CS/SB 808 by **ED, Norman (CO-INTRODUCERS) Negron**; (Similar to CS/CS/1ST ENG/H 0431) Joint Use of Public School Facilities

SB 1010 by **Oelrich**; (Identical to H 0331) Career and Adult Education

CS/SB 1314 by **CM, Gaetz (CO-INTRODUCERS) Gardiner**; (Compare to CS/CS/1ST ENG/H 7059) Career-themed Courses

CS/SB 1368 by **ED, Gaetz (CO-INTRODUCERS) Gardiner**; (Compare to CS/CS/H 7059) High School Graduation

438134	D	S		RCS	BEA, Montford	Delete everything after	03/01 09:41 AM

CS/SB 1402 by **ED, Gardiner**; (Similar to CS/CS/H 7063) Digital Learning

947006	A	S		WD	BEA, Flores	Delete L.102 - 106:	03/01 11:03 AM
133348	A	S		RCS	BEA, Flores	Delete L.421 - 455.	03/01 11:03 AM
951958	A	S		RCS	BEA, Simmons	Delete L.583 - 595:	03/01 11:03 AM
616718	A	S		RCS	BEA, Flores	Delete L.734:	03/01 11:03 AM
777008	A	S		RCS	BEA, Flores	Delete L.798 - 809:	03/01 11:03 AM
180154	A	S	L	RCS	BEA, Ring	Delete L.503 - 507:	03/01 11:03 AM
295818	A	S	L	RCS	BEA, Flores	btw L.547 - 548:	03/01 11:03 AM

SB 1422 by **Altman**; (Identical to H 1027) Public School Instruction

CS/SB 1522 by **ED, Montford**; (Compare to 2ND ENG/H 7127) School Improvement and Accountability

CS/SB 1610 by **ED, Dean**; (Compare to CS/CS/H 0949) Education

649214	A	S		RCS	BEA, Wise	Delete L.131 - 929.	03/01 10:12 AM

CS/SB 1718 by **ED, Benacquisto (CO-INTRODUCERS) Flores, Altman, Gaetz, Hays**; (Compare to CS/CS/CS/H 1191) Parent Empowerment in Education

519440	D	S		FAV	BEA, Wise	Delete everything after	03/03 02:42 PM

SB 1728 by **Montford (CO-INTRODUCERS) Sobel**; (Similar to H 1217) Instruction in the Public Schools

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

BUDGET SUBCOMMITTEE ON EDUCATION PRE-K - 12 APPROPRIATIONS
Senator Simmons, Chair
Senator Montford, Vice Chair

