

Tab 1	SB 1322 by Wright; (Identical to H 06035) Postsecondary Fee Exemptions				
Tab 2	SB 1412 by Powell; (Identical to H 01101) Internship Tax Credit Program				
Tab 4	SB 1634 by Stargel; (Identical to H 01059) Parental Rights				
155924	A	S	ED, Stargel	Delete L.275:	02/14 01:21 PM
Tab 3	SB 1498 by Baxley; (Compare to CS/H 07079) School Turnaround				
929338	D	S	ED, Baxley	Delete everything after	02/14 01:34 PM
Tab 5	SB 1650 by Simmons; (Compare to CS/H 00081) Medicaid Provider Agreements for Charter and Private Schools				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Diaz, Chair
Senator Montford, Vice Chair

MEETING DATE: Monday, February 17, 2020
TIME: 1:30—3:30 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 1322 Wright (Identical H 6035)	Postsecondary Fee Exemptions; Deleting an exemption from specified tuition and fees for students enrolled in approved apprenticeship programs at specified institutions, etc. ED 02/17/2020 AED AP	
2	SB 1412 Powell (Identical H 1101, Compare H 357, H 439, S 642)	Internship Tax Credit Program; Creating the "Florida Internship Tax Credit Program"; providing a credit against the corporate income tax to a taxpayer employing a degree-seeking student intern if certain criteria are met; specifying the amount of the credit; specifying a limit on the credit claimed per taxable year, etc. ED 02/17/2020 FT AP	
3	SB 1498 Baxley (Compare CS/H 7079)	School Turnaround; Revising the criteria for schools that are deemed to be in need of intervention and support; providing that a school district may request to change a turnaround option after the first year of implementation; providing new requirements for schools that complete a district-managed turnaround plan and do not improve; authorizing the State Board of Education to revoke a turnaround plan when the school district has failed to follow the terms or meet the requirements of its approved plan, etc. ED 02/17/2020 AED AP	

COMMITTEE MEETING EXPANDED AGENDA

Education

Monday, February 17, 2020, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1634 Stargel (Identical H 1059)	Parental Rights; Designating the "Parents' Bill of Rights"; providing that the state, its political subdivisions, other governmental entities, or other institutions may not infringe on parental rights without demonstrating specified information; providing that a parent of a minor child has specified rights relating to his or her minor child; requiring each district school board in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system; prohibiting certain health care practitioners from taking specified actions without a parent's written permission, etc.	JU 02/04/2020 Favorable ED 02/17/2020 RC
5	SB 1650 Simmons (Compare CS/H 81, CS/S 190)	Medicaid Provider Agreements for Charter and Private Schools; Revising qualification requirements for health care practitioners engaged by charter and private schools to provide Medicaid school-based services, etc.	HP 02/04/2020 Favorable ED 02/17/2020 AP

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 1322

INTRODUCER: Senator Wright

SUBJECT: Postsecondary Fee Exemptions

DATE: February 14, 2020

REVISED: _____

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

I. Summary:

SB 1322 removes the tuition and fee exemption for students in approved apprenticeship programs that partner with school districts, Florida College System institutions, and state universities for the instructional portion of a program.

The bill has no impact on state expenditures, and an indeterminate impact on state revenue.

The bill takes effect on July 1, 2020.

II. Present Situation:

Tuition and Fees

Tuition is the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.¹ In addition to tuition, Florida law authorizes district school boards, and Florida College System (FCS) institution and state university boards of trustees to establish fees.² Fees may include, but are not limited to, out-of-state, financial aid, capital improvement, technology, activity and service, athletic, and health fees. Additionally, students may be assessed certain usage fees, fines, and surcharges.³ All postsecondary workforce education, FCS institution, and state university students are charged fees except students who are exempt from fees or students whose fees are waived.⁴

¹ Section 1009.01(1), F.S. Tuition for workforce education programs leading to a career certificate or an applied technology diploma is \$2.33 per contact hour. Section 1009.22(3)(c), F.S. Tuition at a Florida College System institution is \$71.98 per credit hour, and \$91.79 per credit hour for baccalaureate degree programs. Section 1009.23(3)(a), F.S. Tuition at a state university is \$105.07 per credit hour. Section 1009.24(4)(a), F.S.

² Sections 1009.22, 1009.23, and 1009.24, F.S.

³ Sections 1009.22(9), 1009.23(12)(a), 1009.24(14) and 1009.286, F.S.

⁴ Sections 1009.22(2), 1009.23(2)(a), and 1009.24(2), F.S.

Fee Exemptions

Florida law specifies a number of exemptions from the payment of tuition and fees, including laboratory fees, for students at a school district that provides workforce education programs, an FCS institution, or a state university.⁵ One such exemption is for students who are enrolled in an approved apprenticeship program.⁶

Apprenticeship Programs

It is the intent of the state for apprenticeship programs to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities, and benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences.⁷

An apprenticeship program is an organized course of instruction, registered and approved by the Department of Education (DOE),⁸ which contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices.⁹ The apprenticeship program sponsor operates and registers an approved apprenticeship program.¹⁰ A sponsor may be a committee, a group of employers, an employer, or a group of employees, or any combination thereof.¹¹

Sponsors may elect to provide classroom instruction privately,¹² or partner with a local educational agency,¹³ such as a school district or FCS institution, to provide related and

⁵ Tuition and fee exemptions include students in dual enrollment programs, children in foster care or who were adopted, students in welfare transition programs, homeless students, and specified child protection and child welfare personnel in certain degree programs. Section 1009.25(1), F.S.

⁶ Section 1009.25(1)(b), F.S. Students enrolled in registered apprenticeship programs offered through school districts and FCS institutions may be assessed user fees and fines as specified in s. 1009.22(9), F.S., which may include, but are not limited to, parking fees and fines, library fees and fines, fees and fines relating to facilities and equipment use or damage, access or identification card fees, photocopying, transcript fees, or diploma fees. Florida Department of Education, *2019 Agency Legislative Bill Analysis of HB 6035* (Oct. 31, 2019), at 2. The exemption does not apply to non-apprenticeship program related courses; only courses identified in the Standards of Apprenticeship documentation for the program, as required by rule 6A-23.004, F.A.C., are exempt. *Id.*

⁷ Section 446.011, F.S.

⁸ Approval and registration of apprenticeship programs is detailed in rule 6A-23.003, F.A.C., based on standards established in rule 6A-23.004, F.A.C.

⁹ Section 446.021(6), F.S. An “apprentice” is a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which should be combined with properly coordinated studies of technical and supplementary subjects. Section 446.021(2), F.S.

¹⁰ Rule 65A-23.002(21), F.A.C.

¹¹ Section 446.071(2), F.S.

¹² Many programs have internal training funds that may come from a variety of sources, including training fees assessed to members in joint (or union) programs. Florida Department of Education, *2019 Agency Legislative Bill Analysis of HB 6035* (Oct. 31, 2019), at 2.

¹³ Though not defined in the U.S. Department of Labor federal regulations governing registered apprenticeship programs, the U.S. Department of Education regulations define a local educational agency as a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program. 34 C.F.R. s. 400.4.

supplemental classroom instruction.¹⁴ The extent or amount of related instruction provided by educational institution varies depending on the apprenticeship program.¹⁵

The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction is the responsibility of the appropriate career education institution.¹⁶ School districts and FCS institutions locally negotiate fees for services with the sponsor for costs such as curriculum development, instructors, facilities, and documentation. These types of costs may be charged to the apprenticeship program, but not to the apprentice enrolled in the school district or FCS institution program.¹⁷

Workforce education programs specified in law include registered apprenticeship programs.¹⁸ This provides school districts and FCS institutions authority to offer registered apprenticeship through their educational programs and to spend their state operating funds for the support of these programs.¹⁹

Generally, operating funds for school district postsecondary workforce education programs and FCS institutions are generated by student tuition and fees and by state funds. School district workforce education state operating funds are provided in the General Appropriations Act (GAA) through the Workforce Development Funds category. FCS institution state operating funds are provided annually in the GAA through the FCS Program Fund category. Apprenticeship programs are supported by state operating funds, tuition and fee revenue from other programs, and any contributions by sponsors. State operating funds cover the cost of classroom instruction,²⁰ but may not reflect actual school district²¹ and FCS institution²² program enrollments. In addition, school districts and FCS institutions incur administrative costs for apprenticeship programs that are not included in the funding provided for instruction. In 2017-2018, apprenticeship program instructional costs in school districts and FCS institutions were approximately \$21 million, and administrative costs were almost \$1.8 million.²³

¹⁴ Section 446.051(2), F.S. “Related instruction” means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical subjects related to a specific trade or occupation. Section 446.021(9), F.S.

¹⁵ Florida Department of Education, *2019 Agency Legislative Bill Analysis of HB 6035* (Oct. 31, 2019), at 2.

¹⁶ Section 446.051(1), F.S.

¹⁷ Florida Department of Education, *2019 Agency Legislative Bill Analysis of HB 6035* (Oct. 31, 2019), at 3.

¹⁸ Section 1011.80(1), F.S.

¹⁹ Florida Department of Education, *Florida’s Annual Apprenticeship and Preapprenticeship Report, Program Year 2018-2019*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2019appr-rpt.pdf>, at 13.

²⁰ For fee-exempt students, state funding is 100 percent of the average cost of instruction. Section 1011.80(6)(c), F.S.

²¹ District workforce funding calculates a three-year average enrollment, which may not reflect actual enrollment in district apprenticeship programs. Florida Department of Education, *2019 Agency Legislative Bill Analysis of HB 6035* (Oct. 31, 2019), at 3. In 2018-2019, the appropriation of district workforce education funds was approximately 95 percent of the calculated state funding need. Florida Department of Education, *2018-2019 District Workforce Education Funding Summary* (August 2018), available at <http://www.fldoe.org/core/fileparse.php/7529/urlt/1819-wf-fundingsummary.pdf>, at 12.

²² Appropriations to the FCS Program Fund are based on a number of factors, including student enrollment. Section 1011.84(3)(b), F.S. Changes in current and projected student enrollment is reported in the State Board of Education legislative budget request. Section 1011.84(1)(a) and (3)(a), F.S.

²³ Florida Department of Education, *Florida’s Annual Apprenticeship and Preapprenticeship Report, Program Year 2018-2019*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2019appr-rpt.pdf>, at Appendix C.

School districts and FCS institutions may supplement funding for workforce education with funds provided in the GAA for student completion of specified industry certifications.²⁴

In 2018-2019, there were 228 apprenticeship programs registered with the DOE. Approximately 40 percent of such programs partnered with a school district or FCS institution for the required technical and supplemental instruction.²⁵ During that school year, there were 10,681 students enrolled in a school district apprenticeship program, and 2,798 students enrolled in an FCS apprenticeship program.²⁶

III. Effect of Proposed Changes:

The bill modifies s. 1009.25, F.S., to remove the tuition and fee exemption for students enrolled in a registered apprenticeship program that is partnering with a school district, Florida College System institution, or state university for the portions of the apprenticeship program that are delivered by the educational institution.

However, the bill does not adopt a fee structure for registered apprenticeship programs. The current level of \$2.33 per contact hour is designated for programs leading to a career certificate or an applied technology diploma. Instruction as a part of an apprenticeship program may not lead toward either credential. Therefore, it is unclear if the existing tuition and fees for workforce education programs will apply to apprenticeship program instruction.

Apprenticeship program sponsors who partner with an educational institution often use the tuition and fee exemption as a recruitment tool for potential apprentices. If the tuition and fee exemption is removed, such sponsors may end the partnership with school districts and FCS institutions in favor of seeking alternate providers of related technical and supplemental instruction, or simply provide their own instruction.²⁷

However, removing the tuition and fee exemption may assist in the expansion of apprenticeship programs because the institutions may be able to recover costs associated with instruction.²⁸ A recent report by a Florida Apprenticeship Catalyst Workgroup (workgroup) found that while there is some funding for the local education agency through state reimbursement for classroom hour attendance as with any student, there is no recovery of tuition for apprenticeship programs. Postsecondary institutions may use funding for their existing workforce programs provided by the state to allocate toward apprenticeship tuition. As this may reduce funding for other longstanding workforce training commitments, there is very little benefit to an education institution for offering apprenticeship programs.²⁹ The workgroup recommended the removal of the exemption for tuition and fees for students enrolled in apprenticeship programs.³⁰

²⁴ Sections 1011.80(7)(b), F.S. and 1011.81(2), F.S.

²⁵ Florida Department of Education, *2019 Agency Legislative Bill Analysis of HB 6035* (Oct. 31, 2019), at 3.

²⁶ *Id.*

²⁷ *Id.* at 4.

²⁸ *Id.*

²⁹ Apprenticeship Catalyst Workgroup, *Florida Apprenticeship Workgroups Findings and Recommendations Report*, <https://careersourceflorida.com/wp-content/uploads/2018/07/Apprenticeship-Workgroups-Report.pdf>, at 9.

³⁰ *Id.* at 6.

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:

Article VII, s. 19, of the State Constitution requires that a new state tax or fee, as well as a raise in a state tax or fee, must be approved by two-thirds of the membership of each house of the Legislature and must be contained in a separate bill that contains no other subject. Article VII, s. 19(d)(1), of the State Constitution defines “fee” to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.” Article VII, s. 19(d)(2), of the State Constitution includes in the definition of “raise” a decrease or elimination of a state tax or fee exemption or credit.

The bill amends s. 1009.25, F.S., to eliminate a tuition and fee exemption for students in approved apprenticeship programs specified in law at public postsecondary institutions that provide the related technical instruction. As such, the State Constitution may require that the elimination of the tuition and fee exemption be passed by a two-thirds vote of the membership of each house of the Legislature. The bill contains no other subject.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be an increase in expenses for the student apprentices as a result of tuition and fees charges by a school district or Florida College System (FCS) institution that provides

the instruction portion of an apprenticeship program. The increased costs to the student are indeterminate at this time.³¹

C. **Government Sector Impact:**

Revenues to school districts, FCS institutions, and state universities that provide the instructional portion of an apprenticeship program may increase as a result of tuition and fees paid to the institutions by the student apprentice. The financial impact is indeterminate at this time.³²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1009.25 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.

³¹ Florida Department of Education, *2019 Agency Legislative Bill Analysis of HB 6035* (Oct. 31, 2019), at 5.

³² *Id.* at 4.

By Senator Wright

14-01462-20

20201322__

1 A bill to be entitled
2 An act relating to postsecondary fee exemptions;
3 amending s. 1009.25, F.S.; deleting an exemption from
4 specified tuition and fees for students enrolled in
5 approved apprenticeship programs at specified
6 institutions; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (b) of subsection (1) of section
11 1009.25, Florida Statutes, is amended to read:

12 1009.25 Fee exemptions.—

13 (1) The following students are exempt from the payment of
14 tuition and fees, including lab fees, at a school district that
15 provides workforce education programs, Florida College System
16 institution, or state university:

17 ~~(b) A student enrolled in an approved apprenticeship~~
18 ~~program, as defined in s. 446.021.~~

19 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 1412

INTRODUCER: Senator Powell

SUBJECT: Internship Tax Credit Program

DATE: February 14, 2020

REVISED: _____

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

I. Summary:

SB 1412 creates the “Florida Internship Tax Credit Program” to authorize a tax credit of \$2,000 for each degree-seeking student intern employed by a corporation, up to a maximum of \$10,000 in any taxable year, beginning in taxable years on or after January 1, 2021. The bill also provides a definition of a degree-seeking student intern, responsibilities for postsecondary educational institutions and the Department of Revenue, and an authorization to carry forward any unused portion of a tax credit.

The bill does not have an impact on state revenues in 2020-2021, but is estimated to have a recurring impact of approximately \$14 million.

The bill takes effect on July 1, 2020.

II. Present Situation:

Internships

The National Association of Colleges and Employers (NACE) defines an internship as “a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skill development in a professional setting. Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths; and give employers the opportunity to guide and evaluate talent.”¹

¹ National Association of Colleges and Employers, *Position Statement: U.S. Internships*, <http://www.naceweb.org/advocacy/position-statements/united-states-internships.aspx> (last visited Feb. 11, 2020).

NACE further defines criteria to determine if an experience is a legitimate internship:²

- The experience must be an extension of the classroom: a learning experience that provides for applying the knowledge gained in the classroom. It must not be simply to advance the operations of the employer or be the work that a regular employee would routinely perform.
- The skills or knowledge learned must be transferable to other employment settings.
- The experience has a defined beginning and end, and a job description with desired qualifications.
- There are clearly defined learning objectives or goals related to the professional goals of the student's academic coursework.
- There is supervision by a professional with expertise and educational or professional background in the field of the experience.
- There is routine feedback by the experienced supervisor.
- There are resources, equipment, and facilities provided by the host employer that support learning objectives/goals.

Internships are typically one-time work or service experiences related to the student's major or career goal. The internship plan generally involves students working in professional settings under the supervision and monitoring of practicing professionals. Internships can be paid³ or unpaid,⁴ and the student may or may not receive academic credit for performing the internship.⁵

Florida's Corporate Income Tax

It is the intent of the Legislature to subject corporations⁶ and other entities to taxation for the privilege of conducting business, deriving income, or existing within this state.⁷

² National Association of Colleges and Employers, *Position Statement: U.S. Internships*,

<http://www.naceweb.org/advocacy/position-statements/united-states-internships.aspx> (last visited Feb. 11, 2020).

