the students admitted;
 10 amending s. 1012.56, F.S.; providing that for a
 11 subject requiring only a baccalaureate degree, a
 12 baccalaureate degree with a major in the subject area,
 13 conferred within the last 10 years, is an acceptable
 14 means of demonstrating mastery of subject area
 15 knowledge; amending s. 1012.79, F.S.; directing the
 16 Commissioner of Education, with the advice and consent
 17 of the chair of the Education Practices Commission, to
 18 appoint an executive director who is exempt from
 19 career service and may be removed by the commissioner;
 20 specifying that the executive director will have
 21 administrative duties, as determined by the
 22 commissioner; making a technical change; amending s.
 23 1012.586, F.S.; conforming a cross-reference;
 24 providing an effective date.
 25
 26 Be It Enacted by the Legislature of the State of Florida:
 27
 28 Section 1. Paragraph (b) of subsection (2) and paragraph
 29 (b) of subsection (3) of section 1004.04, Florida Statutes, are

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30 amended to read:
 31 1004.04 Public accountability and state approval for
 32 teacher preparation programs.—
 33 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—
 34 (b) The rules to establish uniform core curricula for each
 35 state-approved teacher preparation program must include, but are
 36 not limited to, the following:
 37 1. Candidate instruction and assessment in the Florida
 38 Educator Accomplished Practices across content areas.
 39 2. The use of state-adopted content standards to guide
 40 curricula and instruction.
 41 3. Evidence-based ~~Scientifically researched and evidence-~~
 42 ~~based~~ reading instructional strategies that improve reading
 43 performance for all students, including explicit, systematic,
 44 and sequential approaches to teaching phonemic awareness,
 45 phonics, vocabulary, fluency, and text comprehension and
 46 multisensory intervention strategies.
 47 4. Content literacy and mathematics practices.
 48 5. Strategies appropriate for the instruction of English
 49 language learners.
 50 6. Strategies appropriate for the instruction of students
 51 with disabilities.
 52 7. Strategies to differentiate instruction based on student
 53 needs.
 54 8. The use of character-based classroom management.
 55 9. Mental health strategies and support.
 56 (3) INITIAL STATE PROGRAM APPROVAL.—
 57 (b) Each teacher preparation program approved by the
 58 Department of Education, as provided for by this section, shall

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59 require students, at a minimum, to meet, ~~at a minimum~~, the
60 ~~following as prerequisites for admission into the program:~~

61 1. Have a grade point average of at least 2.5 on a 4.0
62 scale for the general education component of undergraduate
63 studies or have completed the requirements for a baccalaureate
64 degree with a minimum grade point average of 2.5 on a 4.0 scale
65 from any college or university accredited by a regional
66 accrediting association as defined by State Board of Education
67 rule or any college or university otherwise approved pursuant to
68 State Board of Education rule.

69 2. Demonstrate mastery of general knowledge ~~sufficient for~~
70 ~~entry into the program~~, including the ability to read, write,
71 and perform in mathematics, by passing the General Knowledge
72 Test of the Florida Teacher Certification Examination or, for a
73 graduate level program, obtain a baccalaureate degree from an
74 institution that is accredited or approved pursuant to the rules
75 of the State Board of Education.

76 ~~Each teacher preparation program may waive these admissions~~
77 ~~requirements for up to 10 percent of the students admitted.~~
78 ~~Programs shall implement strategies to ensure that students~~
79 ~~admitted under a waiver receive assistance to demonstrate~~
80 ~~competencies to successfully meet requirements for certification~~
81 ~~and shall annually report to the Department of Education the~~
82 ~~status of each candidate admitted under such a waiver.~~

84 Section 2. Subsection (5) of section 1012.56, Florida
85 Statutes, is amended to read:

86 1012.56 Educator certification requirements.—

87 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of

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88 demonstrating mastery of subject area knowledge are:

89 (a) For a subject requiring only a baccalaureate degree, a
90 baccalaureate degree with a major in the subject area, conferred
91 within the last 10 years from an accredited or approved
92 institution as defined in rule 6A-4.003, Florida Administrative
93 Code;

94 ~~(b)-(a)~~ For a subject requiring only a baccalaureate degree
95 for which a Florida subject area examination has been developed,
96 achievement of a passing score on the Florida-developed subject
97 area examination specified in state board rule;

98 ~~(c)-(b)~~ For a subject for which a Florida subject area
99 examination has not been developed, achievement of a passing
100 score on a standardized examination specified in state board
101 rule, including, but not limited to, passing scores on both the
102 oral proficiency and written proficiency examinations
103 administered by the American Council on the Teaching of Foreign
104 Languages;

105 ~~(d)-(e)~~ For a subject for which a Florida subject area
106 examination has not been developed or a standardized examination
107 has not been specified in state board rule, completion of the
108 subject area specialization requirements specified in state
109 board rule and verification of the attainment of the essential
110 subject matter competencies by the district school
111 superintendent of the employing school district or chief
112 administrative officer of the employing state-supported or
113 private school;

114 ~~(e)-(d)~~ For a subject requiring a master's or higher degree,
115 completion of the subject area specialization requirements
116 specified in state board rule and achievement of a passing score

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117 on the Florida-developed subject area examination or a
 118 standardized examination specified in state board rule;
 119 ~~(f)(e)~~ Documentation of a valid professional standard
 120 teaching certificate issued by another state;
 121 ~~(g)(f)~~ Documentation of a valid certificate issued by the
 122 National Board for Professional Teaching Standards or a national
 123 educator credentialing board approved by the State Board of
 124 Education;
 125 ~~(h)(g)~~ Documentation of successful completion of a United
 126 States Defense Language Institute Foreign Language Center
 127 program; or
 128 ~~(i)(h)~~ Documentation of a passing score on the Defense
 129 Language Proficiency Test (DLPT).

130

131 School districts are encouraged to provide mechanisms for middle
 132 grades teachers holding only a K-6 teaching certificate to
 133 obtain a subject area coverage for middle grades through
 134 postsecondary coursework or district add-on certification.

135 Section 3. Subsections (5), (6), and (9) of section
 136 1012.79, Florida Statutes, are amended to read:
 137 1012.79 Education Practices Commission; organization.—
 138 (5) The Commissioner of Education, with the advice and
 139 consent of the commission chair, is responsible for appointing,
 140 and may remove, commission, by a vote of three-fourths of the
 141 membership, shall employ an executive director, who shall be
 142 exempt from career service. The executive director shall have
 143 administrative duties, as determined by the Commissioner of
 144 Education. The executive director may not impact or influence
 145 decisions of the commission. The executive director may be

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146 ~~dismissed by a majority vote of the membership.~~
 147 (6) (a) The commission shall be assigned to the Department
 148 of Education for administrative and fiscal accountability
 149 purposes. The commission, in the performance of its powers and
 150 duties, shall not be subject to control, supervision, or
 151 direction by the Department of Education.
 152 (b) The property, personnel, and appropriations related to
 153 the specified authority, powers, duties, and responsibilities of
 154 the commission shall be provided to the commission by the
 155 Department of Education.
 156 (9) The commission shall make such expenditures as may be
 157 necessary in exercising its authority and powers and carrying
 158 out its duties and responsibilities, including expenditures for
 159 personal services, legal services ~~general counsel or access to~~
 160 ~~counsel~~, and rent at the seat of government and elsewhere; for
 161 books of reference, periodicals, furniture, equipment, and
 162 supplies; and for printing and binding. The expenditures of the
 163 commission shall be subject to the powers and duties of the
 164 Department of Financial Services as provided in s. 17.03.
 165 Section 4. Subsection (1) of section 1012.586, Florida
 166 Statutes, is amended to read:
 167 1012.586 Additions or changes to certificates; duplicate
 168 certificates.—A school district may process via a Department of
 169 Education website certificates for the following applications of
 170 public school employees:
 171 (1) Addition of a subject coverage or endorsement to a
 172 valid Florida certificate on the basis of the completion of the
 173 appropriate subject area testing requirements of s.
 174 1012.56(5)(b) ~~s. 1012.56(5)(a)~~ or the completion of the

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175 requirements of an approved school district program or the
176 inservice components for an endorsement.

177 (a) To reduce duplication, the department may recommend the
178 consolidation of endorsement areas and requirements to the State
179 Board of Education.

180 (b) By July 1, 2018, and at least once every 5 years
181 thereafter, the department shall conduct a review of existing
182 subject coverage or endorsement requirements in the elementary,
183 reading, and exceptional student educational areas. The review
184 must include reciprocity requirements for out-of-state
185 certificates and requirements for demonstrating competency in
186 the reading instructional professional development topics listed
187 in s. 1012.98(4)(b)11. The review must also consider the award
188 of an endorsement to an individual who holds a certificate
189 issued by an internationally recognized organization that
190 establishes standards for providing evidence-based interventions
191 to struggling readers or who completes a postsecondary program
192 that is accredited by such organization. Any such certificate or
193 program must require an individual who completes the certificate
194 or program to demonstrate competence in reading intervention
195 strategies through clinical experience. At the conclusion of
196 each review, the department shall recommend to the state board
197 changes to the subject coverage or endorsement requirements
198 based upon any identified instruction or intervention strategies
199 proven to improve student reading performance. This paragraph
200 does not authorize the state board to establish any new
201 certification subject coverage.

202
203 The employing school district shall charge the employee a fee

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204 not to exceed the amount charged by the Department of Education
205 for such services. Each district school board shall retain a
206 portion of the fee as defined in the rules of the State Board of
207 Education. The portion sent to the department shall be used for
208 maintenance of the technology system, the web application, and
209 posting and mailing of the certificate.

210 Section 5. This act shall take effect July 1, 2020.

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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 Committee on Education

BILL: SB 1246

INTRODUCER: Senator Stargel

SUBJECT: Dual Enrollment

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1246 modifies the dual enrollment and collegiate high school programs to ensure students have access to such programs, parents and legal guardians are informed of opportunities and responsibilities, and school districts and postsecondary institutions are provided financial support to offer dual enrollment opportunities to students. Specifically, the bill:

- Modifies the dual enrollment program to increase access for students by specifying that:
 - School districts or Florida College System institutions may not deny an eligible student from participating in dual enrollment, and may not establish eligibility criteria in addition to those in law.
 - Instructional materials are free-of-charge for students in private schools and home education programs
 - Private schools are exempt from the payment of tuition and fees for dual enrollment.
- Renames the “collegiate high school” to “early college” program and specifies requirements in the program contract and student performance contract.
- Establishes funding and financial incentives for school districts and postsecondary institutions by:
 - Creating the Dual Enrollment Scholarship Program in the Department of Education to reimburse eligible postsecondary institutions a specified amount for tuition and instructional materials for dual enrollment taken by private school and home education program students in the fall and spring term, and by all students in the summer term, subject to appropriation in the General Appropriations Act.
 - Providing a full-time equivalent (FTE) student membership bonus in the Florida Education Finance Program (FEFP) for students who complete general education core courses or an associate degree through dual enrollment, and requiring school districts to allocate half of such funds to support academic guidance and postsecondary readiness.
- Establishes a requirement for the Commissioner of Education to report to the Governor and Legislature regarding the status of dual enrollment programs for public and private school and home education program students.

The fiscal impact of the bill is discussed in section V.

The bill takes effect on July 1, 2020.

II. Present Situation:

Florida law provides students in secondary schools access to advanced coursework. Such coursework is intended to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject.¹

Dual Enrollment

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree.²

An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with the requirements specified in law³ and provides a secondary curriculum pursuant to law.⁴ Students who meet the eligibility requirements and who participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.⁵

A growing body of research suggests that participation in dual enrollment can lead to improved academic outcomes, especially for students from low-income backgrounds and first-generation college students. Research suggests that participation in dual enrollment can lead to better grades in high school, increased enrollment in college following high school, higher rates of persistence in college, greater credit accumulation, and increased rates of credential attainment.⁶ In addition, research indicates that allowing students in high school to complete even a single college class may significantly increase their chances of attending college and eventually graduating.⁷

¹ Section 1007.27(1), F.S.

² Section 1007.271(1), F.S.

³ Section 1002.42(2), F.S.

⁴ Section 1007.271(2), F.S.

⁵ Section 1007.271(16), F.S. Florida law specifies that the provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, do not apply to students who select the option of enrolling in an eligible independent institution. Section 1011.62(1)(i), F.S. An eligible independent institution is an independent college or university, which is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02. *Id.*

⁶ United States Department of Education, *FACT SHEET: Expanding College Access Through the Dual Enrollment Pell Experiment* (May 16, 2016), <https://www.ed.gov/news/press-releases/fact-sheet-expanding-college-access-through-dual-enrollment-pell-experiment> (last visited Jan. 9, 2020).

⁷ Jobs for the Future, *Taking College Courses in High School: A Strategy for College Readiness* (Oct. 2012), available at https://jfforg-prod-prime.s3.amazonaws.com/media/documents/TakingCollegeCourses_101712.pdf. Students who had completed college algebra for dual enrollment had associate degree attainment rates that were 23 percentage points higher and bachelor's attainment rates 24 percentage points higher than students with no such experience. *Id.*

The following table shows 2018-2019 academic year dual enrollment participation by public and private school and home education program students at Florida College System (FCS) institutions, state universities, and at eligible private colleges and universities.

	FCS Institutions ⁸	State Universities ⁹	Private Colleges and Universities ¹⁰
Public School	73,408	9,250	6,908
Private School	2,607	688	
Home Education	3,818	113	

Generally, about three times as many students take dual enrollment courses at an FCS institution during the fall and spring terms than in the summer term.¹¹ About 10 times as many students take dual enrollment courses at a state university in the fall and spring compared to the summer term.¹²

Eligibility Criteria

Student eligibility requirements for initial enrollment in college credit dual enrollment courses include a 3.0 unweighted high school grade point average (GPA) and the minimum score on a common placement test¹³ adopted by the State Board of Education (SBE) which indicates that the student is ready for college-level coursework. For continued enrollment in college credit dual enrollment courses, students must maintain a 3.0 unweighted high school GPA and the minimum postsecondary GPA established by the postsecondary institution. For initial and continued enrollment in career certificate dual enrollment courses, students must have a 2.0 unweighted high school GPA. Exceptions to the required GPA may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement. FCS institutions may establish additional student eligibility requirements, which may not arbitrarily prohibit or limit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses. Such additional eligibility requirements must be included in the dual enrollment articulation agreement.¹⁴

⁸ Email, Florida Department of Education (Jan. 8, 2020).

⁹ Email, Florida Board of Governors (Jan. 3, 2020).

¹⁰ Email, Florida Department of Education (Jan 8, 2020).

¹¹ *Id.* In 2018-2019, 74,071 students dually enrolled at an FCS institution in the fall and spring terms, and 22,240 students dually enrolled in the summer term (students enrolled in fall/spring and summer are counted twice). *Id.*

¹² Email, Florida Board of Governors (Jan. 3, 2020). In 2018-2019, 14,658 students dually enrolled at a state university in the fall and spring terms, and 1,408 students dually enrolled in the summer term. *Id.*

¹³ The Postsecondary Education Readiness Test (PERT) is Florida's customized common placement test. The purpose of the PERT is to determine accurate course placement based on the student's skills and abilities. The PERT is aligned with the Postsecondary Readiness Competencies identified by Florida faculty as necessary for success in entry-level college credit coursework. The PERT assessment system includes Placement and Diagnostic tests in mathematics, reading and writing. Rule 6A-10.0315, F.A.C. establishes the test scores used to determine whether a student is ready for college level coursework. Florida Department of Education, *Common Placement Testing*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/common-placement-testing.shtml> (last visited April 2, 2019). As an alternative to PERT, students may take the ACCUPLACER, SAT, and ACT to demonstrate readiness to perform college-level work. Rule 6A-10.0315(2), F.A.C.; *see also* Rule 6A-14.064(1)(b), F.A.C.

¹⁴ Section 1007.271(3), F.S.

Notification of Dual Enrollment Option

Each district school board must inform all secondary students and their parents of dual enrollment as an educational option and mechanism for acceleration. Students and their parents must be informed of student eligibility requirements, the option for taking dual enrollment courses beyond the regular school year, and the minimum academic credits required for graduation.¹⁵

Dual Enrollment Articulation Agreement

A dual enrollment articulation agreement establishes the guidelines for implementing the program for eligible students.¹⁶ Specifically, Florida law requires:

- Each district school superintendent and each public postsecondary institution president to develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution.¹⁷
- Each public postsecondary institution to enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent.¹⁸
- Each public postsecondary institution to enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students.¹⁹

Additionally, district school boards and FCS institutions may enter into additional dual enrollment articulation agreements with state universities, and school districts may also enter into dual enrollment articulation agreements with eligible independent colleges and universities.²⁰

Dual enrollment articulation agreements are developed locally by the entities specified in law. Florida law specifies the information that must be addressed in the dual enrollment articulation agreements.²¹ Such agreements must be submitted to the Florida Department of Education (DOE) by August 1 of each year.²² District school boards may not refuse to enter into a dual enrollment articulation agreement with a local FCS institution if that institution has the capacity to offer dual enrollment courses.²³

Instructional Materials

Instructional materials assigned for use within dual enrollment courses must be made available to dual enrollment students from Florida public high schools free of charge.²⁴ Florida law does not

¹⁵ Section 1007.271(8), F.S.

¹⁶ Florida Department of Education, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 13.

¹⁷ Section 1007.271(21), F.S.

¹⁸ Section 1007.271(13), F.S.

¹⁹ Section 1007.271(24), F.S.

²⁰ Section 1007.271(23), F.S.

²¹ Section 1007.271(13), (21), and (24), F.S.

²² Section 1007.271(13), (21), (23), and (24), F.S.

²³ Section 1007.271(4), F.S.

²⁴ Section 1007.271(17), F.S.

prohibit an FCS institution from providing instructional materials at no cost to a home education student or a student from a private school.²⁵ Instructional materials purchased by a district school board or FCS institution board of trustees on behalf of dual enrollment students must be the property of the board against which the purchase is charged.²⁶

Collegiate High School Program

In 2014, the Legislature codified the collegiate high school program and specified related requirements.²⁷ Florida law requires each FCS institution to work with each district school board in its designated service area²⁸ to establish one or more collegiate high school programs.²⁹ In fall 2018, there were 11,146 students enrolled in a collegiate high school or collegiate high school program.³⁰

Purpose

At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications and to successfully complete 30 credit hours through dual enrollment toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.³¹

Program Contract

Each district school board and its local FCS institution must execute a contract to establish one or more collegiate high school programs at a mutually agreed upon location or locations. If the FCS institution does not establish a program with a district school board in its designated service area, another FCS institution may execute a contract with that district school board to establish the program.³²

In addition to executing a contract with the local FCS institution, Florida law authorizes a district school board to execute a contract to establish a collegiate high school program with an eligible state university or an independent college or university.³³

Florida law specifies the information that must be addressed in the contract which must be executed by January 1 of each school year for implementation of the program during the next school year.³⁴

²⁵ Section 1007.271(17), F.S.

²⁶ *Id.*

²⁷ Section 10, ch. 2014-184, L.O.F.

²⁸ Section 1000.21(3), F.S.

²⁹ Section 1007.273(1), F.S.

³⁰ Email, Florida Department of Education (Jan. 8, 2020).

³¹ Section 1007.273(2), F.S.

³² Section 1007.273(3), F.S.

³³ Section 1007.273(5), F.S. To participate in a collegiate high school program, an independent college or university must be an institution that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. *Id.*

³⁴ Section 1007.273(3), F.S.

Student Performance Contract

Each student participating in a collegiate high school program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable FCS institution, state university, or eligible independent college or university.³⁵ The performance contract must include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.

Funding for Dual Enrollment and Collegiate High School Programs

Florida is required to provide for an efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.³⁶

Florida Education Finance Program

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in the public schools.³⁷ The number of FTE students in each of the funded education programs is multiplied by cost factors³⁸ relative to each program to obtain weighted FTE student values.³⁹ The base student allocation from state and local funds is determined annually by the Florida Legislature and is a component in the calculation of base funding.⁴⁰

Funding for Dual Enrollment

Dual enrollment funding for public schools is included in the calculation of FTE students within the FEFP.⁴¹ There is no provision in law to allow for additional funding for students earning dual enrollment credit.

The dual enrollment articulation agreement between a district school superintendent and a public postsecondary institution president must address specified information including a funding provision that delineates costs incurred by each entity,⁴² which include the following:

- School districts are required to pay public postsecondary institutions the standard tuition rate per credit hour from funds provided in the FEFP when dual enrollment course instruction

³⁵ Section 1007.273(4), F.S.

³⁶ Art. IX, s. 1, Fla. Const.

³⁷ See Section 1011.62, F.S.

³⁸ Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

³⁹ Section 1011.62, F.S.; Florida Department of Education, *2019-20 Funding for Florida School Districts available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>*.

⁴⁰ Florida Department of Education, *2019-20 Funding for Florida School Districts available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>* at 17.

⁴¹ *Id.* at 11.

⁴² Section 1007.271(21)(n), F.S.

takes place on the postsecondary institution's campus and the course is taken during the fall or spring term.⁴³

- When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district must reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction.⁴⁴
- When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution.⁴⁵

Florida law does not specify a similar funding provision for private schools to pay public postsecondary education institutions for the dual enrollment instruction that such institutions provide to the private school dual enrollment students. However, postsecondary institutions are not prohibited from charging a fee to private schools for the dual enrollment of its students.

Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution must receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.⁴⁶

Funding for Collegiate High School Programs

The collegiate high school program must be funded in accordance with the funding for dual enrollment through the FEFP.⁴⁷ The SBE must enforce compliance with the law regarding the collegiate high school program by withholding the transfer of funds for the school districts and the FCS institutions.⁴⁸

FEFP Incentives for Acceleration Mechanisms

The FEFP provides a funding incentive for school districts with students in Advanced Placement (AP), International Baccalaureate (IB), and Advanced Certificate of Education (AICE) courses who successfully complete AP, IB, and AICE examinations and IB and AICE diplomas.⁴⁹ The additional FTE is calculated as follows:

- A value of 0.16 FTE student membership is calculated for each student in each AP course who receives a score of 3 or higher on the College Board AP examination.⁵⁰
- A value of 0.16 FTE student membership is calculated for each student enrolled in an IB course who receives a score of 4 or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an IB diploma.⁵¹
- A value of 0.16 FTE student membership is calculated for each student enrolled in a full-credit AICE course, and 0.08 FTE student membership for each student enrolled in a half-

⁴³ Section 1007.271(21)(2)1, F.S.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Section 1007.271(21)(n)2., F.S.

⁴⁷ Section 1007.273(6), F.S.

⁴⁸ *Id.*

⁴⁹ See 1011.62, F.S. Accelerated mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Section 1007.27(1), F.S.

⁵⁰ Section 1011.62(1)(n), F.S.

⁵¹ Section 1011.62(1)(l), F.S.

credit AICE course, for each student who receives a score of E or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an AICE diploma.⁵²

Additionally, classroom teachers may receive bonus funds for the performance of their students on AP, IB, and AICE examinations. School districts must use the additional FTE funds for AP, IB, and AICE programs for purposes specified in law.⁵³

III. Effect of Proposed Changes:

SB 1246 modifies the dual enrollment and collegiate high school programs to ensure students have access to such programs, parents and legal guardians are informed of opportunities and responsibilities, and school districts and postsecondary institutions are provided financial support to offer dual enrollment opportunities to students. Specifically, the bill:

- Modifies the dual enrollment program to increase access for students by specifying that:
 - School districts or Florida College System (FCS) institutions may not deny an eligible student from participating in dual enrollment, and may not establish eligibility criteria in addition to those in law.
 - Instructional materials are free-of-charge for students in private schools and home education programs
 - Private schools are exempt from the payment of tuition and fees for dual enrollment.
- Renames the “collegiate high school” to “early college” program and specifies requirements in the program contract and student performance contract.
- Establishes funding and financial incentives for school districts and postsecondary institutions by:
 - Creating the Dual Enrollment Scholarship Program in the Department of Education (DOE) to reimburse eligible postsecondary institutions a specified amount for tuition and instructional materials for dual enrollment taken by private school and home education program students in the fall and spring term, and by all students in the summer term, subject to appropriation in the General Appropriations Act.
 - Providing a full-time equivalent (FTE) student membership bonus in the Florida Education Finance Program (FEFP) for students who complete general education core courses or an associate degree through dual enrollment, and requiring school districts to allocate half of such funds to support academic guidance and postsecondary readiness.
- Establishes a requirement for the Commissioner of Education (commissioner) to report to the Governor and Legislature regarding the status of dual enrollment programs for public and private school and home education program students.