MEETING DATE: Tuesday, February 28, 2012
TIME: 10:45 a.m.—12:45 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Simmons, Chair; Senator Montford, Vice Chair; Senators Detert, Dockery, Flores, Lynn, Ring, Siplin, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 1314** Commerce and Tourism / Gaetz (Compare CS/CS/H 7059)	Career-themed Courses; Revising provisions relating to the Florida Career and Professional Education Act; requiring that each district school board, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, develop a strategic 3-year plan addressing and meeting local and regional workforce demands; revising the requirements of the strategic 3-year plan to include career-themed courses and specified strategies; revising provisions relating to the computation of the annual allocation of funds to each school district for operation, etc. ED 01/24/2012 Favorable CM 02/02/2012 Fav/CS BEA 02/28/2012 Not Considered BC	Not Considered
2	**CS/SB 808** Education Pre-K - 12 / Norman (Similar CS/CS/H 431)	Joint Use of Public School Facilities; Encouraging each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property, increase the number of joint-use agreements, and develop and adopt policies and procedures for an appeal process when negotiations for a joint-use agreement fail; providing immunity from liability for a district school board that adopts public access policies or enters into a joint-use agreement except in instances of gross negligence or intentional misconduct, etc. ED 02/06/2012 Fav/CS JU 02/20/2012 Favorable BEA 02/28/2012 Favorable BC	Favorable Yeas 5 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	**SB 1010** Oelrich (Identical H 331, Compare CS/H 4195)	Career and Adult Education; Requiring the Next Generation Sunshine State Standards to include financial literacy in the core curricular content of economics; providing that the credit requirement in economics for high school graduation includes instruction in financial literacy; authorizing district school boards and Florida College System institution boards of trustees to vary up to a specified percentage of intended learning outcomes of career education programs; deleting lifelong learning courses or activities and recreational or leisure courses as priorities in the provision of adult education program academic services, etc. ED 02/14/2012 Favorable HE 02/16/2012 Favorable HE 02/17/2012 BEA 02/28/2012 Favorable BC	Favorable Yeas 5 Nays 0
4	**CS/SB 1368** Education Pre-K - 12 / Gaetz (Compare CS/CS/H 7059)	High School Graduation; Establishing Academically Challenging Curriculum to Enhance Learning (ACCEL) options to provide eligible public school students educational options that provide academically challenging curriculum or accelerated instruction; requiring that school districts notify parents of options for early or accelerated high school graduation at the beginning of each school year and during registration for the next term; creating the "Science, Technology, Engineering, and Mathematics (STEM) High School Graduation Acceleration Act of 2012", etc. ED 02/14/2012 Fav/CS BEA 02/28/2012 Fav/CS BC	Fav/CS Yeas 6 Nays 0
5	**CS/SB 1402** Education Pre-K - 12 / Gardiner (Similar CS/CS/H 7063, Compare CS/CS/H 7059)	Digital Learning; Providing that Florida Virtual School full-time students who meet specified academic and conduct requirements are eligible to participate in interscholastic extracurricular activities at certain public schools; revising provisions relating to customized and accelerated learning through virtual instruction to include blended learning courses; providing that the Florida Virtual School may provide part-time instruction for students in kindergarten through grade 12, etc. ED 02/06/2012 Fav/CS BEA 02/28/2012 Fav/CS BC	Fav/CS Yeas 6 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	**SB 1422** Altman (Identical H 1027)	Public School Instruction; Requiring that members of the instructional staff of public schools provide instruction to students about the events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation, etc. ED 02/21/2012 Favorable BEA 02/28/2012 Favorable BC	Favorable Yeas 5 Nays 0
7	**CS/SB 1522** Education Pre-K - 12 / Montford (Compare H 7127)	School Improvement and Accountability; Revising the duties of the Commissioner of Education which relate to the statewide assessment program; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act flexibility waiver approved by the United States Secretary of Education; requiring that the Department of Education annually identify each public school in need of intervention and support to improve student academic performance; requiring that the state board apply the most intense intervention and support strategies to schools earning a grade of “F”, etc. ED 02/14/2012 Fav/CS BEA 02/28/2012 Favorable BC	Favorable Yeas 7 Nays 0
8	**CS/SB 1610** Education Pre-K - 12 / Dean (Similar CS/CS/S 834, Compare CS/CS/H 949, CS/H 1059)	Education; Requiring that each juvenile committed to a juvenile justice commitment program have a transition plan upon release; requiring that the Department of Juvenile Justice, in collaboration with the Department of Education, annually verify that each juvenile justice education program meets specified minimum standards; creating the "Florida Juvenile Justice Education Act"; requiring the Department of Education to create a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met specified requirements, etc. ED 02/14/2012 Fav/CS BEA 02/28/2012 Fav/CS BC	Fav/CS Yeas 5 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	**CS/SB 1718** Education Pre-K - 12 / Benacquisto (Compare CS/CS/CS/H 1191)	Parent Empowerment in Education; Authorizing parents of students who are assigned to certain underperforming public schools to submit a petition to the school district requesting implementation of a school turnaround option; requiring a school district, upon request, to provide a parent with a performance evaluation for each classroom teacher assigned to his or her child; creating the Parent Empowerment Act; requiring each school district to notify parents of students attending a lowest-performing school that has been unable to improve performance after implementation of a school turnaround option; repealing provisions relating to teachers teaching out-of-field, etc. ED 01/24/2012 Fav/CS BEA 02/28/2012 Fav/1 Amendment BC	Fav/1 Amendment (519440) Yeas 4 Nays 3
10	**SB 1728** Montford (Similar H 1217)	Instruction in the Public Schools; Authorizing each district school board to provide cyberbullying awareness instruction in K-12 public schools during the beginning of the school year; providing for designation of “Cyberbullying Awareness Week”; providing for the integration of cyberbullying awareness instruction into existing curriculum and the goals of such instruction, etc. ED 02/21/2012 Favorable BEA 02/28/2012 Favorable BC	Favorable Yeas 6 Nays 0
11	Budget Work Session		Not Considered
12	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 Budget Subcommittee on Education Pre-K-12 Appropriations