³ The average hourly wage for interns in 2019 was \$19.05. National Association of Colleges and Employers, *2019 Internship & Co-op Survey Report, Executive Summary* (NACE Survey) (May 2019), available at

<https://www.naceweb.org/uploadedfiles/files/2019/publication/executive-summary/2019-nace-internship-and-co-op-survey-executive-summary.pdf>, at 5.

⁴ The U.S. Department of Labor (USDOL) provides information to help determine whether or not interns and students are considered employees entitled to minimum wages and overtime pay under the Fair Labor Standards Act. That test requires courts to analyze the "economic reality" of the intern's relationship with his or her employer to evaluate whether the internship is primarily for the economic benefit of the employer or primarily for the educational benefit of the intern. USDOL, U.S. Wage and Hour Division, *Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act* (updated Jan. 2018), available at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs71.pdf>.

⁵ NACE Survey, *supra* note 3, at 2.

⁶ "Corporation" includes all domestic corporations; foreign corporations qualified to do business in this state or actually doing business in this state; specified corporations included in chapters 605, 609, 617, 618, 621, 622, and 623; foreign corporations not for profit carrying on their activities in this state; and all other organizations, associations, legal entities, and artificial persons created by or pursuant to the statutes of this state, the United States, or any other state, territory, possession, or jurisdiction. The term "corporation" does not include proprietorships; partnerships of any type; limited liability companies that are taxable as partnerships for federal income tax purposes; state or public fairs or expositions, under chapter 616; estates of decedents or incompetents; testamentary trusts; or private trusts. Section 220.03(1)(e), F.S.

⁷ Section 220.02(1), F.S.

Certain corporations doing business in Florida must pay a tax of 5.5 percent on income earned in Florida.⁸ The calculation of Florida corporate income tax starts with a corporation's federal taxable income.⁹ Taxable income earned by corporations operating in more than one state is taxed in Florida on an apportioned basis using a formula based 25 percent on property, 25 percent on payroll, and 50 percent on sales.¹⁰ Income that is apportioned to Florida using this formula is then subject to the Florida income tax. The first \$50,000 of net income is exempt, effective with tax years beginning January 1, 2013.¹¹

The Revenue Estimating Conference estimates 2020-2021 fiscal year gross corporate income tax collections of approximately \$2.76 billion.¹²

Corporate Tax Credits

Florida offers tax credits, refunds, and other incentives against the Florida corporate income tax liability to promote business development and job creation within the state.¹³ Such incentives related to employment include:

- The Rural and Urban Job Tax Credit Programs, which provide an incentive for eligible businesses, located within designated rural counties and urban areas, to create new jobs,¹⁴ valued at \$100,000 in 2019-2020.¹⁵
- Subtraction for Florida Employees Included in Calculation of Federal Employment Credits, which authorizes a deduction for the amount of wages and salaries paid to Florida employees for the taxable year for which no deduction is allowed under the Internal Revenue Code,¹⁶ valued at \$17.4 million in 2019-2020.¹⁷
- Enterprise Zone Jobs Tax Credit, which provides a credit of wages paid to new eligible employees who are residents of a Florida enterprise zone,¹⁸ valued at \$700,000 in 2019-2020.¹⁹

⁸ Florida Revenue Estimating Conference, *2020 Florida Tax Handbook*, (Tax Handbook-2020), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2020.pdf>, at 61. For taxable years beginning January 1, 2019 through December 31, 2021, the rate is 4.458 percent, pursuant to s. 220.1105, F.S. *Id.*

⁹ Section 220.12, F.S.

¹⁰ Tax Handbook-2020, *supra* note 8. *See also* s. 220.15, F.S.

¹¹ *Id.* *See also* s. 220.14, F.S.

¹² Tax Handbook-2020, *supra* note 8.

¹³ Florida Department of Revenue, *Corporate Income Tax Incentives*, https://floridarevenue.com/taxes/taxesfees/Pages/corp_tax_incent.aspx (last visited Feb. 12, 2020).

¹⁴ Sections 220.1895 and 212.098, F.S., and ss. 220.1895 and 212.097, F.S.

¹⁵ Florida Revenue Estimating Conference, *2019 Florida Tax Handbook*, (Tax Handbook-2019), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2019.pdf>, at 65.

¹⁶ Section 220.13(1)(b)3, F.S.

¹⁷ Tax Handbook-2019, *supra* note 15.

¹⁸ Section 220.181, F.S.

¹⁹ Tax Handbook-2019, *supra* note 15.

Credits against either the corporate income tax or the franchise tax are applied in an order established in law.²⁰ There is presently no credit available against corporate income tax for employing degree-seeking student interns.²¹

III. Effect of Proposed Changes:

The bill creates s. 220.198, F.S., to establish the “Florida Internship Tax Credit Program,” which authorizes a tax credit of \$2,000 for each degree-seeking student intern employed by a corporation, up to a maximum of \$10,000 in any taxable year, beginning in taxable years on or after January 1, 2021. The bill also provides a definition of a degree-seeking student intern, responsibilities for postsecondary educational institutions and the Department of Revenue (DOR), and an authorization to carry forward any unused portion of a tax credit.

The bill defines a “degree-seeking student intern” as a person who is enrolled as a degree-seeking student at a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center.

The bill authorizes a taxpayer²² credit against the corporate income tax established in chapter 200, F.S., in the amount of \$2,000 per degree-seeking student intern employed by the taxpayer, subject to documentation by the state university, FCS institution, career center operated by a school district, or charter technical career center regarding the degree-seeking student’s enrollment status.²³ The bill establishes a maximum credit of \$10,000 in any taxable year, and authorizes a taxpayer to carry forward any unused portion of a tax credit for up to two taxable years.

Finally, the bill requires the DOR to adopt rules governing the manner and form of applications for the tax credit and establishing qualification requirements for the tax credit. The rule may need to specify requirements not in the bill, such as timelines for approval of tax credits, and what entity receives the documentation of the student’s enrollment status.

²⁰ Section 220.02(8), F.S. The credits are applied in the following order: those enumerated in s. 631.828,²⁰ those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.192, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.194, and those enumerated in s. 220.196. *Id.*

²¹ Department of Revenue, *2020 Agency Legislative Bill Analysis of SB 1412* (Jan. 24, 2020), at 2.

²² “Taxpayer” means any corporation subject to the tax imposed by the Florida income tax code established in chapter 200, F.S., and includes all corporations for which a consolidated return is filed under s. 220.131, F.S., but does not include a specified corporation having no individuals. Section 220.03(1)(z), F.S.

²³ The Family Educational Rights and Privacy Act (FERPA) authorizes an educational institution to disclose directory information without prior consent of the student, but requires the institution to publicly designate such directory information. 20 U.S.C. s. 1232g; 34 CFR, s. 99.37. Directory information includes, but is not limited to, the student’s name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended. Directory information does not include the student’s social security number or the student’s identification number, subject to exceptions. 34 CFR s 99.3.

The tax credit established in the bill may provide an incentive for businesses to provide or increase internship opportunities for students.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Corporations that employ student interns specified in the bill and meet specified requirements may decrease their tax liability up to \$10,000 in any taxable year.

C. Government Sector Impact:

The Revenue Estimating Conference (conference) estimated no fiscal impact in 2020-2021, because the bill specifies the beginning of the tax credit in taxable years on or after January 1, 2021. However, the conference estimates a fiscal impact of \$14.2 million in 2021-2022, increasing to \$14.8 million in 2024-2025. The conference based its estimate on 2017 corporate income tax data to identify businesses with a positive tax liability after all other credits.²⁴

²⁴ Revenue Estimating Conference, *Revenue Impact Results* (Jan. 24, 2020), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2020/_pdf/Impact0124.pdf, at 288.

The Department of Revenue estimates that implementation of the internship tax credit will require approximately 316 contractor hours, and 624 in-house hours, to provide modifications to the SUNTAX system. The cost is estimated at \$29,388 for 2021-2022.

VI. Technical Deficiencies:

The bill uses the term “degree-seeking student intern” in the provision of a tax credit established in the bill. However, career centers operated by school districts and charter technical career centers currently do not offer associate or baccalaureate degrees,²⁵ and so their students are not considered “degree-seeking.” The sponsor may consider changing the definition to “student intern” and specify that the student must be enrolled in a degree, career certificate, or diploma program at a specified Florida postsecondary education institution.

VII. Related Issues:

The bill does not define an “internship” experience, and so it is unclear if any type of work-based educational experience may qualify, such as co-operative education, apprenticeships, practicums, service learning, clinical experience, or virtual internships. The bill does not define a minimum length for an internship, if the internship may be paid or unpaid, and if the student must be receiving academic course credit for the internship experience. In addition, the Department of Revenue identified several issues:²⁶

- The bill does not amend s. 220.02(8), F.S., to specify in which order this tax credit is to be claimed against corporate income tax relative to other credits that may be claimed.
- A tax credit provision in chapter 220, F.S., typically corresponds to an addition to s. 220.13, F.S., to prevent a taxpayer from taking an item or expense as a deduction from federal income and Florida income, and then also taking the same item or expense as a tax credit against Florida corporate income tax. The bill does not provide such corresponding provision.
- It is unclear whether an affiliated group filing a consolidated Florida return may take a tax credit of up to \$10,000 per corporation included in the consolidated filing, or whether the tax credit is limited to \$10,000 per filed return.

VIII. Statutes Affected:

This bill creates section 220.198 of the Florida Statutes.

²⁵ Workforce education programs may be conducted by a Florida College System (FCS) institution or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a FCS institution. Section 1011.80(2), F.S. Career centers offer adult general education, career certificates, applied technology diplomas, continuing workforce education, and apprenticeship and preapprenticeship programs. Section 1011.80(1), F.S. In 2017-2018, Lake Technical College, the state’s only charter technical center, offered only adult general education and career certificate programs. Florida Department of Education, *A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Career Centers, 2017-18*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/charterreview18.pdf>, at 5.

²⁶ Department of Revenue, *2020 Agency Legislative Bill Analysis of SB 1412* (Jan. 24, 2020), at 5.

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 Powell

30-01464-20

20201412__

A bill to be entitled

An act relating to an internship tax credit program; creating s. 220.198, F.S.; providing a short title; defining the term "degree-seeking student intern"; providing a credit against the corporate income tax to a taxpayer employing a degree-seeking student intern if certain criteria are met; specifying the amount of the credit; specifying a limit on the credit claimed per taxable year; requiring the Department of Revenue to adopt certain rules; authorizing the carryforward of unused tax credits for a specified timeframe; providing an effective date.

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

Section 1. Section 220.198, Florida Statutes, is created to read:

220.198 Internship tax credit program.-

(1) This section may be cited as the "Florida Internship Tax Credit Program."

(2) As used in this section, the term "degree-seeking student intern" means a person who is enrolled as a degree-seeking student at a state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center.

(3) For taxable years beginning on or after January 1, 2021, a taxpayer shall be allowed a credit against the tax imposed under this chapter in the amount of \$2,000 per degree-seeking student intern employed by the taxpayer if the degree-

Page 1 of 2

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

30-01464-20

20201412__

seeking student intern's state university, Florida College System institution, career center operated by a school district under s. 1001.44, or charter technical career center has provided documentation attesting to his or her enrollment status.

(4) A taxpayer may not claim a tax credit under this section of more than \$10,000 in any taxable year.

(5) The department shall adopt rules governing the manner and form of applications for the tax credit and establishing qualification requirements for the tax credit.

(6) A taxpayer awarded a tax credit under this section may carry forward any unused portion of a tax credit for up to 2 taxable years.

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

Page 2 of 2

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 Judiciary

BILL: SB 1634

INTRODUCER: Senator Stargel

SUBJECT: Parental Rights

DATE: February 14, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Brick</u>	<u>Sikes</u>	<u>ED</u>	Pre-Meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1634 establishes the “Parents’ Bill of Rights.” The bill provides that the state, its political subdivisions, any other governmental entity, or other institution may not infringe upon the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a minor child. If those entities infringe upon a parent’s fundamental right, they must demonstrate that the action is reasonable and necessary to achieve a compelling state interest, and the action must be narrowly tailored and not otherwise served by less restrictive means.

The bill enumerates a list of rights that a parent possesses in order to direct the education of his or her child and be informed about the child’s educational programs. The bill also requires the school district to promote parental involvement in the public school system by providing access to the child’s studies and instructional materials while also recognizing a parent’s right to withdraw the child from objectionable portions of the school’s curriculum.

The bill also requires a parent’s permission before a health care practitioner may provide services, prescribe medicine to the child, or perform a medical procedure, unless otherwise provided by law. The bill provides a misdemeanor penalty for a health care practitioner or similar person who violates the health care provisions and subjects these persons to disciplinary actions.

The bill takes effect July 1, 2020.

II. Present Situation:

Constitutional Rights of Parents

Parental Guarantees in the United States Constitution

The Fourteenth Amendment to the U.S. Constitution provides that no State

[S]hall deprive any person of life, *liberty*, or property, without due process of law.

The U.S. Supreme Court has recognized that the Due Process clause includes an additional component that provides a heightened level of protection against any governmental interference where certain fundamental rights and liberty interests are involved. In *Troxel v. Granville*,¹ a case to terminate parental rights, the Court noted that the Fourteenth Amendment “liberty interest” at issue – the interest that parents had in the care, custody, and control over their children – was perhaps the oldest of any fundamental liberty interest that the Court had recognized.

The Court reflected that, in a 1923 decision,² it determined that the “liberty” interest protected by the Due Process Clause included the right of parents to “establish a home and bring up children” and “to control the education of their own.”

The Court also noted as early as 1925³ that a child was not simply the creature of the State and that the people who nurture the child and direct the child’s destiny have the right, and the high duty, to recognize and prepare the child for additional obligations. In 1944, the Court confirmed the right of parents to direct the upbringing of their children when it stated:

It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.⁴

Finally, in recounting the history of parental authority in 1979, the Court stated, “We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected.”⁵

Parental Guarantees in the State Constitution

Similarly, the Florida Supreme Court has determined that the fundamental liberty interest in parenting one’s child “is protected by the Florida and federal constitutions. In Florida, it is specifically protected by our privacy provision.”⁶ The Court also stated that the state constitutional privacy provision contained in Article I, section 23 affords greater protection than that of the federal constitution.

The court wrote in *Winfield v. Division of Pari-Mutuel Wagering*⁷ that the standard of review that must be used to evaluate whether a state has intruded into a citizen’s private life is the compelling state interest standard. Under that test, the burden of proof is on the state to justify its intrusion on privacy. The burden can be met by the state if it demonstrates that the regulation

¹ *Troxel v. Granville*, 530 U.S. 57 (2000).

² *Troxel* quoting *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923).

³ *Troxel* quoting *Pierce v. Society of Sisters*, 268 U.S. 510, 534-535 (1925).

⁴ *Troxel* quoting *Prince v. Massachusetts*, 321 U.S. 158 (1944).

⁵ *Troxel* quoting *Parham v. J.R.* 442 U.S. 584, 602 (1979).

⁶ *Beagle v. Beagle*, 678 So. 2d 1271, 1275 (Fla. 1996).

⁷ *Winfield v. Division of Pari-Mutuel Wagering*, 477 So. 2d 544, 548 (Fla. 1985).

being challenged serves a compelling state interest and the regulation accomplishes its goal by using the least intrusive means.⁸

Statutory Rights of Parents of Students

Mandatory Attendance

All children who turn 6 years by February 1 of any school year and have not attained the age of 16 years are required to attend school regularly during the entire school term.⁹ Parents have the option to comply with school attendance laws by enrolling the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program.¹⁰ The district school superintendent may authorize certificates of exemptions from school attendance requirements in certain situations.¹¹ A student who holds a valid certificate of exemption is exempt from attending school. A certificate of exemption expires at the end of the school year.¹²

A parent of a K-12 student is afforded numerous statutory rights.¹³ Each school district is required to:

- Provide a parent with specific information about his or her child's educational progress, comprehensive information about opportunities for involvement in the child's education, and a framework for building and strengthening partnerships among parents and school district personnel.¹⁴
- Afford a parent the opportunity to enroll his or her child in instruction for exceptional students or challenge a district school board's determination of the child's eligibility for a gifted or special education program.¹⁵
- Establish a policy enabling a parent to object to and contest specific instructional materials.¹⁶
- Notify a parent and obtain his or her consent before a public school student may be transported in a privately owned motor vehicle to a school function or referred to contraceptive services at school facilities.¹⁷

No educational agency or institution may collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of the student.¹⁸ In addition, a parent may exempt his or her child from:¹⁹

- A health examination on religious grounds.
- School immunization requirements on religious or certain health grounds.²⁰

⁸ *Id.*

⁹ Section 1003.21, F.S.

¹⁰ Section 1002.20(2)(b), F.S.

¹¹ Section 1003.21, F.S.

¹² *Id.*

¹³ Section 1002.20, F.S.

¹⁴ Section 1002.23, F.S.

¹⁵ Section 1003.57, F.S.

¹⁶ Section 1006.28(1)(a)2.-3., F.S.

¹⁷ Sections 1002.20(3)(e) and (22)(c), F.S.

¹⁸ Section 1002.222(1)(a), F.S.

¹⁹ Section 1002.20, F.S.

²⁰ Section 1002.20(3)(b), F.S.