Dual Enrollment

The bill modifies s. 1007.271, F.S., regarding dual enrollment student eligibility, notification requirements, articulation agreements, and costs. Such changes may increase dual enrollment opportunities for students through programmatic and financial supports and provide additional information to parents and students about dual enrollment benefits and responsibilities.

⁵² Section 1011.62(1)(m), F.S.

⁵³ Section 1011.62(1)(l)-(n), F.S.

The bill modifies student eligibility for and access to dual enrollment. Specifically, the bill:

- Clarifies that a student eligible for dual enrollment includes a student enrolled in a home education program specified in law.
- Specifies that the individual student exceptions to the required high school grade point average (GPA) in current law are only for career certificate dual enrollment.
- Authorizes an exception to the required GPA for college credit dual enrollment for students who achieve higher scores than the established minimum on the common placement test adopted by the State Board of Education (SBE). Such exception must be specified in the articulation agreement.
- Removes the authorization for an FCS institution to establish additional dual enrollment eligibility criteria, to specify that a postsecondary institution may not establish additional initial student academic eligibility requirements.
- Specifies that a district school board or FCS institution may not deny a student who has met the state eligibility requirements from participating in dual enrollment unless the institution documents that it does not have the capacity to accommodate all eligible students seeking to participate in the dual enrollment program. If the institution documents that it does not have the capacity to accommodate all eligible students, participation must be based on a first-come, first-served basis.
- Specifies that a home education student must meet the same minimum score requirement on a common placement test required of other dually enrolled students.

The bill expands the notification requirement to parents to include legal guardians, and requires that students and their parents or legal guardians be informed that dual enrollment course grades are included in the student's college GPA, become a part of the student's permanent academic record, and may affect the student's future financial aid eligibility. The bill also specifies that a school may not enroll a student in a dual enrollment course without an acknowledgment form on file, which must be signed by both the student and the student's parent or legal guardian.

The bill extends the deadline for annual reporting of articulation agreements to the DOE from August 1, to October 1, which may provide additional time for agreements to be negotiated and approved by the school district and postsecondary governing boards.

The bill modifies provisions relating to the cost of dual enrollment to students and to postsecondary institutions. Specifically, the bill:

- Specifies that instructional materials used in dual enrollment courses are free to students at private schools and home education programs.⁵⁴
- Specifies that the private school of a student's enrollment is exempt from the payment of tuition and fees to the postsecondary institution.
- Establishes the Dual Enrollment Scholarship Program as an additional funding source.

⁵⁴ Section 27, ch. 2018-6, L.O.F., included a provision removing from the home education articulation agreement a provision that such students must be responsible for their own instructional materials.

Dual Enrollment Scholarship Program

The bill creates s. 1009.31, F.S., to establish the Dual Enrollment Scholarship Program (program) within the DOE to support postsecondary institutions in providing dual enrollment to Florida secondary school and home education program students.

For any student who meets the dual enrollment eligibility requirements established in law, the bill requires the program to:

- Beginning in the 2020 fall term, reimburse eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken by private school or home education program secondary students during the fall or spring terms.
- Beginning in the 2021 summer term, reimburse institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school, private school, or home education program secondary students during the summer terms.

The specific reimbursements amounts are as follows:⁵⁵

- FCS institutions are reimbursed at the in-state resident tuition rate established in law.⁵⁶
- State University System institutions and independent postsecondary institutions are reimbursed at the standard tuition rate established in law.⁵⁷
- Institutions are reimbursed for instructional materials costs based on a rate as specified in the GAA.

The bill specifies that reimbursement for dual enrollment courses is contingent upon an appropriation in the GAA each year. If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts must be prorated among the institutions that have reported eligible students to the DOE by the established deadlines.

Each participating institution must report to the DOE specified information about the student; postsecondary institution, course, and credits, and:

- Annually, by March 15, its eligible secondary students from private schools or home education programs who were enrolled during the previous fall or spring terms. For dual enrollment courses taken during the fall and spring terms, the DOE must reimburse institutions by April 15 of the same year.
- Annually, by July 15, its eligible public school, private school, or home education program students who were enrolled during the summer terms. For dual enrollment courses taken during the summer terms, the DOE must reimburse institutions by August 15 of the same year, before the beginning of the next academic year.

The bill authorizes the SBE to adopt rules to implement these provisions.

Early College Program

The bill modifies s. 1007.273, F.S., and changes the name of the collegiate high school program to the early college program. In addition, the bill:

⁵⁵ The bill does not include a reimbursement amount for career centers operated by school districts.

⁵⁶ The standard in-state tuition rate at an FCS institution is \$71.98 per credit hour. Section 1009.23(3)(a), F.S.

⁵⁷ The standard in-state tuition rate at state universities is \$105.07 per credit hour. Section 1009.24(4)(a), F.S.

- Changes the purpose of the program to remove specified grade levels and credit thresholds to specify that an early college program means a structured high school acceleration program in which a cohort of students is enrolled full-time in postsecondary courses toward an associate degree.
- Requires that early college program prioritize courses applicable as general education core courses⁵⁸ for an associate degree or a baccalaureate degree, and specifies that the early college program contract between a district school board and the local FCS institution, which includes a delineation of dual enrollment courses available, must include general education core courses.⁵⁹
- Requires the student performance contract for the early college program include a provision describing the applicability of dual enrollment courses in the program to an associate degree or a baccalaureate degree.
- Specifies that a charter school may execute a contract directly with the local FCS institution or another postsecondary institution to establish an early college program at a mutually agreed upon location.

Additionally, the bill includes conforming provisions to change the name of the collegiate high school program to the early college program related to K-12 student and parent rights and educational choice,⁶⁰ and requirements for a standards high school diploma for students with a disability.⁶¹

The modifications to the early college program may increase access to such programs by students in charter schools, and may assist students in choosing dual enrollment courses that will satisfy associate and baccalaureate degree requirements at public postsecondary institutions.

Reporting Requirement

The bill modifies sections 1007.271 and 1007.273, F.S., to establish reporting requirements relating to the dual enrollment and early college programs. By November 30, 2021, and annually thereafter, the commissioner must report to the Governor, President of the Senate, and the Speaker of the House of Representatives the status of dual enrollment and early college programs, including, at a minimum, a summary of student enrollment and completion at public and private postsecondary institutions.

FEFP Incentive for Dual Enrollment

The bill adds new provisions for funding students enrolled in dual enrollment courses and early college programs similar to FTE student membership incentives for successful completion of

⁵⁸ s. 1007.25 and Rule 6A-14.0303, F.A.C.

⁵⁹ General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. Beginning with students initially entering an FCS institution or state university in 2015-2016 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements. The general education core course options must be adopted in rule by the SBE and in regulation by the Board of Governors. Section 1007.25(3), F.S. See also Rule 6A-10.0303 and Board of Governors Regulation 8.005.

⁶⁰ Section 1002.20(6)(a), F.S.

⁶¹ Section 1003.4282(10)(c)2., F.S.

AP, IB, and AICE examinations. Specifically, for the 2020-2021 school year and thereafter, the bill:

- Provides bonus FTE funding to public school districts for any student who completes a general education core course through dual enrollment with an earned grade of “C” or better.
 - Students enrolled in an early college program generate a 0.16 FTE student membership bonus.
 - Students not enrolled in an early college program generate a 0.08 FTE student membership bonus.
- Provides bonus FTE funding for each associate degree earned through the dual enrollment program with 3.0 GPA or better. Students earning an associate degree with the required GPA generate a 0.3 FTE student membership bonus. Courses taken prior to 2020-2021 may be included in the associate degree. In the 2018-2019 academic year, 2,107 students earned an associate degree through dual enrollment prior to high school graduation.⁶²
- Specifies that bonus funding will be added to the total FTE student membership in basic programs for grades 9-12 in the subsequent fiscal year and requires school districts to allocate at least 50 percent of the bonus funds to the schools that generated the funds to support academic guidance and postsecondary readiness.

Adding performance funding incentives for students taking dual enrollment courses may incentivize public schools to increase the number of students enrolled in dual enrollment courses in both dual enrollment and early college programs.

The bill takes effect on July 1, 2020.

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.

⁶² Email, Florida Department of Education (Jan. 8, 2020).

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

None.

B. Private Sector Impact:

The financial supports for the dual enrollment and early college programs may increase opportunities for Florida secondary students to take college-credit courses that will count toward an associate or baccalaureate degree while still in high school, which may reduce costs for students and families.

C. Government Sector Impact:

For the 2020-2021 fiscal year, the estimated costs are as follows:

- The Dual Enrollment Scholarship Program is estimated to cost \$28.5 million. The estimate is based on tuition and instructional materials costs for the estimated number of private school and home education program students participating in dual enrollment in the fall and spring terms, and all dual enrollment students in the summer term.
- The dual enrollment FTE bonus funding within the Florida Education Finance Program (FEFP) is estimated to be \$61.3 million. This estimate is based on the weighted value for the number of students participating in dual enrollment and early college programs who complete courses with a “C” or better or graduate with an associate degree.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1007.271, 1007.273, 1011.62, 1002.20, 1003.4282, 1003.436, and 1011.68.

This bill creates section 1009.31 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.

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

By Senator Stargel

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1 A bill to be entitled
 2 An act relating to dual enrollment; amending s.
 3 1007.271, F.S.; clarifying that secondary students
 4 eligible for dual enrollment programs include students
 5 who are enrolled in home education programs; providing
 6 for exceptions to grade point average requirements
 7 relating to student eligibility; requiring that
 8 exceptions to required grade point averages be
 9 specified in the dual enrollment articulation
 10 agreement; prohibiting postsecondary institutions from
 11 establishing additional initial student academic
 12 eligibility requirements; prohibiting district school
 13 boards and Florida College System institutions from
 14 denying students who have met eligibility requirements
 15 from participating in dual enrollment except under
 16 specified circumstances; revising the date by which
 17 career centers are required to annually complete and
 18 submit specified agreements to the Department of
 19 Education; requiring district school boards to inform
 20 secondary students and their parents or legal
 21 guardians of specified information; prohibiting
 22 schools from enrolling students in dual enrollment
 23 courses under certain circumstances; revising the date
 24 by which eligible postsecondary institutions are
 25 required to annually complete and submit home
 26 education articulation agreements to the department;
 27 revising requirements for home education students
 28 enrolled in dual enrollment courses; conforming a
 29 provision to changes made by the act; requiring that

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30 instructional materials assigned for use within dual
 31 enrollment courses be made available to dual
 32 enrollment students from public schools, private
 33 schools, and home education programs free of charge;
 34 revising the date by which certain postsecondary
 35 institutions are required to annually complete and
 36 submit to the department a dual enrollment
 37 articulation agreement; revising requirements for the
 38 articulation agreement; revising provisions relating
 39 to funding for dual enrollment; providing that certain
 40 independent colleges and universities are eligible for
 41 inclusion in the dual enrollment and early admission
 42 programs; revising the date by which certain district
 43 school boards and Florida College System institutions
 44 are required to annually complete and submit a dual
 45 enrollment articulation agreement to the department;
 46 revising the date by which certain postsecondary
 47 institutions are required to annually complete and
 48 submit a private school articulation agreement to the
 49 department; revising requirements for such agreements;
 50 conforming provisions to changes made by the act;
 51 requiring the Commissioner of Education to annually
 52 report the status of dual enrollment programs to the
 53 Governor and the Legislature by a specified date;
 54 requiring the State Board of Education to adopt rules;
 55 amending s. 1007.273, F.S.; changing the term
 56 "collegiate high school program" to "early college
 57 program"; defining the term "early college program";
 58 requiring early college programs to prioritize certain

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59 courses; deleting requirements relating to collegiate
 60 high school programs; revising provisions relating to
 61 contracts executed between district school boards and
 62 their local Florida College System institutions to
 63 establish early college programs; revising provisions
 64 relating to student performance contracts for students
 65 participating in early college programs; authorizing
 66 charter schools to execute contracts to establish an
 67 early college program with specified institutions;
 68 requiring the commissioner to annually report the
 69 status of early college programs to the Governor and
 70 the Legislature by a specified date; creating s.
 71 1009.31, F.S.; providing legislative findings;
 72 establishing the Dual Enrollment Scholarship Program;
 73 providing for the administration of the program;
 74 providing for the reimbursement of tuition and costs
 75 to eligible postsecondary institutions; requiring
 76 students participating in dual enrollment programs to
 77 meet minimum eligibility requirements in order for
 78 institutions to receive reimbursements; requiring
 79 participating institutions to annually report
 80 specified information to the department by certain
 81 dates; providing a reimbursement schedule for tuition
 82 and instructional materials costs; requiring the
 83 department to reimburse institutions by specified
 84 dates; providing that reimbursement for dual
 85 enrollment courses is contingent upon appropriations;
 86 providing for the prorating of reimbursements under
 87 certain circumstances; requiring the State Board of

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88 Education to adopt rules; amending s. 1011.62, F.S.;
 89 revising provisions relating to the calculation of
 90 full-time equivalent student membership with respect
 91 to dual enrollment instruction for purposes of
 92 allocating funds for the operation of schools;
 93 amending ss. 1002.20 and 1003.4282, F.S.; conforming
 94 provisions to changes made by the act; amending s.
 95 1003.436, F.S.; conforming a cross-reference;
 96 reenacting s. 1011.68(1)(d), F.S., relating to funds
 97 for student transportation, to incorporate the
 98 amendments made to s. 1011.62, F.S.; providing an
 99 effective date.

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

101
 102
 103 Section 1. Section 1007.271, Florida Statutes, is amended
 104 to read:

105 1007.271 Dual enrollment programs.—

106 (1) The dual enrollment program is the enrollment of an
 107 eligible secondary student ~~or home education student~~ in a
 108 postsecondary course creditable toward high school completion
 109 and a career certificate or an associate or baccalaureate
 110 degree. A student who is enrolled in postsecondary instruction
 111 that is not creditable toward a high school diploma may not be
 112 classified as a dual enrollment student.

113 (2) For the purpose of this section, an eligible secondary
 114 student is a student who is enrolled in any of grades 6 through
 115 12 in a Florida public school or in a Florida private school
 116 that is in compliance with s. 1002.42(2) and provides a

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117 secondary curriculum pursuant to s. 1003.4282, or who is
 118 enrolled in a home education program pursuant to s. 1002.41.
 119 Students who are eligible for dual enrollment pursuant to this
 120 section may enroll in dual enrollment courses conducted during
 121 school hours, after school hours, and during the summer term.
 122 However, if the student is projected to graduate from high
 123 school before the scheduled completion date of a postsecondary
 124 course, the student may not register for that course through
 125 dual enrollment. The student may apply to the postsecondary
 126 institution and pay the required registration, tuition, and fees
 127 if the student meets the postsecondary institution's admissions
 128 requirements under s. 1007.263. Instructional time for dual
 129 enrollment may vary from 900 hours; however, the full-time
 130 equivalent student membership value shall be subject to the
 131 provisions in s. 1011.61(4). A student enrolled as a dual
 132 enrollment student is exempt from the payment of registration,
 133 tuition, and laboratory fees. Applied academics for adult
 134 education instruction, developmental education, and other forms
 135 of precollegiate instruction, as well as physical education
 136 courses that focus on the physical execution of a skill rather
 137 than the intellectual attributes of the activity, are ineligible
 138 for inclusion in the dual enrollment program. Recreation and
 139 leisure studies courses shall be evaluated individually in the
 140 same manner as physical education courses for potential
 141 inclusion in the program.

142 (3) ~~Student eligibility requirements~~ For initial enrollment
 143 in college credit dual enrollment courses, a student must
 144 achieve ~~include~~ a 3.0 unweighted high school grade point average
 145 and the minimum score on a common placement test adopted by the

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146 State Board of Education which indicates that the student is
 147 ready for college-level coursework. ~~Student eligibility~~
 148 ~~requirements~~ For continued enrollment in college credit dual
 149 enrollment courses, a student must maintain a minimum ~~must~~
 150 ~~include the maintenance~~ of a 3.0 unweighted high school grade
 151 point average and the minimum postsecondary grade point average
 152 established by the postsecondary institution. Regardless of
 153 meeting student eligibility requirements for continued
 154 enrollment, a student may lose the opportunity to participate in
 155 a dual enrollment course if the student is disruptive to the
 156 learning process such that the progress of other students or the
 157 efficient administration of the course is hindered. Student
 158 eligibility requirements for initial and continued enrollment in
 159 career certificate dual enrollment courses must include a 2.0
 160 unweighted high school grade point average. An exception
 161 ~~Exceptions~~ to the required grade point average for career
 162 certificate dual enrollment averages may be granted on an
 163 individual student basis. An exception to the required grade
 164 point average for college credit dual enrollment may be granted
 165 for students who achieve higher scores than the established
 166 minimum on the common placement test adopted by the State Board
 167 of Education. Any exception to the required grade point average
 168 must be specified in if the educational entities agree and the
 169 ~~terms of the agreement are contained within~~ the dual enrollment
 170 articulation agreement established pursuant to subsection (21).
 171 A postsecondary institution Florida College System institution
 172 ~~boards of trustees~~ may not establish additional initial student
 173 academic eligibility requirements, ~~which shall be included in~~
 174 ~~the dual enrollment articulation agreement, to ensure student~~

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175 ~~readiness for postsecondary instruction. Additional requirements~~
 176 ~~included in the agreement may not arbitrarily prohibit students~~
 177 ~~who have demonstrated the ability to master advanced courses~~
 178 ~~from participating in dual enrollment courses or limit the~~
 179 ~~number of dual enrollment courses in which a student may enroll~~
 180 ~~based solely upon enrollment by the student at an independent~~
 181 ~~postsecondary institution.~~

182 (4) District school boards may not refuse to enter into a
 183 dual enrollment articulation agreement with a local Florida
 184 College System institution if that Florida College System
 185 institution has the capacity to offer dual enrollment courses.

186 (5) A district school board or Florida College System
 187 institution may not deny a student who has met the state
 188 eligibility requirements from participating in dual enrollment
 189 unless the institution documents that it does not have the
 190 capacity to accommodate all eligible students seeking to
 191 participate in the dual enrollment program. If the institution
 192 documents that it does not have the capacity to accommodate all
 193 eligible students, participation must be based on a first-come,
 194 first-served basis.

195 ~~(6)-(5)~~(a) Each faculty member providing instruction in
 196 college credit dual enrollment courses must:

197 1. Meet the qualifications required by the entity
 198 accrediting the postsecondary institution offering the course.
 199 The qualifications apply to all faculty members regardless of
 200 the location of instruction. The postsecondary institution
 201 offering the course must require compliance with these
 202 qualifications.

203 2. Provide the institution offering the dual enrollment

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204 course a copy of his or her postsecondary transcript.

205 3. Provide a copy of the current syllabus for each course
 206 taught to the discipline chair or department chair of the
 207 postsecondary institution before the start of each term. The
 208 content of each syllabus must meet the same standards required
 209 for all college-level courses offered by that postsecondary
 210 institution.

211 4. Adhere to the professional rules, guidelines, and
 212 expectations stated in the postsecondary institution's faculty
 213 or adjunct faculty handbook. Any exceptions must be included in
 214 the dual enrollment articulation agreement.

215 5. Adhere to the rules, guidelines, and expectations stated
 216 in the postsecondary institution's student handbook which apply
 217 to faculty members. Any exceptions must be noted in the dual
 218 enrollment articulation agreement.

219 (b) Each president, or designee, of a postsecondary
 220 institution offering a college credit dual enrollment course
 221 must:

222 1. Provide a copy of the institution's current faculty or
 223 adjunct faculty handbook to all faculty members teaching a dual
 224 enrollment course.

225 2. Provide to all faculty members teaching a dual
 226 enrollment course a copy of the institution's current student
 227 handbook, which may include, but is not limited to, information
 228 on registration policies, the student code of conduct, grading
 229 policies, and critical dates.

230 3. Designate an individual or individuals to observe all
 231 faculty members teaching a dual enrollment course, regardless of
 232 the location of instruction.

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233 4. Use the same criteria to evaluate faculty members
 234 teaching a dual enrollment course as the criteria used to
 235 evaluate all other faculty members.

236 5. Provide course plans and objectives to all faculty
 237 members teaching a dual enrollment course.

238 ~~(7)(6)~~ The following curriculum standards apply to college
 239 credit dual enrollment:

240 (a) Dual enrollment courses taught on the high school
 241 campus must meet the same competencies required for courses
 242 taught on the postsecondary institution campus. To ensure
 243 equivalent rigor with courses taught on the postsecondary
 244 institution campus, the postsecondary institution offering the
 245 course is responsible for providing in a timely manner a
 246 comprehensive, cumulative end-of-course assessment or a series
 247 of assessments of all expected learning outcomes to the faculty
 248 member teaching the course. Completed, scored assessments must
 249 be returned to the postsecondary institution and held for 1
 250 year.

251 (b) Instructional materials used in dual enrollment courses
 252 must be the same as or comparable to those used in courses
 253 offered by the postsecondary institution with the same course
 254 prefix and number. The postsecondary institution must advise the
 255 school district of instructional materials requirements as soon
 256 as that information becomes available but no later than one term
 257 before a course is offered.

258 (c) Course requirements, such as tests, papers, or other
 259 assignments, for dual enrollment students must be at the same
 260 level of rigor or depth as those for all nondual enrollment
 261 postsecondary students. All faculty members teaching dual

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262 enrollment courses must observe the procedures and deadlines of
 263 the postsecondary institution for the submission of grades. A
 264 postsecondary institution must advise each faculty member
 265 teaching a dual enrollment course of the institution's grading
 266 guidelines before the faculty member begins teaching the course.

267 (d) Dual enrollment courses taught on a high school campus
 268 may not be combined with any noncollege credit high school
 269 course.

270 ~~(8)(7)~~ Career dual enrollment shall be provided as a
 271 curricular option for secondary students to pursue in order to
 272 earn industry certifications adopted pursuant to s. 1008.44,
 273 which count as credits toward the high school diploma. Career
 274 dual enrollment shall be available for secondary students
 275 seeking a degree and industry certification through a career
 276 education program or course. Each career center established
 277 under s. 1001.44 shall enter into an agreement with each high
 278 school in any school district it serves. Beginning with the
 279 2019-2020 school year, the agreement must be completed annually
 280 and submitted by the career center to the Department of
 281 Education by October ~~August~~ 1. The agreement must:

282 (a) Identify the courses and programs that are available to
 283 students through career dual enrollment and the clock hour
 284 credits that students will earn upon completion of each course
 285 and program.

286 (b) Delineate the high school credit earned for the
 287 completion of each career dual enrollment course.

288 (c) Identify any college credit articulation agreements
 289 associated with each clock hour program.

290 (d) Describe how students and their parents or legal

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291 guardians will be informed of career dual enrollment
 292 opportunities and related workforce demand, how students can
 293 apply to participate in a career dual enrollment program and
 294 register for courses through his or her high school, and the
 295 postsecondary career education expectations for participating
 296 students.

297 (e) Establish any additional eligibility requirements for
 298 participation and a process for determining eligibility and
 299 monitoring the progress of participating students.

300 (f) Delineate costs incurred by each entity and determine
 301 how transportation will be provided for students who are unable
 302 to provide their own transportation.

303 ~~(9)(f)~~ Each district school board shall inform all
 304 secondary students and their parents or legal guardians of dual
 305 enrollment as an educational option and mechanism for
 306 acceleration. Students and their parents or legal guardians
 307 shall be informed of student eligibility requirements, the
 308 option for taking dual enrollment courses beyond the regular
 309 school year, and the minimum academic credits required for
 310 graduation. In addition, students and their parents or legal
 311 guardians shall be informed that dual enrollment course grades
 312 are included in the student's college grade point average,
 313 become a part of the student's permanent academic record, and
 314 may affect the student's future financial aid eligibility. A
 315 school may not enroll a student in a dual enrollment course
 316 without an acknowledgment form on file, which must be signed by
 317 both the student and the student's parent or legal guardian.