BILL: CS/SB 808

INTRODUCER: Committee on Education Pre-K - 12 and Senators Norman and Negron

SUBJECT: Joint Use of Public School Facilities

DATE: February 28, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	**Fav/CS**
2.	O'Connor	Cibula	JU	**Favorable**
3.	Armstrong	Hamon	BEA	**Favorable**
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This bill facilitates, and encourages district school boards to adopt written policies on joint use agreements with local governments and private organizations regarding public use of recreational space at school grounds and facilities. District school boards are also encouraged to develop an appeals procedure for failed negotiations.

The Department of Education (DOE) is required to:

- Develop a model joint-use agreement for publication on its website;
- Post actual joint-use agreements submitted by district school boards on its website; and
- Develop criteria for a grant application process.

This bill grants immunity from personal injury liability to district school boards that implement certain public use of public school property unless gross negligence or intentional misconduct is established.

This bill creates sections 1013.105 and 768.072, Florida Statutes.

II. Present Situation:

Public Use of School Grounds

District school boards are authorized to allow public access for use of educational facilities and grounds for public assemblies, community use centers, or voting locations.[1]

Standards of Negligence

Simple negligence is defined as doing something that a reasonable person would not do or failing to do something that a reasonable person would do under the same or similar circumstances.[2] The standard for gross negligence, as applied in tort cases where punitive damages are sought under Florida law, is as follows:

> the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct."[3]

By way of contrast, the higher standard of proof of intentional misconduct requires proof that the defendant possessed:

> actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.[4]

Sovereign Immunity

The term "sovereign immunity" originally referred to the English common law doctrine that the government may not be sued because "the King can do no wrong." Sovereign immunity bars lawsuits against the state or its political subdivisions for the torts of officers, employees, or agents of such governments unless the immunity is expressly waived.

Article X, s. 13, of the Florida Constitution recognizes sovereign immunity and gives the Legislature the right to waive immunity. Section 768.28, F.S., contains the limited waiver of sovereign immunity applicable to the state. Accordingly, officers, employees, and agents of the state are generally immune from tort liability for damages unless certain high-level intent can be shown. However, these provisions are considered to represent a limited waiver as they allow for some recovery, currently capped at $200,000 per person and $300,000 per incident.[5] Limits may be exceeded through the claims process, initiated

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[1] Section 1013.10, F.S.
[2] *See* Florida Standard Civil Jury Instructions, No. 401.4, *available at* http://www.floridasupremecourt.org/civ_jury_instructions/instructions.shtml#400 (last visited Feb. 15, 2012).
[3] Section 768.72(2)(b), F.S.
[4] Section 768.72(2)(a), F.S.
[5] Section 768.28(5), F.S. These amounts represent a recent increase from $100,000 a person and $200,000 per incident, which took effect October 1, 2011, subsequent to a change in the law during the 2010 Legislative Session (ch. 2010-26, L.O.F.)

through the filing of a legislative claim bill. Still, the review and award of a claim is entirely at the prerogative of the Legislature.

State agencies and subdivisions, for purposes of sovereign immunity, are defined to include:

> The executive departments, the Legislature, the judicial branch, and the independent establishments of the state, including…counties and municipalities….[6]

Section 768.28(19), F.S., clarifies that the state, its agencies, and subdivisions do not waive sovereign immunity upon entering into a contractual relationship with another agency or subdivision of the state.