- Performing surgery or dissection in a biological science class.
- Receiving instruction on reproductive health or any disease, including HIV/AIDS.²¹
- Reciting the pledge of allegiance.
- Reciting the Declaration of Independence.²²

Access to Records and Information

The rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and agencies are protected.²³ Specifically, a parent of a K-12 student has the right to:²⁴

- Receive accurate and timely information regarding the student's academic progress and must be informed of ways a parent can help a student succeed in school.
- Access the student's education records, including the right to inspect and review those records.
- Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise a violation of privacy or other rights.
- Privacy with respect to the student's records and reports.
- Receive annual notice of the parent's rights with respect to education records.
- Receive report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.²⁵
- Receive reports at regular intervals of the academic progress and other needed information regarding the student.
- Receive timely notification of any verified report of a substance abuse violation by the student.
- Access information relating to the school district's policies for promotion or retention, including high school graduation requirements.²⁶
- Access information relating to student eligibility to participate in extra-curricular activities.²⁷
- Access information relating to the state public education system, standards, and requirements.²⁸
- Access, review, object to, and challenge instructional and supplemental education materials.²⁹

Parental Consent for Health Care

Any medical decision made to address a student's needs is a matter between the student, the student's parent, and a competent health care professional chosen by the parent.³⁰ The right to consent to medical treatment for a child resides with a parent.³¹ District school boards may adopt

²¹ Section 1002.20(3)(d), F.S.

²² Section 1003.421(4), F.S.

²³ Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g; and s. 1002.22, F.S.

²⁴ Sections 1002.20, 1002.22(2), and 1006.28, F.S.

²⁵ Section 1002.20(14), F.S.

²⁶ Section 1008.25, F.S.

²⁷ Section 1006.195, F.S.

²⁸ Section 1002.23, F.S.

²⁹ Sections 1002.20(19) and 1006.28, F.S.

³⁰ Section 1006.0625, F.S.

³¹ *O'Keefe v. Orea*, 731 So. 2d 680, 686 (Fla. 1st DCA 1998).

policies to ensure an appropriate response in emergency situations and the provision of first aid and emergency medical care.³² A parent has the right to be notified and give consent for proposed medical procedures on his or her child, unless, within a reasonable degree of medical certainty, delay in the provision of emergency medical care would endanger the health or physical well-being of the child, and the emergency medical care or treatment is administered in a licensed hospital or college health service.³³

III. Effect of Proposed Changes:

Sections 1 and 2 – The Parents’ Bill of Rights

The bill creates a new chapter in the Florida Statutes, chapter 1014, which is entitled “Parents’ Bill of Rights” and contains sections 1014.01 – 1014.06, F.S.

Section 3 – Legislative Findings and Definition

Section 3 contains the legislative findings and a definition. In these provisions, the Legislature finds that:

- It is a fundamental right of parents to direct the upbringing, education, and care of their minor children;
- Important information relating to a minor child should not be withheld, either inadvertently or purposefully, from a parent, including information regarding the minor child’s health, well-being, and education, while the child is in the custody of the school district; and
- It is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

A parent is defined to be a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

Section 4 – The Infringement of Parental Rights

The bill provides that the following entities may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a parent’s minor child:

- The state;
- State political subdivisions;
- Any other governmental entity; or
- Any other institution.

If any of these entities infringes on a parent’s fundamental right, it must demonstrate that the action is reasonable and necessary to achieve a compelling state interest and the action is narrowly tailored and is not otherwise served by a less restrictive means. This “compelling interest” standard is discussed above in the Present Situation.

³² Section 1001.43, F.S.

³³ Section 743.0645, F.S.

Section 5 – Parental Rights

Rights Reserved to the Parent of a Minor Child

This section establishes that all parental rights are reserved to the parent of a minor child “without obstruction or interference” by any of the above-referenced governmental entities. Those rights include, but are not limited to the right to:

- Direct the education and care of the minor child.
- Direct the upbringing and the moral or religious training of the minor child.
- Enroll the minor child in a public school or, as an alternative to public education, a private school, religious school, a home education program, or other available option.
- Access and review all school records relating to the minor child.
- Make health care decisions for the minor child, unless otherwise prohibited by law.
- Access and review all medical records of the minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.
- Consent in writing before a biometric scan of the minor child is made, shared, or stored.
- Consent in writing before any record of the minor child’s blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.
- Consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child unless the recording is made during or as part of a court proceeding, or is made as part of a forensic interview in a criminal or Department of Children and Families investigation, or is to be used solely for the following purposes:
 - A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;
 - A purpose related to a legitimate academic or extracurricular activity;
 - A purpose related to regular classroom instructions;
 - Security or surveillance of buildings or grounds; or
 - A photo identification card.
- Be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to a law enforcement agency or the Department of Children and Families and notifying the parent would impede the investigation.

The bill clarifies that the rights expressed in this section do not:

- Authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;
- Condone, authorize, approve, or apply to a parental action or decision that would end life;
- Prohibit a court of competent jurisdiction, law enforcement officer, or employee of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or
- Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

Discipline

Any employee of any of the above-referenced entities who encourages or coerces, or attempts to encourage or coerce a minor child to withhold information from his or her parent may be subject to disciplinary action.

Inalienable Rights

The final subsection states that a parent of a minor child has inalienable rights that are more comprehensive than those enumerated in this section, unless those rights have been legally waived or terminated. The bill also provides that the chapter does not prescribe all of a parent's rights and unless required by law, a parent's rights may not be limited or denied. Additionally, the chapter may not be construed to apply to a parental action or decision that would end life.

Section 6 – School District Notifications on Parental Rights

The bill requires each school board, in consultation with parents, teachers, and administrators, to develop and then adopt a policy that promotes parental involvement in the public school system. The policy must include:

- A plan, pursuant to s. 1002.23, F.S., for parental participation to improve parent and teach cooperation in areas such as homework, school attendance, and discipline.
- A procedure, pursuant to s. 1002.20(19)(b), F.S., for a parent to learn about the minor child's course of study, including the source of any supplemental education materials.
- Procedures for a parent to object to instructional material, which includes all classroom materials and school activities, pursuant to s 1006.28(2)(a)2., F.S. and a process for withdrawing the child from the activity, class, or program. The objections may be based on beliefs regarding morality, sex, and religion or the belief that the materials or activities are harmful. Instructional materials are defined to include, but are not limited to, textbooks, workbooks and worksheets, handouts, software, applications, Internet courses, and any and all digital media available to students pursuant to their role as a student in public school.
- Procedures, pursuant to s. 1002.20(3)(d), F.S. for a parent to withdraw the minor child from any portion of the school district's plan as required under s. 1003.42(2)(n), F.S., which relates to sex education or instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality if the parent provides a written objection to the child's participation. The procedures must provide for a parent to be notified in advance of the course content so that he or she may withdraw the child from those portions of the course.
- Procedures, pursuant to s. 1006.195(1)(a), F.S., for a parent to learn about the nature and purpose of clubs and activities at the child's school, including those that are extracurricular or part of the school curriculum.
- Procedures for a parent to learn about parental rights and responsibilities under general law, including all of the following:
 - The right to opt the minor child out of any portion of the school district's comprehensive health education required by statute that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.
 - A plan to disseminate information about school choice options, including open enrollment.
 - The right of a parent to exempt the minor child from immunizations.
 - The right of a parent to review statewide, standardized assessment results.

- The right to enroll the minor child in gifted or special education programs.
- The right of a parent to inspect school district instructional materials.
- The right of a parent to access information relating to the school district's policies for promotion or retention, including high school graduation requirements.
- The right of a parent to receive a school report card and be informed of the child's attendance requirements.
- The right of a parent to access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements.
- The right of a parent to participate in parent-teacher association and organizations sanctioned by a district school board or the Department of Education.
- The right of a parent to opt out of any district-level data collection relating to the minor child that is not required by law.

The information required in this section may be provided by the district school board electronically or posted on its website.

A parent may request, in writing, from the district school superintendent, the information required under this section. The superintendent must provide the information to the parent within 10 days. If the superintendent denies a parent's request for information or does not respond to the parent's request within 10 days, the parent may appeal the denial to the district school board. The parent's appeal must be placed on the agenda for the board's next public meeting. If it is too late for a parent's appeal to be placed on the agenda at the next meeting, it must be included on the agenda for the following meeting.

Section 7 – Parental Consent for Health Care Services

Unless the law provides otherwise,

- A health care practitioner, as defined in s. 456.001, F.S., may not provide, solicit, or arrange to provide health care services or prescribe medicine to the minor child without first obtaining written consent from the parent.
- A person, as defined by statute to include individuals, children, firms, associations, joint adventures, partnership, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations, or individual employed by the person, may not provide or solicit or arrange to provide health care services or prescribe medicine to a minor child without first obtaining written parental consent.

Unless otherwise provided by law or a court order, a provider,³⁴ as defined in s. 408.803, F.S., may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written consent from the parent.

Exception

The provisions of this section which addresses parental consent for health care services do not apply to abortion, which is governed by chapter 390.

³⁴ Section 408.803(11), F.S., defines a provider to mean any activity, service, agency, or facility regulated by the agency and listed in s. 408.802, F.S.

Penalties

A health care practitioner or other person who violates this section is subject to disciplinary action pursuant to s. 408.813 or s. 456.072, F.S., sections 8 and 9 of the bill, and commits a first degree misdemeanor which is punishable by up to one year imprisonment and a fine not to exceed \$1,000.³⁵

Section 8 – Administrative Fines and Violations

The Agency for Health Care Administration may impose an administrative fine for a violation of the provisions regarding the parental consent for health care services. The violation is an unclassified violation and the fine may not exceed \$500 for each violation.

Section 9 – Grounds for Discipline

The Department of Health may take disciplinary action against someone who fails to comply with the parental consent requirements for health care services. The disciplinary actions range from refusing to certify a license or certify the license with restrictions, suspending or permanently revoking a license, restricting a license, imposing an administrative fine not to exceed \$10,000 for each offense, issuing a reprimand or letter of concern, placing the licensee on probation, taking corrective action, imposing an administrative fine for violations of patient rights, requiring the refund of fees billed and collected, and requiring that the practitioner undergo remedial education.³⁶

Section 10 – Effective Date

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.

³⁵ Sections 775.082(4)(a) and 775.083(1)(d), F.S.

³⁶ Section 456.072(1), F.S.

E. Other Constitutional Issues:

None identified.

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: 408.813 and 456.072.

This bill creates the following sections of the Florida Statutes: 1014.01, 1014.02, 1014.03, 1014.04, 1014.05, and 1014.06.

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.



155924

LEGISLATIVE ACTION

Senate

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. .
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. .

House

The Committee on Education (Stargel) recommended the following:

Senate Amendment

Delete line 275

and insert:

(4) This section does not apply to clinical laboratory services, unless the services are delivered through a direct encounter with the minor at the clinical laboratory facility. For purposes of this subsection, the terms "clinical laboratory" and "clinical laboratory services" have the same meanings as provided in s. 483.803.

(5) A health care practitioner or other person who violates

By Senator Stargel

22-01618A-20

20201634__

1 A bill to be entitled
 2 An act relating to parental rights; creating chapter
 3 1014, F.S.; creating s. 1014.01, F.S.; providing a
 4 short title; creating s. 1014.02, F.S.; providing
 5 legislative findings; defining the term "parent";
 6 creating s. 1014.03, F.S.; providing that the state,
 7 its political subdivisions, other governmental
 8 entities, or other institutions may not infringe on
 9 parental rights without demonstrating specified
 10 information; creating s. 1014.04, F.S.; providing that
 11 a parent of a minor child has specified rights
 12 relating to his or her minor child; prohibiting the
 13 state from infringing upon specified parental rights;
 14 prohibiting specified parental rights from being
 15 limited or denied; providing that certain actions by
 16 specified individuals are grounds for disciplinary
 17 actions against those individuals; providing
 18 construction; creating s. 1014.05, F.S.; requiring
 19 each district school board in consultation with
 20 parents, teachers, and administrators, to develop and
 21 adopt a policy to promote parental involvement in the
 22 public school system; providing requirements for such
 23 policy; defining the term "instructional materials";
 24 authorizing a district school board to provide such
 25 policy electronically or on its website; authorizing a
 26 parent to request certain information in writing;
 27 providing a procedure for appealing the denial of such
 28 information requests; creating s. 1014.06, F.S.;
 29 prohibiting certain health care practitioners from

Page 1 of 11

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22-01618A-20

20201634__

30 taking specified actions without a parent's written
 31 permission; prohibiting certain entities from taking
 32 specified actions relating to a minor's health care
 33 without a parent's written permission; prohibiting a
 34 health care facility from allowing certain actions
 35 without a parent's written permission; providing
 36 exceptions; providing for disciplinary actions and
 37 criminal penalties; amending s. 408.813, F.S.;
 38 providing that certain violations relating to parental
 39 consent are grounds for administrative fines for
 40 health care facilities; amending s. 456.072, F.S.;
 41 providing that failure to comply with certain parental
 42 consent requirements is grounds for disciplinary
 43 action for health care practitioners; providing an
 44 effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Chapter 1014, Florida Statutes, consisting of
 49 ss. 1014.01-1014.06, is created and shall be entitled "Parents'
 50 Bill of Rights."

51 Section 2. Section 1014.01, Florida Statutes, is created to
 52 read:

53 1014.01 Short title.—This section and ss. 1014.02-1014.06
 54 may be cited as the "Parents' Bill of Rights."

55 Section 3. Section 1014.02, Florida Statutes, is created to
 56 read:

57 1014.02 Legislative findings and definition.—

58 (1) The Legislature finds that it is a fundamental right of

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59 parents to direct the upbringing, education, and care of their
 60 minor children. The Legislature further finds that important
 61 information relating to a minor child should not be withheld,
 62 either inadvertently or purposefully, from his or her parent,
 63 including information relating to the minor child's health,
 64 well-being, and education, while the minor child is in the
 65 custody of the school district. The Legislature further finds it
 66 is necessary to establish a consistent mechanism for parents to
 67 be notified of information relating to the health and well-being
 68 of their minor children.

69 (2) For purposes of this chapter, the term "parent" means a
 70 person who has legal custody of a minor child as a natural or
 71 adoptive parent or a legal guardian.

72 Section 4. Section 1014.03, Florida Statutes, is created to
 73 read:

74 1014.03 Infringement of parental rights.—The state, any of
 75 its political subdivisions, any other governmental entity, or
 76 any other institution may not infringe on the fundamental rights
 77 of a parent to direct the upbringing, education, health care,
 78 and mental health of his or her minor child without
 79 demonstrating that such action is reasonable and necessary to
 80 achieve a compelling state interest and that such action is
 81 narrowly tailored and is not otherwise served by a less
 82 restrictive means.

83 Section 5. Section 1014.04, Florida Statutes, is created to
 84 read:

85 1014.04 Parental rights.—

86 (1) All parental rights are reserved to the parent of a
 87 minor child in this state without obstruction or interference

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88 from the state, any of its political subdivisions, any other
 89 governmental entity, or any other institution, including, but
 90 not limited to, all of the following rights of a parent of a
 91 minor child in this state:

92 (a) The right to direct the education and care of his or
 93 her minor child.

94 (b) The right to direct the upbringing and the moral or
 95 religious training of his or her minor child.

96 (c) The right, pursuant to s. 1002.20(2)(b) and (6), to
 97 enroll his or her minor child in a public school or, as an
 98 alternative to public education, a private school, religious
 99 school, a home education program, or other available options.

100 (d) The right, pursuant to s. 1002.20(13), to access and
 101 review all school records relating to his or her minor child.

102 (e) The right to make health care decisions for his or her
 103 minor child, unless otherwise prohibited by law.

104 (f) The right to access and review all medical records of
 105 his or her minor child, unless prohibited by law or if the
 106 parent is the subject of an investigation of a crime committed
 107 against the minor child and a law enforcement agency or official
 108 requests that the information not be released.

109 (g) The right to consent in writing before a biometric scan
 110 of his or her minor child is made, shared, or stored.

111 (h) The right to consent in writing before any record of
 112 his or her minor child's blood or deoxyribonucleic acid (DNA) is
 113 created, stored, or shared, except as required by general law or
 114 authorized pursuant to a court order.

115 (i) The right to consent in writing before the state or any
 116 of its political subdivisions makes a video or voice recording

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117 of his or her minor child unless such recording is made during
 118 or as part of a court proceeding or is made as part of a
 119 forensic interview in a criminal or Department of Children and
 120 Families investigation or is to be used solely for the following
 121 purposes:

122 1. A safety demonstration, including the maintenance of
 123 order and discipline in the common areas of a school or on
 124 student transportation vehicles;

125 2. A purpose related to a legitimate academic or
 126 extracurricular activity;

127 3. A purpose related to regular classroom instructions;

128 4. Security or surveillance of buildings or grounds; or

129 5. A photo identification card.

130 (j) The right to be notified promptly if an employee of the
 131 state, any of its political subdivisions, any other governmental
 132 entity, or any other institution suspects that a criminal
 133 offense has been committed against his or her minor child,
 134 unless the incident has first been reported to law enforcement
 135 or the Department of Children and Families and notifying the
 136 parent would impede the investigation.

137 (2) This section does not:

138 (a) Authorize a parent of a minor child in this state to
 139 engage in conduct that is unlawful or to abuse or neglect his or
 140 her minor child in violation of general law;

141 (b) Condone, authorize, approve, or apply to a parental
 142 action or decision that would end life;

143 (c) Prohibit a court of competent jurisdiction, law
 144 enforcement officer, or employee of a government agency that is
 145 responsible for child welfare from acting in his or her official

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146 capacity within the reasonable and prudent scope of his or her
 147 authority; or

148 (d) Prohibit a court of competent jurisdiction from issuing
 149 an order that is otherwise permitted by law.