318 District school boards shall annually assess the demand for dual
 319 enrollment and provide that information to each partnering

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320 postsecondary institution. Alternative grade calculation,
 321 weighting systems, and information regarding student education
 322 options that discriminate against dual enrollment courses are
 323 prohibited.

324 ~~(10)(f)~~ The Commissioner of Education shall appoint faculty
 325 committees representing public school, Florida College System
 326 institution, and university faculties to identify postsecondary
 327 courses that meet the high school graduation requirements of s.
 328 1003.4282 and to establish the number of postsecondary semester
 329 credit hours of instruction and equivalent high school credits
 330 earned through dual enrollment pursuant to this section that are
 331 necessary to meet high school graduation requirements. Such
 332 equivalencies shall be determined solely on comparable course
 333 content and not on seat time traditionally allocated to such
 334 courses in high school. The Commissioner of Education shall
 335 recommend to the State Board of Education those postsecondary
 336 courses identified to meet high school graduation requirements,
 337 based on mastery of course outcomes, by their course numbers,
 338 and all high schools shall accept these postsecondary education
 339 courses toward meeting the requirements of s. 1003.4282.

340 ~~(11)(f)~~ Early admission is a form of dual enrollment
 341 through which eligible secondary students enroll in a
 342 postsecondary institution on a full-time basis in courses that
 343 are creditable toward the high school diploma and the associate
 344 or baccalaureate degree. A student must enroll in a minimum of
 345 12 college credit hours per semester or the equivalent to
 346 participate in the early admission program; however, a student
 347 may not be required to enroll in more than 15 college credit
 348 hours per semester or the equivalent. Students enrolled pursuant

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349 to this subsection are exempt from the payment of registration,
350 tuition, and laboratory fees.

351 ~~(12)(11)~~ Career early admission is a form of career dual
352 enrollment through which eligible secondary students enroll full
353 time in a career center or a Florida College System institution
354 in postsecondary programs leading to industry certifications, as
355 listed in the CAPE Postsecondary Industry Certification Funding
356 List pursuant to s. 1008.44, which are creditable toward the
357 high school diploma and the certificate or associate degree.
358 Participation in the career early admission program is limited
359 to students who have completed a minimum of 4 semesters of full-
360 time secondary enrollment, including studies undertaken in the
361 ninth grade. Students enrolled pursuant to this section are
362 exempt from the payment of registration, tuition, and laboratory
363 fees.

364 ~~(12) The State Board of Education shall adopt rules for any~~
365 ~~dual enrollment programs involving requirements for high school~~
366 ~~graduation.~~

367 (13) (a) The dual enrollment program for a home education
368 student, including, but not limited to, students with
369 disabilities, consists of the enrollment of an eligible home
370 education secondary student in a postsecondary course creditable
371 toward an associate degree, a career certificate, or a
372 baccalaureate degree. To participate in the dual enrollment
373 program, an eligible home education secondary student must:

374 1. Provide proof of enrollment in a home education program
375 pursuant to s. 1002.41.

376 2. Be responsible for his or her own transportation unless
377 provided for in the articulation agreement.

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378 3. Sign a home education articulation agreement pursuant to
379 paragraph (b).

380 (b) Each public postsecondary institution eligible to
381 participate in the dual enrollment program pursuant to s.
382 1011.62(1)(i) must enter into a home education articulation
383 agreement with each home education student seeking enrollment in
384 a dual enrollment course and the student's parent or legal
385 guardian. By ~~October~~ August 1 of each year, the eligible
386 postsecondary institution shall complete and submit the home
387 education articulation agreement to the Department of Education.
388 The home education articulation agreement must include, at a
389 minimum:

390 1. A delineation of courses and programs available to
391 dually enrolled home education students. Courses and programs
392 may be added, revised, or deleted at any time by the
393 postsecondary institution. Any course or program limitations may
394 not exceed the limitations for other dually enrolled students.

395 2. The initial and continued eligibility requirements for
396 home education student participation, not to exceed those
397 required of other dually enrolled students. A home education
398 student must meet the same minimum score requirement on a common
399 placement test which is required of other dually enrolled
400 students. A high school grade point average may not be required
401 for home education students ~~who meet the minimum score on a~~
402 ~~common placement test adopted by the State Board of Education~~
403 ~~which indicates that the student is ready for college-level~~
404 ~~coursework~~; however, home education student eligibility
405 requirements for continued enrollment in dual enrollment courses
406 must include the maintenance of the minimum postsecondary grade

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407 point average established by the postsecondary institution for
408 other dually enrolled students.

409 3. The student's responsibilities for providing his or her
410 own transportation.

411 4. A copy of the statement on transfer guarantees developed
412 by the Department of Education under subsection (15).

413 (14) The Department of Education shall approve any course
414 for inclusion in the dual enrollment program that is contained
415 within the statewide course numbering system. However,
416 developmental education and physical education and other courses
417 that focus on the physical execution of a skill rather than the
418 intellectual attributes of the activity, may not be so approved
419 but must be evaluated individually for potential inclusion in
420 the dual enrollment program. This subsection may not be
421 construed to mean that an independent postsecondary institution
422 eligible for inclusion in a dual enrollment or early admission
423 program pursuant to subsection (23) s. 1011.62 must participate
424 in the statewide course numbering system developed pursuant to
425 s. 1007.24 to participate in a dual enrollment program.

426 (15) The Department of Education shall develop a statement
427 on transfer guarantees to inform students and their parents or
428 legal guardians, prior to enrollment in a dual enrollment
429 course, of the potential for the dual enrollment course to
430 articulate as an elective or a general education course into a
431 postsecondary education certificate or degree program. The
432 statement shall be provided to each district school
433 superintendent, who shall include the statement in the
434 information provided to all secondary students and their parents
435 or legal guardians as required pursuant to this subsection. The

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436 statement may also include additional information, including,
437 but not limited to, dual enrollment options, guarantees,
438 privileges, and responsibilities.

439 (16) Students who meet the eligibility requirements of this
440 section and who choose to participate in dual enrollment
441 programs are exempt from the payment of registration, tuition,
442 and laboratory fees.

443 (17) Instructional materials assigned for use within dual
444 enrollment courses shall be made available to dual enrollment
445 students from Florida public ~~high~~ schools, private schools, and
446 home education programs free of charge. ~~This subsection does not~~
447 ~~prohibit a Florida College System institution from providing~~
448 ~~instructional materials at no cost to a home education student~~
449 ~~or student from a private school.~~ Instructional materials
450 purchased by a district school board or Florida College System
451 institution board of trustees on behalf of dual enrollment
452 students shall be the property of the board against which the
453 purchase is charged.

454 (18) School districts and Florida College System
455 institutions must weigh dual enrollment courses the same as
456 advanced placement, International Baccalaureate, and Advanced
457 International Certificate of Education courses when grade point
458 averages are calculated. Alternative grade calculation systems,
459 alternative grade weighting systems, and information regarding
460 student education options that discriminate against dual
461 enrollment courses are prohibited.

462 (19) The Commissioner of Education may approve dual
463 enrollment agreements for limited course offerings that have
464 statewide appeal. Such programs shall be limited to a single

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465 site with multiple county participation.

466 (20) A postsecondary institution shall assign letter grades
467 to each student enrolled in a dual enrollment course. The letter
468 grade assigned by the postsecondary institution shall be posted
469 to the student's high school transcript by the school district.

470 (21) Each district school superintendent and each public
471 postsecondary institution president shall develop a
472 comprehensive dual enrollment articulation agreement for the
473 respective school district and postsecondary institution. The
474 superintendent and president shall establish an articulation
475 committee for the purpose of developing the agreement. Each
476 state university president may designate a university
477 representative to participate in the development of a dual
478 enrollment articulation agreement. A dual enrollment
479 articulation agreement shall be completed and submitted annually
480 by the postsecondary institution to the Department of Education
481 on or before October ~~August~~ 1. The agreement must include, but
482 is not limited to:

483 (a) A ratification or modification of all existing
484 articulation agreements.

485 (b) A description of the process by which students and
486 their parents are informed about opportunities for student
487 participation in the dual enrollment program.

488 (c) A delineation of courses and programs available to
489 students eligible to participate in dual enrollment.

490 (d) A description of the process by which students and
491 their parents exercise options to participate in the dual
492 enrollment program.

493 (e) The agreed upon common placement test scores and

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494 corresponding grade point average that may be accepted for
495 initial student eligibility if an exception to the minimum grade
496 point average is authorized pursuant to subsection (3) A list of
497 any additional initial student eligibility requirements for
498 participation in the dual enrollment program.

499 (f) A delineation of the high school credit earned for the
500 passage of each dual enrollment course.

501 (g) A description of the process for informing students and
502 their parents of college-level course expectations.

503 (h) The policies and procedures, if any, for determining
504 exceptions to the required grade point averages on an individual
505 student basis.

506 (i) The registration policies for dual enrollment courses
507 as determined by the postsecondary institution.

508 (j) Exceptions, if any, to the professional rules,
509 guidelines, and expectations stated in the faculty or adjunct
510 faculty handbook for the postsecondary institution.

511 (k) Exceptions, if any, to the rules, guidelines, and
512 expectations stated in the student handbook of the postsecondary
513 institution which apply to faculty members.

514 (l) The responsibilities of the school district regarding
515 the determination of student eligibility before participating in
516 the dual enrollment program and the monitoring of student
517 performance while participating in the dual enrollment program.

518 (m) The responsibilities of the postsecondary institution
519 regarding the transmission of student grades in dual enrollment
520 courses to the school district.

521 (n) A funding provision that delineates costs incurred by
522 each entity.

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523 1. School districts shall pay public postsecondary
 524 institutions the in-state resident standard tuition rate per
 525 credit hour from funds provided in the Florida Education Finance
 526 Program when dual enrollment course instruction takes place on
 527 the postsecondary institution's campus and the course is taken
 528 during the fall or spring term. When dual enrollment is provided
 529 on the high school site by postsecondary institution faculty,
 530 the school district shall reimburse the costs associated with
 531 the postsecondary institution's proportion of salary and
 532 benefits to provide the instruction. When dual enrollment course
 533 instruction is provided on the high school site by school
 534 district faculty, the school district is not responsible for
 535 payment to the postsecondary institution. A postsecondary
 536 institution may enter into an agreement with the school district
 537 to authorize teachers to teach dual enrollment courses at the
 538 high school site or the postsecondary institution. A school
 539 district may not deny a student access to dual enrollment unless
 540 the student is ineligible to participate in the program subject
 541 to provisions specifically outlined in this section.

542 2. Subject to annual appropriation in the General
 543 Appropriations Act, a public postsecondary institution shall
 544 receive an amount of funding equivalent to the standard tuition
 545 rate per credit hour for each dual enrollment course taken by a
 546 private school or home education student at the postsecondary
 547 institution during the fall and spring terms, pursuant to s.
 548 1009.31.

549 ~~3.2~~ Subject to annual appropriation in the General
 550 Appropriations Act, a public postsecondary institution shall
 551 receive an amount of funding equivalent to the standard tuition

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552 rate per credit hour for each dual enrollment course taken by a
 553 student during the summer term, pursuant to s. 1009.31.

554 (o) Any institutional responsibilities for student
 555 transportation, if provided.

556 (22) The Department of Education shall develop an
 557 electronic submission system for dual enrollment articulation
 558 agreements and shall review, for compliance, each dual
 559 enrollment articulation agreement submitted pursuant to
 560 subsections (13), (21), and (24). The Commissioner of Education
 561 shall notify the district school superintendent and the Florida
 562 College System institution president if the dual enrollment
 563 articulation agreement does not comply with statutory
 564 requirements and shall submit any dual enrollment articulation
 565 agreement with unresolved issues of noncompliance to the State
 566 Board of Education.

567 (23) District school boards and Florida College System
 568 institutions may enter into additional dual enrollment
 569 articulation agreements with state universities for the purposes
 570 of this section. School districts may also enter into dual
 571 enrollment articulation agreements with eligible independent
 572 colleges and universities ~~pursuant to s. 1011.62(1)(i).~~ An
 573 independent college or university that is not for profit, is
 574 accredited by a regional or national accrediting agency
 575 recognized by the United States Department of Education, and
 576 confers degrees as defined in s. 1005.02 shall be eligible for
 577 inclusion in the dual enrollment or early admission program. By
 578 October ~~August~~ 1 of each year, the district school board and the
 579 Florida College System institution shall complete and submit the
 580 dual enrollment articulation agreement with the state university

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581 or an eligible independent college or university, as applicable,
582 to the Department of Education.

583 (24) (a) The dual enrollment program for a private school
584 student consists of the enrollment of an eligible private school
585 student in a postsecondary course creditable toward an associate
586 degree, a career certificate, or a baccalaureate degree. In
587 addition, a private school in which a student, including, but
588 not limited to, students with disabilities, is enrolled must
589 award credit toward high school completion for the postsecondary
590 course under the dual enrollment program. To participate in the
591 dual enrollment program, an eligible private school student
592 must:

593 1. Provide proof of enrollment in a private school pursuant
594 to subsection (2).

595 2. Be responsible for his or her own ~~instructional~~
596 ~~materials and~~ transportation unless provided for in the
597 articulation agreement.

598 3. Sign a private school articulation agreement pursuant to
599 paragraph (b).

600 (b) Each public postsecondary institution eligible to
601 participate in the dual enrollment program pursuant to s.
602 1011.62(1)(i) must enter into a private school articulation
603 agreement with each eligible private school in its geographic
604 service area seeking to offer dual enrollment courses to its
605 students, including, but not limited to, students with
606 disabilities. By ~~October~~ August 1 of each year, the eligible
607 postsecondary institution shall complete and submit the private
608 school articulation agreement to the Department of Education.
609 The private school articulation agreement must include, at a

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610 minimum:

611 1. A delineation of courses and programs available to the
612 private school student. The postsecondary institution may add,
613 revise, or delete courses and programs at any time.

614 2. The initial and continued eligibility requirements for
615 private school student participation, not to exceed those
616 required of other dual enrollment students.

617 3. The student's responsibilities for providing his or her
618 own ~~instructional materials and~~ transportation.

619 4. A provision clarifying that the private school will
620 award appropriate credit toward high school completion for the
621 postsecondary course under the dual enrollment program.

622 5. A provision expressing that the private school of
623 enrollment is exempt from the payment of costs associated with
624 tuition and fees, including registration, and laboratory fees,
625 will not be passed along to the student.

626 (25) For students with disabilities, a postsecondary
627 institution eligible to participate in dual enrollment pursuant
628 to s. 1011.62(1)(i) shall include in its dual enrollment
629 articulation agreement, services and resources that are
630 available to students with disabilities who register in a dual
631 enrollment course at the eligible institution and provide
632 information regarding such services and resources to the Florida
633 Center for Students with Unique Abilities. The Department of
634 Education shall provide to the center the Internet website link
635 to dual enrollment articulation agreements specific to students
636 with disabilities. The center shall include in the information
637 that it is responsible for disseminating to students with
638 disabilities and their parents or legal guardians pursuant to s.

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639 1004.6495, dual enrollment articulation agreements and
640 opportunities for meaningful campus experience through dual
641 enrollment.

642 (26) By November 30, 2021, and annually thereafter, the
643 commissioner must report to the Governor, the President of the
644 Senate, and the Speaker of the House of Representatives the
645 status of dual enrollment programs, including, at a minimum, a
646 summary of student enrollment and completion for public school,
647 private school, and home education program students at public
648 and private postsecondary institutions.

649 (27) The State Board of Education shall adopt rules for any
650 dual enrollment programs involving requirements for high school
651 graduation.

652 Section 2. Section 1007.273, Florida Statutes, is amended
653 to read:

654 1007.273 Early college Collegiate high school program.—

655 (1) Each Florida College System institution shall work with
656 each district school board in its designated service area to
657 establish one or more early college collegiate high school
658 programs. As used in this section, the term "early college
659 program" means a structured high school acceleration program in
660 which a cohort of students is enrolled full-time in
661 postsecondary courses toward an associate degree. The early
662 college program must prioritize courses applicable as general
663 education core courses under s. 1007.25 for an associate degree
664 or a baccalaureate degree.

665 ~~(2) At a minimum, collegiate high school programs must~~
666 ~~include an option for public school students in grade 11 or~~
667 ~~grade 12 participating in the program, for at least 1 full~~

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668 ~~school year, to earn CAPE industry certifications pursuant to s.~~
669 ~~1008.44 and to successfully complete 30 credit hours through the~~
670 ~~dual enrollment program under s. 1007.271 toward the first year~~
671 ~~of college for an associate degree or baccalaureate degree while~~
672 ~~enrolled in the program.~~

673 ~~(2)(3)~~ Each district school board and its local Florida
674 College System institution shall execute a contract to establish
675 one or more early college collegiate high school programs at a
676 mutually agreed upon location or locations. ~~Beginning with the~~
677 ~~2015-2016 school year,~~ If the Florida College System institution
678 does not establish an early college a program with a district
679 school board in its designated service area, another Florida
680 College System institution may execute a contract with that
681 district school board to establish the early college program.
682 The contract must be executed by January 1 of each school year
683 for implementation of the program during the next school year.
684 The contract must:

685 (a) Identify the grade levels to be included in the early
686 college program collegiate high school program which must, at a
687 ~~minimum, include grade 12.~~

688 (b) Describe the early college collegiate high school
689 program, including the delineation of courses ~~that must, at a~~
690 ~~minimum, include general education core courses pursuant to s.~~
691 ~~1007.25; and industry certifications offered, including online~~
692 ~~course availability; the high school and college credits earned~~
693 ~~for each postsecondary course completed and industry~~
694 ~~certification earned; student eligibility criteria; and the~~
695 ~~enrollment process and relevant deadlines.~~

696 (c) Describe the methods, medium, and process by which

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697 students and their parents are annually informed about the
698 availability of the early college ~~collegiate high school~~
699 program, the return on investment associated with participation
700 in the early college program, and the information described in
701 paragraphs (a) and (b).

702 (d) Identify the delivery methods for instruction and the
703 instructors for all courses.

704 (e) Identify student advising services and progress
705 monitoring mechanisms.

706 (f) Establish a program review and reporting mechanism
707 regarding student performance outcomes.

708 (g) Describe the terms of funding arrangements to implement
709 the early college ~~collegiate high school~~ program pursuant to
710 subsection (5).

711 ~~(3)(4)~~ Each student participating in an early college a
712 ~~collegiate high school~~ program must enter into a student
713 performance contract, which must be signed by the student, the
714 parent or legal guardian, and a representative of the school
715 district and the applicable Florida College System institution
716 ~~partner, state university,~~ or other eligible postsecondary
717 institution partner participating pursuant to subsection (4)
718 ~~(5)~~. The performance contract must, at a minimum, specify
719 ~~include~~ the schedule of courses, by semester, and industry
720 certifications to be taken by the student, if any; student
721 attendance requirements; ~~and~~ course grade requirements; and the
722 applicability of such courses to an associate degree or a
723 baccalaureate degree.

724 ~~(4)(5)~~ In addition to executing a contract with the local
725 Florida College System institution under this section, a

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726 district school board may execute a contract to establish an
727 early college a ~~collegiate high school~~ program with a state
728 university or an institution that is eligible to participate in
729 the William L. Boyd, IV, Effective Access to Student Education
730 Grant Program, that is a nonprofit independent college or
731 university located and chartered in this state, and that is
732 accredited by the Commission on Colleges of the Southern
733 Association of Colleges and Schools to grant baccalaureate
734 degrees. Such university or institution must meet the
735 requirements specified under subsections (2) ~~(3)~~ and (3) ~~(4)~~. A
736 charter school may execute a contract directly with the local
737 Florida College System institution or another institution as
738 authorized under this section to establish an early college
739 program at a mutually agreed upon location.

740 ~~(5)(6)~~ The early college ~~collegiate high school~~ program
741 shall be funded pursuant to ss. 1007.271 and 1011.62. The State
742 Board of Education shall enforce compliance with this section by
743 withholding the transfer of funds for the school districts and
744 the Florida College System institutions in accordance with s.
745 1008.32.

746 (6) By November 30, 2021, and annually thereafter, the
747 commissioner must report the status of early college programs,
748 including, at a minimum, a summary of student enrollment in
749 public and private postsecondary institutions and completion
750 information to the Governor, the President of the Senate, and
751 the Speaker of the House of Representatives.

752 Section 3. Section 1009.31, Florida Statutes, is created to
753 read:

754 1009.31 Dual Enrollment Scholarship Program.-

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755 (1) The Legislature finds and declares that dual enrollment
 756 is an integral part of the education system in this state and
 757 should be available for all eligible secondary students without
 758 cost to the student. There is established the Dual Enrollment
 759 Scholarship Program to support postsecondary institutions in
 760 providing dual enrollment.

761 (2) The department shall administer the Dual Enrollment
 762 Scholarship Program in accordance with rules of the State Board
 763 of Education.

764 (3) (a) Beginning in the 2020 fall term, the program shall
 765 reimburse eligible postsecondary institutions for tuition and
 766 related instructional materials costs for dual enrollment
 767 courses taken by private school or home education program
 768 secondary students during the fall or spring terms.

769 (b) Beginning in the 2021 summer term, the program shall
 770 reimburse institutions for tuition and related instructional
 771 materials costs for dual enrollment courses taken by public
 772 school, private school, or home education program secondary
 773 students during the summer terms.

774 (4) A student participating in a dual enrollment program
 775 must meet the minimum eligibility requirements specified in s.
 776 1007.271 in order for the institution to receive a
 777 reimbursement.

778 (5) Annually, by March 15, each participating institution
 779 must report to the department its eligible secondary students
 780 from private schools or home education programs who were
 781 enrolled during the previous fall or spring terms. Annually, by
 782 July 15, each participating institution must report to the
 783 department its eligible public school, private school, or home

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784 education program students who were enrolled during the summer
 785 terms. For each dual enrollment course in which the student is
 786 enrolled, the report must include a unique student identifier,
 787 the postsecondary institution name, the postsecondary course
 788 number, the postsecondary course name, and the number of
 789 postsecondary course credits earned by the student.

790 (6) (a) Florida College System institutions shall be
 791 reimbursed at the in-state resident tuition rate established in
 792 s. 1009.23(3) (a).

793 (b) State University System institutions and independent
 794 postsecondary institutions shall be reimbursed at the standard
 795 tuition rate established in s. 1009.24(4) (a).

796 (c) Institutions shall be reimbursed for instructional
 797 materials costs based on a rate as specified in the General
 798 Appropriations Act.

799 (7) For dual enrollment courses taken during the fall and
 800 spring terms, the department must reimburse institutions by
 801 April 15 of the same year. For dual enrollment courses taken
 802 during the summer terms, the department must reimburse
 803 institutions by August 15 of the same year, before the beginning
 804 of the next academic year.

805 (8) Reimbursement for dual enrollment courses is contingent
 806 upon an appropriation in the General Appropriations Act each
 807 year. If the statewide reimbursement amount is greater than the
 808 appropriation, the institutional reimbursement amounts specified
 809 in subsection (6) shall be prorated among the institutions that
 810 have reported eligible students to the department by the
 811 deadlines specified in subsection (5).

812 (9) The State Board of Education shall adopt rules to

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813 implement this section.