III. Effect of Proposed Changes:

This bill facilitates, and encourages district school boards to adopt written policies on joint use agreements with local governments and private organizations regarding public use of recreational space at school grounds and facilities. District school boards are also encouraged to develop an appeals procedure for failed negotiations.

The Department of Education (DOE) is required to:

- Develop a model joint-use agreement for publication on its website;
- Post actual joint-use agreements submitted by district school boards on its website; and
- Develop criteria for a grant application process.

Absent gross negligence or intentional misconduct, this bill extends immunity from civil liability for personal injury, property damage, or death to public school district boards that authorize public access for recreational purposes. Gross negligence is defined in this bill as an intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting life or property.

The standard of gross negligence involves an act or omission the severity of which is in between ordinary or simple negligence and culpable or intentional misconduct. Gross negligence exists "if the likelihood of injury to others is known by the actor to be imminent or clear and present."[7] The definition provided in the bill for gross negligence appears to be consistent with the prevailing standard.

The immunity from liability provided to school district boards that enter into joint-use agreements is placed in the section of law that addresses torts, negligence, and sovereign immunity. Existing s. 768.28, F.S., provides a limited waiver of the sovereign immunity of the state, including school districts, for liability for damages for negligence.

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[6] Section 768.28(2), F.S.

[7] *Personal Injury Law and Practice with Wrongful Death Actions*, West's Florida Practice Series, 6 FLPRAC s. 2:12 (2011-2012 ed.) (citing *Glaab v. Caudill*, 236 So. 2d 180 (Fla. 2d DCA 1970)).

This bill encourages the development of an appeals process as a mechanism for mediation over failed joint-use negotiations. It is possible that a claimant could argue that a blanket refusal by a district school board to even negotiate entry into a particular agreement represents grounds for appeal.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no fiscal impact on school districts; district implementation of joint-use policies and agreements and any associated costs is discretionary.

The Department of Education will incur some cost for developing a model joint use agreement, grant criteria, and website publication.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by the Committee on Education Pre-K – 12 on February 6, 2012:
The committee substitute:

- Encourages district school boards to adopt written policies that outline the outdoor recreation and sports facilities that are open to the public and the hours the facilities are open;
- Encourages district school boards to adopt an appeal process for failed negotiations over joint-use agreements;
- Provides a deadline by requiring district school boards to submit a copy of a policy or a joint-use agreement to the DOE within 30 days after its adoption;
- Clarifies that the purpose of grants is for shared facility implementation and requires the DOE to develop and post grant criteria;
- Removes trespass language; and
- Places immunity from liability language in the section of law on torts and negligence; and
- Redefines the term "gross negligence" as a higher standard.

B. Amendments:

None.

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

By the Committee on Education Pre-K - 12; and Senators Norman and Negron

581-02975-12 2012808c1

A bill to be entitled

An act relating to the joint use of public school facilities; creating s. 1013.105, F.S.; providing legislative findings; encouraging each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property, increase the number of joint-use agreements, and develop and adopt policies and procedures for an appeal process when negotiations for a joint-use agreement fail; providing duties of district school boards and the Department of Education; creating s. 768.072, F.S.; providing immunity from liability for a district school board that adopts public access policies or enters into a joint-use agreement except in instances of gross negligence or intentional misconduct; defining the term "gross negligence"; providing an effective date.

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

Section 1. Section 1013.105, Florida Statutes is created to read:

1013.105 Joint use of public school facilities.—

(1) The Legislature finds that greater access to recreation and sports facilities is needed to reduce the impact of obesity on personal health and health care expenditures. The Legislature further finds that public schools are equipped with taxpayer-funded playgrounds, fields, tracks, courts, and other outdoor recreation and sports facilities that offer easily accessible

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

581-02975-12 2012808c1

opportunities for physical activity for residents of the community.

(2) Each district school board is encouraged to:

(a) Adopt written policies to promote public access to the outdoor recreation and sports facilities on public school property during nonschool hours when a school-sponsored or school-related activity is not occurring. A public access policy should outline the outdoor recreation and sports facilities that are open to the public and the hours the facilities are open.