150 (3) An employee of the state, any of its political
 151 subdivisions, or any other governmental entity who encourages or
 152 coerces, or attempts to encourage or coerce, a minor child to
 153 withhold information from his or her parent may be subject to
 154 disciplinary action.

155 (4) A parent of a minor child in this state has inalienable
 156 rights that are more comprehensive than those listed in this
 157 section, unless such rights have been legally waived or
 158 terminated. This chapter does not prescribe all rights to a
 159 parent of a minor child in this state. Unless required by law,
 160 the rights of a parent of a minor child in this state may not be
 161 limited or denied. This chapter may not be construed to apply to
 162 a parental action or decision that would end life.

163 Section 6. Section 1014.05, Florida Statutes, is created to
 164 read:

165 1014.05 School district notifications on parental rights.—

166 (1) Each district school board shall, in consultation with
 167 parents, teachers, and administrators, develop and adopt a
 168 policy to promote parental involvement in the public school
 169 system. Such policy must include:

170 (a) A plan, pursuant to s. 1002.23, for parental
 171 participation in schools to improve parent and teacher
 172 cooperation in such areas as homework, school attendance, and
 173 discipline.

174 (b) A procedure, pursuant to s. 1002.20(19)(b), for a

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175 parent to learn about his or her minor child's course of study,
 176 including the source of any supplemental education materials.

177 (c) Procedures for a parent to object to instructional
 178 materials, including all classroom materials and school
 179 activities, pursuant to s. 1006.28(2)(a)2., and a process for
 180 withdrawing his or her minor child from the activity, class, or
 181 program in which such materials or activities are used. Such
 182 objections may be based on beliefs regarding morality, sex, and
 183 religion or the belief that such materials or activities are
 184 harmful. The term "instructional materials" includes, but is not
 185 limited to, textbooks, workbooks and worksheets, handouts,
 186 software, applications, Internet courses, and any and all
 187 digital media available to students pursuant to their role as a
 188 student in public school.

189 (d) Procedures, pursuant to s. 1002.20(3)(d), for a parent
 190 to withdraw his or her minor child from any portion of the
 191 school district's comprehensive health education required under
 192 s. 1003.42(2)(n) that relates to sex education or instruction in
 193 acquired immune deficiency syndrome education or any instruction
 194 regarding sexuality if the parent provides a written objection
 195 to his or her minor child's participation. Such procedures must
 196 provide for a parent to be notified in advance of such course
 197 content so that he or she may withdraw his or her minor child
 198 from those portions of the course.

199 (e) Procedures, pursuant to s. 1006.195(1)(a), for a parent
 200 to learn about the nature and purpose of clubs and activities
 201 offered at his or her minor child's school, including those that
 202 are extracurricular or part of the school curriculum.

203 (f) Procedures for a parent to learn about parental rights

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204 and responsibilities under general law, including all of the
 205 following:

206 1. Pursuant to s. 1002.20(3)(d), the right to opt his or
 207 her minor child out of any portion of the school district's
 208 comprehensive health education required under s. 1003.42(2)(n)
 209 that relates to sex education instruction in acquired immune
 210 deficiency syndrome education or any instruction regarding
 211 sexuality.

212 2. A plan to disseminate information, pursuant to s.
 213 1002.20(6), about school choice options, including open
 214 enrollment.

215 3. In accordance with s. 1002.20(3)(b), the right of a
 216 parent to exempt his or her minor child from immunizations.

217 4. In accordance with s. 1008.22, the right of a parent to
 218 review statewide, standardized assessment results.

219 5. In accordance with s. 1003.57, the right of a parent to
 220 enroll his or her minor child in gifted or special education
 221 programs.

222 6. In accordance with s. 1006.28(2)(a)1., the right of a
 223 parent to inspect school district instructional materials.

224 7. In accordance with s. 1008.25, the right of a parent to
 225 access information relating to the school district's policies
 226 for promotion or retention, including high school graduation
 227 requirements.

228 8. In accordance with s. 1002.20(14), the right of a parent
 229 to receive a school report card and be informed of his or her
 230 minor child's attendance requirements.

231 9. In accordance with s. 1002.23, the right of a parent to
 232 access information relating to the state public education

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233 system, state standards, report card requirements, attendance
 234 requirements, and instructional materials requirements.

235 10. In accordance with s. 1002.23(4), the right of a parent
 236 to participate in parent-teacher associations and organizations
 237 that are sanctioned by a district school board or the Department
 238 of Education.

239 11. In accordance with s. 1002.222(1)(a), the right of a
 240 parent to opt out of any district-level data collection relating
 241 to his or her minor child not required by law.

242 (2) A district school board may provide the information
 243 required in this section electronically or post such information
 244 on its website.

245 (3) A parent may request, in writing, from the district
 246 school superintendent the information required under this
 247 section. Within 10 days, the district school superintendent must
 248 provide such information to the parent. If the district school
 249 superintendent denies a parent's request for information or does
 250 not respond to the parent's request within 10 days, the parent
 251 may appeal the denial to the district school board. The district
 252 school board must place a parent's appeal on the agenda for its
 253 next public meeting. If it is too late for a parent's appeal to
 254 appear on the next agenda, the appeal must be included on the
 255 agenda for the subsequent meeting.

256 Section 7. Section 1014.06, Florida Statutes, is created to
 257 read:

258 1014.06 Parental consent for health care services.—

259 (1)(a) Except as otherwise provided by law, a health care
 260 practitioner, as defined in s. 456.001, may not provide or
 261 solicit or arrange to provide health care services or prescribe

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262 medicinal drugs to a minor child without first obtaining written
 263 parental consent.

264 (b) Except as otherwise provided by law, a person, as
 265 defined in s. 1.01, or an individual employed by such person may
 266 not provide or solicit or arrange to provide health care
 267 services or prescribe medicinal drugs to a minor child without
 268 first obtaining written parental consent.

269 (2) Except as otherwise provided by law or a court order, a
 270 provider, as defined in s. 408.803, may not allow a medical
 271 procedure to be performed on a minor child in its facility
 272 without first obtaining written parental consent.

273 (3) This section does not apply to an abortion, which is
 274 governed by chapter 390.

275 (4) A health care practitioner or other person who violates
 276 this section is subject to disciplinary action pursuant to s.
 277 408.813 or s. 456.072, as applicable, and commits a misdemeanor
 278 of the first degree, punishable as provided in s. 775.082 or s.
 279 775.083.

280 Section 8. Paragraph (f) is added to subsection (3) of
 281 section 408.813, Florida Statutes, to read:

282 408.813 Administrative fines; violations.—As a penalty for
 283 any violation of this part, authorizing statutes, or applicable
 284 rules, the agency may impose an administrative fine.

285 (3) The agency may impose an administrative fine for a
 286 violation that is not designated as a class I, class II, class
 287 III, or class IV violation. Unless otherwise specified by law,
 288 the amount of the fine may not exceed \$500 for each violation.
 289 Unclassified violations include:

290 (f) Violating the parental consent requirements of s.

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291 1014.06.

292 Section 9. Paragraph (pp) is added to subsection (1) of
293 section 456.072, Florida Statutes, to read:

294 456.072 Grounds for discipline; penalties; enforcement.—

295 (1) The following acts shall constitute grounds for which
296 the disciplinary actions specified in subsection (2) may be
297 taken:

298 (pp) Failure to comply with the parental consent
299 requirements of s. 1014.06.

300 Section 10. 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 1498

INTRODUCER: Senator Baxley

SUBJECT: School Turnaround

DATE: February 14, 2020

REVISED: _____

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

I. Summary:

SB 1498 modifies the identification of schools in need of intervention and support, and revises the school turnaround process and requirements for schools identified as needing intervention and support. Specifically, the bill:

- Defines a deficient and failing school as a school that earns a grade of “D” or “F” and needs intervention and support.
- Allows for a school district to request to change a school turnaround option after the first year of implementation if specific conditions are met.
- Modifies the options that are available for school districts if the turnaround school does not improve to at least a grade of “C” or higher.
- Authorizes the State Board of Education to revoke a turnaround plan when a district has failed to meet the requirements of the plan.

The bill does not require the appropriation of additional state funds.

The bill takes effect on July 1, 2020.

II. Present Situation:

School Grading System

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how well each school is serving its students.¹ School grades are used in the state system of school

¹ Florida Department of Education, *2019 School Grades Overview* (2019), available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview19.pdf>.

improvement and accountability to determine the need for school intervention and support,² or to determine whether a school is eligible for school recognition funds.³

Schools are graded using one of the following grades:⁴

- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).
- “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in ELA, mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains.⁵ Middle and high school models include additional components beyond the basic model.⁶

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on following components:⁷

- The 4-year high school graduation rate of the school as defined by State Board of Education (SBE) rule.⁸
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the SBE.

Improvement of Low Performing Schools

Florida’s system of improving low-performing schools is referred to as “school improvement” (SI),⁹ Under SI, intervention and support is provided to traditional public schools earning a letter grade of “D,” or “F.”¹⁰ Intensive intervention and support strategies are applied to schools that earn two consecutive grades of “D” or a grade of “F” through turnaround option plans.¹¹

² See s. 1008.33(4), F.S.

³ See s. 1008.36, F.S.

⁴ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

⁵ Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.

⁶ See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

⁷ Section 1008.34(3)(b)2., F.S., and rule 6A-1.09981(4)(c)2. and 3., F.A.C.

⁸ The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.

⁹ Rule 6A-1.09981(1), F.A.C.

¹⁰ Section 1008.33(3)(b), F.S.

¹¹ Section 1008.33(3)(c), F.S.

All Florida public schools that earn grade of “D” or “F” must have a school improvement plan, which is developed and implemented by the school’s advisory council.¹² It is the responsibility of each district school board to approve school improvement plans.¹³

Intervention and Support Strategies

If a school earns two consecutive grades of “D” or a grade of “F,” it must immediately implement a differentiated matrix of intervention and support strategies.¹⁴ Districts with a school improvement school must coordinate with the Department of Education (DOE), the Regional Executive Director or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.¹⁵

Florida law specifies seven general types of intervention and support strategies for traditional public schools to address student performance. The intervention and support strategies may include school improvement planning; leadership and educator quality improvement; professional development; curriculum review, pacing and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes.¹⁶

School Turnaround Options

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district managed turnaround plan through which the school district manages the 2-year turnaround plan at the school.¹⁷ The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.¹⁸

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year.¹⁹ If the school’s grade does not improve to a “C”, the school must select from the following turnaround options:²⁰

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.

¹² Sections 1001.42(18)(a) and 1001.452(2), F.S. School advisory councils (SACs) are composed of principals, teachers, educational support personnel, parents, students, local business representatives, and community members. Section 1001.452(1)(a), F.S. SACs are responsible for developing and implementing the school’s improvement plan, assisting in the development of the school’s budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards. Sections 1001.452(2) and 1008.36(4), F.S. *See also* Section 1002.33(9)(n), F.S. Requires a charter school earning a “D” or “F” to submit a school improvement plan to the sponsor.

¹³ Section 1001.42(18)(a), F.S.

¹⁴ Section 1008.33(4)(a), F.S.

¹⁵ Rule 6A-1.099811(5)(a), F.A.C.

¹⁶ Section 1008.33(3)(c), F.S.; *see* rule 6A-1.099811(5)(b)1.-9., F.A.C.

¹⁷ Rule 6A-1.099811(5)(a)-(b), F.A.C.

¹⁸ Section 1008.33(4)(a), F.S.

¹⁹ The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation. *Id.*

²⁰ Section 1008.33(4)(b)1.-3., F.S.

- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.
 - The external operator may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

Based on traditional public schools that received grades in 2018 and 2019:²¹

- 70 percent of schools graded “D” or “F” improved their grade in 2019;
- 77 percent of schools graded “F” in 2018 improved their grade in 2019; and
- 85 percent of first year turnaround schools in 2018 improved their grade to a “C” or higher and exited turnaround in 2019.

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 public schools.²² The number of FTE students in each of the funded education programs is multiplied by cost factors²³ relative to each program to obtain weighted FTE student values.²⁴ The base student allocation from state and local funds is determined annually by the Legislature in the General Appropriations Act (GAA) and is a component in the calculation of each school district’s base funding.²⁵ In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes, such as the turnaround school supplemental services allocation.

Turnaround School Supplemental Services Allocation

The turnaround school supplemental services allocation (TSSSA) provides funding to schools in, or exiting, turnaround status with funds to offer services designed to improve the overall academic and community welfare of the schools’ students and their families.²⁶ Services funded by the TSSSA may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.²⁷

²¹ Florida Department of Education, *School Improvement Presentation to the House PreK-12 Innovation Subcommittee* (October 16, 2019), available at <https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting%20Packets&FileName=pki%2010-16-19.pdf>.

²² See s. 1011.62, F.S.

²³ 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.

²⁴ Section 1011.62, F.S.; Department of Education, *2019-20 Funding for Florida School Districts* (2019), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

²⁵ *Id.* at 17.

²⁶ Section 1011.62(21), F.S.

²⁷ Section 1011.62(21)(a)1., F.S.

Before distribution of the TSSSA, the school district must develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year, then submit its approved plan to the Commissioner of Education by September 1 of each year.²⁸ At a minimum the plan must:²⁹

- Establish comprehensive support services that develop family and community partnerships;
- Establish clearly defined and measurable high academic and character standards;
- Increase parental involvement and engagement in the child’s education;
- Describe how instructional personnel will be identified, recruited, retained, and rewarded;
- Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards;
- Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year; and
- Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of “C” or higher.

Subject to legislative appropriation, each school remains eligible for the TSSSA for a maximum of four continuous fiscal years while implementing a turnaround option.³⁰ In addition, a school that improves to a grade of “C” or higher remains eligible to receive the allocation for a maximum of two continuous fiscal years after exiting turnaround status.³¹

III. Effect of Proposed Changes:

The bill amends s. 1008.33, F.S., to modify the identification of schools earning a school grade of “D” or “F” and in need of intervention and support as deficient and failing schools, and to revise the school turnaround process and requirements for schools earning two consecutive school grades of “D” or a grade of “F.”

District Managed Turnaround Plans

The bill allows for a school district to request a change to a school turnaround plan during or after the first year of implementation. The bill also authorizes a school district to request an additional year of implementation before the school must implement a second turnaround option if the request:

- Demonstrates that the school has a positive trajectory using the school grade components specified in law;
- Demonstrates that the school does not have any instructional personnel who have received an unsatisfactory evaluation and that the percentage of such personnel who have received an evaluation of needs improvement is at or below the Florida Value-Added Model (VAM)³² average where the district has five or fewer schools;

²⁸ Section 1011.62(21)(b) and (d), F.S.

²⁹ Section 1011.62(21)(c)1.-7., F.S.

³⁰ Each school district’s allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of \$500 or as provided in the GAA. Section 1011.62(21)(e) and (f), F.S.

³¹ 1011.62(21)(f), F.S.

³² VAM is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning growth. Rule 6A-5.0411(2)(j), F.A.C.

- Includes a description of the services that will be implemented to ensure the sustainability of improvement during the next year and thereafter; and
- Includes a description of the services that will be implemented to ensure the sustainability of improvement during the next year and thereafter.

The bill provides that unless an additional year of implementation is provided, if a school that completes a district-managed turnaround plan cycle and does not improve to at least a grade of “C” or higher, the school district must implement one of the following:

- Upon recommendation of the Commissioner of Education, the State Board of Education (SBE) may choose to allow the school district to close the school, reassign students to another school with a school grade of “C” or higher, and monitor the progress of each reassigned student for three school years;
- Repurpose the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or
- Enter into an annual performance contract with an external operator that has a demonstrated record of effectiveness to operate the school. An external operator may include a provider authorized by the State University System or Florida College System (FCS) or a district-managed charter school.

The bill adds that the SBE may revoke a turnaround plan when a district fails to follow the terms of its approved plan or to meet the requirements of the plan. Prior to the revocation, the SBE must consider any curative action taken or proposed by the district and the feasibility of improving performance under the plan during the remainder of the approval period. Upon revocation, the SBE may require a district to submit a new plan or select a new turnaround option.

Turnaround School Supplemental Services Allocation

The bill conforms eligibility for the turnaround school supplemental services allocation (TSSSA) to district-managed turnaround schools, schools implementing a charter or external operator turnaround option, and schools that have improved to a “C” or higher and are no longer in turnaround status, as modified in the bill.

The bill also updates cross-references as conforming provisions for sections 1002.33, 1002.332, and 1002.333 of the Florida Statutes.

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.

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: 1008.33, 1011.62, 1002.33, 1002.332, and 1002.333.

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.



929338

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(5) Notwithstanding chapter 286, have the authority to hold



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12 patents, copyrights, trademarks, and service marks. The
13 department may take any action necessary to enforce its rights
14 with respect to such patents, copyrights, trademarks, and
15 service marks or enter into a transaction to sell, lease,
16 license, or transfer such rights for monetary gain or other
17 consideration, at the department's discretion. The department
18 shall notify the Department of State in writing when property
19 rights by patent, copyright, or trademark are secured by the
20 department. Any proceeds received by the department from the
21 exercise of these rights, except for educational materials and
22 products, shall be deposited in the department's Operating Trust
23 Fund.

24 Section 2. Subsection (3) is added to section 1003.33,
25 Florida Statutes, to read:

26 1003.33 Report cards; end-of-the-year status.—

27 (3) A student's final report card for a school year must be
28 issued no later than 1 week after the last day of school or 1
29 week after receipt of assessment results for students enrolled
30 in courses, as specified in the course code directory, with an
31 associated statewide, standardized end-of-course assessment
32 pursuant to s. 1008.22.