814 Section 4. Paragraph (i) of subsection (1) of section
815 1011.62, Florida Statutes, is amended to read:

816 1011.62 Funds for operation of schools.—If the annual
817 allocation from the Florida Education Finance Program to each
818 district for operation of schools is not determined in the
819 annual appropriations act or the substantive bill implementing
820 the annual appropriations act, it shall be determined as
821 follows:

822 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
823 OPERATION.—The following procedure shall be followed in
824 determining the annual allocation to each district for
825 operation:

826 (i) *Calculation of full-time equivalent membership with
827 respect to dual enrollment instruction.*—

828 1. Students enrolled in dual enrollment instruction
829 pursuant to s. 1007.271 may be included in calculations of full-
830 time equivalent student memberships for basic programs for
831 grades 9 through 12 by a district school board. Instructional
832 time for dual enrollment may vary from 900 hours; however, the
833 full-time equivalent student membership value shall be subject
834 to the provisions in s. 1011.61(4). Dual enrollment full-time
835 equivalent student membership shall be calculated in an amount
836 equal to the hours of instruction that would be necessary to
837 earn the full-time equivalent student membership for an
838 equivalent course if it were taught in the school district.
839 Students in dual enrollment courses may also be calculated as
840 the proportional shares of full-time equivalent enrollments they
841 generate for a Florida College System institution or university

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842 conducting the dual enrollment instruction. Early admission
843 students shall be considered dual enrollments for funding
844 purposes. Students may be enrolled in dual enrollment
845 instruction provided by an eligible independent college or
846 university and may be included in calculations of full-time
847 equivalent student memberships for basic programs for grades 9
848 through 12 by a district school board. However, those provisions
849 of law which exempt dual enrolled and early admission students
850 from payment of instructional materials and tuition and fees,
851 including laboratory fees, shall not apply to students who
852 select the option of enrolling in an eligible independent
853 institution. ~~An independent college or university, which is not
854 for profit, is accredited by a regional or national accrediting
855 agency recognized by the United States Department of Education,
856 and confers degrees as defined in s. 1005.02 shall be eligible
857 for inclusion in the dual enrollment or early admission program.
858 Students enrolled in dual enrollment instruction shall be exempt
859 from the payment of tuition and fees, including laboratory fees.~~
860 No student enrolled in college credit mathematics or English
861 dual enrollment instruction shall be funded as a dual enrollment
862 unless the student has successfully completed the relevant
863 section of the entry-level examination required pursuant to s.
864 1008.30.

865 2. For students enrolled in an early college program
866 pursuant to s. 1007.273, a value of 0.16 full-time equivalent
867 student membership shall be calculated for each student who
868 completes a general education core course through the dual
869 enrollment program with a grade of "C" or higher. For students
870 who are not enrolled in an early college program, a value of

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871 0.08 full-time equivalent student membership shall be calculated
 872 for each student who completes a general education core course
 873 through the dual enrollment program with a grade of "C" or
 874 higher. Additionally, a value of 0.3 full-time equivalent
 875 student membership shall be calculated for any student who
 876 receives an associate degree through the dual enrollment program
 877 with a 3.0 grade point average or higher. Such value shall be
 878 added to the total full-time equivalent student membership in
 879 basic programs for grades 9 through 12 in the subsequent fiscal
 880 year. This subparagraph shall be applicable to credit earned by
 881 dually enrolled students for courses taken in the 2020-2021
 882 school year and each subsequent school year thereafter. If the
 883 associate degree is earned in 2020-2021 following completion of
 884 courses taken in the 2020-2021 school year, courses taken toward
 885 the degree as part of the dual enrollment program before 2020-
 886 2021 may not preclude eligibility for the 0.3 additional full-
 887 time equivalent student membership bonus. Each school district
 888 shall allocate at least 50 percent of the funds received from
 889 the dual enrollment bonus FTE funding in accordance with this
 890 paragraph to the schools that generated funds to support student
 891 academic guidance and postsecondary readiness.

892 3. For the purposes of this paragraph, general education
 893 core courses are those that are identified in rule by the State
 894 Board of Education and in regulation by the Board of Governors
 895 pursuant to s. 1007.25(3).

896 Section 5. Paragraph (a) of subsection (6) of section
 897 1002.20, Florida Statutes, is amended to read:

898 1002.20 K-12 student and parent rights.—Parents of public
 899 school students must receive accurate and timely information

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900 regarding their child's academic progress and must be informed
 901 of ways they can help their child to succeed in school. K-12
 902 students and their parents are afforded numerous statutory
 903 rights including, but not limited to, the following:
 904 (6) EDUCATIONAL CHOICE.—
 905 (a) *Public educational school choices.*—Parents of public
 906 school students may seek any public educational school choice
 907 options that are applicable and available to students throughout
 908 the state. These options may include controlled open enrollment,
 909 single-gender programs, lab schools, virtual instruction
 910 programs, charter schools, charter technical career centers,
 911 magnet schools, alternative schools, special programs, auditory-
 912 oral education programs, advanced placement, dual enrollment,
 913 International Baccalaureate, International General Certificate
 914 of Secondary Education (pre-AICE), CAPE digital tools, CAPE
 915 industry certifications, early college ~~collegiate high school~~
 916 programs, Advanced International Certificate of Education, early
 917 admissions, credit by examination or demonstration of
 918 competency, the New World School of the Arts, the Florida School
 919 for the Deaf and the Blind, and the Florida Virtual School.
 920 These options may also include the public educational choice
 921 options of the Opportunity Scholarship Program and the McKay
 922 Scholarships for Students with Disabilities Program.
 923 Section 6. Paragraph (c) of subsection (10) of section
 924 1003.4282, Florida Statutes, is amended to read:
 925 1003.4282 Requirements for a standard high school diploma.—
 926 (10) STUDENTS WITH DISABILITIES.—Beginning with students
 927 entering grade 9 in the 2014-2015 school year, this subsection
 928 applies to a student with a disability.

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929 (c) A student with a disability who meets the standard high
930 school diploma requirements in this section may defer the
931 receipt of a standard high school diploma if the student:

932 1. Has an individual education plan that prescribes special
933 education, transition planning, transition services, or related
934 services through age 21; and

935 2. Is enrolled in accelerated college credit instruction
936 pursuant to s. 1007.27, industry certification courses that lead
937 to college credit, an early college ~~a collegiate high school~~
938 program, courses necessary to satisfy the Scholar designation
939 requirements, or a structured work-study, internship, or
940 preapprenticeship program.

941
942 The State Board of Education shall adopt rules under ss.
943 120.536(1) and 120.54 to implement this subsection, including
944 rules that establish the minimum requirements for students
945 described in this subsection to earn a standard high school
946 diploma. The State Board of Education shall adopt emergency
947 rules pursuant to ss. 120.536(1) and 120.54.

948 Section 7. Paragraph (a) of subsection (1) of section
949 1003.436, Florida Statutes, is amended to read:

950 1003.436 Definition of "credit."—

951 (1) (a) For the purposes of requirements for high school
952 graduation, one full credit means a minimum of 135 hours of bona
953 fide instruction in a designated course of study that contains
954 student performance standards, except as otherwise provided
955 through the Credit Acceleration Program (CAP) under s.
956 1003.4295(3). One full credit means a minimum of 120 hours of
957 bona fide instruction in a designated course of study that

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958 contains student performance standards for purposes of meeting
959 high school graduation requirements in a district school that
960 has been authorized to implement block scheduling by the
961 district school board. The State Board of Education shall
962 determine the number of postsecondary credit hours earned
963 through dual enrollment pursuant to s. 1007.271 that satisfy the
964 requirements of a dual enrollment articulation agreement
965 according to s. 1007.271(21) and that equal one full credit of
966 the equivalent high school course identified pursuant to s.
967 1007.271(10) ~~s. 1007.271(9)~~.

968 Section 8. For the purpose of incorporating the amendment
969 made by this act to section 1011.62, Florida Statutes, in a
970 reference thereto, paragraph (d) of subsection (1) of section
971 1011.68, Florida Statutes, is reenacted to read:

972 1011.68 Funds for student transportation.—The annual
973 allocation to each district for transportation to public school
974 programs, including charter schools as provided in s.
975 1002.33(17)(b), of students in membership in kindergarten
976 through grade 12 and in migrant and exceptional student programs
977 below kindergarten shall be determined as follows:

978 (1) Subject to the rules of the State Board of Education,
979 each district shall determine the membership of students who are
980 transported:

981 (d) By reason of being career, dual enrollment, or students
982 with disabilities transported from one school center to another
983 to participate in an instructional program or service; or
984 students with disabilities, transported from one designation to
985 another in the state, provided one designation is a school
986 center and provided the student's individual educational plan

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987 (IEP) identifies the need for the instructional program or
988 service and transportation to be provided by the school
989 district. A "school center" is defined as a public school
990 center, Florida College System institution, state university, or
991 other facility rented, leased, or owned and operated by the
992 school district or another public agency. A "dual enrollment
993 student" is defined as a public school student in membership in
994 both a public secondary school program and a Florida College
995 System institution or a state university program under a written
996 agreement to partially fulfill ss. 1003.435 and 1007.23 and
997 earning full-time equivalent membership under s. 1011.62(1)(i).
998 Section 9. This act shall take effect July 1, 2020.

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 Committee on Education

BILL: SB 1420

INTRODUCER: Senator Flores

SUBJECT: Charter Schools

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dew	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1420 revises provisions regarding charter school applications, employee and board member criminal history checks, and virtual instruction programs. Specifically, the bill:

- Requires a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
- Allows another verification option for criminal history checks for charter school employees and governing board members.
- Specifies a high-performing charter school may submit two applications to establish a new charter school to be opened at a time determined by the high-performing charter school, with conditions.
- Authorizes a virtual charter school to provide part-time virtual instruction and contract with any public or charter school to provide any course the virtual school cannot otherwise provide.

The bill takes effect July 1, 2020.

II. Present Situation:

Florida Charter Schools

Charter schools are public schools that operate under a performance contract (charter),¹ which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results.² The charter between the charter school

¹ Section 1002.33(5)(a), F.S.

² Section 1002.33(7), F.S.

governing board and the charter school sponsor details the school's mission, program, goals, students served, methods of assessment, and ways to measure success.³

A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.⁴ Additionally, a state university may grant a charter to a developmental research (laboratory) school.⁵

In the 2018-2019 school year, over 313,000 students were enrolled in 658 charter schools in 47 Florida school districts.⁶

Charter School Applications

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.⁷

A sponsor receives and reviews all charter school applications⁸ and must, within 90 calendar days of receipt, approve or deny the application by majority vote.⁹ Charter applicants are required to prepare and submit an application on a standard form prepared by the Department of Education (DOE), which application contains information a sponsor may require and:¹⁰

- 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.
- 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.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.
- 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.

³ Florida Department of Education, *FAQ, What are charter schools?* <http://fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Jan. 14, 2020).

⁴ Section 1002.33(5)(a)1., F.S.

⁵ Section 1002.32, F.S. Such school must be considered a charter lab school. Section 1002.33(5)(a)2., F.S.

⁶ Florida Department of Education, *Florida's Charter Schools* (Sept. 2019), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2019.pdf>.

⁷ Section 1002.33(3)(a), F.S.

⁸ Section 1002.33(6)(b), F.S.

⁹ Section 1002.33(6)(b)3.a., F.S.

¹⁰ Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education Rule 6A-6.0786, F.A.C.

- Documents, for the establishment of a virtual charter school, that the applicant has contracted with a provider of virtual instruction services in accordance with law.¹¹

A sponsor must receive and consider charter school applications received on or before February 1 of each year in order 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.¹² 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.¹³

High-Performing Charter Schools

A charter school is considered a high-performing charter school if it:¹⁴

- Received at least two school grades of "A" and no school grade below "B" during each of the previous three school years or received at least two consecutive school grades of "A" in the most recent two school years.
- Received an unqualified opinion on each required annual financial audit¹⁵ in the most recent three fiscal years for which such audits are available, or two most recent fiscal years if the charter school earns two consecutive grades of "A."
- Did not receive a financial audit that revealed one or more of the financial emergency conditions specified in law¹⁶ in the most recent three fiscal years for which such audits are available, or two most recent fiscal years if the charter school earns two consecutive grades of "A."

There are currently 213 charter schools in the state designated as high-performing charter schools.¹⁷

High-Performing Charter School Applications

An application submitted by a high-performing charter school or a high-performing charter school system may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:¹⁸

- The application of a high-performing charter school does not materially comply¹⁹ with the charter school application requirements or, for a high-performing charter school system, the

¹¹ Section 1002.45(1)(d), F.S.

¹² Section 1002.33(6)(b), F.S. A sponsor may receive and consider applications after February 1, if it chooses. *Id.*

¹³ *Id.*

¹⁴ Section 1002.331(1), F.S.

¹⁵ Any local governmental entity, district school board, charter school, or charter technical career center that will not undergo a financial audit for that fiscal year by the Auditor General must have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds. Section 218.39(1), F.S.

¹⁶ Section 218.503(1), F.S.

¹⁷ Florida Department of Education, *Active High Performing Schools* (Dec. 18, 2019), available at <http://app4.fldoe.org/CSA/PostToWeb/ManageSearch.aspx>.

¹⁸ Section 1002.33(6)(b)3.b., F.S.

¹⁹ Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. Section 1002.33(6)(b)3.b., F.S.

application does not materially comply with high-performing charter school system application requirements specified in law;²⁰

- The charter school proposed in the application does not materially comply with charter school requirements specified in law;²¹
- The proposed charter school's educational program does not substantially replicate²² that of the applicant or one of the applicant's high-performing charter schools;
- The applicant has made a material misrepresentation or false statement, or concealed an essential or material fact during the application process; or
- The proposed charter school's educational program and financial management practices do not materially comply with the charter school requirements specified in law.

A high-performing charter school may submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program.²³

The Commissioner of Education (commissioner), upon request by a charter school, must verify that the charter school meets the specified criteria and provide a letter to the charter school and the sponsor stating that the charter school is a high-performing charter school. The commissioner must also annually determine whether a high-performing charter school continues to meet the specified criteria.²⁴ An application submitted by a high-performing charter school must include the verification letter provided by the commissioner.²⁵

If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based on identified criteria, supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the DOE. The applicant may appeal the sponsor's denial of the application to the State Board of Education (SBE).²⁶ If the sponsor fails to act on the application within 90 days after receipt, the application is deemed approved.²⁷

²⁰ Section 1002.332(2)(b), F.S.

²¹ Section 1002.33(9)(a)-(f), F.S.

²² An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools. Section 1002.33(6)(b)3.b., F.S.

²³ Section 1002.331(3)(a)1., F.S. A high-performing charter school may not establish more than two charter schools within the state in any year. However, a high-performing charter school may establish more than one charter school within the state in any year if it operates in the area of a persistently low-performing school and serves students from that school. Section 1002.331(3)(b), F.S.

²⁴ Section 1002.331(4), F.S.

²⁵ Section 1002.331(3)(a)1., F.S.

²⁶ Section 1002.33(6)(b)3.c., F.S. An applicant may appeal any denial of that applicant's application or failure to act on an application to the SBE 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. The SBE must by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed. The SBE must remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The SBE's decision is a final action subject to judicial review in the district court of appeal, and the sponsor must act upon the decision of the SBE within 30 calendar days after it is received. Section 1002.33(6)(c), F.S.

²⁷ Section 1002.331(3)(a)2., F.S.

Charter School Employees

For any employee who has direct contact with students, a charter school must conduct an employment history check of each of the individual's previous employers and conduct the required screening through the use of the educator screening tools.²⁸ Each employee and contracted personnel with direct student contact is required to undergo a state and national background screening by electronically filing a complete set of fingerprints with the Florida Department of Law Enforcement.²⁹ A charter school is required to disqualify any instructional personnel and school administrators from employment in any position that requires direct contact with students if the personnel are ineligible for such employment based on conviction of certain qualified offenses.³⁰

Charter School Funding and Financial Requirements

Students enrolled in a charter school are funded the same as students enrolled in other public schools in the school district, regardless of sponsorship.³¹ Funding for students enrolled in a charter school is based on the sum of the school district's operating funds from the Florida Education Finance Program (FEFP)³² and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy, divided and multiplied by the appropriate numbers of weighted full-time equivalent students.³³ Total funding for each charter school is recalculated during the year to reflect the state's revised calculations under the FEFP and the actual weighted full-time equivalent students reported by the charter school.³⁴ Each charter school reports its student enrollment to the sponsor as required by law, and the sponsor includes each charter schools' enrollment in the district's report of student enrollment.³⁵ Charter schools are entitled to their proportionate share of categorical program funds for eligible students and programs.³⁶

Charter schools are required to maintain and provide financial information through:³⁷

- Ensuring that the charter school has retained the services of a certified public accountant or auditor for the annual financial audit, who shall submit the report to the governing body according to the requirements defined by law.³⁸
- Reviewing and approving the audit report, including audit findings.
- Maintaining a website that enables the public to obtain information regarding the school, including the school's annual budget and its annual independent fiscal audit.³⁹

²⁸ The employment screening tools consist of the Professional Practices' Database of Disciplinary Actions Against Educators; and the Department of Education's Teacher Certification Database. Section 1001.10(5), F.S.

²⁹ Section 1002.421(1)(m), F.S.

³⁰ Sections 1002.33 and 1012.315, F.S.

³¹ Section 1002.33(17), F.S.

³² See s. 1011.62, F.S.

³³ 1002.33(17)(b), F.S.

³⁴ *Id.*

³⁵ Section 1002.33(17)(a), F.S.

³⁶ Florida Department of Education, *FAQ, How are charter school operations funded?* <http://fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited Jan. 14, 2020).

³⁷ Section 1002.33(9)(j)2.-3., F.S.

³⁸ Section 1002.345, F.S.

³⁹ Section 1002.33(9)(p)1., F.S.

For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district.⁴⁰

Virtual Instruction Programs

Virtual instruction programs provide instruction in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.⁴¹ DOE annually publishes online a list of providers approved to offer virtual instruction programs.⁴² The DOE-published list includes five approved virtual instruction providers for the 2018-2019 school year.⁴³

All students, including home education and private school students, are eligible to participate in any of the following:⁴⁴

- School district operated part-time or full-time kindergarten through grade 12 virtual instruction programs;⁴⁵
- Full-time virtual charter school instruction;⁴⁶
- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state;⁴⁷ or
- Virtual instruction provided by the Florida Virtual School.⁴⁸

A school district may enter into an agreement with a virtual charter school to provide full-time virtual instruction for students in kindergarten through grade 12.⁴⁹ A virtual charter school may provide instruction by:⁵⁰

- Contracting with the Florida Virtual School.
- Contracting with a DOE-approved provider.
- Entering into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The school district providing virtual instruction shall report full-time equivalent students for a virtual instruction program or a virtual charter school to DOE, and funding shall be provided through the FEFP.⁵¹

⁴⁰ Section 1002.33(18)(b), F.S.

⁴¹ Section 1002.45(1)(a)2., F.S.

⁴² Section 1002.45(2), F.S.

⁴³ Florida Department of Education, School Choice, *List of Approved Program and Course Providers*, <http://www.fldoe.org/schools/school-choice/virtual-edu/approved-provider-resources/approved-providers/> (last visited Mar. 27, 2019).

⁴⁴ Section 1002.455, F.S.

⁴⁵ See s. 1002.45(1)(b), F.S.

⁴⁶ See s. 1002.33, F.S.

⁴⁷ See s. 1003.498, F.S.

⁴⁸ See s. 1002.37, F.S.

⁴⁹ Section 1002.45(1)(c), F.S.

⁵⁰ Section 1002.45(1)(d), F.S.

⁵¹ Section 1002.45(7)(e), F.S.

Seven virtual charter schools currently operate in the state for the 2019-2020 school year and generate 3,748 full-time equivalent (FTE) enrollment for funding through the FEFP.⁵²

III. Effect of Proposed Changes:

SB 1420 revises provisions regarding charter school applications, employee and board member criminal history checks, and virtual instruction programs. Specifically, the bill:

- Requires a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
- Allows another verification option for criminal history checks for charter school employees and governing board members to complete criminal history checks.
- Specifies a high-performing charter school may submit two applications to establish a new charter school to be opened at a time determined by the high-performing charter school, with conditions.
- Authorizes a virtual charter school to provide part-time virtual instruction and contract with any public or charter school to provide any course the virtual school cannot otherwise provide.

Florida Charter Schools

Application

The bill removes the specified date by which charter school applications must be submitted and received each calendar year in order for the school to be opened the next year and prohibits a sponsor from refusing to receive a charter school application submitted any time during the calendar year. The bill also allows a charter school to be opened at a time determined by the applicant, such that the agreement of the sponsor is no longer required.

Employee Background Screening

The bill specifies that a charter school employee or governing board member who is subject to a criminal history check⁵³ must inform a school district if he or she has completed a criminal history check in another school district within the last five years. The school district is required to verify the results of the criminal history check using the shared services available through the Care Provider Background Screening Clearinghouse (clearinghouse).⁵⁴ A school district may not charge a fee for verifying the results of a charter school employee's or governing board member's criminal history check.

The Department of Education is defined as a qualified entity⁵⁵ for purposes of access to criminal history information⁵⁶ when fulfilling these duties and is required to participate in the

⁵² Email, Florida Department of Education (Jan. 17, 2020).

⁵³ Provisions for background screening are contained in s. 1012.32, F.S. Educator certification requirements are contained in s. 1012.56, F.S.

⁵⁴ The Care Provider Background Screening Clearinghouse is a secure web-based system created by the Agency for Health Care Administration in consultation with the Department of Law Enforcement. *See* s. 435.12, F.S.

⁵⁵ "Qualified entity" means a business or organization, whether public, private, operated for profit, operated not for profit, or voluntary, which provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services. Section 943.0542(1)(b), F.S.

⁵⁶ Access to criminal history information provided by the department to qualified entities is outlined in s. 943.0542, F.S.

clearinghouse. The fingerprint submission and rescreening schedule for instructional personnel certified under this section, without regard to who conducted the previous screening, is set according to the year the last screening was conducted. Specifically, rescreening is required:

- By December 31, 2020, for persons who serve in more than one county and submit fingerprints for rescreening after July 1, 2020, and persons for whom the last screening was conducted on or before December 31, 2014;
- By December 31, 2021, for persons for whom the last screening was conducted between January 1, 2015, and December 31, 2016; and
- By December 31, 2022, for persons for whom the last screening was conducted between January 1, 2017, and December 31, 2018.

Funding and Financial Requirements

The bill expands the authorized use of unrestricted current or capital assets identified in the charter school's annual financial audit by allowing these funds to be used by other charter schools operated by the not-for-profit or municipal entity within the state, rather than being limited to other charter schools within the school district. This may allow a charter school to expend its proportionate share of funding derived from local funds in another school district.

High-Performing Charter Schools

The bill applies both to high-performing charter schools that are yet to submit their applications and to those that have already had their applications approved. The bill specifies that a high-performing charter school has the option of submitting two applications for a charter school, to be opened at a time determined by the high-performing charter school. A high-performing charter school may not submit a subsequent application unless each charter school application commences operations or is otherwise withdrawn.

Virtual Charter Schools

The bill authorizes virtual charter schools to provide part-time virtual instruction, in addition to full-time instruction. The bill expands the authority under which a virtual charter school can operate by allowing a virtual charter school to:

- Be an approved virtual provider, rather than being authorized to contract with one.
- Contract with any public or charter school to provide any course that the virtual school cannot otherwise provide.

Expanding the availability of virtual charter school instruction may provide students with greater access to virtual instruction programs.

The bill takes effect July 1, 2020.

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 the following sections of the Florida Statutes: 1002.33, 1002.331, and 1002.45.

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.

By Senator Flores

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A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; prohibiting sponsors from refusing to receive a charter school application submitted during the calendar year; requiring certain charter school employees or governing board members to inform a school district if he or she has completed a criminal history check in another district within a certain timeframe; requiring the school district to verify the results of such criminal history check using a specified system; prohibiting the school district from charging a fee for verifying the results of such criminal history check; requiring the department to participate in a certain clearinghouse; providing a rescreening schedule for certain instructional personnel; revising how charter schools operated by not-for-profit or municipal entities may use certain unrestricted current and capital assets; amending s. 1002.331, F.S.; specifying how many applications a high-performing charter school may submit in any school district in the state to establish and operate a new charter school; providing applicability; amending s. 1002.45, F.S.; revising the virtual instruction a virtual charter school may provide; providing an effective date.

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

Section 1. Paragraph (b) of subsection (6), paragraph (g)

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of subsection (12), and paragraph (b) of subsection (17) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

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

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received during ~~on or~~ ~~before August 1~~ of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time determined ~~agreed to~~ by the applicant ~~and the sponsor~~. A sponsor may not refuse to receive a charter school application submitted by an applicant during the calendar year. ~~before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar 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. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.~~ 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 of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt

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59 of written notification, at least 7 calendar days to make
60 technical or nonsubstantive corrections and clarifications,
61 including, but not limited to, corrections of grammatical,
62 typographical, and like errors or missing signatures, if such
63 errors are identified by the sponsor as cause to deny the final
64 application.

65 1. In order to facilitate an accurate budget projection
66 process, a sponsor shall be held harmless for FTE students who
67 are not included in the FTE projection due to approval of
68 charter school applications after the FTE projection deadline.
69 In a further effort to facilitate an accurate budget projection,
70 within 15 calendar days after receipt of a charter school
71 application, a sponsor shall report to the Department of
72 Education the name of the applicant entity, the proposed charter
73 school location, and its projected FTE.

74 2. In order to ensure fiscal responsibility, an application
75 for a charter school shall include a full accounting of expected
76 assets, a projection of expected sources and amounts of income,
77 including income derived from projected student enrollments and
78 from community support, and an expense projection that includes
79 full accounting of the costs of operation, including start-up
80 costs.

81 3.a. A sponsor shall by a majority vote approve or deny an
82 application no later than 90 calendar days after the application
83 is received, unless the sponsor and the applicant mutually agree
84 in writing to temporarily postpone the vote to a specific date,
85 at which time the sponsor shall by a majority vote approve or
86 deny the application. If the sponsor fails to act on the
87 application, an applicant may appeal to the State Board of

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88 Education as provided in paragraph (c). If an application is
89 denied, the sponsor shall, within 10 calendar days after such
90 denial, articulate in writing the specific reasons, based upon
91 good cause, supporting its denial of the application and shall
92 provide the letter of denial and supporting documentation to the
93 applicant and to the Department of Education.

94 b. An application submitted by a high-performing charter
95 school identified pursuant to s. 1002.331 or a high-performing
96 charter school system identified pursuant to s. 1002.332 may be
97 denied by the sponsor only if the sponsor demonstrates by clear
98 and convincing evidence that:

99 (I) The application of a high-performing charter school
100 does not materially comply with the requirements in paragraph
101 (a) or, for a high-performing charter school system, the
102 application does not materially comply with s. 1002.332(2)(b);

103 (II) The charter school proposed in the application does
104 not materially comply with the requirements in paragraphs
105 (9)(a)-(f);

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

109 (IV) The applicant has made a material misrepresentation or
110 false statement or concealed an essential or material fact
111 during the application process; or

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

115
116 Material noncompliance is a failure to follow requirements or a

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117 violation of prohibitions applicable to charter school
 118 applications, which failure is quantitatively or qualitatively
 119 significant either individually or when aggregated with other
 120 noncompliance. An applicant is considered to be replicating a
 121 high-performing charter school if the proposed school is
 122 substantially similar to at least one of the applicant's high-
 123 performing charter schools and the organization or individuals
 124 involved in the establishment and operation of the proposed
 125 school are significantly involved in the operation of replicated
 126 schools.

127 c. If the sponsor denies an application submitted by a
 128 high-performing charter school or a high-performing charter
 129 school system, the sponsor must, within 10 calendar days after
 130 such denial, state in writing the specific reasons, based upon
 131 the criteria in sub-subparagraph b., supporting its denial of
 132 the application and must provide the letter of denial and
 133 supporting documentation to the applicant and to the Department
 134 of Education. The applicant may appeal the sponsor's denial of
 135 the application in accordance with paragraph (c).

136 4. For budget projection purposes, the sponsor shall report
 137 to the Department of Education the approval or denial of an
 138 application within 10 calendar days after such approval or
 139 denial. In the event of approval, the report to the Department
 140 of Education shall include the final projected FTE for the
 141 approved charter school.

142 5. Upon approval of an application, the initial startup
 143 shall commence with the beginning of the public school calendar
 144 for the district in which the charter is granted. A charter
 145 school may defer the opening of the school's operations for up

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146 to 3 years to provide time for adequate facility planning. The
 147 charter school must provide written notice of such intent to the
 148 sponsor and the parents of enrolled students at least 30
 149 calendar days before the first day of school.

150 (12) EMPLOYEES OF CHARTER SCHOOLS.—

151 (g)1. A charter school shall employ or contract with
 152 employees who have undergone background screening as provided in
 153 s. 1012.32. Members of the governing board of the charter school
 154 shall also undergo background screening in a manner similar to
 155 that provided in s. 1012.32.

156 a. A charter school employee or governing board member who
 157 is subject to a criminal history check under this section shall
 158 inform a school district if he or she has completed a criminal
 159 history check in another school district within the last 5
 160 years. The school district shall verify the results of the
 161 criminal history check using the shared system described in sub-
 162 paragraph (12) (g)1.b. The school district may not charge a
 163 fee for verifying the results of a charter school employee's or
 164 governing board member's criminal history check.

165 b. The department is a qualified entity for purposes of s.
 166 943.0542 when fulfilling its duties under this section and shall
 167 participate in the clearinghouse created under s. 435.12. The
 168 rescreening schedule of instructional personnel certified under
 169 this section, without regard to whether the previous screening
 170 was conducted by the department or by an employing school
 171 district, shall be:

172 (I) By December 31, 2020, for persons who serve in more
 173 than one county and submit fingerprints for rescreening after
 174 July 1, 2020, and persons for whom the last screening was

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175 conducted on or before December 31, 2014;

176 (II) By December 31, 2021, for persons for whom the last
 177 screening was conducted between January 1, 2015, and December
 178 31, 2016; and

179 (III) By December 31, 2022, for persons for whom the last
 180 screening was conducted between January 1, 2017, and December
 181 31, 2018.

182 2. A charter school shall disqualify instructional
 183 personnel and school administrators, as defined in s. 1012.01,
 184 from employment in any position that requires direct contact
 185 with students if the personnel or administrators are ineligible
 186 for such employment under s. 1012.315.

187 3. The governing board of a charter school shall adopt
 188 policies establishing standards of ethical conduct for
 189 instructional personnel and school administrators. The policies
 190 must require all instructional personnel and school
 191 administrators, as defined in s. 1012.01, to complete training
 192 on the standards; establish the duty of instructional personnel
 193 and school administrators to report, and procedures for
 194 reporting, alleged misconduct by other instructional personnel
 195 and school administrators which affects the health, safety, or
 196 welfare of a student; and include an explanation of the
 197 liability protections provided under ss. 39.203 and 768.095. A
 198 charter school, or any of its employees, may not enter into a
 199 confidentiality agreement regarding terminated or dismissed
 200 instructional personnel or school administrators, or personnel
 201 or administrators who resign in lieu of termination, based in
 202 whole or in part on misconduct that affects the health, safety,
 203 or welfare of a student, and may not provide instructional

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204 personnel or school administrators with employment references or
 205 discuss the personnel's or administrators' performance with
 206 prospective employers in another educational setting, without
 207 disclosing the personnel's or administrators' misconduct. Any
 208 part of an agreement or contract ~~which that~~ has the purpose or
 209 effect of concealing misconduct by instructional personnel or
 210 school administrators which affects the health, safety, or
 211 welfare of a student is void, is contrary to public policy, and
 212 may not be enforced.

213 4. Before employing instructional personnel or school
 214 administrators in any position that requires direct contact with
 215 students, a charter school shall conduct employment history
 216 checks of each of the personnel's or administrators' previous
 217 employers, screen the instructional personnel or school
 218 administrators through use of the educator screening tools
 219 described in s. 1001.10(5), and document the findings. If unable
 220 to contact a previous employer, the charter school must document
 221 efforts to contact the employer.

222 5. The sponsor of a charter school that knowingly fails to
 223 comply with this paragraph shall terminate the charter under
 224 subsection (8).

225 (17) FUNDING.—Students enrolled in a charter school,
 226 regardless of the sponsorship, shall be funded as if they are in
 227 a basic program or a special program, the same as students
 228 enrolled in other public schools in the school district. Funding
 229 for a charter lab school shall be as provided in s. 1002.32.

230 (b) The basis for the agreement for funding students
 231 enrolled in a charter school shall be the sum of the school
 232 district's operating funds from the Florida Education Finance

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233 Program as provided in s. 1011.62 and the General Appropriations
 234 Act, including gross state and local funds, discretionary
 235 lottery funds, and funds from the school district's current
 236 operating discretionary millage levy; divided by total funded
 237 weighted full-time equivalent students in the school district;
 238 multiplied by the weighted full-time equivalent students for the
 239 charter school. Charter schools whose students or programs meet
 240 the eligibility criteria in law are entitled to their
 241 proportionate share of categorical program funds included in the
 242 total funds available in the Florida Education Finance Program
 243 by the Legislature, including transportation, the research-based
 244 reading allocation, and the Florida digital classrooms
 245 allocation. Total funding for each charter school shall be
 246 recalculated during the year to reflect the revised calculations
 247 under the Florida Education Finance Program by the state and the
 248 actual weighted full-time equivalent students reported by the
 249 charter school during the full-time equivalent student survey
 250 periods designated by the Commissioner of Education. For charter
 251 schools operated by a not-for-profit or municipal entity, any
 252 unrestricted current and capital assets identified in the
 253 charter school's annual financial audit may be used for other
 254 charter schools operated by the not-for-profit or municipal
 255 entity within the ~~state school district~~. Unrestricted current
 256 assets shall be used in accordance with s. 1011.62, and any
 257 unrestricted capital assets shall be used in accordance with s.
 258 1013.62(2).

259 Section 2. Subsection (3) of section 1002.331, Florida
 260 Statutes, is amended to read:

261 1002.331 High-performing charter schools.—

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262 (3)(a)1. A high-performing charter school may submit an
 263 application pursuant to s. 1002.33(6) in any school district in
 264 the state to establish and operate a new charter school that
 265 will substantially replicate its educational program. An
 266 application submitted by a high-performing charter school must
 267 state that the application is being submitted pursuant to this
 268 paragraph and must include the verification letter provided by
 269 the Commissioner of Education pursuant to subsection (4).

270 2. If the sponsor fails to act on the application within 90
 271 days after receipt, the application is deemed approved and the
 272 procedure in s. 1002.33(7) applies.

273 (b) A high-performing charter school may submit two
 274 applications for a charter school ~~not establish more than two~~
 275 ~~charter schools~~ within the state under paragraph (a) to be
 276 opened at a time determined by the high-performing charter
 277 school. in any year. A subsequent application to establish a
 278 charter school under paragraph (a) may not be submitted unless
 279 each charter school application commences operations or an
 280 application is otherwise withdrawn. ~~each charter school~~
 281 ~~established in this manner achieves high-performing charter~~
 282 ~~school status.~~ However, a high-performing charter school may
 283 establish more than one charter school within the state under
 284 paragraph (a) in any year if it operates in the area of a
 285 persistently low-performing school and serves students from that
 286 school.

287 (c) This section applies to any high-performing charter
 288 school with an existing approved application.

289 Section 3. Paragraph (d) of subsection (1) of section
 290 1002.45, Florida Statutes, is amended to read:

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291 1002.45 Virtual instruction programs.-

292 (1) PROGRAM.-

293 (d) A virtual charter school may provide full-time and
294 part-time virtual instruction for students in kindergarten
295 through grade 12 if the virtual charter school has a charter
296 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~
297 ~~instruction~~. A virtual charter school may:

298 1. Contract with the Florida Virtual School.

299 2. Contract with or be an approved provider under
300 subsection (2).

301 3. Enter into an agreement with a school district to allow
302 the participation of the virtual charter school's students in
303 the school district's virtual instruction program. The agreement
304 must indicate a process for reporting of student enrollment and
305 the transfer of funds required by paragraph (7) (e).

306 4. Contract with any public or charter school to provide
307 any course that the virtual school cannot otherwise provide.

308 Section 4. This act shall take effect July 1, 2020.

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 Committee on Education

BILL: SPB 7040

INTRODUCER: For consideration by the Education Committee

SUBJECT: Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission

DATE: January 17, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick</u>	<u>Sikes</u>	_____	<u>Pre-meeting</u>

I. Summary:

SPB 7040 provides additional safeguards for Florida’s students and schools by building upon the school safety and security foundation established in the Marjory Stoneman Douglas High School Public Safety Act and the recommendations of the Marjory Stoneman Douglas High School Public Safety Commission (commission). The bill:

- Improves school safety planning and reporting to require:
 - Each district school board to adopt a school district emergency event family reunification plan to reunite students and employees with their families in the event of an emergency.
 - The State Board of Education to establish emergency drill policies and procedures.
 - Comprehensive participation from all members of a school threat assessment team.
 - Law enforcement officers responsible for responding to the school in the event of an emergency to be on campus and directly involved in the execution of emergency drills.
 - Alignment of school-based diversion programs with local judicial circuit diversion programs.
 - Each district school board to adopt policies to ensure the accurate and timely reporting of all school safety and discipline incidents.
 - The Office of Safe Schools (OSS) include in school safety specialist training information about federal and state reporting and data privacy laws.
- Enhances the safe school officer position and the role of the county sheriff by:
 - Requiring school safety officers to complete mental health crisis intervention training.
 - Expanding the power of school safety officers to make arrests on property owned or leased by a charter school in the district.
 - Making the sheriff responsible for the provision of Feis guardian training and clarifying the training requirements applicable to such training.
- Strengthens school mental health coordination and implementation and requires:
 - A workgroup to provide guidance on the implementation of mental health-related recommendations of the commission.
 - Additional reporting requirements for the mental health assistance allocation.

- Individualized Education Plans to include additional provisions related to post-high school transition.
- Strengthens school safety oversight and accountability by directing the:
 - Commissioner of Education to enforce compliance with all school safety requirements.
 - OSS to coordinate compliance with school safety incident reporting.
 - FortifyFL reporting tool to notify users of consequences for false reporting.
- Expands representation on the commission to include superintendents, principals, or teachers.

The bill takes effect upon becoming a law, unless otherwise specified.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

School Safety Planning and Reporting

Present Situation

Safety Incident Reporting

Each district school board is required to adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline.¹ The School Environmental Safety Incident Reporting (SESIR) system collects data on incidents related to school safety and discipline that occur on school grounds, school transportation, and off-campus, school-sponsored events.² The State Board of Education (SBE or state board) is required to adopt rules establishing the requirements for the SESIR.³

The law requires each school principal to ensure that standardized forms prescribed by SBE rule are used to report data concerning school safety and discipline to the Department of Education (DOE).⁴ The DOE may notify a district school board to withhold the salary of a district school superintendent who has failed to comply with SESIR reporting requirements and impose other appropriate sanctions that the Commissioner of Education (commissioner) or state board may impose.⁵ A district school board member who is responsible for a violation of the reporting or sanctions requirements applicable to a superintendent is subject to suspension and removal.⁶

District school boards are required to promote a safe and supportive learning environment in schools. In this regard, district school boards are required to adopt policies prohibiting crime and

¹ Section 1006.07(9), F.S.

² FSU Center of Criminology and Florida Department of Education *The Florida School Environmental Safety and Incident Reporting (SESIR) system* (2006), available at <http://criminology.fsu.edu/wp-content/uploads/The-Florida-School-Environmental-Safety-Incident-Reporting-SESIR-System.pdf>, at 1.

³ Section 1006.07(9), F.S.

⁴ Section 1006.09(6), F.S.

⁵ Section 1001.212(8), F.S.

⁶ Section 1001.42(13)(b), F.S.

victimization, hazing, bullying and harassment, and dating violence and abuse.⁷ School board policies prohibiting bullying and harassment must include procedures for tracking data and reporting incidents to the DOE, which prepares an annual report on bullying and harassment policies to the Governor, the President of the Senate (President), and the Speaker of the House of Representatives (Speaker).⁸

School Emergency Response Policies and Procedures

District school boards must formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats, for all students and faculty at all district K-12 public schools.⁹

Drills for active shooter and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. District school board policies must establish model emergency management and emergency preparedness procedures, including emergency notification procedures.¹⁰

The Florida Safe Schools Assessment Tool (FSSAT) is required to be used by school officials at each school district and public school site in the state in conducting security assessments and is intended to help school officials identify threats, vulnerabilities and appropriate safety controls for the schools that they supervise.¹¹ The FSSAT is required to address certain components of school safety, such as school emergency and crisis preparedness planning.¹²

Threat Assessment Teams

Each district school board must adopt policies for the establishment of threat assessment teams (TATs) at each school.¹³ The purpose of TATs is to coordinate resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students. Each TAT must include persons with expertise in counseling, instruction, school administration, and law enforcement.¹⁴ The Office of Safe Schools (OSS) developed a Behavioral Threat Assessment Instrument (CSTAG)¹⁵ to assist TATs in the threat assessment process. The law provides specific requirements for the CSTAG, including that the CSTAG address training for TATs and school administrators.¹⁶

⁷ Sections 1006.13, 1006.135, 1006.147, and 1006.148, F.S.

⁸ Section 1006.147, F.S.

⁹ Section 1006.07(4), F.S.

¹⁰ Section 1006.07(4), F.S.

¹¹ Section 1006.1493, F.S.

¹² *Id.*

¹³ Section 1006.07(7), F.S.

¹⁴ *Id.*

¹⁵ Comprehensive School Threat Assessment Guidelines. Florida Department of Education, *Memo to School District Superintendents and Charter School Administrators Regarding the Standardized Behavioral Threat Assessment Instrument* (Aug. 1, 2019), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8617/DPS-2019-116.pdf>.

¹⁶ Section 1001.212(12)(a)6., F.S.

Mobile Suspicious Activity Reporting Tool (FortifyFL)

FortifyFL, the mobile suspicious activity reporting tool, is a computer and mobile phone application free to all public and private schools in Florida.¹⁷ District and school-level administrators receive and must respond to tips from FortifyFL. Any tips submitted via FortifyFL are sent to local school district and law enforcement officials until action is taken.¹⁸

The identity of the reporting party received through the mobile suspicious activity reporting tool is confidential and exempt from public records disclosure requirements. Information received through the mobile suspicious activity reporting tool is also exempt.¹⁹

Juvenile Diversion Programs

Juvenile diversion programs (diversion programs) are alternatives to juvenile arrest. A juvenile arrest may be diverted based on comprehensive knowledge of the juvenile's criminal history, prior contacts with law enforcement, and prior program enrollment.²⁰ Florida law directs that a civil citation or similar pre-arrest diversion program for misdemeanor offenses be established in each judicial circuit in the state.²¹

Compliance with the community-based diversion programs includes all reporting requirements, specifically that criminal diversions be entered into Juvenile Justice Information System (JJIS) Prevention Web.²² School districts may still operate their own "diversion programs" that address non-criminal conduct, such as Student Code of Conduct violations and other misbehavior.²³

Currently, 58 school districts do not offer any form of school-based diversion program.²⁴ Seven school districts participate in the civil citation or similar prearrest diversion program of the local judicial circuit, and three school districts operate school-based diversion programs.²⁵

Effect of Proposed Changes

Safety Incident Reporting

The bill modifies s. 1006.07(9), F.S., to clarify that a district school board's duty to adopt policies to ensure the reporting of incidents related to school safety and discipline includes the

¹⁷ Florida Department of Education, *FortifyFL School Safety Awareness Program* (Oct. 26, 2018) available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>, at 1-2.

¹⁸ *Id.*

¹⁹ Section 943.082(6), F.S.

²⁰ Marjory Stoneman Douglas High School Public Safety Commission (Commission), *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>, at 131.

²¹ Section 985.12, F.S.

²² *Id.*

²³ Commission, *supra* note 20, at 133.

²⁴ Florida Department of Juvenile Justice, *Statewide Audit of School-Based Diversion Programs* (July 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/Meetings/2019/August/August-14-1015am-Report-on-Statewide-Assessment-DJ.aspx>, at 21-23.

²⁵ *Id.* The information that is required to be entered into JJIS Prevention Web varies among school districts who participate in the local judicial circuit diversion programs. Sarasota County School District participates in the local judicial circuit diversion program but also appears to operate a school-based diversion program. *Id.*

reporting of incidents related to SESIR, zero tolerance for crime and victimization, hazing, bullying and harassment, and dating violence and abuse. The bill also clarifies that school principals must ensure that incidents concerning school safety and discipline are reported to the DOE through the SESIR system.

The bill clarifies the enforcement authority for school district and charter school reporting requirements under the SESIR system to specify that, upon notification by the commissioner, the district school board or charter school governing board must withhold the salary of a superintendent or charter school administrator for failure to comply with such requirements, based on clear and convincing evidence, pending demonstration of full compliance.

The bill authorizes the SBE to adopt rules establishing the requirements for all school safety incident reporting.

This clarification may improve school safety incident reporting by school districts and charter schools.

Emergency Drills

The bill modifies s. 1006.07, F.S., to require the SBE refer to recommendations provided in published reports of the Marjory Stoneman Douglas High School Public Safety Commission (commission), consult with state and local constituencies, and adopt rules establishing minimum requirements for school district policies and procedures related to emergency response and drills. The SBE's rules must be adopted by August 1, 2020, and must:

- Define, at a minimum, “emergency drill,” “active threat,” and “after-action report.”
- Establish minimum requirements related to the timing frequency, participation, training, notification, accommodations, and responses to threat situations.
- Specifically address incident type, school level, school type, and student and school characteristics.
- Require all types of emergency drills be conducted no less frequently than on an annual basis.

The bill requires sheriffs to coordinate with the district school safety specialist to determine the necessary law enforcement officers responsible for responding to a school in the event of an active assailant emergency, and requires the designated law enforcement officers to be physically present on campus and directly involved in the execution of active assailant drills.

These changes may provide for consistent application of emergency drill requirements across all school districts.

Emergency Event Family Reunification

The bill modifies s. 1006.07, F.S., to require district school boards and charter school governing boards to, by August 1, 2021, adopt an emergency event family reunification plan for the purpose of reuniting students and employees with their families in the event of a mass casualty or other emergency event situation. The bill requires the adoption of the emergency event family reunification plans to be coordinated with local law enforcement agencies.

The bill modifies s. 1001.212, F.S., to require the OSS develop, in coordination with the Division of Emergency Management and other federal, state, and local law enforcement agencies and first-responder agencies, a model emergency event family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions that are closed or unexpectedly evacuated due to natural or man-made disasters or emergencies.

The bill amends s. 1006.1493, F.S., to require the FSSAT address policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families after a school is closed or unexpectedly evacuated due to such disasters or emergencies.

Threat Assessment Teams

The bill modifies s. 1006.07, F.S., relating to TATs. Specifically, the bill:

- Clarifies that the law enforcement presence on a threat assessment team must include a sworn law enforcement officer who has undergone threat assessment training identified by the OSS.
- Requires that all members of the TAT be involved in the threat assessment process from start to finish, including the determination of the final disposition decision.

These changes may ensure that all members of the TAT are active participants in the entire threat assessment process.

Mobile Suspicious Activity Reporting Tool (FortifyFL)

The bill modifies s. 943.082, F.S., effective October 1, 2020, to require notification to parties reporting through FortifyFL that if, following investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies and the reporting party may be subject to criminal penalties for a false report. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report must remain anonymous.

Juvenile Diversion Programs

The bill modifies s. 985.12, F.S., to require the Department of Juvenile Justice and the state attorney of each judicial circuit to monitor and enforce compliance with school-based diversion program requirements, in cooperation with the DOE. School-based diversion programs must:

- Operate consistently with criteria established by the state attorney in the judicial circuit in which the school is located.
- Be defined in school policy and the code of conduct.
- Be approved by the district school board, charter school governing board, or private school governing authority, as applicable.

The bill requires the OSS to maintain a current directory of public and private school-based diversion programs and cooperate with each judicial circuit and the Department of Juvenile Justice (DJJ), which are responsible for facilitating compliance with the law. The bill requires law enforcement officers to have field access to JJIS Prevention Web by the 2021-2022 fiscal year.

These changes may ensure all school-based diversion programs meet established requirements for prearrest diversion programs. This may improve the quality and accountability of such diversion programs.