33
34 District school boards shall not allow schools to exempt
35 students from academic performance requirements based on
36 practices or policies designed to encourage student attendance.
37 A student's attendance record may not be used in whole or in
38 part to provide an exemption from any academic performance
39 requirement.

40 Section 3. Paragraph (b) of subsection (1) of section



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41 1003.4156, Florida Statutes, is amended to read:

42 1003.4156 General requirements for middle grades
43 promotion.—

44 (1) In order for a student to be promoted to high school
45 from a school that includes middle grades 6, 7, and 8, the
46 student must successfully complete the following courses:

47 (b) Three middle grades or higher courses in mathematics.
48 Each school that includes middle grades must offer at least one
49 high school level mathematics course for which students may earn
50 high school credit. Successful completion of a high school level
51 Algebra I or Geometry course is not contingent upon the
52 student's performance on the statewide, standardized end-of-
53 course (EOC) assessment. To earn high school credit for Algebra
54 I, a middle grades student must take the statewide, standardized
55 Algebra I EOC assessment, which constitutes 30 percent of the
56 student's final course grade, and earn a passing grade in pass
57 ~~the course, and in addition, beginning with the 2013-2014 school~~
58 ~~year and thereafter, a student's performance on the Algebra I~~
59 ~~EOC assessment constitutes 30 percent of the student's final~~
60 ~~course grade.~~ To earn high school credit for a Geometry course,
61 a middle grades student must, until the Geometry EOC assessment
62 is discontinued, take the statewide, standardized Geometry EOC
63 assessment, which constitutes 30 percent of the student's final
64 course grade, and earn a passing grade in the course.

65 Section 4. Paragraphs (a), (b), and (d) of subsection (3),
66 subsection (7), and paragraph (e) of subsection (10) of section
67 1003.4282, Florida Statutes, are amended to read:

68 1003.4282 Requirements for a standard high school diploma.—

69 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT



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70 REQUIREMENTS.—

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

76 (b) *Four credits in mathematics.*—

77 1. A student must earn one credit in Algebra I and one
78 credit in Geometry. A student's performance on the statewide,
79 standardized Algebra I end-of-course (EOC) assessment
80 constitutes 30 percent of the student's final course grade. A
81 student must pass the statewide, standardized Algebra I EOC
82 assessment, or earn a comparative score, in order to earn a
83 standard high school diploma. Until the Geometry EOC assessment
84 is discontinued, a student's performance on the statewide,
85 standardized Geometry EOC assessment constitutes 30 percent of
86 the student's final course grade.

87 2. A student who earns an industry certification for which
88 there is a statewide college credit articulation agreement
89 approved by the State Board of Education may substitute the
90 certification for one mathematics credit. Substitution may occur
91 for up to two mathematics credits, except for Algebra I and
92 Geometry. A student may earn two mathematics credits by
93 successfully completing Algebra I through two full-year courses.
94 A certified school counselor or the principal's designee must
95 advise the student that admission to a state university may
96 require the student to earn 3 additional mathematics credits
97 that are at least as rigorous as Algebra I.

98 3. A student who earns a computer science credit may



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99 substitute the credit for up to one credit of the mathematics
100 requirement, with the exception of Algebra I and Geometry, if
101 the commissioner identifies the computer science credit as being
102 equivalent in rigor to the mathematics credit. An identified
103 computer science credit may not be used to substitute for both a
104 mathematics and a science credit. A student who earns an
105 industry certification in 3D rapid prototype printing may
106 satisfy up to two credits of the mathematics requirement, with
107 the exception of Algebra I, if the commissioner identifies the
108 certification as being equivalent in rigor to the mathematics
109 credit or credits.

110 (d) *Three credits in social studies.*—A student must earn
111 one credit in United States History; one credit in World
112 History; one-half credit in economics; and one-half credit in
113 United States Government. The United States History EOC
114 assessment constitutes 30 percent of the student’s final course
115 grade. Beginning with the 2020-2021 school year, all students in
116 grade 12 shall take the assessment of civic literacy identified
117 by the State Board of Education under s. 1007.25(4). A student
118 who earns a passing score on the assessment is exempt from the
119 postsecondary civic literacy assessment required by s.
120 1007.25(4).

121 (7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—~~Beginning with~~
122 ~~the 2012-2013 school year,~~ If a student transfers to a Florida
123 public high school from out of country, out of state, a private
124 school, or a home education program and the student’s transcript
125 shows a credit in Algebra I, the student’s transferring course
126 final grade and credit shall be honored. However, the student
127 must pass the statewide, standardized Algebra I EOC assessment



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128 in order to earn a standard high school diploma unless the
129 student earned a comparative score, passed a statewide
130 assessment in Algebra I administered by the transferring entity,
131 or passed the statewide mathematics assessment the transferring
132 entity uses to satisfy the requirements of the Elementary and
133 Secondary Education Act, as amended by the Every Student
134 Succeeds Act (ESSA) of 2015, 20 U.S.C. ss. 6301 et seq. If a
135 student's transcript shows a credit in high school reading or
136 English Language Arts II or III, in order to earn a standard
137 high school diploma, the student must take and pass the
138 statewide, standardized grade 10 ~~Reading assessment or, when~~
139 ~~implemented, the grade 10~~ ELA assessment, or earn a concordant
140 score. If a transfer student's transcript shows a final course
141 grade and course credit in ~~Algebra I~~, Geometry, Biology I, or
142 United States History, the transferring course final grade and
143 credit shall be honored without the student taking the requisite
144 statewide, standardized EOC assessment and without the
145 assessment results constituting 30 percent of the student's
146 final course grade.

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

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

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157 The State Board of Education shall adopt rules under ss.
158 120.536(1) and 120.54 to implement this subsection, including
159 rules that establish the minimum requirements for students
160 described in this subsection to earn a standard high school
161 diploma. The State Board of Education shall adopt emergency
162 rules pursuant to ss. 120.536(1) and 120.54.

163 Section 5. Paragraph (a) of subsection (1) of section
164 1003.4285, Florida Statutes, is amended to read:

165 1003.4285 Standard high school diploma designations.—

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

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

172 1. Mathematics.—Earn one credit in Algebra II or an equally
173 rigorous course and one credit in statistics or an equally
174 rigorous course. ~~Beginning with students entering grade 9 in the~~
175 ~~2014-2015 school year, pass the Geometry statewide, standardized~~
176 ~~assessment.~~

177 2. Science.—Pass the statewide, standardized Biology I EOC
178 assessment and earn one credit in chemistry or physics and one
179 credit in a course equally rigorous to chemistry or physics.
180 However, a student enrolled in an Advanced Placement (AP),
181 International Baccalaureate (IB), or Advanced International
182 Certificate of Education (AICE) Biology course who takes the
183 respective AP, IB, or AICE Biology assessment and earns the
184 minimum score necessary to earn college credit as identified
185 pursuant to s. 1007.27(2) meets the requirement of this



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186 subparagraph without having to take the statewide, standardized
187 Biology I EOC assessment.

188 3. Social studies.—Pass the statewide, standardized United
189 States History EOC assessment. However, a student enrolled in an
190 AP, IB, or AICE course that includes United States History
191 topics who takes the respective AP, IB, or AICE assessment and
192 earns the minimum score necessary to earn college credit as
193 identified pursuant to s. 1007.27(2) meets the requirement of
194 this subparagraph without having to take the statewide,
195 standardized United States History EOC assessment.

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

198 5. Electives.—Earn at least one credit in an Advanced
199 Placement, an International Baccalaureate, an Advanced
200 International Certificate of Education, or a dual enrollment
201 course.

202 Section 6. Effective upon becoming a law, subsection (5) is
203 added to section 1006.33, Florida Statutes, to read:

204 1006.33 Bids or proposals; advertisement and its contents.—

205 (5) Notwithstanding the requirements of this section and
206 rules adopted to implement this section, for the 2020 adoption
207 cycle, the department may establish timeframes for the
208 advertisement and submission of bids for instructional
209 materials.

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

212 1007.25 General education courses; common prerequisites;
213 other degree requirements.—

214 (4) Beginning with students initially entering a Florida



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215 College System institution or state university in the 2020-2021
216 ~~2018-2019~~ school year and thereafter, each student must
217 demonstrate competency in civic literacy. ~~Students must have the~~
218 ~~option to demonstrate competency~~ through the successful
219 completion of a civic literacy course and ~~or~~ by achieving a
220 passing score on an assessment. The State Board of Education
221 must adopt in rule and the Board of Governors must adopt in
222 regulation at least one existing assessment that measures
223 competencies consistent with the required course competencies
224 outlined in paragraph (b). A student may fulfill the assessment
225 requirement by earning a passing score on the assessment while
226 in high school under s. 1003.4282(3)(d). The chair of the State
227 Board of Education and the chair of the Board of Governors, or
228 their respective designees, shall jointly appoint a faculty
229 committee to:

230 (a) Develop a new course in civic literacy or revise an
231 existing general education core course in American History or
232 American Government to include civic literacy.

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

241 Section 8. Paragraph (a) of subsection (8) of section
242 1007.35, Florida Statutes, is amended, and paragraph (1) is
243 added to subsection (6) of that section, to read:



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244 1007.35 Florida Partnership for Minority and
245 Underrepresented Student Achievement.—

246 (6) The partnership shall:

247 (1) Provide information on resources and opportunities to
248 help students transition to postsecondary education, including
249 available financial aid and how to apply for such aid, as well
250 as public and private partnerships that provide college advising
251 services to assist students in the postsecondary education
252 application process.

253 (8) (a) By September 30 of each year, the partnership shall
254 submit to the department a report that contains an evaluation of
255 the effectiveness of the delivered services and activities.
256 Activities and services must be evaluated on their effectiveness
257 at raising student achievement and increasing the number of AP
258 or other advanced course examinations in low-performing middle
259 and high schools. Other indicators that must be addressed in the
260 evaluation report include the number of middle and high school
261 teachers trained; the effectiveness of the training; measures of
262 postsecondary readiness of the students affected by the program;
263 levels of participation in 10th grade PSAT/NMSQT or the PreACT
264 testing; the number of students who submit at least one
265 postsecondary application; the number of students who submit an
266 application for financial aid to help pay for postsecondary
267 expenses; and measures of student, parent, and teacher awareness
268 of and satisfaction with the services of the partnership.

269 Section 9. Paragraph (a) of subsection (1) and subsection
270 (2) of section 1008.212, Florida Statutes, are amended to read:

271 1008.212 Students with disabilities; extraordinary
272 exemption.—



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

274 (a) "Circumstance" means a situation in which
275 accommodations allowable for use on the statewide standardized
276 assessment, a statewide standardized end-of-course assessment,
277 or an alternate assessment pursuant to s. 1008.22(3)(d) ~~s.~~
278 ~~1008.22(3)(e)~~ are not offered to a student during the current
279 year's assessment administration due to technological
280 limitations in the testing administration program which lead to
281 results that reflect the student's impaired sensory, manual, or
282 speaking skills rather than the student's achievement of the
283 benchmarks assessed by the statewide standardized assessment, a
284 statewide standardized end-of-course assessment, or an alternate
285 assessment.

286 (2) A student with a disability for whom the individual
287 education plan (IEP) team determines is prevented by a
288 circumstance or condition from physically demonstrating the
289 mastery of skills that have been acquired and are measured by
290 the statewide standardized assessment, a statewide standardized
291 end-of-course assessment, or an alternate assessment pursuant to
292 s. 1008.22(3)(d) ~~s. 1008.22(3)(e)~~ shall be granted an
293 extraordinary exemption from the administration of the
294 assessment. A learning, emotional, behavioral, or significant
295 cognitive disability, or the receipt of services through the
296 homebound or hospitalized program in accordance with rule 6A-
297 6.03020, Florida Administrative Code, is not, in and of itself,
298 an adequate criterion for the granting of an extraordinary
299 exemption.

300 Section 10. Present paragraph (c) of subsection (3) of
301 section 1008.22, Florida Statutes, is redesignated as paragraph



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302 (d), a new paragraph (c) is added to that subsection, and
303 paragraphs (a) and (b), present paragraphs (c) and (d), and
304 paragraph (g) of subsection (3), subsection (6), paragraphs (a),
305 (b), (c), and (h) of subsection (7), and subsections (8) and (9)
306 of that section are amended, to read:

307 1008.22 Student assessment program for public schools.—

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

327 (a) *Statewide, standardized comprehensive assessments.*—The
328 ~~statewide, standardized Reading assessment shall be administered~~
329 ~~annually in grades 3 through 10. The statewide, standardized~~
330 ~~Writing assessment shall be administered annually at least once~~



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331 ~~at the elementary, middle, and high school levels. When the~~
332 ~~Reading and Writing assessments are replaced by~~ English Language
333 Arts (ELA) assessments, ~~ELA assessments~~ shall be administered to
334 students in grades 3 through 8 and in grade 10. The grade 9 ELA
335 assessment shall be last administered in the 2021-2022 school
336 year. Retake opportunities for the ~~grade 10 Reading assessment~~
337 ~~or, upon implementation, the grade 10 ELA assessment~~ must be
338 provided. ~~Students taking the ELA assessments shall not take the~~
339 ~~statewide, standardized assessments in Reading or Writing.~~
340 Reading passages and writing prompts for ELA assessments shall
341 incorporate grade-level core curricula content from social
342 studies. The statewide, standardized Mathematics assessments
343 shall be administered annually in grades 3 through 8. ~~Students~~
344 ~~taking a revised Mathematics assessment shall not take the~~
345 ~~discontinued assessment.~~ The statewide, standardized Science
346 assessment shall be administered annually at least once at the
347 elementary and middle grades levels. In order to earn a standard
348 high school diploma, a student who has not earned a passing
349 score on the ~~grade 10 Reading assessment or, upon~~
350 ~~implementation, the grade 10 ELA assessment~~ must earn a passing
351 score on the assessment retake or earn a concordant score as
352 authorized under subsection (9). Statewide, standardized ELA and
353 mathematics assessments in grades 3 through 6 must be delivered
354 in a paper-based format.

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

358 1. EOC assessments for Algebra I, Geometry, Biology I,
359 United States History, and Civics shall be administered to



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360 students enrolled in such courses as specified in the course
361 code directory. The Geometry EOC assessment shall be
362 administered to students enrolled in such courses as specified
363 in the course code directory until the assessment is
364 discontinued.

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

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

386 4. Contingent upon funding provided in the General
387 Appropriations Act, including the appropriation of funds
388 received through federal grants, the commissioner may establish



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389 an implementation schedule for the development and
390 administration of additional statewide, standardized EOC
391 assessments that must be approved by the state board in rule. If
392 approved by the state board, student performance on such
393 assessments constitutes 30 percent of a student's final course
394 grade.

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

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

405 (c) Nationally recognized high school assessments.—

406 1. Beginning with the 2020-2021 school year, a nationally
407 recognized high school assessment, defined as either the ACT or
408 the SAT, shall be administered to students in grade 11.

409 2. The Commissioner of Education shall, through a
410 competitive procurement, select either the ACT or the SAT for
411 statewide administration.

412 3. Funding for the SAT and the ACT for all grade 11
413 students shall be as provided in the General Appropriations Act.

414 (d) ~~(e)~~ Students with disabilities; Florida Alternate
415 Assessment.—

416 1. Each district school board must provide instruction to
417 prepare students with disabilities in the core content knowledge



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418 and skills necessary for successful grade-to-grade progression
419 and high school graduation.

420 2. A student with a disability, as defined in s. 1007.02,
421 for whom the individual education plan (IEP) team determines
422 that the statewide, standardized assessments under this section
423 cannot accurately measure the student's abilities, taking into
424 consideration all allowable accommodations, shall have
425 assessment results waived for the purpose of receiving a course
426 grade and a standard high school diploma. Such waiver shall be
427 designated on the student's transcript. The statement of waiver
428 shall be limited to a statement that performance on an
429 assessment was waived for the purpose of receiving a course
430 grade or a standard high school diploma, as applicable.

431 3. The State Board of Education shall adopt rules, based
432 upon recommendations of the commissioner, for the provision of
433 assessment accommodations for students with disabilities and for
434 students who have limited English proficiency.

435 a. Accommodations that negate the validity of a statewide,
436 standardized assessment are not allowed during the
437 administration of the assessment. However, instructional
438 accommodations are allowed in the classroom if identified in a
439 student's IEP. Students using instructional accommodations in
440 the classroom that are not allowed on a statewide, standardized
441 assessment may have assessment results waived if the IEP team
442 determines that the assessment cannot accurately measure the
443 student's abilities.

444 b. If a student is provided with instructional
445 accommodations in the classroom that are not allowed as
446 accommodations for statewide, standardized assessments, the



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447 district must inform the parent in writing and provide the
448 parent with information regarding the impact on the student's
449 ability to meet expected performance levels. A parent must
450 provide signed consent for a student to receive classroom
451 instructional accommodations that would not be available or
452 permitted on a statewide, standardized assessment and
453 acknowledge in writing that he or she understands the
454 implications of such instructional accommodations.

455 c. If a student's IEP states that online administration of
456 a statewide, standardized assessment will significantly impair
457 the student's ability to perform, the assessment shall be
458 administered in hard copy.

459 4. For students with significant cognitive disabilities,
460 the Department of Education shall provide for implementation of
461 the Florida Alternate Assessment to accurately measure the core
462 curricular content established in the Next Generation Sunshine
463 State Standards.