Safe School Officers

Present Situation

Safe School Officer Requirement

Florida law requires each district school board and school district superintendent to partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district and charter schools.²⁶ These options include:

- Establishing a school resource officer (SRO) program, through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers²⁷ who must meet specified screening requirements²⁸ and also complete mental health crisis intervention training.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers with the power of arrest on district school property, who are employed by either a law enforcement agency or by the district school board. School safety officers must undergo the same screening requirements as an SRO.
- Participating in the Coach Aaron Feis Guardian Program (guardian program).
- Contracting with a security agency²⁹ to employ as a school security guard an individual who holds a Class “D” and Class “G” license³⁰ and completes the same training and evaluation requirements as a school guardian.

Coach Aaron Feis Guardian Program

The guardian program was established in 2018³¹ as an option for school districts to meet the safe-school officer requirements in law.³² Persons certified as school guardians have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.³³

²⁶ Section 1006.12, F.S.

²⁷ “Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. Section 943.10(1), F.S.

²⁸ SROs must undergo criminal background checks, drug testing, and a psychological evaluation. Section 1006.12(1)(a), F.S.

²⁹ “Security agency” means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners. This includes any person who utilizes dogs and individuals to provide security services. Section 493.6101(18), F.S.

³⁰ License requirements are specified in chapter 493.

³¹ Section 26, ch. 2018-3, L.O.F.

³² Section 1006.12, F.S.

³³ Section 30.15(1)(k), F.S.

A sheriff is required to provide access to a guardian program to aid in the prevention or abatement of active assailant incidents on school premises³⁴ If a district school board has voted by a majority to implement a guardian program, the sheriff in that county must establish a guardian program to provide training to school district or charter school employees, either directly or through a contract with another sheriff's office that has established a guardian program.³⁵

In addition, a charter school governing board in a school district that has not implemented a guardian program may request the sheriff in the county to establish a guardian program for the purpose of training the charter school employees. If the county sheriff denies the request, the charter school governing board may contract with a sheriff that has established a guardian program to provide such training. The charter school governing board must notify the superintendent and the sheriff in the charter school's county of the contract prior to its execution.

The sheriff must certify as school guardians school employees who:³⁶

- Hold a valid concealed weapon license.³⁷
- Complete a 144-hour training program, consisting of 12 hours of certified nationally recognized diversity training and 132 total hours of comprehensive firearm safety and proficiency training, including 12 hours of training in precision pistol, conducted by Criminal Justice Standards and Training Commission (CJSTC)-certified instructors.
- Pass a psychological evaluation administered by a licensed psychologist³⁸ and designated by the Florida Department of Law Enforcement (FDLE) and submit the results of the evaluation to the sheriff's office.
- Submit to and pass an initial drug test and subsequent random drug tests in accordance with law³⁹ and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

The sheriff who conducts the guardian training must issue a school guardian certificate to individuals who have completed the required training to the satisfaction of the sheriff. The sheriff must also maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian certified by the sheriff. An individual certified as a school guardian may serve only if he or she is appointed by the applicable school district superintendent or charter school principal.⁴⁰

³⁴ Section 30.15(1)(k), F.S. A sheriff is required to consult with the Florida Department of Law Enforcement on programmatic guiding principles, practices, and resources in establishing a school guardian program. Section 30.15(1)(k)2., F.S.

³⁵ Section 30.15(1)(k)1.a., F.S. The sheriff conducting the training is reimbursed for screening-related and training-related costs and for providing a one-time stipend of \$500 to each school guardian who participates in the school guardian program. Section 30.15(1)(k)1.c., F.S.

³⁶ Section 30.15(1)(k)2., F.S.

³⁷ See section 790.06, F.S.

³⁸ Chapter 490 of the Florida Statutes governs licensure for psychological services.

³⁹ Section 112.0455, F.S.

⁴⁰ Section 30.15(1)(k), F.S.

Effect of Proposed Changes

The bill modifies s. 1006.12, F.S., relating to safe-school officers to align requirements between sworn law enforcement (SROs and school safety officers) and between Feis guardian program certified personnel (school guardians and school security guards).

The bill modifies requirements relating to school safety officer authority and training by:

- Clarifying that school safety officers have the power to make arrests on property owned or leased by a charter school in the district.
- Requiring that school safety officers must complete mental health crisis intervention training, similar to the training required of an SRO.

These provisions may clarify the authority of a school safety officer within the school district, and ensure that all sworn law enforcement officers in schools are trained to deal with crisis situations.

The bill also establishes requirements for Feis guardian program certified school security guards to clarify training, screening, authority, and oversight. Specifically:

- The school security guard must satisfactorily complete all requirements of the guardian program, and that training must be conducted by a county sheriff.
- The sheriff providing the training for a school security guard must be reimbursed by the DOE for screening- and training-related costs.
- The sheriff must maintain specified training, certification, inspection, and qualification records for school security guards.
- Similar to a school guardian, the school security guard has no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.
- The contract between a security agency and district school board must also define conditions, requirements, costs, and responsibilities necessary to satisfy background screening requirements.
- A school security guard serving in the capacity of a safe-school officer is considered to be a “noninstructional contractor” for the purpose of background screening, which must be satisfied prior to the school security guard being permitted access to school grounds.
- An individual may only serve as a school security guard if he or she is appointed by the applicable school district superintendent or charter school administrator.

The bill modifies s. 30.15, F.S., to clarify that the sheriff is responsible for Feis guardian program training. A sheriff may provide Feis guardian program training to school district or charter school employees directly, through a contract with an entity selected by the local sheriff, through a contract with another sheriff’s office that has established a Feis guardian program, or any combination thereof. If the local sheriff contracts with another entity to provide the training, the local sheriff must oversee, supervise, and certify all aspects of the contract governing the Feis guardian program.

The bill also modifies Feis guardian program training to specify that:

- A sheriff who contracts with one or more county sheriffs to provide Feis guardian program training must notify, in writing, the local school district superintendent and charter school governing boards of any county-specific protocols.
- The 144-hour training program and ongoing training be conducted by CJSTC-certified instructors who hold active instructional certifications.
- The 16 hours of instruction in precision pistol include night and low-light shooting conditions.
- A licensed professional may administer the psychological examination individuals must pass as part of the Feis guardian program training, which is similar to the requirements for an SRO or school safety officer. The licensed professional is not required to be a licensed psychologist designated by the FDLE.
- The sheriff's office must review and approve the results of the psychological evaluation and drug tests for each applicant seeking Feis guardian program certification, before accepting the applicant into the Feis guardian program.

These changes may ensure that guardian training is available to personnel in each Florida county, is consistently applied to all personnel serving as school guardians and school security guards, and improve delivery and administration of the program under the sole authority of a county sheriff.

School-Based Mental Health Services

Present Situation

The DOE, through the Bureau of Exceptional Education and Student Services and the OSS, is required to promote a system of support, policies, and practices that focus on prevention and early intervention to improve student mental health and school safety. Student services personnel, including school psychologists, social workers, and counselors, are responsible for advising students with regard to personal and social adjustments and providing services at the district and school level.⁴¹

The Louis de la Parte Florida Mental Health Institute

Chapter 2002-397, L.O.F., established the Louis de la Parte Florida Mental Health Institute (institute) within the University of South Florida to strengthen mental health services throughout the state.⁴² The institute is authorized to provide direct mental health services, coordinate with other agencies to provide mental health services, and support state agencies in the delivery of mental health services.⁴³

The OSS is responsible for providing data to support the evaluation of mental health services by the institute.⁴⁴

⁴¹ Section 1012.01(2)(b), F.S.

⁴² Section 1004.44, F.S.

⁴³ Section 1004.44(3), F.S.

⁴⁴ Section 1001.212(7), F.S.

Individualized Education Plans

The individualized education plan (IEP) is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability.⁴⁵ When the student attains the age of 16, the IEP must include an annually updated statement addressing the intent for the student to pursue a standard high school diploma and other appropriate measurable long-term postsecondary education and career goals.⁴⁶

Mental Health Assistance Allocation

The mental health assistance allocation is a categorical fund established to provide funding to assist school districts in establishing or expanding school-based mental health care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services.⁴⁷ A total of \$75 million was appropriated to school districts through the mental health assistance allocation for the 2019-2020 school year.⁴⁸ In order to receive the allocation, a school district must develop and submit a plan outlining the local program and planned expenditures to the district school board for approval. This plan must include all district schools, including charter schools, unless a charter school chooses to independently develop and submit a plan outlining the local program and planned expenditures.⁴⁹

The plans must include elements such as:⁵⁰

- Identification of strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.
- Strategies or programs to reduce the likelihood of at-risk students developing certain mental health problems.
- Strategies to identify mental health problems more effectively, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

School districts are required to annually submit a report to the DOE on program outcomes and expenditures for the previous fiscal year, by September 30.

Effect of Proposed Changes

The Louis de la Parte Florida Mental Health Institute

The bill modifies ss. 1001.212 and 1004.44, F.S., to require the DJJ, the Department of Children and Families (DCF), and the DOE to consult with the institute in order for the institute to convene a workgroup of practitioners and experts to review, evaluate, and provide

⁴⁵ Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

⁴⁶ Section 1003.5716(2), F.S.

⁴⁷ Section 1011.62(16), F.S.

⁴⁸ Specific Appropriation 93, s. 2, ch. 2019-115, L.O.F.

⁴⁹ Section 1011.62(16), F.S.

⁵⁰ Section 1011.62(16)2.(b). F.S.

implementation guidance on the mental health-related findings and recommendations of the commission. The bill requires the workgroup to analyze, evaluate, and identify regulatory or legislative actions necessary to facilitate implementation of each recommendation, and to submit an initial summary report to the Governor, the President, and the Speaker by August 1, 2020. The report must include specific policy and budget recommendations, including draft legislation and associated fiscal impact statements, and other information and policy or administrative recommendations to improve the state's mental health care system.

The bill requires the institute to continue to monitor commission activities and coordinate with agency partners to advise on implementation activities. The bill also authorizes the institute to submit subsequent reports and recommendations on an annual basis or as requested. The bill provides a sunset date for the workgroup of July 1, 2024, which is one year after the sunset date of the commission.

Individual Education Plans

The bill modifies s. 1003.5716, F.S., to add that the required transition plan for a student with an IEP must also include a statement of post-high school performance expectations, which must include:

- A plan to facilitate continuity of care and coordination of any behavioral health services needed to assist the student in reaching post-high school performance expectations.
- Parent, student, and agency roles and responsibilities pertaining to the provision and funding of specified transition services.

These changes may assist students who require an IEP, and their parents, in successfully navigating the transition from high school to higher education or the workforce.

Mental Health Assistance Allocation

The bill modifies s. 1011.62, F.S., effective July 1, 2020, to clarify and add new requirements for the mental health plans that must be submitted by school districts in order to receive the mental health assistance allocation. In addition to existing requirements, the bill requires plans to include input from school and community stakeholders and include mental health policies and procedures that implement and support:

- Universal supports to promote psychological well-being, and safe and supportive school environments.
- Methods for responding to a student with suicidal ideation, including training in suicide risk assessment and the use of suicide awareness, prevention, and screening instruments developed as required for continuing education and inservice training for youth suicide awareness and prevention; adoption of guidelines for informing parents of suicide risk; and implementation of school board policies for initiating involuntary examination of students at risk of suicide.
- A school crisis response plan that includes strategies to prevent, prepare for, respond to, and recover from a range of school crises. The plan must establish or coordinate the implementation of district-level and school-level crisis response teams whose membership includes, but is not limited to, representatives of school administration and school-based mental health service providers.

The bill also modifies district reporting requirements to the DOE and requires the DOE to submit a state summary of the required information from the school district reports to the Governor, the President, and the Speaker, by November 1 of each year. The bill requires the DOE report to include school district data required under current law and requires both reports to additionally include:

- Program outcomes and expenditures for all public schools in the district, including charter schools.
- District-level and school-level information, including multiple-year trend data, when available.
- The number and ratio of school social workers, school psychologists, and certified school counselors employed by the district or charter school and the total number of licensed mental health professionals employed directly by the district or charter school.

These changes may provide more suitable data to assist in the refinement of policies and improve the provision of school-based mental health services.

School Safety Oversight and Accountability

Present Situation

The Commissioner of Education

The commissioner is required by law to oversee compliance with the safety and security requirements of the Marjory Stoneman Douglas High School Public Safety Act, chapter 2018-3, L.O.F., by school districts; district school superintendents; and public schools, including charter schools.⁵¹ The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the SBE, the Governor, or the Legislature enforcement and sanctioning actions.⁵²

Charter School Safety Requirements

Charter schools must operate in accordance with the terms of their respective charters and are generally exempt from other requirements in the K-20 Education Code.⁵³ The law requires charter schools to comply with certain provisions in the K-20 Education Code, including any statutes pertaining to student health, safety, and welfare.⁵⁴

The OSS is required to provide ongoing professional development opportunities to school district personnel.

The Office of Safe Schools

The OSS is a division of the DOE that serves as a central repository for best practices, training standards, and compliance oversight in matters regarding school safety and security, including

⁵¹ Section 1001.11, F.S.

⁵² *Id.*

⁵³ Section 1002.33(16), F.S. The K-20 Education Code includes chapters 1000-1013 of the Florida Statutes.

⁵⁴ *Id.*

prevention efforts, intervention efforts, and emergency preparedness planning.⁵⁵ OSS responsibilities include duties related to school safety incident reporting and data. The OSS is also required to develop and implement a School Safety Specialist Training Program for school safety specialists, which must be based on national and state best practices on school safety and include active shooter training.⁵⁶

Effect of Proposed Changes

The Commissioner of Education

The bill modifies s. 1001.11, F.S., to clarify existing authority of the commissioner to oversee compliance with school safety and security requirements. The bill directs the commissioner to facilitate public and nonpublic school compliance with any education-related requirements of the law relating to health, welfare, safety, and security, pursuant to existing authority established in law. The bill clarifies that the incidents of noncompliance that require the commissioner to impose or recommend sanctions must be incidents of material noncompliance.

Charter School Safety Requirements

The bill modifies the requirement that charter schools comply with certain statutes to require that charter schools demonstrate and certify compliance with specified statutes in their contracts or addendums to their contracts. The bill specifically requires charter schools to certify compliance with district school requirements related to emergency drills and procedures and emergency procedures.

The bill modifies s. 1001.11(9), F.S., to require charter school governing boards to designate at least one administrator to be responsible for the duties assigned to a district school superintendent related to state reporting requirements concerning health, safety, and welfare. The bill aligns the penalties authorized to be imposed against a designated charter school administrator or charter school governing board with the penalties authorized to be imposed against a superintendent or district school board for violations of reporting requirements.

The bill also provides notification requirements for charter schools relating to safe-school officers. Specifically, the bill:

- Requires that charter school governing board notification to the applicable superintendent and sheriff of participation in the Feis guardian program must be in writing.
- Requires require charter school administrators to comply with notification requirements to the county sheriff and the OSS for safe-school officer misconduct or firearm discharge.

The bill requires the OSS to provide ongoing professional development opportunities to charter school personnel in addition to existing requirements to provide training to school district personnel.

⁵⁵ Section 1001.212, F.S. *See also:* Florida Department of Education, *Office of Safe Schools*, <http://www.fldoe.org/safe-schools/> (last visited Dec. 18, 2019).

⁵⁶ Section 1006.07(6)(a), F.S., requires each district school superintendent to designate a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office as a school safety specialist for the district.

The Office of Safe Schools

The bill modifies s. 1001.212, F.S., to require the OSS to provide support with school safety incident reporting requirements. The bill requires the School Safety Specialist Training Program developed by the OSS to include information about federal and state laws regarding education records, medical records, data privacy, and incident reporting requirements, particularly with respect to behavioral threat assessment and emergency planning and response procedures. The bill also clarifies that the centralized integrated data repository provided by the OSS, known as the Florida School Safety Portal, must include data from all school safety incident reporting.

The bill requires the OSS to oversee, facilitate, and coordinate district and school compliance with school safety incident reporting requirements. The bill specifically requires the OSS to:

- Provide technical assistance to administrators for school safety incident reporting.
- Review and evaluate the safety incident reports related to SESIR, zero tolerance for crime and victimization, hazing, bullying and harassment, and dating violence and abuse, reported by each school district, charter school, and other entities as may be required by law.

The additional responsibilities concerning school safety that the bill delegates to the OSS may improve the accuracy of reported school safety data.

Marjory Stoneman Douglas High School Public Safety Commission

Present Situation

The commission was established in 2018 to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and to develop recommendations for system improvements.⁵⁷ The commission submitted its initial report to the Governor and the Legislature on January 2, 2019,⁵⁸ and its second report on November 1, 2019.⁵⁹ The commission is composed of 16 members,⁶⁰ with five members each appointed by Governor, the President, and the Speaker. Members serve at the pleasure of the officer who appointed the member. A vacancy on the commission must be filled in the same manner as the original appointment. The commission is scheduled to sunset on July 1, 2023.⁶¹

Effect of Proposed Changes

The bill modifies s. 943.687, F.S., to require the Governor, the President, and the Speaker to each appoint one additional member to the commission to be selected from among the state's actively-serving school district superintendents, school principals, or classroom teachers. The bill also requires:

- The three new appointments be made by May 30, 2020, to serve beginning June 1, 2020.
- Future appointments be made in consideration of an equal balance of school district, law enforcement, and health care professional representation, and reflect the diversity of the state.

⁵⁷ Section 943.687(3), F.S.

⁵⁸ Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>.

⁵⁹ Commission, *supra* note 20. The commission was required to submit an initial report by January 1, 2019, and is authorized to issue annual reports. Section 943.687(9), F.S.

⁶⁰ Section 943.687, F.S.

⁶¹ Section 943.687, F.S.

These changes ensure education representation on the commission and may assist the commission in addressing school safety and security issues.

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 the following sections of the Florida Statutes: 30.15, 943.082, 943.687, 985.12, 1001.11, 1001.212, 1002.33, 1003.5716, 1004.44, 1006.07, 1006.09, 1006.12, 1006.13, 1006.1493, and 1011.62.

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.

FOR CONSIDERATION By the Committee on Education

581-02304-20

20207040pb

1 A bill to be entitled
 2 An act relating to implementation of the
 3 recommendations of the Marjory Stoneman Douglas High
 4 School Public Safety Commission; amending s. 30.15,
 5 F.S.; authorizing a sheriff to contract for services
 6 to provide training under the Coach Aaron Feis
 7 Guardian Program; revising training and evaluation
 8 requirements for school guardians; expanding the
 9 program to include the training and certification of
 10 school security guards; requiring the review and
 11 approval of evaluations and results; amending s.
 12 943.082, F.S.; adding penalties for persons who
 13 knowingly submit false information to a law
 14 enforcement agency; amending s. 943.687, F.S.;
 15 requiring the addition of three members to the Marjory
 16 Stoneman Douglas High School Public Safety Commission
 17 as of a certain date; requiring consideration of
 18 balanced representation; amending s. 985.12, F.S.;
 19 requiring certain state agencies and state attorneys
 20 to cooperate in the oversight and enforcement of
 21 school-based diversion programs; requiring that law
 22 enforcement officers have access to a certain
 23 database; amending s. 1001.11, F.S.; specifying
 24 legislative intent; assigning the Commissioner of
 25 Education specified duties regarding education-related
 26 school safety requirements; amending s. 1001.212,
 27 F.S.; revising the training, consultation, and
 28 coordination responsibilities of the Office of Safe
 29 Schools; conforming and requiring evaluation and

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30 coordination of incident reporting requirements;
 31 requiring the office to maintain a directory of
 32 programs; requiring the office to develop a model
 33 plan; amending s. 1002.33, F.S.; conforming safety
 34 requirements to changes made by the act; amending s.
 35 1003.5716, F.S.; revising individual education plan
 36 requirements for certain students to include a
 37 statement of expectations for the transition of
 38 behavioral health services needed after high school
 39 graduation; requiring parent, student, and agency
 40 roles and responsibilities to be specified in a course
 41 of action transition plan, as applicable; amending s.
 42 1004.44, F.S.; requiring the Louis de la Parte Florida
 43 Mental Health Institute to consult with specified
 44 state agencies and convene a workgroup to advise those
 45 agencies on the implementation of specified mental
 46 health recommendations; requiring the institute to
 47 submit a report with administrative and legislative
 48 policy recommendations to the Governor and the
 49 Legislature by a specified date; authorizing the
 50 institute to submit additional reports and
 51 recommendations as needed and requested; amending s.
 52 1006.07, F.S.; requiring code of student conduct
 53 policies to contain prearrest diversion program
 54 criteria; specifying requirements applicable to
 55 emergency drill policies and procedures, in accordance
 56 with State Board of Education rules; requiring the
 57 state board to adopt rules in consultation with state
 58 and local entities; adding threat assessment team

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59 membership, training, and procedural requirements;
 60 incorporating additional discipline and behavioral
 61 incident reports within school safety incident
 62 reporting requirements; requiring district school
 63 boards to adopt school district emergency event family
 64 reunification policies and plans; requiring school-
 65 based emergency event family reunification plans to be
 66 consistent with school board policy and the school
 67 district plan; requiring plans to address specified
 68 requirements within the framework of model policies
 69 and plans identified by the office; amending s.
 70 1006.09, F.S.; requiring school principals to use a
 71 specified system to report school safety incidents;
 72 amending s. 1006.12, F.S.; requiring school safety
 73 officers to complete specified training to improve
 74 knowledge and skills as first responders to certain
 75 incidents; specifying county sheriffs' responsibility
 76 for specified training required for school security
 77 guards; requiring certain school security guards to
 78 meet district background screening requirements and
 79 qualification requirements; conforming notification
 80 requirements to changes made by the act; amending s.
 81 1006.13, F.S.; authorizing district school boards to
 82 assign students to certain diversion programs as
 83 options within zero-tolerance policies; amending s.
 84 1006.1493, F.S.; revising components that must be
 85 assessed by the Florida Safe Schools Assessment Tool
 86 to include policies and procedures to prepare for and
 87 respond to natural or man-made disasters or

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88 emergencies; amending s. 1011.62, F.S.; revising
 89 requirements that must be met before the distribution
 90 of the mental health assistance allocation; providing
 91 effective dates.

92
 93 Be It Enacted by the Legislature of the State of Florida:

94
 95 Section 1. Paragraph (k) of subsection (1) of section
 96 30.15, Florida Statutes, is amended to read:

97 30.15 Powers, duties, and obligations.—

98 (1) Sheriffs, in their respective counties, in person or by
 99 deputy, shall:

100 (k) Assist district school boards and charter school
 101 governing boards in complying with s. 1006.12. A sheriff must,
 102 at a minimum, provide access to a Coach Aaron Feis Guardian
 103 Program training to aid in the prevention or abatement of active
 104 assailant incidents on school premises, as required under this
 105 paragraph. Persons certified as Feis guardian program certified
 106 school guardians or Feis guardian program certified school
 107 security guards pursuant to this paragraph do not have ~~ne~~
 108 authority to act in any law enforcement capacity except to the
 109 extent necessary to prevent or abate an active assailant
 110 incident.

111 1.a. If a local school board has voted by a majority to
 112 implement a Feis guardian program, the sheriff in that county
 113 shall establish a Feis guardian program to provide training,
 114 pursuant to subparagraph 2., to school district or charter
 115 school employees directly; through a contract with an entity
 116 selected by the local sheriff, provided that the local sheriff

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117 oversees, supervises, and certifies all aspects of the contract
 118 governing the Feis guardian program for the local jurisdiction;
 119 ~~either directly or~~ through a contract with another sheriff's
 120 office that has established a Feis guardian program; or through
 121 any combination thereof. To facilitate effective training and
 122 emergency response in the event of an active assailant
 123 situation, a sheriff who contracts with one or more county
 124 sheriffs to provide Feis guardian program training and
 125 certification for the local school district and charter schools
 126 within its county jurisdiction shall notify, in writing, the
 127 local district school superintendent and charter school
 128 administrators of all county-specific protocols incorporated
 129 into the contracted Feis guardian program training and
 130 certification requirements.