464 ~~(d) Implementation schedule.—~~

465 ~~1. The Commissioner of Education shall establish and~~
466 ~~publish on the department's website an implementation schedule~~
467 ~~to transition from the statewide, standardized Reading and~~
468 ~~Writing assessments to the ELA assessments and to the revised~~
469 ~~Mathematics assessments, including the Algebra I and Geometry~~
470 ~~EOC assessments. The schedule must take into consideration~~
471 ~~funding, sufficient field and baseline data, access to~~
472 ~~assessments, instructional alignment, and school district~~
473 ~~readiness to administer the assessments online. All such~~
474 ~~assessments must be delivered through computer-based testing,~~
475 ~~however, the following assessments must be delivered in a~~



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476 ~~computer-based format, as follows: the grade 3 Mathematics~~
477 ~~assessment beginning in the 2016-2017 school year; the grade 4~~
478 ~~ELA assessment, beginning in the 2015-2016 school year; and the~~
479 ~~grade 4 Mathematics assessment, beginning in the 2016-2017~~
480 ~~school year. Notwithstanding the requirements of this~~
481 ~~subparagraph, statewide, standardized ELA and mathematics~~
482 ~~assessments in grades 3 through 6 must be delivered only in a~~
483 ~~paper-based format, beginning with the 2017-2018 school year,~~
484 ~~and all such assessments must be paper-based no later than the~~
485 ~~2018-2019 school year.~~

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

491 ~~(g) Contracts for assessments.-~~

492 ~~1. The commissioner shall provide for the assessments to be~~
493 ~~developed or obtained, as appropriate, through contracts and~~
494 ~~project agreements with private vendors, public vendors, public~~
495 ~~agencies, postsecondary educational institutions, or school~~
496 ~~districts. The commissioner may enter into contracts for the~~
497 ~~continued administration of the assessments authorized and~~
498 ~~funded by the Legislature. Contracts may be initiated in 1~~
499 ~~fiscal year and continue into the next fiscal year and may be~~
500 ~~paid from the appropriations of either or both fiscal years. The~~
501 ~~commissioner may negotiate for the sale or lease of tests,~~
502 ~~scoring protocols, test scoring services, and related materials~~
503 ~~developed pursuant to law.~~

504 ~~2. A student's performance results on statewide,~~



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505 ~~standardized assessments, EOC assessments, and Florida~~
506 ~~Alternative Assessments administered pursuant to this subsection~~
507 ~~must be provided to the student's teachers and parents by the~~
508 ~~end of the school year, unless the commissioner determines that~~
509 ~~extenuating circumstances exist and reports the extenuating~~
510 ~~circumstances to the State Board of Education. This subparagraph~~
511 ~~does not apply to existing contracts for such assessments, but~~
512 ~~shall apply to new contracts and any renewal of existing~~
513 ~~contracts for such assessments.~~

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

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

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

529 ~~(b)~~ The Commissioner of Education shall assist and support
530 districts in measuring student performance on the state
531 standards by maintaining a statewide item bank, facilitating the
532 sharing of developed tests or test items among school districts,
533 and providing technical assistance in best assessment practices.



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534 ~~The commissioner may discontinue the item bank if he or she~~
535 ~~determines that district participation is insufficient for its~~
536 ~~sustainability.~~

537 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

538 (a) The Commissioner of Education shall establish schedules
539 for the administration of statewide, standardized assessments
540 and the reporting of student assessment results. The
541 commissioner shall consider the observance of religious and
542 school holidays when developing the schedules. The assessment
543 and reporting schedules must provide the earliest possible
544 reporting of student assessment results to the school districts,
545 ~~consistent with the requirements of paragraph (3)(g).~~ Assessment
546 results for the statewide, standardized ELA and mathematics
547 assessments and all statewide, standardized EOC assessments must
548 be made available no later than June 30, except for results for
549 the grade 3 statewide, standardized ELA assessment, which must
550 be made available no later than May 31. School districts shall
551 administer statewide, standardized assessments in accordance
552 with the schedule established by the commissioner.

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

561 1. Whether the assessment is a district-required assessment
562 or a state-required assessment.



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- 563 2. The specific date or dates that each assessment will be
564 administered.
- 565 3. The time allotted to administer each assessment.
- 566 4. Whether the assessment is a computer-based assessment or
567 a paper-based assessment.
- 568 5. The grade level or subject area associated with the
569 assessment.
- 570 6. The date that the assessment results are expected to be
571 available to teachers and parents.
- 572 7. The type of assessment, the purpose of the assessment,
573 and the use of the assessment results.
- 574 8. A glossary of assessment terminology.
- 575 9. Estimates of average time for administering state-
576 required and district-required assessments, by grade level.
- 577 (c) ~~Beginning with the 2018-2019 school year,~~ The spring
578 administration of the statewide, standardized assessments in
579 paragraphs (3)(a) and (b), excluding assessment retakes, must be
580 in accordance with the following schedule:
- 581 1. The grade 3 statewide, standardized ELA assessment and
582 the writing portion of the statewide, standardized ELA
583 assessment ~~for grades 4 through 10~~ must be administered no
584 earlier than April 1 each year within an assessment window not
585 to exceed 2 weeks.
- 586 2. With the exception of assessments identified in
587 subparagraph 1., any statewide, standardized assessment that is
588 delivered in a paper-based format must be administered no
589 earlier than May 1 each year within an assessment window not to
590 exceed 2 weeks.
- 591 3. With the exception of assessments identified in



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592 subparagraphs 1. and 2., any statewide, standardized assessment
593 must be administered within a 4-week assessment window that
594 opens no earlier than May 1 each year.

595

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

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

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

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

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

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

620 5. Comparative information showing the student's score



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621 compared to other students in the school district, in the state,
622 or, if available, in other states.

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

628 (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in
629 the statewide assessment program, in any procurement for the
630 statewide, standardized assessments in ELA, assessment in grades
631 3 through 10 and the mathematics, science, and social studies
632 assessment in grades 3 through 8, the Department of Education
633 shall solicit cost proposals for publication of the state
634 assessments on its website in accordance with this subsection.

635 (a) The department shall publish each assessment
636 administered under paragraph (3) (a) and subparagraph (3) (b) 1.,
637 excluding assessment retakes, at least once on a triennial basis
638 pursuant to a schedule determined by the Commissioner of
639 Education. Each assessment, when published, must have been
640 administered during the most recent school year and be in a
641 format that facilitates the sharing of assessment items.

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

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



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650 (9) CONCORDANT SCORES.—The Commissioner of Education must
651 identify scores on the SAT and ACT that if achieved satisfy the
652 graduation requirement that a student pass the ~~grade 10~~
653 ~~statewide, standardized Reading assessment or, upon~~
654 ~~implementation, the grade 10 ELA assessment.~~ The commissioner
655 may identify concordant scores on assessments other than the SAT
656 and ACT. If the content or scoring procedures change for the
657 ~~grade 10 Reading assessment or, upon implementation, the grade~~
658 10 ELA assessment, new concordant scores must be determined. If
659 new concordant scores are not timely adopted, the last-adopted
660 concordant scores remain in effect until such time as new scores
661 are adopted. The state board shall adopt concordant scores in
662 rule.

663 Section 11. Paragraph (a) of subsection (2) of section
664 1008.25, Florida Statutes, is amended to read:

665 1008.25 Public school student progression; student support;
666 reporting requirements.—

667 (2) STUDENT PROGRESSION PLAN.—Each district school board
668 shall establish a comprehensive plan for student progression
669 which must provide for a student's progression from one grade to
670 another based on the student's mastery of the standards in s.
671 1003.41, specifically English Language Arts, mathematics,
672 science, and social studies standards. The plan must:

673 (a) Include criteria that emphasize student reading
674 proficiency in kindergarten through grade 3 and provide targeted
675 instructional support for students with identified deficiencies
676 in English Language Arts, mathematics, science, and social
677 studies. High schools shall use all available assessment
678 results, ~~including the results of statewide, standardized~~



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679 ~~English Language Arts assessments and end-of-course assessments~~
680 ~~for Algebra I and Geometry,~~ to advise students of any identified
681 deficiencies and to provide appropriate postsecondary
682 preparatory instruction before high school graduation. The
683 results of evaluations used to monitor a student's progress in
684 grades K-12 must be provided to the student's teacher in a
685 timely manner and as otherwise required by law. Thereafter,
686 evaluation results must be provided to the student's parent in a
687 timely manner. When available, instructional personnel must be
688 provided with information on student achievement of standards
689 and benchmarks in order to improve instruction.

690 Section 12. Subsection (1), paragraphs (a) and (b) of
691 subsection (3), and subsection (4) of section 1008.33, Florida
692 Statutes, are amended to read:

693 1008.33 Authority to enforce public school improvement.—

694 (1) The State Board of Education shall comply with the
695 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
696 ss. 6301 et seq., its implementing regulations, and the ESEA
697 plan flexibility waiver approved for Florida by the United
698 States Secretary of Education. The state board may adopt rules
699 to maintain compliance with the ESEA and the ESEA plan
700 flexibility waiver.

701 (3) (a) The academic performance of all students has a
702 significant effect on the state school system. Pursuant to Art.
703 IX of the State Constitution, which prescribes the duty of the
704 State Board of Education to supervise Florida's public school
705 system, the state board shall equitably enforce the
706 accountability requirements of the state school system and may
707 impose state requirements on school districts in order to



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708 improve the academic performance of all districts, schools, and
709 students based upon the provisions of the Florida K-20 Education
710 Code, chapters 1000-1013; the federal ESEA and its implementing
711 regulations; and the ESEA plan flexibility waiver approved for
712 Florida by the United States Secretary of Education.

713 (b) The Department of Education shall annually identify
714 each public school in need of intervention and support to
715 improve student academic performance. A deficient and failing
716 school is a school ~~All schools~~ earning a grade of "D" or "F"
717 pursuant to s. 1008.34 ~~are schools~~ in need of intervention and
718 support.

719 (4) (a) The state board shall apply intensive intervention
720 and support strategies tailored to the needs of schools earning
721 a grade ~~two consecutive grades~~ of "D" or ~~a grade of~~ "F." In the
722 first full school year after a school initially earns a grade
723 ~~two consecutive grades~~ of "D" or ~~a grade of~~ "F," the school
724 district must immediately implement intervention and support
725 strategies prescribed in rule under paragraph (3) (c) and, by
726 September 1, provide the department with the memorandum of
727 understanding negotiated pursuant to s. 1001.42(21) and, by
728 October 1, a district-managed turnaround plan for approval by
729 the state board. The district-managed turnaround plan may
730 include a proposal for the district to implement an extended
731 school day, a summer program, or a combination of an extended
732 school day and a summer program. Upon approval by the state
733 board, the school district must implement the plan for the
734 remainder of the school year and continue the plan for 1 full
735 school year. The state board may allow a school an additional
736 year of implementation before the school must implement a



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737 turnaround option required under paragraph (b) if it determines
738 that the school is likely to improve to a grade of "C" or higher
739 after the first full school year of implementation, and will
740 sustain the improvement beyond the next school year.

741 (b) Unless an additional year of implementation is provided
742 pursuant to paragraph (a), a school that completes a district-
743 managed turnaround plan cycle and does not improve to at least a
744 grade of ~~earns three consecutive grades below a~~ "C" or higher
745 must implement one of the following:

746 1. Upon the recommendation of the Commissioner of
747 Education, the state board may allow the school district to
748 close the school and reassign students to another school with a
749 school grade of "C" or higher, provide additional services to
750 reassigned students which are designed to address deficiencies
751 and improve performance, and monitor the progress of each
752 reassigned student for 3 school years;

753 2. Repurpose ~~Close the school and reopen~~ the school as one
754 or more charter schools, each with a governing board that has a
755 demonstrated record of effectiveness; or

756 3. Enter into a performance contract with an external
757 operator ~~outside entity~~ that has a demonstrated record of
758 effectiveness to operate the school. The contract must allow
759 unilateral cancellation by the school district upon revocation
760 of the turnaround plan under paragraph (f). An external operator
761 outside entity may include the State University System or
762 Florida College System institution or a district-managed charter
763 school in which all instructional personnel are not employees of
764 the school district, but are employees of an independent
765 governing board composed of members who did not participate in



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766 the review or approval of the charter.

767 (c) During the implementation of a turnaround option, the
768 district may request a new turnaround option. Implementation of
769 the turnaround option is no longer required if the school
770 improves to a grade of "C" or higher.

771 (d) If a school ~~earning two consecutive grades of "D" or a~~
772 ~~grade of "F"~~ does not improve to a grade of "C" or higher after
773 2 school years of implementing the turnaround option selected by
774 the school district under paragraph (b), the school district
775 must implement another turnaround option. Implementation of the
776 turnaround option must begin the school year following the
777 implementation period of the existing turnaround option, unless
778 the state board determines that the school is likely to improve
779 to a grade of "C" or higher if additional time is provided to
780 implement the existing turnaround option.

781 (e) If a school earns a grade of "D" or "F" within 4 years
782 after improving to a grade of "C" or higher, the school may only
783 select a turnaround option under paragraph (b).

784 (f) The state board may revoke a turnaround plan if a
785 school district fails to follow the terms and conditions of its
786 approved plan. Before revoking a turnaround plan, the state
787 board shall consider any curative action taken or proposed by
788 the school district and the feasibility of improving performance
789 under the plan during the remainder of the approval period. Upon
790 revocation of a turnaround plan, a school district must submit a
791 new turnaround plan or select a new turnaround option.

792 Section 13. Paragraphs (a) and (b) of subsection (1) and
793 paragraph (b) of subsection (3) of section 1008.34, Florida
794 Statutes, are amended to read:



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795 1008.34 School grading system; school report cards;
796 district grade.—

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

800 (a) "Achievement level," "student achievement," or
801 "achievement" describes the level of content mastery a student
802 has acquired in a particular subject as measured by a statewide,
803 standardized assessment administered pursuant to s.

804 1008.22(3) (a) and (b). There are five achievement levels. Level
805 1 is the lowest achievement level, level 5 is the highest
806 achievement level, and level 3 indicates satisfactory

807 performance. A student passes an assessment if the student
808 achieves a level 3, level 4, or level 5. For purposes of the
809 Florida Alternate Assessment administered pursuant to s.

810 1008.22(3) (d) s. 1008.22(3) (e), the state board shall provide,
811 in rule, the number of achievement levels and identify the
812 achievement levels that are considered passing. For the purpose
813 of calculating school grades under this section, the State Board
814 of Education shall adopt by rule passing scores for the
815 nationally recognized high school assessment selected pursuant
816 to s. 1008.22(3) (c).

817 (b) "Learning Gains," ~~"annual learning gains,"~~ or "student
818 learning gains" means the degree of student learning growth
819 occurring over time ~~from one school year to the next~~ as required
820 by state board rule for purposes of calculating school grades
821 under this section.

822 (3) DESIGNATION OF SCHOOL GRADES.—

823 (b)1. ~~Beginning with the 2014-2015 school year,~~ A school's



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824 grade shall be based on the following components, each worth 100
825 points:

826 a. The percentage of eligible students passing statewide,
827 standardized assessments in English Language Arts under s.
828 1008.22(3), and beginning with the 2022-2023 school year, the
829 percentage of eligible students passing the relevant portions of
830 the nationally recognized high school assessment selected
831 pursuant to s. 1008.22(3)(c).

832 b. The percentage of eligible students passing statewide,
833 standardized assessments in mathematics under s. 1008.22(3), and
834 beginning with the 2022-2023 school year, the percentage of
835 eligible students passing the relevant portions of the
836 nationally recognized high school assessment selected pursuant
837 to s. 1008.22(3)(c).

838 c. The percentage of eligible students passing statewide,
839 standardized assessments in science under s. 1008.22(3).

840 d. The percentage of eligible students passing statewide,
841 standardized assessments in social studies under s. 1008.22(3).

842 e. The percentage of eligible students who make Learning
843 Gains in English Language Arts as measured by statewide,
844 standardized assessments administered under s. 1008.22(3).

845 f. The percentage of eligible students who make Learning
846 Gains in mathematics as measured by statewide, standardized
847 assessments administered under s. 1008.22(3).

848 g. The percentage of eligible students in the lowest 25
849 percent in English Language Arts, as identified by prior year
850 performance on statewide, standardized assessments, who make
851 Learning Gains as measured by statewide, standardized English
852 Language Arts assessments administered under s. 1008.22(3).



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853 h. The percentage of eligible students in the lowest 25
854 percent in mathematics, as identified by prior year performance
855 on statewide, standardized assessments, who make Learning Gains
856 as measured by statewide, standardized Mathematics assessments
857 administered under s. 1008.22(3).

858 i. For schools comprised of middle grades 6 through 8 or
859 grades 7 and 8, the percentage of eligible students passing high
860 school level statewide, standardized end-of-course assessments
861 or attaining national industry certifications identified in the
862 CAPE Industry Certification Funding List pursuant to rules
863 adopted by the State Board of Education.

864
865 In calculating Learning Gains for the components listed in sub-
866 subparagraphs e.-h., the State Board of Education shall require
867 that learning growth toward achievement levels 3, 4, and 5 is
868 demonstrated by students who scored below each of those levels
869 in the prior year. In calculating the components in sub-
870 subparagraphs a.-d., the state board shall include the
871 performance of English language learners only if they have been
872 enrolled in a school in the United States for more than 2 years.

873 2. For a school comprised of grades 9, 10, 11, and 12, or
874 grades 10, 11, and 12, the school's grade shall also be based on
875 the following components, each worth 100 points:

876 a. The 4-year high school graduation rate of the school as
877 defined by state board rule.

878 b. The percentage of students who were eligible to earn
879 college and career credit through College Board Advanced
880 Placement examinations, International Baccalaureate
881 examinations, dual enrollment courses, or Advanced International



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882 Certificate of Education examinations; or who, at any time
883 during high school, earned national industry certification
884 identified in the CAPE Industry Certification Funding List,
885 pursuant to rules adopted by the state board.

886 Section 14. Subsection (2) of section 1008.3415, Florida
887 Statutes, is amended to read:

888 1008.3415 School grade or school improvement rating for
889 exceptional student education centers.—

890 (2) Notwithstanding s. 1008.34, the achievement levels and
891 Learning Gains of a student with a disability who attends an
892 exceptional student education center and has not been enrolled
893 in or attended a public school other than an exceptional student
894 education center for grades K-12 within the school district
895 shall not be included in the calculation of the home school's
896 grade if the student is identified as an emergent student on the
897 alternate assessment described in s. 1008.22(3)(d) ~~or~~
898 ~~1008.22(3)(c)~~.

899 Section 15. Subsection (21) of section 1011.62, Florida
900 Statutes, is amended to read:

901 1011.62 Funds for operation of schools.—If the annual
902 allocation from the Florida Education Finance Program to each
903 district for operation of schools is not determined in the
904 annual appropriations act or the substantive bill implementing
905 the annual appropriations act, it shall be determined as
906 follows:

907 (21) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—
908 The turnaround school supplemental services allocation is
909 created to provide district-managed turnaround schools, as
910 identified in s. 1008.33(4)(a), schools implementing a charter



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911 or an external operator turnaround option, that earn three
912 consecutive grades below a "C," as identified in s.
913 1008.33(4)(c)3. s. 1008.33(4)(b)3., and schools that have
914 improved to a "C" or higher and are no longer in turnaround
915 status, as identified in s. 1008.33(4)(d) s. 1008.33(4)(e), with
916 funds to offer services designed to improve the overall academic
917 and community welfare of the schools' students and their
918 families.

919 (a)1. Services funded by the allocation may include, but
920 are not limited to, tutorial and after-school programs, student
921 counseling, nutrition education, parental counseling, and an
922 extended school day and school year. In addition, services may
923 include models that develop a culture that encourages students
924 to complete high school and to attend college or career
925 training, set high academic expectations, and inspire character
926 development.

927 2. A school district may enter into a formal agreement with
928 a nonprofit organization that has tax-exempt status under s.
929 501(c)(3) of the Internal Revenue Code to implement an
930 integrated student support service model that provides students
931 and families with access to wrap-around services, including, but
932 not limited to, health services, after-school programs, drug
933 prevention programs, college and career readiness programs, and
934 food and clothing banks.

935 (b) Before distribution of the allocation, the school
936 district shall develop and submit a plan for implementation to
937 its school board for approval no later than August 1 of each
938 fiscal year.

939 (c) At a minimum, the plan required under paragraph (b)



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940 must:

- 941 1. Establish comprehensive support services that develop
942 family and community partnerships;
- 943 2. Establish clearly defined and measurable high academic
944 and character standards;
- 945 3. Increase parental involvement and engagement in the
946 child's education;
- 947 4. Describe how instructional personnel will be identified,
948 recruited, retained, and rewarded;
- 949 5. Provide professional development that focuses on
950 academic rigor, direct instruction, and creating high academic
951 and character standards;
- 952 6. Provide focused instruction to improve student academic
953 proficiency, which may include additional instruction time
954 beyond the normal school day or school year; and
- 955 7. Include a strategy for continuing to provide services
956 after the school is no longer in turnaround status by virtue of
957 achieving a grade of "C" or higher.

958 (d) Each school district shall submit its approved plans to
959 the commissioner by September 1 of each fiscal year.

960 (e) Subject to legislative appropriation, each school
961 district's allocation must be based on the unweighted FTE
962 student enrollment at the eligible schools and a per-FTE funding
963 amount of \$500 or as provided in the General Appropriations Act.
964 The supplement provided in the General Appropriations Act shall
965 be based on the most recent school grades and shall serve as a
966 proxy for the official calculation. Once school grades are
967 available for the school year immediately preceding the fiscal
968 year coinciding with the appropriation, the supplement shall be



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969 recalculated for the official participating schools as part of
970 the subsequent FEFP calculation. The commissioner may prepare a
971 preliminary calculation so that districts may proceed with
972 timely planning and use of the funds. If the calculated funds
973 for the statewide allocation exceed the funds appropriated, the
974 allocation of funds to each school district must be prorated
975 based on each school district's share of the total unweighted
976 FTE student enrollment for the eligible schools.

977 (f) Subject to legislative appropriation, each school shall
978 remain eligible for the allocation for a maximum of 4 continuous
979 fiscal years while implementing a turnaround option pursuant to
980 s. 1008.33(4). In addition, a school that improves to a grade of
981 "C" or higher shall remain eligible to receive the allocation
982 for a maximum of 2 continuous fiscal years after exiting
983 turnaround status.

984 Section 16. For the 2020-2021 fiscal year, the sum of \$8
985 million in recurring funds is appropriated from the General
986 Revenue Fund to the Department of Education to implement s.
987 1008.22(3)(c), as created by this act.

988 Section 17. Except as otherwise expressly provided in this
989 act and except for this section, which shall take effect upon
990 this act becoming a law, this act shall take effect July 1,
991 2020.

992 ===== T I T L E A M E N D M E N T =====

993 And the title is amended as follows:

994 Delete everything before the enacting clause
995 and insert:

996 A bill to be entitled

997 An act relating to education; amending s. 1001.23,



998 F.S.; authorizing the Department of Education to hold
999 patents, copyrights, trademarks, and service marks;
1000 authorizing the department to take specified actions
1001 to enforce its rights under certain circumstances;
1002 requiring the department to notify the Department of
1003 State under certain circumstances; requiring certain
1004 proceeds to be deposited into a specified trust fund;
1005 amending s. 1003.33, F.S.; requiring final report
1006 cards to be issued within a multiple specified
1007 timeframes; amending s. 1003.4156, F.S.; conforming
1008 provisions to changes made by the act; amending s.
1009 1003.4282, F.S.; deleting obsolete language; requiring
1010 certain students to take a specified assessment
1011 relating to civic literacy; providing that such
1012 assessment meets certain postsecondary requirements
1013 under specified circumstances; amending s. 1003.4285,
1014 F.S.; revising the requirements for earning the
1015 Scholar designation on a standard high school diploma;
1016 amending s. 1006.33, F.S.; authorizing the department
1017 to establish timeframes for specified purposes
1018 relating to instructional materials for a certain
1019 adoption cycle; amending s. 1007.25, F.S.; requiring
1020 postsecondary students to complete a civic literacy
1021 course and pass a specified assessment to demonstrate
1022 competency in civic literacy; authorizing students to
1023 meet the assessment requirements in high school;
1024 amending s. 1007.35, F.S.; requiring the Florida
1025 Partnership for Minority and Underrepresented Student
1026 Achievement to provide specified information to



1027 students relating to transitioning to postsecondary
1028 education; revising certain reporting requirements;
1029 amending s. 1008.212, F.S.; conforming cross-
1030 references; amending s. 1008.22, F.S.; deleting
1031 obsolete language; discontinuing a specified English
1032 Language Arts assessment at a certain time; requiring
1033 certain statewide, standardized assessments to be
1034 administered in a paper-based format; requiring school
1035 districts to provide the SAT or ACT to grade 11
1036 students beginning in a specified school year;
1037 requiring the Commissioner of Education to choose
1038 which assessment to administer; providing that funding
1039 for the assessments shall be as provided by
1040 appropriation; deleting specified reporting
1041 requirements; deleting a requirement that the
1042 Commissioner of Education maintain a specified item
1043 bank; deleting specified requirements for the date of
1044 the administration of specified assessments; revising
1045 a deadline for the publication of certain assessments;
1046 amending s. 1008.25, F.S.; revising which assessments
1047 a high school must use to advise students of specified
1048 deficiencies; amending s. 1008.33, F.S.; revising
1049 requirements for certain intervention and support
1050 strategies; revising requirements for the State Board
1051 of Education to allow a school an additional year of
1052 implementation of a district-managed turnaround plan;
1053 revising the requirements for turnaround options for
1054 specified schools; authorizing a school district to
1055 request a new turnaround option; providing



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1056 requirements for certain schools that reenter the
1057 turnaround system; authorizing the state board to
1058 revoke a turnaround plan under certain circumstances;
1059 providing requirements for such revocation; amending
1060 s. 1008.34, F.S.; revising definitions; revising
1061 school grade calculations to include specified
1062 assessment results beginning in a specified school
1063 year; amending s. 1008.3415, F.S.; conforming a cross-
1064 reference; amending s. 1011.62, F.S.; revising the
1065 eligibility criteria for the turnaround school
1066 supplemental services allocation; providing an
1067 appropriation; providing effective dates.

By Senator Baxley

12-01321B-20

20201498__

A bill to be entitled

An act relating to school turnaround; amending s. 1008.33, F.S.; revising the criteria for schools that are deemed to be in need of intervention and support; providing that a school district may request to change a turnaround option after the first year of implementation; authorizing the school district to request additional time to implement a turnaround option only if certain conditions are met; providing new requirements for schools that complete a district-managed turnaround plan and do not improve; authorizing the State Board of Education to revoke a turnaround plan when the school district has failed to follow the terms or meet the requirements of its approved plan; amending s. 1011.62, F.S.; clarifying provisions related to the turnaround school supplemental services allocation; amending ss. 1002.33, 1002.332, and 1002.333, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (3) and (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3) (a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school

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

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system, the state board shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida K-20 Education Code, chapters 1000-1013; the federal ESEA and its implementing regulations; and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.

(b) The Department of Education shall annually identify each public school in need of intervention and support to improve student academic performance. A deficient and failing school is a school that earns ~~All schools earning~~ a grade of "D" or "F" pursuant to s. 1008.34 and needs ~~are schools in need of~~ intervention and support.

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools. The intervention and support strategies must address student performance and may include improvement planning; leadership quality improvement; educator quality improvement; professional development; curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes. In addition, the state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the

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

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59 district and department.

60 (4) (a) The state board shall apply intensive intervention
61 and support strategies tailored to the needs of schools earning
62 two consecutive grades of "D" or a grade of "F." In the first
63 full school year after a school initially earns two consecutive
64 grades of "D" or a grade of "F," the school district must
65 immediately implement intervention and support strategies
66 prescribed in rule under paragraph (3) (c) and, by September 1,
67 provide the department with the memorandum of understanding
68 negotiated pursuant to s. 1001.42(21) and, by October 1, a
69 district-managed turnaround plan for approval by the state
70 board. The district-managed turnaround plan may include a
71 proposal for the district to implement an extended school day, a
72 summer program, or a combination of an extended school day and a
73 summer program. Upon approval by the state board, the school
74 district shall ~~must~~ implement the plan for the remainder of the
75 school year, and continue the plan for 1 full school year, or
76 the district may request to change a turnaround option after the
77 first year of implementation. The state board may allow a school
78 an additional year of implementation before the school must
79 implement a turnaround option required under paragraph (c) ~~(b)~~
80 if it determines that the school is likely to improve to a grade
81 of "C" or higher after the first full school year of
82 implementation.

83 (b) A district may request additional time only if the
84 following conditions are met; however, the State Board of
85 Education is not required to grant any such request:

86 1. The request demonstrates that the school has a positive
87 trajectory using the school grade components specified in s.

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88 1008.34(3) (b);

89 2. The request demonstrates that the school that is the
90 subject of the school improvement plan does not have any
91 instructional personnel who have received an unsatisfactory
92 evaluation and that the percentage of such personnel who have
93 received an evaluation of needs improvement is at or below the
94 Florida Value-Added Model (VAM) average if the district has more
95 than five schools, or the state VAM average where the district
96 has five or fewer schools;

97 3. During the remainder of the implementation of the
98 turnaround plan, the district agrees to staff the school without
99 any instructional personnel who have received an unsatisfactory
100 evaluation and to maintain or improve the school's percentage of
101 such personnel who have received a needs improvement evaluation;
102 and

103 4. The request includes a description of the services that
104 will be implemented to ensure the sustainability of improvement
105 during the next year and thereafter.

106 (c) ~~(b)~~ Unless an additional year of implementation is
107 provided pursuant to paragraph (a), a school that completes a
108 district-managed turnaround plan cycle and does not improve to
109 at least a grade of "C" or higher earns ~~three consecutive grades~~
110 ~~below a "C"~~ must implement one of the following:

111 1. Upon the recommendation of the Commissioner of
112 Education, the state board may choose to allow the school
113 district to close the school, reassign students to another
114 school with a school grade of "C" or higher, and monitor the
115 progress of each reassigned student for 3 school years;

116 2. ~~Close the school and reopen~~ Repurpose the school as one

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117 or more charter schools, each with a governing board that has a
118 demonstrated record of effectiveness; or

119 3. Enter into an annual performance contract with an
120 external operator ~~outside entity~~ that has a demonstrated record
121 of effectiveness to operate the school. An external operator
122 ~~outside entity~~ may include a provider authorized by the State
123 University System or Florida College System or a district-
124 managed charter school in which all instructional personnel are
125 not employees of the school district, but are employees of an
126 independent governing board composed of members who did not
127 participate in the review or approval of the charter.

128 (d) (e) During the first year of implementation of a
129 turnaround option, the district may request a new turnaround
130 option. Implementation of the turnaround option is no longer
131 required if the school improves to a grade of "C" or higher.

132 (e) (d) If a school earning two consecutive grades of "D" or
133 a grade of "F" does not improve to a grade of "C" or higher
134 after 2 school years of implementing the turnaround option
135 selected by the school district under paragraph (c) (b), the
136 school district must implement another turnaround option.
137 Implementation of the turnaround option must begin the school
138 year following the implementation period of the existing
139 turnaround option, unless the state board determines that the
140 school is likely to improve to a grade of "C" or higher if
141 additional time is provided to implement the existing turnaround
142 option.

143 (f) The state board may revoke a turnaround plan when a
144 district has failed to follow the terms of its approved plan or
145 to meet the requirements of the plan. Prior to revocation, the

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146 state board shall consider any curative action taken or proposed
147 by the district and the feasibility of improving performance
148 under the plan during the remainder of the approval period. Upon
149 revocation, the state board may require a district to submit a
150 new plan or select a new turnaround option.

151 Section 2. Subsection (21) of section 1011.62, Florida
152 Statutes, is amended to read:

153 1011.62 Funds for operation of schools.—If the annual
154 allocation from the Florida Education Finance Program to each
155 district for operation of schools is not determined in the
156 annual appropriations act or the substantive bill implementing
157 the annual appropriations act, it shall be determined as
158 follows:

159 (21) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—
160 The turnaround school supplemental services allocation is
161 created to provide district-managed turnaround schools, as
162 identified in s. 1008.33(4)(a), schools implementing a charter
163 or an external operator turnaround option, that earn three
164 consecutive grades below a "C," as identified in s.
165 1008.33(4)(c)3. s. 1008.33(4)(b)3., and schools that have
166 improved to a "C" or higher and are no longer in turnaround
167 status, as identified in s. 1008.33(4)(d) ~~s. 1008.33(4)(e)~~, with
168 funds to offer services designed to improve the overall academic
169 and community welfare of the schools' students and their
170 families.

171 (a)1. Services funded by the allocation may include, but
172 are not limited to, tutorial and after-school programs, student
173 counseling, nutrition education, parental counseling, and an
174 extended school day and school year. In addition, services may

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175 include models that develop a culture that encourages students
176 to complete high school and to attend college or career
177 training, set high academic expectations, and inspire character
178 development.

179 2. A school district may enter into a formal agreement with
180 a nonprofit organization that has tax-exempt status under s.
181 501(c)(3) of the Internal Revenue Code to implement an
182 integrated student support service model that provides students
183 and families with access to wrap-around services, including, but
184 not limited to, health services, after-school programs, drug
185 prevention programs, college and career readiness programs, and
186 food and clothing banks.

187 (b) Before distribution of the allocation, the school
188 district shall develop and submit a plan for implementation to
189 its school board for approval no later than August 1 of each
190 fiscal year.

191 (c) At a minimum, the plan required under paragraph (b)
192 must:

193 1. Establish comprehensive support services that develop
194 family and community partnerships;

195 2. Establish clearly defined and measurable high academic
196 and character standards;

197 3. Increase parental involvement and engagement in the
198 child's education;

199 4. Describe how instructional personnel will be identified,
200 recruited, retained, and rewarded;

201 5. Provide professional development that focuses on
202 academic rigor, direct instruction, and creating high academic
203 and character standards;

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204 6. Provide focused instruction to improve student academic
205 proficiency, which may include additional instruction time
206 beyond the normal school day or school year; and

207 7. Include a strategy for continuing to provide services
208 after the school is no longer in turnaround status by virtue of
209 achieving a grade of "C" or higher.

210 (d) Each school district shall submit its approved plans to
211 the commissioner by September 1 of each fiscal year.