131 b. A charter school governing board in a school district
 132 that has not voted, or has declined, to implement a Feis
 133 guardian program may request the sheriff in the county to
 134 establish a Feis guardian program for the purpose of training
 135 the charter school employees. If the county sheriff denies the
 136 request, the charter school governing board may contract with a
 137 sheriff that has established a Feis guardian program to provide
 138 such training. The charter school governing board must notify,
 139 in writing, the superintendent and the sheriff in the charter
 140 school's county of the contract prior to its execution.

141 c. The sheriff conducting the Feis guardian program
 142 training pursuant to subparagraph 2. shall will be reimbursed by
 143 the Department of Education for screening-related and training-
 144 related costs for Feis guardian program certified school
 145 guardians and Feis guardian program certified school security

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146 guards as provided in s. 1006.12(3) and (4), respectively, and
 147 for providing a one-time stipend of \$500 to each Feis guardian
 148 program certified school guardian who participates in the Feis
 149 ~~school~~ guardian program as an employee of a school district or
 150 charter school.

151 2. A sheriff who establishes a Feis guardian training
 152 program shall consult with the Department of Law Enforcement on
 153 programmatic guiding principles, practices, and resources, and
 154 shall certify, without the power of arrest, as Feis guardian
 155 program certified school guardians, without the power of arrest,
 156 ~~school employees,~~ as specified in s. 1006.12(3) and Feis
 157 guardian program school security guards as specified in s.
 158 1006.12(4), who:

159 a. Hold a valid license issued under s. 790.06, applicable
 160 to district or school employees serving as Feis guardian program
 161 certified school guardians pursuant to s. 1006.12(3); or hold a
 162 valid Class "D" and Class "G" license issued under chapter 493,
 163 applicable to individuals contracted to serve as Feis guardian
 164 program certified school security guards under s. 1006.12(4).

165 b. Complete a 144-hour training program, consisting of 12
 166 hours of certified nationally recognized diversity training and
 167 132 total hours of comprehensive firearm safety and proficiency
 168 training, conducted by Criminal Justice Standards and Training
 169 Commission-certified instructors who hold active instructional
 170 certifications, which must include:

171 (I) Eighty hours of firearms instruction based on the
 172 Criminal Justice Standards and Training Commission's Law
 173 Enforcement Academy training model, which must include at least
 174 10 percent but no more than 20 percent more rounds fired than

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175 associated with academy training. Program participants must
 176 achieve an 85 percent pass rate on the firearms training.
 177 (II) Sixteen hours of instruction in precision pistol.
 178 Training must include night and low-light shooting conditions.
 179 (III) Eight hours of discretionary shooting instruction
 180 using state-of-the-art simulator exercises.
 181 (IV) Eight hours of instruction in active shooter or
 182 assailant scenarios.
 183 (V) Eight hours of instruction in defensive tactics.
 184 (VI) Twelve hours of instruction in legal issues.
 185 c. Submit to and pass a psychological evaluation
 186 administered by a licensed professional psychologist licensed
 187 under chapter 490 and designated by the Department of Law
 188 Enforcement and submit the results of the evaluation to the
 189 sheriff's office. The sheriff's office must review and approve
 190 the results of each applicant's psychological evaluation before
 191 accepting the applicant into the Feis guardian program. The
 192 Department of Law Enforcement is authorized to provide the
 193 sheriff's office with mental health and substance abuse data for
 194 compliance with this paragraph.
 195 d. Submit to and pass an initial drug test and subsequent
 196 random drug tests in accordance with the requirements of s.
 197 112.0455 and the sheriff's office. The sheriff's office must
 198 review and approve the results of each applicant's drug tests
 199 before accepting the applicant into the Feis guardian program.
 200 e. Successfully complete ongoing training conducted by a
 201 Criminal Justice Standards and Training Commission-certified
 202 instructor who holds an active instructional certification,
 203 weapon inspection, and firearm qualification on at least an

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204 annual basis, as required by the sheriff's office.
 205
 206 The sheriff who conducts the Feis guardian program training
 207 pursuant to this paragraph shall issue a Feis ~~school~~ guardian
 208 program certificate to individuals who meet the requirements of
 209 this section to the satisfaction of the sheriff, and shall
 210 maintain documentation of weapon and equipment inspections, as
 211 well as the training, certification, inspection, and
 212 qualification records of each Feis guardian program certified
 213 school guardian and Feis guardian program certified school
 214 security guard certified by the sheriff. An individual who is
 215 certified under this paragraph may serve as a Feis guardian
 216 program certified school guardian under s. 1006.12(3) or a Feis
 217 guardian program certified school security guard under s.
 218 1006.12(4) only if he or she is appointed by the applicable
 219 district school superintendent ~~school district superintendent~~ or
 220 charter school administrator ~~principal~~.
 221 Section 2. Effective October 1, 2020, paragraph (c) is
 222 added to subsection (2) of section 943.082, Florida Statutes, to
 223 read:
 224 943.082 School Safety Awareness Program.—
 225 (2) The reporting tool must notify the reporting party of
 226 the following information:
 227 (c) That, if following investigation, it is determined that
 228 a person knowingly submitted a false tip through FortifyFL, the
 229 IP address of the device on which the tip was submitted will be
 230 provided to law enforcement agencies for further investigation
 231 and the reporting party may be subject to criminal penalties
 232 under s. 837.05. In all other circumstances, unless the

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233 reporting party has chosen to disclose his or her identity, the
 234 report must remain anonymous.

235 Section 3. Paragraph (a) of subsection (2) of section
 236 943.687, Florida Statutes, is amended to read:

237 943.687 Marjory Stoneman Douglas High School Public Safety
 238 Commission.—

239 (2) (a) 1. The commission shall convene no later than June 1,
 240 2018, and shall be composed of 16 members. Five members shall be
 241 appointed by the President of the Senate, five members shall be
 242 appointed by the Speaker of the House of Representatives, and
 243 five members shall be appointed by the Governor. From the
 244 members of the commission, the Governor shall appoint the chair.
 245 Appointments must be made by April 30, 2018. The Commissioner of
 246 the Department of Law Enforcement shall serve as a member of the
 247 commission. The Secretary of Children and Families, the
 248 Secretary of Juvenile Justice, the Secretary of Health Care
 249 Administration, and the Commissioner of Education shall serve as
 250 ex officio, nonvoting members of the commission. Members shall
 251 serve at the pleasure of the officer who appointed the member. A
 252 vacancy on the commission shall be filled in the same manner as
 253 the original appointment.

254 2. In addition to the membership requirements of
 255 subparagraph 1., beginning June 1, 2020, the commission shall
 256 include three additional members selected from among the state's
 257 actively serving district school superintendents, school
 258 principals, and classroom teachers. The additional members must
 259 be appointed by May 30, 2020, one each by the Governor, the
 260 President of the Senate, and the Speaker of the House of
 261 Representatives. Thereafter, to the extent possible, future

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262 appointments to fill vacancies or replace members of the
 263 commission must give consideration to achieving an equal balance
 264 of school district, law enforcement, and health care
 265 professional representation which reflects the cultural
 266 diversity of the state.

267 Section 4. Paragraphs (c) and (f) of subsection (2) of
 268 section 985.12, Florida Statutes, are amended to read:

269 985.12 Civil citation or similar prearrest diversion
 270 programs.—

271 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST
 272 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

273 (c) The state attorney of each circuit shall operate a
 274 civil citation or similar prearrest diversion program in each
 275 circuit. A sheriff, police department, county, municipality,
 276 locally authorized entity, or public or private educational
 277 institution may continue to operate an independent civil
 278 citation or similar prearrest diversion program that is in
 279 operation as of October 1, 2018, if the independent program is
 280 reviewed by the state attorney of the applicable circuit and he
 281 or she determines that the independent program is substantially
 282 similar to the civil citation or similar prearrest diversion
 283 program developed by the circuit. If the state attorney
 284 determines that the independent program is not substantially
 285 similar to the civil citation or similar prearrest diversion
 286 program developed by the circuit, the operator of the
 287 independent diversion program may revise the program and the
 288 state attorney may conduct an additional review of the
 289 independent program. In cooperation with the Department of
 290 Education pursuant to s. 1001.212, the department and the state

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291 attorney of each judicial circuit shall monitor and enforce
 292 compliance with school-based diversion program requirements.

293 (f) Each civil citation or similar prearrest diversion
 294 program shall enter the appropriate youth data into the Juvenile
 295 Justice Information System Prevention Web within 7 days after
 296 the admission of the youth into the program. Beginning in fiscal
 297 year 2021-2022, law enforcement officers must have field access
 298 to the Juvenile Justice Information System Prevention Web.

299 Section 5. Subsection (9) of section 1001.11, Florida
 300 Statutes, is amended to read:

301 1001.11 Commissioner of Education; other duties.—

302 (9) With the intent of ensuring safe learning and teaching
 303 environments, the commissioner shall oversee compliance with
 304 education-related health, the safety, welfare, and security
 305 requirements of law the Marjory Stoneman Douglas High School
 306 Public Safety Act, chapter 2018-3, Laws of Florida, by school
 307 districts; district school superintendents; and public schools,
 308 including charter schools; and other entities or constituencies
 309 as may be applicable. The commissioner shall ~~must~~ facilitate
 310 public and nonpublic school compliance to the maximum extent
 311 provided under law, identify incidents of material
 312 noncompliance, and impose or recommend to the State Board of
 313 Education, the Governor, or the Legislature enforcement and
 314 sanctioning actions pursuant to s. 1001.42, s. 1001.51, chapter
 315 1002, and s. 1008.32, and other authority granted under law. For
 316 purposes of this subsection, s. 1001.42(13)(b), and s.
 317 1001.51(12)(b), the duties assigned to a district school
 318 superintendent apply to charter school administrative personnel
 319 as defined in s. 1012.01(3), and charter school governing boards

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320 shall designate at least one administrator to be responsible for
 321 such duties. The duties assigned to a district school board
 322 apply to a charter school governing board.

323 Section 6. Present subsections (14) and (15) of section
 324 1001.212, Florida Statutes, are redesignated as subsections (16)
 325 and (17), respectively, new subsections (14) and (15) are added
 326 to that section, and subsections (2), (4), (6), (7), and (8) of
 327 that section are amended, to read:

328 1001.212 Office of Safe Schools.—There is created in the
 329 Department of Education the Office of Safe Schools. The office
 330 is fully accountable to the Commissioner of Education. The
 331 office shall serve as a central repository for best practices,
 332 training standards, and compliance oversight in all matters
 333 regarding school safety and security, including prevention
 334 efforts, intervention efforts, and emergency preparedness
 335 planning. The office shall:

336 (2) Provide ongoing professional development opportunities
 337 to school district and charter school personnel.

338 (4) Develop and implement a School Safety Specialist
 339 Training Program for school safety specialists appointed
 340 pursuant to s. 1006.07(6). The office shall develop the training
 341 program, which shall be based on national and state best
 342 practices on school safety and security and must include active
 343 shooter training. Training must also include information about
 344 federal and state laws regarding education records, medical
 345 records, data privacy, and incident reporting requirements,
 346 particularly with respect to behavioral threat assessment and
 347 emergency planning and response procedures. The office shall
 348 develop training modules in traditional or online formats. A

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349 school safety specialist certificate of completion shall be
 350 awarded to a school safety specialist who satisfactorily
 351 completes the training required by rules of the office.

352 (6) Coordinate with the Department of Law Enforcement to
 353 provide a centralized integrated data repository, known as the
 354 Florida Schools Safety Portal, and data analytics resources to
 355 improve access to timely, complete, and accurate information
 356 integrating data from, at a minimum, but not limited to, the
 357 following data sources ~~by August 1, 2019~~:

- 358 (a) Social media Internet posts;
- 359 (b) Department of Children and Families;
- 360 (c) Department of Law Enforcement;
- 361 (d) Department of Juvenile Justice;
- 362 (e) Mobile suspicious activity reporting tool known as
 363 FortifyFL;
- 364 (f) School ~~environmental~~ safety incident reports collected
 365 under subsection (8); and
- 366 (g) Local law enforcement.

367
 368 Data that is exempt or confidential and exempt from public
 369 records requirements retains its exempt or confidential and
 370 exempt status when incorporated into the centralized integrated
 371 data repository. To maintain the confidentiality requirements
 372 attached to the information provided to the centralized
 373 integrated data repository by the various state and local
 374 agencies, data governance and security shall ensure compliance
 375 with all applicable state and federal data privacy requirements
 376 through the use of user authorization and role-based security,
 377 data anonymization and aggregation and auditing capabilities. To

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378 maintain the confidentiality requirements attached to the
 379 information provided to the centralized integrated data
 380 repository by the various state and local agencies, each source
 381 agency providing data to the repository shall be the sole
 382 custodian of the data for the purpose of any request for
 383 inspection or copies thereof under chapter 119. The department
 384 shall only allow access to data from the source agencies in
 385 accordance with rules adopted by the respective source agencies
 386 and the requirements of the Federal Bureau of Investigation
 387 Criminal Justice Information Services security policy, where
 388 applicable.

389 (7) Provide data to support the evaluation of mental health
 390 services pursuant to s. 1004.44.

391 (8) Oversee, facilitate, and coordinate district and school
 392 compliance with school safety incident reporting requirements in
 393 accordance with rules adopted by the state board enacting the
 394 school safety incident reporting requirements of this
 395 subsection, s. 1006.07(9), and other statutory safety incident
 396 reporting requirements. The office shall:

397 (a) Provide technical assistance to school districts and
 398 charter school governing boards and administrators for school
 399 environmental safety incident reporting as required under s.
 400 1006.07(9).

401 ~~(b) The office shall~~ Collect data through school
 402 environmental safety incident reports on incidents involving any
 403 person which occur on school premises, on school transportation,
 404 and at off-campus, school-sponsored events.

405 (c) Review and evaluate safety incident reports of each ~~The~~
 406 ~~office shall review and evaluate~~ school district and charter

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407 school and other entities, as may be required by law, reports to
 408 ensure compliance with reporting requirements. The office shall
 409 timely notify the commissioner of all incidents of material
 410 noncompliance for purposes of invoking the commissioner's
 411 responsibilities provided under s. 1001.11(9). Upon notification
 412 by the commissioner ~~department~~ that a superintendent or charter
 413 school administrator has, based on clear and convincing
 414 evidence, failed to comply with the requirements of s.
 415 1006.07(9), the district school board or charter school
 416 governing board, as applicable, shall withhold further payment
 417 of his or her salary as authorized under s. 1001.42(13) (b) and
 418 impose other appropriate sanctions that the commissioner or
 419 state board by law may impose, pending demonstration of full
 420 compliance.

421 (14) Maintain a current directory of public and private
 422 school-based diversion programs and cooperate with each judicial
 423 circuit and the Department of Juvenile Justice to facilitate
 424 their efforts to monitor and enforce each governing body's
 425 compliance with s. 985.12.

426 (15) Develop, in coordination with the Division of
 427 Emergency Management, other federal, state, and local law
 428 enforcement agencies, fire and rescue agencies, and first
 429 responder agencies, a model emergency event family reunification
 430 plan for use by child care facilities, public K-12 schools, and
 431 public postsecondary institutions that are closed or
 432 unexpectedly evacuated due to natural or manmade disasters or
 433 emergencies.

434 Section 7. Paragraph (b) of subsection (16) of section
 435 1002.33, Florida Statutes, is amended to read:

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436 1002.33 Charter schools.-

437 (16) EXEMPTION FROM STATUTES.-

438 (b) Additionally, a charter school shall demonstrate and
 439 certify in its contract, and if necessary through addendum to
 440 its contract, the charter school's ~~be in~~ compliance with the
 441 following statutes:

442 1. Section 286.011, relating to public meetings and
 443 records, public inspection, and criminal and civil penalties.

444 2. Chapter 119, relating to public records.

445 3. Section 1003.03, relating to the maximum class size,
 446 except that the calculation for compliance pursuant to s.
 447 1003.03 shall be the average at the school level.

448 4. Section 1012.22(1) (c), relating to compensation and
 449 salary schedules.

450 5. Section 1012.33(5), relating to workforce reductions.

451 6. Section 1012.335, relating to contracts with
 452 instructional personnel hired on or after July 1, 2011.

453 7. Section 1012.34, relating to the substantive
 454 requirements for performance evaluations for instructional
 455 personnel and school administrators.

456 8. Section 1006.12, relating to safe-school officers.

457 9. Section 1006.07(7), relating to threat assessment teams.

458 10. Section 1006.07(9), relating to school ~~Environmental~~
 459 safety incident reporting.

460 11. Section 1006.1493, relating to the Florida Safe Schools
 461 Assessment Tool.

462 12. Section 1006.07(6) (c), relating to adopting an active
 463 assailant response plan.

464 13. Section 943.082(4) (b), relating to the mobile

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465 suspicious activity reporting tool.

466 14. Section 1012.584, relating to youth mental health
467 awareness and assistance training.

468 15. Section 1006.07(4), relating to emergency drills and
469 emergency procedures.

470 Section 8. Paragraph (d) is added to subsection (2) of
471 section 1003.5716, Florida Statutes, to read:

472 1003.5716 Transition to postsecondary education and career
473 opportunities.—All students with disabilities who are 3 years of
474 age to 21 years of age have the right to a free, appropriate
475 public education. As used in this section, the term “IEP” means
476 individual education plan.

477 (2) Beginning not later than the first IEP to be in effect
478 when the student attains the age of 16, or younger if determined
479 appropriate by the parent and the IEP team, the IEP must include
480 the following statements that must be updated annually:

481 (d) A statement of post-high school performance
482 expectations which includes a proposed transition plan that
483 facilitates continuity of care and coordination of any
484 behavioral health services needed to assist the student in
485 reaching those expectations. The statement must also specify
486 parent, student, and agency roles and responsibilities
487 pertaining to the provision and funding of specified transition
488 services, as applicable.

489 Section 9. Subsection (5) is added to section 1004.44,
490 Florida Statutes, to read:

491 1004.44 Louis de la Parte Florida Mental Health Institute.—
492 There is established the Louis de la Parte Florida Mental Health
493 Institute within the University of South Florida.

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494 (5) In consultation with the Department of Children and
495 Families, the Department of Juvenile Justice, and the Department
496 of Education, the institute shall convene a workgroup of
497 practitioners and experts to review, evaluate, and provide
498 implementation guidance on the mental health-related findings
499 and recommendations of the Marjory Stoneman Douglas High School
500 Public Safety Commission, as approved in reports submitted
501 pursuant to s. 943.687. The workgroup shall analyze, evaluate,
502 and identify regulatory or legislative actions necessary to
503 facilitate implementation of each recommendation. By August 1,
504 2020, the institute shall submit to the Governor, the President
505 of the Senate, and the Speaker of the House of Representatives
506 an initial summary report of activities, specific policy and
507 budget recommendations, including draft legislation and
508 associated fiscal impact statements, and other information and
509 policy or administrative recommendations to improve the state’s
510 mental health system of care. The institute must continue to
511 monitor commission activities and coordinate with agency
512 partners to advise them on implementation activities, and may
513 submit subsequent reports and recommendations on an annual basis
514 or as requested. This subsection shall expire July 1, 2024.

515 Section 10. Paragraph (a) of subsection (4), paragraph (a)
516 of subsection (6), paragraph (a) of subsection (7), and
517 subsection (9) of section 1006.07, Florida Statutes, are
518 amended, and paragraph (n) of subsection (2), paragraph (d) of
519 subsection (4), and subsection (10) are added to that section,
520 to read:

521 1006.07 District school board duties relating to student
522 discipline and school safety.—The district school board shall

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523 provide for the proper accounting for all students, for the
524 attendance and control of students at school, and for proper
525 attention to health, safety, and other matters relating to the
526 welfare of students, including:

527 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
528 conduct for elementary schools and a code of student conduct for
529 middle and high schools and distribute the appropriate code to
530 all teachers, school personnel, students, and parents, at the
531 beginning of every school year. Each code shall be organized and
532 written in language that is understandable to students and
533 parents and shall be discussed at the beginning of every school
534 year in student classes, school advisory council meetings, and
535 parent and teacher association or organization meetings. Each
536 code shall be based on the rules governing student conduct and
537 discipline adopted by the district governing school board and shall be
538 made available in the student handbook or similar publication.
539 Each code shall include, but is not limited to:

540 (n) Criteria for assigning a student to a civil citation or
541 similar prearrest diversion program that is an alternative to
542 expulsion or referral to law enforcement agencies. All civil
543 citation or similar prearrest diversion programs must comply
544 with s. 985.12.

545 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

546 (a) Formulate and prescribe policies and procedures, in
547 consultation with the appropriate public safety agencies, for
548 emergency drills and for actual emergencies, including, but not
549 limited to, fires, natural disasters, active shooter and hostage
550 situations, and bomb threats, for all students and faculty at
551 all public schools of the district ~~composed~~ emprised of grades

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552 K-12, pursuant to state board rule. Drills for active shooter
553 and hostage situations shall be conducted in accordance with
554 developmentally appropriate and age-appropriate procedures, as
555 specified in state board rules at least as often as other
556 emergency drills. Law enforcement officers responsible for
557 responding to the school in the event of an active assailant
558 emergency, as determined necessary by the sheriff in
559 coordination with the district's school safety specialist, must
560 be physically present on campus and directly involved in the
561 execution of active assailant emergency drills. District school
562 board policies shall include commonly used alarm system
563 responses for specific types of emergencies and verification by
564 each school that drills have been provided as required by law,
565 state board rule, and fire protection codes. The emergency
566 response policy shall identify the individuals responsible for
567 contacting the primary emergency response agency and the
568 emergency response agency that is responsible for notifying the
569 school district for each type of emergency. The state board
570 shall refer to recommendations provided in reports published
571 pursuant to s. 943.687 for guidance and, by August 1, 2020,
572 consult with state and local constituencies to adopt rules
573 applicable to the requirements of this subsection which, at a
574 minimum, define "emergency drill," "active threat," and "after-
575 action report," and must establish minimum emergency drill
576 policies and procedures related to the timing, frequency,
577 participation, training, notification, accommodations, and
578 responses to threat situations by incident type, school level,
579 school type, and student and school characteristics. Such rules
580 must require all types of emergency drills to be conducted no

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581 less frequently than on an annual school year basis.

582 (d) Consistent with subsection (10), as a component of
 583 emergency procedures, each district school board and charter
 584 school governing board must adopt, in coordination with local
 585 law enforcement agencies, an emergency event family
 586 reunification plan to reunite students and employees with their
 587 families in the event of a mass casualty or other emergency
 588 event situation.

589 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
 590 school superintendent shall establish policies and procedures
 591 for the prevention of violence on school grounds, including the
 592 assessment of and intervention with individuals whose behavior
 593 poses a threat to the safety of the school community.

594 (a) Each district school superintendent shall designate a
 595 school safety specialist for the district. The school safety
 596 specialist must be a school administrator employed by the school
 597 district or a law enforcement officer employed by the sheriff's
 598 office located in the school district. Any school safety
 599 specialist designated from the sheriff's office must first be
 600 authorized and approved by the sheriff employing the law
 601 enforcement officer. Any school safety specialist designated
 602 from the sheriff's office remains the employee of the office for
 603 purposes of compensation, insurance, workers' compensation, and
 604 other benefits authorized by law for a law enforcement officer
 605 employed by the sheriff's office. The sheriff and the school
 606 superintendent may determine by agreement the reimbursement for
 607 such costs, or may share the costs, associated with employment
 608 of the law enforcement officer as a school safety specialist.
 609 The school safety specialist must earn a certificate of

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610 completion of the school safety specialist training provided by
 611 the Office of Safe Schools within 1 year after appointment and
 612 is responsible for the supervision and oversight for all school
 613 safety and security personnel, policies, and procedures in the
 614 school district. The school safety specialist shall:

615 1. Review school district policies and procedures for
 616 compliance with state law and rules, including the district's
 617 timely and accurate submission of school ~~environmental~~ safety
 618 incident reports to the department pursuant to s. 1001.212(8).

619 2. Provide the necessary training and resources to students
 620 and school district staff in matters relating to youth mental
 621 health awareness and assistance; emergency procedures, including
 622 active shooter training; and school safety and security.

623 3. Serve as the school district liaison with local public
 624 safety agencies and national, state, and community agencies and
 625 organizations in matters of school safety and security.

626 4. In collaboration with the appropriate public safety
 627 agencies, as that term is defined in s. 365.171, by October 1 of
 628 each year, conduct a school security risk assessment at each
 629 public school using the Florida Safe Schools Assessment Tool
 630 developed by the Office of Safe Schools pursuant to s.
 631 1006.1493. Based on the assessment findings, the district's
 632 school safety specialist shall provide recommendations to the
 633 district school superintendent and the district school board
 634 which identify strategies and activities that the district
 635 school board should implement in order to address the findings
 636 and improve school safety and security. Each district school
 637 board must receive such findings and the school safety
 638 specialist's recommendations at a publicly noticed district

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639 school board meeting to provide the public an opportunity to
 640 hear the district school board members discuss and take action
 641 on the findings and recommendations. Each school safety
 642 specialist shall report such findings and school board action to
 643 the Office of Safe Schools within 30 days after the district
 644 school board meeting.

645 (7) THREAT ASSESSMENT TEAMS.—Each district school board
 646 shall adopt policies for the establishment of threat assessment
 647 teams at each school whose duties include the coordination of
 648 resources and assessment and intervention with individuals whose
 649 behavior may pose a threat to the safety of school staff or
 650 students consistent with the model policies developed by the
 651 Office of Safe Schools. Such policies must include procedures
 652 for referrals to mental health services identified by the school
 653 district pursuant to s. 1012.584(4), when appropriate, and
 654 procedures for behavioral threat assessments in compliance with
 655 the instrument developed pursuant to s. 1001.212(12).

656 (a) A threat assessment team shall include a sworn law
 657 enforcement officer who has undergone threat assessment training
 658 identified by the Office of Safe Schools pursuant to s.
 659 1001.212, and persons with expertise in counseling, instruction,
 660 and school administration, and law enforcement. All required
 661 members of the threat assessment team must be involved in the
 662 threat assessment process, from start to finish, including the
 663 determination of the final disposition decision. The threat
 664 assessment teams shall identify members of the school community
 665 to whom threatening behavior should be reported and provide
 666 guidance to students, faculty, and staff regarding recognition
 667 of threatening or aberrant behavior that may represent a threat

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668 to the community, school, or self. Upon the availability of the
 669 behavioral threat assessment instrument developed pursuant to s.
 670 1001.212(12), the threat assessment team shall use that
 671 instrument.

672 (9) SCHOOL ~~ENVIRONMENTAL~~ SAFETY INCIDENT REPORTING.—Each
 673 district school board shall adopt policies to ensure the
 674 accurate and timely reporting of incidents related to school
 675 safety and discipline. For purposes of s. 1001.212(8) and this
 676 subsection, incidents related to school safety and discipline
 677 include incidents reported pursuant to ss. 1006.09, 1006.13,
 678 1006.135, 1006.147, and 1006.148. The district school
 679 superintendent is responsible for school ~~environmental~~ safety
 680 incident reporting. A district school superintendent who fails
 681 to comply with this subsection is subject to the penalties
 682 specified in law, including, but not limited to, s.
 683 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State
 684 Board of Education shall adopt rules establishing ~~the~~
 685 requirements for ~~the school environmental~~ safety incident
 686 reporting ~~report~~.

687 (10) EMERGENCY EVENT FAMILY REUNIFICATION POLICIES AND
 688 PLANS.—By August 1, 2021, each district school board shall adopt
 689 a school district emergency event family reunification policy
 690 establishing elements and requirements for a school district
 691 emergency event family reunification plan and individual school-
 692 based emergency event family reunification plans for the purpose
 693 of reuniting students and employees with their families in the
 694 event of a mass casualty or other emergency event situation.

695 (a) School district policies and plans must be coordinated
 696 with the county sheriff and local law enforcement. School-based

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697 plans must be consistent with school board policy and the school
 698 district plan. The school board is encouraged to apply model
 699 mass casualty death notification and reunification policies and
 700 practices referenced in reports published pursuant to s. 943.687
 701 and as developed by the Office of Safe Schools.

702 (b) Minimally, plans must identify potential reunification
 703 sites and ensure a unified command at each site, identify
 704 equipment needs, provide multiple methods of communication with
 705 family members of students and staff, address training for
 706 employees, and provide multiple methods to aid law enforcement
 707 in identification of students and staff, including written
 708 backup documents.

709 Section 11. Subsection (6) of section 1006.09, Florida
 710 Statutes, is amended to read:

711 1006.09 Duties of school principal relating to student
 712 discipline and school safety.—

713 (6) Each school principal must ensure that standardized
 714 forms prescribed by rule of the State Board of Education are
 715 used to report data concerning school safety and discipline to
 716 the department through the School Environmental Safety Incident
 717 Reporting (SESIR) System. The school principal must develop a
 718 plan to verify the accuracy of reported incidents.

719 Section 12. Section 1006.12, Florida Statutes, is amended
 720 to read:

721 1006.12 Safe-school officers at each public school.—For the
 722 protection and safety of school personnel, property, students,
 723 and visitors, each district school board and district school
 724 superintendent school district superintendent shall partner with
 725 law enforcement agencies or security agencies to establish or

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726 assign one or more safe-school officers at each school facility
 727 within the district, including charter schools. A district
 728 school board must collaborate with charter school governing
 729 boards to facilitate charter school access to all safe-school
 730 officer options available under this section. The school
 731 district may implement one or more ~~any combination~~ of the
 732 options specified in subsections (1)-(4) to best meet the needs
 733 of the school district and charter schools.

734 (1) SWORN LAW ENFORCEMENT SCHOOL RESOURCE OFFICER.—A school
 735 district may establish school resource officer programs through
 736 a cooperative agreement with law enforcement agencies.

737 (a) Sworn law enforcement school resource officers shall
 738 undergo criminal background checks, drug testing, and a
 739 psychological evaluation and be certified law enforcement
 740 officers, as defined in s. 943.10(1), who are employed by a law
 741 enforcement agency as defined in s. 943.10(4). The powers and
 742 duties of a law enforcement officer shall continue throughout
 743 the employee's tenure as a sworn law enforcement school resource
 744 officer.

745 (b) Sworn law enforcement school resource officers shall
 746 abide by district school board policies and shall consult with
 747 and coordinate activities through the school principal, but
 748 shall be responsible to the law enforcement agency in all
 749 matters relating to employment, subject to agreements between a
 750 district school board and a law enforcement agency. Activities
 751 conducted by the sworn law enforcement school resource officer
 752 which are part of the regular instructional program of the
 753 school shall be under the direction of the school principal.

754 (c) Sworn law enforcement school resource officers shall

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755 complete mental health crisis intervention training using a
 756 curriculum developed by a national organization with expertise
 757 in mental health crisis intervention. The training shall improve
 758 officers' knowledge and skills as first responders to incidents
 759 involving students with emotional disturbance or mental illness,
 760 including de-escalation skills to ensure student and officer
 761 safety.

762 (2) SWORN LAW ENFORCEMENT SCHOOL SAFETY OFFICER.—A school
 763 district may commission one or more sworn law enforcement school
 764 safety officers for the protection and safety of school
 765 personnel, property, and students within the school district.
 766 The district school superintendent may recommend, and the
 767 district school board may appoint, one or more sworn law
 768 enforcement school safety officers.

769 (a) Sworn law enforcement school safety officers shall
 770 undergo criminal background checks, drug testing, and a
 771 psychological evaluation and be law enforcement officers, as
 772 defined in s. 943.10(1), certified under ~~the provisions of~~
 773 chapter 943 and employed by either a law enforcement agency or
 774 by the district school board. If the officer is employed by the
 775 district school board, the district school board is the
 776 employing agency for purposes of chapter 943, and must comply
 777 with ~~the provisions of~~ that chapter.

778 (b) A sworn law enforcement school safety officer has and
 779 shall exercise the power to make arrests for violations of law
 780 on district school board property or on property owned or leased
 781 by a charter school under the charter contract, as applicable,
 782 and to arrest persons, whether on or off such property, who
 783 violate any law on such property under the same conditions that

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784 deputy sheriffs are authorized to make arrests. A sworn law
 785 enforcement school safety officer has the authority to carry
 786 weapons when performing his or her official duties.

787 (c) A district school board may enter into mutual aid
 788 agreements with one or more law enforcement agencies as provided
 789 in chapter 23. A sworn law enforcement school safety officer's
 790 salary may be paid jointly by the district school board and the
 791 law enforcement agency, as mutually agreed to.

792 (d) Sworn law enforcement school safety officers shall
 793 complete mental health crisis intervention training using a
 794 curriculum developed by a national organization with expertise
 795 in mental health crisis intervention. The training must improve
 796 officers' knowledge and skills as first responders to incidents
 797 involving students with emotional disturbance or mental illness,
 798 including de-escalation skills to ensure student and officer
 799 safety.

800 (3) FEIS GUARDIAN PROGRAM CERTIFIED SCHOOL GUARDIAN.—At the
 801 school district's or the charter school governing board's
 802 discretion, as applicable, pursuant to s. 30.15, a school
 803 district or charter school governing board may participate in
 804 the Coach Aaron Feis Guardian Program to meet the requirement of
 805 establishing a safe-school officer. The following individuals
 806 may serve as a Feis guardian program certified school guardian,
 807 in support of school-sanctioned activities for purposes of s.
 808 790.115, upon satisfactory completion of the requirements under
 809 s. 30.15(1)(k) and certification by a sheriff:

810 (a) A school district employee or personnel, as defined
 811 under s. 1012.01, or a charter school employee, as provided
 812 under s. 1002.33(12)(a), who volunteers to serve as a Feis

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813 guardian program certified school guardian in addition to his or
814 her official job duties; or

815 (b) An employee of a school district or a charter school
816 who is hired for the specific purpose of serving as a Feis
817 guardian program certified school guardian.

818 (4) FEIS GUARDIAN PROGRAM CERTIFIED SCHOOL SECURITY GUARD.—
819 A school district or charter school governing board may contract
820 with a security agency as defined in s. 493.6101(18) to employ
821 as a Feis guardian program certified school security guard an
822 individual who holds a Class "D" and Class "G" license pursuant
823 to chapter 493, provided the following training and contractual
824 conditions are met:

825 (a) An individual who serves as a Feis guardian program
826 certified school security guard, for purposes of satisfying the
827 requirements of this section, must:

828 1. Demonstrate satisfactory completion of 144 hours of all
829 training program requirements of the Coach Aaron Feis Guardian
830 Program, as provided and certified by a county sheriff, ~~required~~
831 training pursuant to s. 30.15(1)(k)2.

832 2. Submit to and pass a psychological evaluation
833 administered by a licensed professional psychologist licensed
834 under chapter 490 and designated by the Department of Law
835 Enforcement and submit the results of the evaluation to the
836 sheriff's office, ~~school district, or charter school governing~~
837 ~~board, as applicable. The sheriff's office must review and~~
838 approve the results of each applicant's psychological evaluation
839 before accepting the applicant into the Feis guardian program.

840 The Department of Law Enforcement is authorized to provide the
841 sheriff's office, ~~school district, or charter school governing~~

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842 ~~board~~ with mental health and substance abuse data for compliance
843 with this paragraph.

844 3. Submit to and pass an initial drug test and subsequent
845 random drug tests in accordance with the requirements of s.
846 112.0455 and the sheriff's office, ~~school district, or charter~~
847 ~~school governing board, as applicable. The sheriff's office must~~
848 review and approve the results of each applicant's drug tests
849 before accepting the applicant into the Feis guardian program.

850 4. Successfully complete ongoing training, weapon
851 inspection, and firearm qualification on at least an annual
852 basis, as required by the sheriff's office and provide
853 documentation to the sheriff's office, school district, or
854 charter school governing board, as applicable.

855 (b) The contract between a security agency and a school
856 district or a charter school governing board regarding
857 requirements applicable to Feis guardian program certified
858 school security guards serving in the capacity of a safe-school
859 officer for purposes of satisfying the requirements of this
860 section shall define the county sheriff or sheriffs entity or
861 entities responsible for Feis guardian program training and the
862 responsibilities for maintaining records relating to training,
863 inspection, and firearm qualification; and define conditions,
864 requirements, costs, and responsibilities necessary to satisfy
865 the background screening requirements of paragraph (d).

866 (c) Feis guardian program certified school security guards
867 serving in the capacity of a safe-school officer pursuant to
868 this subsection are in support of school-sanctioned activities
869 for purposes of s. 790.115, and must aid in the prevention or
870 abatement of active assailant incidents on school premises.

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871 (d) A Feis guardian program certified school security guard
 872 servicing in the capacity of a safe-school officer pursuant to
 873 this subsection is considered to be a "noninstructional
 874 contractor" subject to the background screening requirements of
 875 ss. 1012.465 and 1012.467, as they apply to each applicable
 876 school district or charter school, and these requirements must
 877 be satisfied before the Feis guardian program certified school
 878 security guard is given access to school grounds.

879 (5) NOTIFICATION.—The school district superintendent or
 880 charter school administrator shall notify the county sheriff and
 881 the Office of Safe Schools immediately after, but no later than
 882 72 hours after:

883 (a) A safe-school officer is dismissed for misconduct or is
 884 otherwise disciplined.

885 (b) A safe-school officer discharges his or her firearm in
 886 the exercise of the safe-school officer's duties, other than for
 887 training purposes.

888 (6) EXEMPTION.—Any information that would identify whether
 889 a particular individual has been appointed as a safe-school
 890 officer pursuant to this section held by a law enforcement
 891 agency, school district, or charter school is exempt from s.
 892 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 893 subsection is subject to the Open Government Sunset Review Act
 894 in accordance with s. 119.15 and shall stand repealed on October
 895 2, 2023, unless reviewed and saved from repeal through
 896 reenactment by the Legislature.

897
 898 If a district school board, through its adopted policies,
 899 procedures, or actions, denies a charter school access to any

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900 safe-school officer options pursuant to this section, the school
 901 district must assign a sworn law enforcement school resource
 902 officer or sworn law enforcement school safety officer to the
 903 charter school. Under such circumstances, the charter school's
 904 share of the costs of the sworn law enforcement school resource
 905 officer or sworn law enforcement school safety officer may not
 906 exceed the safe school allocation funds provided to the charter
 907 school pursuant to s. 1011.62(15) and shall be retained by the
 908 school district.

909 Section 13. Subsection (3) of section 1006.13, Florida
 910 Statutes, is amended to read:

911 1006.13 Policy of zero tolerance for crime and
 912 victimization.—

913 (3) Zero-tolerance policies must require students found to
 914 have committed one of the following offenses to be expelled,
 915 with or without continuing educational services, from the
 916 student's regular school for a period of not less than 1 full
 917 year, and to be referred to the criminal justice or juvenile
 918 justice system.

919 (a) Bringing a firearm or weapon, as defined in chapter
 920 790, to school, to any school function, or onto any school-
 921 sponsored transportation or possessing a firearm at school.

922 (b) Making a threat or false report, as defined by ss.
 923 790.162 and 790.163, respectively, involving school or school
 924 personnel's property, school transportation, or a school-
 925 sponsored activity.

926
 927 District school boards may assign the student to a school-based
 928 diversion program pursuant to s. 985.12 disciplinary program for

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929 the purpose of continuing educational services during the period
 930 of expulsion. District school superintendents may consider the
 931 1-year expulsion requirement on a case-by-case basis and request
 932 the district school board to modify the requirement by assigning
 933 the student to a school-based diversion program pursuant to s.
 934 985.12 disciplinary program or second chance school if the
 935 request for modification is in writing and it is determined to
 936 be in the best interest of the student and the school system. If
 937 a student committing any of the offenses in this subsection is a
 938 student who has a disability, the district school board shall
 939 comply with applicable State Board of Education rules.

940 Section 14. Paragraph (a) of subsection (2) of section
 941 1006.1493, Florida Statutes, is amended to read:

942 1006.1493 Florida Safe Schools Assessment Tool.—

943 (2) The FSSAT must help school officials identify threats,
 944 vulnerabilities, and appropriate safety controls for the schools
 945 that they supervise, pursuant to the security risk assessment
 946 requirements of s. 1006.07(6).

947 (a) At a minimum, the FSSAT must address all of the
 948 following components:

- 949 1. School emergency and crisis preparedness planning;
- 950 2. Security, crime, and violence prevention policies and
 951 procedures;
- 952 3. Physical security measures;
- 953 4. Professional development training needs;
- 954 5. An examination of support service roles in school
 955 safety, security, and emergency planning;
- 956 6. School security and school police staffing, operational
 957 practices, and related services;

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958 7. School and community collaboration on school safety; and
 959 8. A return on investment analysis of the recommended
 960 physical security controls.

961 9. Policies and procedures to prepare for and respond to
 962 natural or manmade disasters or emergencies, including plans to
 963 reunite students and employees with families after a school is
 964 closed or unexpectedly evacuated due to such disasters or
 965 emergencies.

966 Section 15. Effective July 1, 2020, subsection (16) of
 967 section 1011.62, Florida Statutes, is amended to read:

968 1011.62 Funds for operation of schools.—If the annual
 969 allocation from the Florida Education Finance Program to each
 970 district for operation of schools is not determined in the
 971 annual appropriations act or the substantive bill implementing
 972 the annual appropriations act, it shall be determined as
 973 follows:

974 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
 975 assistance allocation is created to provide funding to assist
 976 school districts in establishing or expanding school-based
 977 mental health care; train educators and other school staff in
 978 detecting and responding to mental health issues; and connect
 979 children, youth, and families who may experience behavioral
 980 health issues with appropriate services. These funds shall be
 981 allocated annually in the General Appropriations Act or other
 982 law to each eligible school district. Each school district shall
 983 receive a minimum of \$100,000, with the remaining balance
 984 allocated based on each school district's proportionate share of
 985 the state's total unweighted full-time equivalent student
 986 enrollment. Charter schools that submit a plan separate from the

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987 school district are entitled to a proportionate share of
 988 district funding. The allocated funds may not supplant funds
 989 that are provided for this purpose from other operating funds
 990 and may not be used to increase salaries or provide bonuses.
 991 School districts are encouraged to maximize third-party health
 992 insurance benefits and Medicaid claiming for services, where
 993 appropriate.

994 (a) Before the distribution of the allocation:

995 1. The school district shall ~~must~~ develop and submit a
 996 detailed plan outlining the local program and planned
 997 expenditures to the district school board for approval. The This
 998 plan, which must include input from school and community
 999 stakeholders, applies to all district schools, including charter
 1000 schools, unless a charter school elects to submit a plan
 1001 independently from the school district pursuant to subparagraph
 1002 2.

1003 2. A charter school may develop and submit a detailed plan
 1004 outlining the local program and planned expenditures to its
 1005 governing body for approval. After the plan is approved by the
 1006 governing body, it must be provided to the charter school's
 1007 sponsor.

1008 (b) The plans required under paragraph (a) must be focused
 1009 on a multitiered system of supports to deliver evidence-based
 1010 mental health care assessment, diagnosis, intervention,
 1011 treatment, and recovery services to students with one or more
 1012 mental health or co-occurring substance abuse diagnoses and to
 1013 students at high risk of such diagnoses. The provision of these
 1014 services must be coordinated with a student's primary mental
 1015 health care provider and with other mental health providers

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1016 involved in the student's care. At a minimum, the plans must
 1017 include the following elements:

1018 1. Direct employment of school-based mental health services
 1019 providers to expand and enhance school-based student services
 1020 and to reduce the ratio of students to staff in order to better
 1021 align with nationally recommended ratio models. These providers
 1022 include, but are not limited to, certified school counselors,
 1023 school psychologists, school social workers, and other licensed
 1024 mental health professionals. The plan also must establish
 1025 ~~identify~~ strategies to increase the amount of time that school-
 1026 based student services personnel spend providing direct services
 1027 to students, which may include the review and revision of
 1028 district staffing resource allocations based on school or
 1029 student mental health assistance needs.

1030 2. Contracts or interagency agreements with one or more
 1031 local community behavioral health providers or providers of
 1032 Community Action Team services to provide a behavioral health
 1033 staff presence and services at district schools. Services may
 1034 include, but are not limited to, mental health screenings and
 1035 assessments, individual counseling, family counseling, group
 1036 counseling, psychiatric or psychological services, trauma-
 1037 informed care, mobile crisis services, and behavior
 1038 modification. These behavioral health services may be provided
 1039 on or off the school campus and may be supplemented by
 1040 telehealth.

1041 3. Policies and procedures, including contracts with
 1042 service providers, which will ensure that students who are
 1043 referred to a school-based or community-based mental health
 1044 service provider for mental health screening for the

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1045 identification of mental health concerns and ensure that the
 1046 assessment of students at risk for mental health disorders
 1047 occurs within 15 days of referral. School-based mental health
 1048 services must be initiated within 15 days after identification
 1049 and assessment, and support by community-based mental health
 1050 service providers for students who are referred for community-
 1051 based mental health services must be initiated within 30 days
 1052 after the school or district makes a referral.

1053 4. Mental health policies and procedures that implement and
 1054 support all of the following elements:

1055 a. Universal supports to promote psychological well-being
 1056 and safe and supportive environments.

1057 b. Evidence-based strategies or programs to reduce the
 1058 likelihood of at-risk students developing social, emotional, or
 1059 behavioral health problems, depression, anxiety disorders,
 1060 suicidal tendencies, or substance use disorders.

1061 ~~c.5-~~ Strategies to improve the early identification of
 1062 social, emotional, or behavioral problems or substance use
 1063 disorders; provide , to improve the provision of early
 1064 intervention services; and to assist students in dealing with
 1065 trauma and violence.

1066 d. Methods for responding to a student with suicidal
 1067 ideation, including training in suicide risk assessment and the
 1068 use of suicide awareness, prevention, and screening instruments
 1069 developed under s. 1012.583; adoption of guidelines for
 1070 informing parents of suicide risk; and implementation of board
 1071 policies for initiating involuntary examination of students at
 1072 risk of suicide.

1073 e. A school crisis response plan that includes strategies

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1074 for the prevention of, preparation for, response to, and
 1075 recovery from a range of school crises. The plan must establish
 1076 or coordinate the implementation of district-level and school-
 1077 level crisis response teams whose membership includes, but is
 1078 not limited to, representatives of school administration and
 1079 school-based mental health service providers.

1080 (c) School districts shall submit approved plans, including
 1081 approved plans of each charter school in the district, to the
 1082 commissioner by August 1 of each fiscal year.

1083 (d) ~~By September 30 of each year Beginning September 30,~~
 1084 ~~2019, and annually by September 30 thereafter,~~ each school
 1085 district shall submit its district report to the department. By
 1086 November 1 of each year, the department shall submit a state
 1087 summary report to the Governor, the President of the Senate, and
 1088 the Speaker of the House of Representatives on Department of
 1089 ~~Education a report on its~~ program outcomes and expenditures for
 1090 the previous fiscal year. The school district report must
 1091 include program outcomes and expenditures for all public schools
 1092 in the district, including charter schools that submitted a
 1093 separate plan. At a minimum, the district and state reports also
 1094 ~~must that, at a minimum, must~~ include school district-level and
 1095 school-level, including charter schools, information, including
 1096 multiple-year trend data, when available, for each of the number
 1097 ~~of each of~~ the following indicators:

1098 1. The number of students who receive screenings or
 1099 assessments.

1100 2. The number of students who are referred to either
 1101 school-based or community-based providers for services or
 1102 assistance.

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1103 3. The number of students who receive either school-based
1104 or community-based interventions, services, or assistance.

1105 4. The number of school-based and community-based mental
1106 health providers, including licensure type, paid for from funds
1107 provided through the allocation.

1108 5. The number and ratio to students of school social
1109 workers, school psychologists, and certified school counselors
1110 employed by the district or charter school and the total number
1111 of licensed mental health professionals directly employed by the
1112 district or charter school.

1113 6. Contract-based collaborative efforts or partnerships
1114 with community mental health programs, agencies, or providers.

1115 Section 16. Except as otherwise expressly provided in this
1116 act, this act shall take effect upon becoming a law.