212 (e) Subject to legislative appropriation, each school
213 district's allocation must be based on the unweighted FTE
214 student enrollment at the eligible schools and a per-FTE funding
215 amount of \$500 or as provided in the General Appropriations Act.
216 The supplement provided in the General Appropriations Act shall
217 be based on the most recent school grades and shall serve as a
218 proxy for the official calculation. Once school grades are
219 available for the school year immediately preceding the fiscal
220 year coinciding with the appropriation, the supplement shall be
221 recalculated for the official participating schools as part of
222 the subsequent FEFP calculation. The commissioner may prepare a
223 preliminary calculation so that districts may proceed with
224 timely planning and use of the funds. If the calculated funds
225 for the statewide allocation exceed the funds appropriated, the
226 allocation of funds to each school district must be prorated
227 based on each school district's share of the total unweighted
228 FTE student enrollment for the eligible schools.

229 (f) Subject to legislative appropriation, each school shall
230 remain eligible for the allocation for a maximum of 4 continuous
231 fiscal years while implementing a turnaround option pursuant to
232 s. 1008.33(4). In addition, a school that improves to a grade of

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233 "C" or higher shall remain eligible to receive the allocation
 234 for a maximum of 2 continuous fiscal years after exiting
 235 turnaround status.

236 Section 3. Paragraph (n) of subsection (9) of section
 237 1002.33, Florida Statutes, is amended to read:
 238 1002.33 Charter schools.—
 239 (9) CHARTER SCHOOL REQUIREMENTS.—
 240 (n)1. The director and a representative of the governing
 241 board of a charter school that has earned a grade of "D" or "F"
 242 pursuant to s. 1008.34 shall appear before the sponsor to
 243 present information concerning each contract component having
 244 noted deficiencies. The director and a representative of the
 245 governing board shall submit to the sponsor for approval a
 246 school improvement plan to raise student performance. Upon
 247 approval by the sponsor, the charter school shall begin
 248 implementation of the school improvement plan. The department
 249 shall offer technical assistance and training to the charter
 250 school and its governing board and establish guidelines for
 251 developing, submitting, and approving such plans.

252 2.a. If a charter school earns three consecutive grades
 253 below a "C," the charter school governing board shall choose one
 254 of the following corrective actions:

255 (I) Contract for educational services to be provided
 256 directly to students, instructional personnel, and school
 257 administrators, as prescribed in state board rule;
 258 (II) Contract with an outside entity that has a
 259 demonstrated record of effectiveness to operate the school;
 260 (III) Reorganize the school under a new director or
 261 principal who is authorized to hire new staff; or

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262 (IV) Voluntarily close the charter school.
 263 b. The charter school must implement the corrective action
 264 in the school year following receipt of a third consecutive
 265 grade below a "C."
 266 c. The sponsor may annually waive a corrective action if it
 267 determines that the charter school is likely to improve a letter
 268 grade if additional time is provided to implement the
 269 intervention and support strategies prescribed by the school
 270 improvement plan. Notwithstanding this sub-subparagraph, a
 271 charter school that earns a second consecutive grade of "F" is
 272 subject to subparagraph 3.
 273 d. A charter school is no longer required to implement a
 274 corrective action if it improves to a "C" or higher. However,
 275 the charter school must continue to implement strategies
 276 identified in the school improvement plan. The sponsor must
 277 annually review implementation of the school improvement plan to
 278 monitor the school's continued improvement pursuant to
 279 subparagraph 4.
 280 e. A charter school implementing a corrective action that
 281 does not improve to a "C" or higher after 2 full school years of
 282 implementing the corrective action must select a different
 283 corrective action. Implementation of the new corrective action
 284 must begin in the school year following the implementation
 285 period of the existing corrective action, unless the sponsor
 286 determines that the charter school is likely to improve to a "C"
 287 or higher if additional time is provided to implement the
 288 existing corrective action. Notwithstanding this sub-
 289 subparagraph, a charter school that earns a second consecutive
 290 grade of "F" while implementing a corrective action is subject

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291 to subparagraph 3.

292 3. A charter school's charter contract is automatically
293 terminated if the school earns two consecutive grades of "F"
294 after all school grade appeals are final unless:

295 a. The charter school is established to turn around the
296 performance of a district public school pursuant to s.
297 1008(4)(c)2 ~~s. 1008.33(4)(b)2~~. Such charter schools shall be
298 governed by s. 1008.33;

299 b. The charter school serves a student population the
300 majority of which resides in a school zone served by a district
301 public school subject to s. 1008.33(4) and the charter school
302 earns at least a grade of "D" in its third year of operation.
303 The exception provided under this sub-subparagraph does not
304 apply to a charter school in its fourth year of operation and
305 thereafter; or

306 c. The state board grants the charter school a waiver of
307 termination. The charter school must request the waiver within
308 15 days after the department's official release of school
309 grades. The state board may waive termination if the charter
310 school demonstrates that the Learning Gains of its students on
311 statewide assessments are comparable to or better than the
312 Learning Gains of similarly situated students enrolled in nearby
313 district public schools. The waiver is valid for 1 year and may
314 only be granted once. Charter schools that have been in
315 operation for more than 5 years are not eligible for a waiver
316 under this sub-subparagraph.

317
318 The sponsor shall notify the charter school's governing board,
319 the charter school principal, and the department in writing when

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320 a charter contract is terminated under this subparagraph. A
321 charter terminated under this subparagraph must follow the
322 procedures for dissolution and reversion of public funds
323 pursuant to paragraphs (8)(d)-(f) and (9)(o).

324 4. The director and a representative of the governing board
325 of a graded charter school that has implemented a school
326 improvement plan under this paragraph shall appear before the
327 sponsor at least once a year to present information regarding
328 the progress of intervention and support strategies implemented
329 by the school pursuant to the school improvement plan and
330 corrective actions, if applicable. The sponsor shall communicate
331 at the meeting, and in writing to the director, the services
332 provided to the school to help the school address its
333 deficiencies.

334 5. Notwithstanding any provision of this paragraph except
335 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
336 at any time pursuant to subsection (8).

337 Section 4. Paragraph (b) of subsection (1) of section
338 1002.332, Florida Statutes, is amended to read:

339 1002.332 High-performing charter school system.—

340 (1) For purposes of this section, the term:

341 (b) "High-performing charter school system" means an entity
342 that:

343 1. Operated at least three high-performing charter schools
344 in the state during each of the previous 3 school years;

345 2. Operated a system of charter schools in which at least
346 50 percent of the charter schools were high-performing charter
347 schools pursuant to s. 1002.331 and no charter school earned a
348 school grade of "D" or "F" pursuant to s. 1008.34 in any of the

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349 previous 3 school years regardless of whether the entity
350 currently operates the charter school, except that:

351 a. If the entity assumed operation of a public school
352 pursuant to s. 1008.33(4)(c)2 ~~s. 1008.33(4)(b)2~~, with a school
353 grade of "F," that school's grade may not be considered in
354 determining high-performing charter school system status for a
355 period of 3 years.

356 b. If the entity established a new charter school that
357 served a student population the majority of which resided in a
358 school zone served by a public school that earned a grade of "F"
359 or three consecutive grades of "D" pursuant to s. 1008.34, that
360 charter school's grade may not be considered in determining
361 high-performing charter school system status if it attained and
362 maintained a school grade that was higher than that of the
363 public school serving that school zone within 3 years after
364 establishment; and

365 3. Did not receive a financial audit that revealed one or
366 more of the financial emergency conditions set forth in s.
367 218.503(1) for any charter school assumed or established by the
368 entity in the most recent 3 fiscal years for which such audits
369 are available.

370 Section 5. Paragraph (d) of subsection (1) and subsection
371 (2) of section 1002.333, Florida Statutes, is amended to read:

372 1002.333 Persistently low-performing schools.—

373 (1) DEFINITIONS.—As used in this section, the term:

374 (d) "School of hope" means:

375 1. A charter school operated by a hope operator which:

376 a. Serves students from one or more persistently low-
377 performing schools and students who reside in a Florida

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378 Opportunity Zone;

379 b. Is located in a Florida Opportunity Zone or in the
380 attendance zone of a persistently low-performing school or
381 within a 5-mile radius of such school, whichever is greater; and

382 c. Is a Title I eligible school; or

383 2. A school operated by a hope operator pursuant to s.
384 1008.33(4)(c)3 ~~s. 1008.33(4)(b)3~~.

385 (2) HOPE OPERATOR.—A hope operator is a nonprofit
386 organization with tax exempt status under s. 501(c)(3) of the
387 Internal Revenue Code that operates three or more charter
388 schools that serve students in grades K-12 in Florida or other
389 states with a record of serving students from low-income
390 families and is designated by the State Board of Education as a
391 hope operator based on a determination that:

392 (a) The past performance of the hope operator meets or
393 exceeds the following criteria:

394 1. The achievement of enrolled students exceeds the
395 district and state averages of the states in which the
396 operator's schools operate;

397 2. The average college attendance rate at all schools
398 currently operated by the operator exceeds 80 percent, if such
399 data is available;

400 3. The percentage of students eligible for a free or
401 reduced price lunch under the National School Lunch Act enrolled
402 at all schools currently operated by the operator exceeds 70
403 percent;

404 4. The operator is in good standing with the authorizer in
405 each state in which it operates;

406 5. The audited financial statements of the operator are

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407 free of material misstatements and going concern issues; and

408 6. Other outcome measures as determined by the State Board
409 of Education;

410 (b) The operator was awarded a United States Department of
411 Education Charter School Program Grant for Replication and
412 Expansion of High-Quality Charter Schools within the preceding 3
413 years before applying to be a hope operator;

414 (c) The operator receives funding through the National Fund
415 of the Charter School Growth Fund to accelerate the growth of
416 the nation's best charter schools; or

417 (d) The operator is selected by a district school board in
418 accordance with s. 1008.33.

419

420 An entity that meets the requirements of paragraph (b),
421 paragraph (c), or paragraph (d) before the adoption by the state
422 board of measurable criteria pursuant to paragraph (a) shall be
423 designated as a hope operator. After the adoption of the
424 measurable criteria, an entity, including a governing board that
425 operates a school established pursuant to s. 1008(4)(c)3 ~~or~~
426 ~~1008.33(4)(b)3.~~, shall be designated as a hope operator if it
427 meets the criteria of paragraph (a).

428 Section 6. 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 Health Policy

BILL: SB 1650

INTRODUCER: Senator Simmons

SUBJECT: Medicaid Provider Agreements for Charter and Private Schools

DATE: February 14, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kibbey</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Brick</u>	<u>Sikes</u>	<u>ED</u>	Pre-Meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1650 removes the requirement for health care practitioners who are employed by or contracted with a private or charter school to independently enroll in Florida Medicaid as credentialed providers to deliver Medicaid-covered, school-based services. The bill would instead require such practitioners to meet the qualifications specified in federal law in 42 C.F.R. s. 440.110 or the provider qualifications as set forth in the Florida Medicaid Certified School Match Coverage and Limitations Handbook.

The bill has an effective date of July 1, 2020.

II. Present Situation:

Florida Medicaid

Medicaid is the health care safety net for low-income Floridians. Medicaid is a partnership of federal and state governments established to provide coverage for health services for eligible persons. The program is administered by the Agency for Health Care Administration (AHCA) and financed through state and federal funds.¹

A Medicaid state plan is an agreement between a state and the federal government describing how the state administers its Medicaid programs; it establishes groups of individuals covered under the Medicaid program, services that are provided, payment methodologies, and other administrative and organizational requirements.² In order to participate in Medicaid, federal law requires states to cover certain population groups (mandatory eligibility groups) and gives them

¹ Section 20.42, F.S.

² Agency for Health Care Administration, *Senate Bill 290 Analysis* (January 16, 2019) (on file with the Senate Committee on Health Policy).

the flexibility to cover other population groups (optional eligibility groups).³ States set individual eligibility criteria within federal minimum standards. The AHCA may seek an amendment to the state plan as necessary to comply with federal or state laws or to implement program changes.

Florida Medicaid Certified School Match Program

Florida has 67 school districts that are each tasked with providing health services for students with disabilities while the student is at school.⁴ Some of these students are enrolled in Medicaid. The Florida Medicaid Certified School Match Program (program) was established to provide school districts the opportunity to enroll in Medicaid to have Medicaid share in the cost of providing school health services to Medicaid recipients.⁵

Under the program, schools and school districts use state and local funds to pay for covered health services provided to students that are Medicaid recipients, for which AHCA then reimburses them with the federal Medicaid matching percentage (approximately 60 percent).⁶ School districts participating in the program must be enrolled as Medicaid providers and can either employ or contract with service providers.

The following services are covered by the program:

- Physical therapy services;
- Occupational therapy services;
- Speech-language pathology services;
- Transportation services (transportation to Medicaid-covered health care services delivered off campus);
- Behavioral services;
- Augmentive and alternative communication services; and
- Nursing services.⁷

Medicaid recipients who receive services through the program must be under the age of 21 and qualify for Part B or H of the Individuals with Disabilities Education Act (IDEA), qualify for exceptional student services, or have an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP).⁸ Health services provided must be both educationally relevant and medically necessary and tailored to meet the recipient's individual needs.⁹

In December 2014, the federal Centers for Medicare & Medicaid Services updated its policies, allowing states to reimburse schools and school districts for health services that are included in

³ *Id.*

⁴ Agency for Health Care Administration, *Medicaid Certified School Match Program Coverage and Limitations Handbook*, (rev. Jan. 2005), available at <http://sss.usf.edu/Resources/format/pdf/MedicaidCertifiedSchoolMatchDec2005.pdf> (last visited Jan. 31, 2020).

⁵ Agency for Health Care Administration, *House Bill 81 Analysis* (October 21, 2019) (on file with the Senate Committee on Health Policy).

⁶ *Supra* note 2.

⁷ *Supra* note 4.

⁸ *See* ss. 409.9071 and 409.9072, F.S.

⁹ *Supra* note 2.

the Medicaid program's state plan, regardless of whether the recipient has an IEP or IFSP.¹⁰ This policy update is not reflected in the current Florida Statutes and recipients under the program in this state must still qualify for Part B or H of the IDEA, qualify for exceptional student services, or have an IEP or an IFSP.

Florida Medicaid Certified School Match Coverage and Limitations Handbook (handbook)

Under the statutory authority of s. 409.919, F.S., the AHCA adopted Florida Administrative Code Rule 59G-4.035 which incorporates the handbook by reference. The rule requires that all school district providers enrolled in Medicaid under the certified school match program are in compliance with the handbook. The handbook was last published in January of 2005 for the purpose of furnishing a Medicaid provider with the policies and procedures needed to receive reimbursement for covered services provided under the program to eligible Florida Medicaid recipients.¹¹

Private and Charter School Providers

In 2016, the Florida Legislature created s. 409.9072, F.S., to authorize the AHCA to reimburse private schools for providing Medicaid school-based services identical to those offered under the Medicaid certified school match program and under the same eligibility criteria as children eligible for services under that program.¹² Unlike school districts, however, private and charter schools do not use certified public expenditures or other local funds as a match to draw down federal Medicaid funding. Instead, the Legislature has appropriated state general revenue funds for private and charter schools to provide eligible services to draw down federal matching funds.¹³ Currently, one charter school is enrolled and delivering services in the Florida Medicaid program.¹⁴

III. Effect of Proposed Changes:

Section 1 amends s. 409.9072, F.S., to remove a requirement that health care practitioners who are employed by or contracted with a private or charter school to independently enroll in Florida Medicaid to deliver Medicaid-covered school-based services. The bill would instead require such practitioners to meet the qualifications specified in federal law in 42 C.F.R. s. 440.110, or the provider qualifications as set forth in the Florida Medicaid Certified School Match Coverage and Limitations Handbook. This aligns the requirements for private and charter schools with those that are in place for public school districts. Currently, s. 409.9072, F.S., already requires that providers meet the qualifications in 42 C.F.R. s. 440.110, as applicable for that provider type.

Section 2 provides an effective date of July 1, 2020.

¹⁰ *Id.*

¹¹ *Supra* note 4.

¹² House of Representatives, Health Care Appropriations Subcommittee, *Final Bill Analysis: HB 5101* (March 23, 2016), available at <http://www.flsenate.gov/Session/Bill/2016/5101/Analyses/h5101z.HCAS.PDF> (last visited Jan. 31, 2020).

¹³ Specific Appropriation 216, s. 3, ch. 2019-115, L.O.F.

¹⁴ *Supra* note 5.

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:

Health care practitioners who are providing or will seek to provide covered services in a private or charter school under the program will be relieved of the duty to enroll in Florida Medicaid as providers.

C. Government Sector Impact:

To implement the changes in SB 1650, the AHCA will need to modify the Florida Medicaid Management Information System to undo programming that has been put in place to implement the current law.¹⁵ This change can be absorbed within existing resources.¹⁶

VI. Technical Deficiencies:

None.

¹⁵ *Id.*

¹⁶ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 409.9072 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 Simmons

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A bill to be entitled

An act relating to Medicaid provider agreements for charter and private schools; amending s. 409.9072, F.S.; revising qualification requirements for health care practitioners engaged by charter and private schools to provide Medicaid school-based services; providing an effective date.

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

Section 1. Subsection (5) of section 409.9072, Florida Statutes, is amended to read:

409.9072 Medicaid provider agreements for charter schools and private schools.—

(5) For reimbursements to private schools and charter schools under this section, the agency shall apply the reimbursement schedule developed under s. 409.9071(5). Health care practitioners engaged by a school to provide services under this section must ~~be enrolled as Medicaid providers and~~ meet the qualifications specified under 42 C.F.R. s. 440.110, as applicable, or meet provider qualifications as set forth in the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook. Each school's continued participation in providing Medicaid services under this section is contingent upon the school providing to the agency an annual accounting of how the Medicaid reimbursements are used.

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