(b) Increase the number of joint-use agreements entered into with a local government or a private organization. A joint-use agreement should set forth the terms and conditions for the shared use of outdoor recreation and sports facilities on public school property.

(c) Develop and adopt policies and procedures providing for an appeal process in which a party seeking to enter into a joint-use agreement with a school district pursuant to this section may file an appeal with the district school superintendent when the negotiations for such joint-use agreement fail.

Within 30 days after adopting a public access policy or entering into a joint-use agreement, a district school board must submit a copy of the policy or agreement to the Department of Education.

(3) The Department of Education shall:

(a) Develop a model joint-use agreement and post the model agreement on its website.

(b) Post on its website links to or copies of all district

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

59 school board public access policies and joint-use agreements
60 submitted to the department by a district school board.
61 (c) Develop criteria for the acceptance of grants for
62 implementing joint-use agreements and post the criteria on its
63 website.
64 Section 2. Section 768.072, Florida Statutes, is created to
65 read:
66 768.072 Limitation on public school premises liability.—
67 (1) A district school board is not liable for civil damages
68 for personal injury, property damage, or death that occurs on a
69 public school property that the district school board has opened
70 up to the public, through public access policies or joint-use
71 agreements under s. 1013.105, unless gross negligence or
72 intentional misconduct on the part of the district school board
73 is a proximate cause of the injury, damage, or death.
74 (2) As used in this section, the term "gross negligence"
75 means the intentional failure to perform a manifest duty in
76 reckless disregard of the consequences as affecting the life or
77 property of another.
78 Section 3. This act shall take effect July 1, 2012.

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 Budget Subcommittee on Education Pre-K-12 Appropriations

BILL: SB 1010

INTRODUCER: Senator Oelrich

SUBJECT: Career and Adult Education

DATE: February 28, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	**Favorable**
2.	Carrouth	deMarsh-Mathues	HE	**Favorable**
3.	Armstrong	Hamon	BEA	**Favorable**
4.				
5.				
6.				

I. Summary:

The bill creates "Action Steps to Employment," strategic activities to be completed prior to the completion of the first term for students entering adult general education programs. This initiative would include, among other activities, identification of and strategies to acquire the knowledge and skills needed to attain employment.

Under the bill, students entering adult general education programs would be provided assistance from employment specialists, guidance counselors, business and industry representatives, and online resources. Online resources would include information on financial literacy, student financial aid, industry certification, and occupational skills and a listing of employment openings.

The bill authorizes district school boards and Florida College System (FCS) institutions to adjust up to ten percent of the intended learning outcomes in their respective career education programs. The flexibility would allow school districts and the FCS institutions to respond quickly to local workforce needs. The flexibility to adjust learning outcomes would not apply to career education programs that train students for occupations requiring state or federal licensure, certification, or registration.

The bill would establish that the one-half credit in economics required for high school graduation[1] include instruction in financial literacy. Financial literacy would also be included within the state adopted social studies curriculum standards.

[1] s. 1003.428(2)(a)4., F.S.

In addition, financial literacy would be included as a component of required instruction as outlined in current law.[2]

The bill also includes technical changes to career-related education terminology. The term "applied academics for adult education" would replace the term "vocational preparatory instruction," as it relates to adult education instruction.

This bill amends sections 1003.41, 1003.42, 1003.428, 1003.429, 1003.433, 1004.02, 1004.91, 1004.92, 1004.93, 1007.263, 1007.271, 1008.37, 1009.22, and 1009.25 of the Florida Statutes.

II. Present Situation:

Adult Education

In 2009-2010, more than 340,000 individuals were enrolled in Adult Basic Education (ABE), General Educational Development (GED), Adult High School (AHS), and English for Speakers of Other Languages (ESOL) programs.[3] According to the DOE, many of these students lack basic reading skills beyond the eighth-grade level,[4] making it difficult for them to obtain employment beyond the entry-level. Many of these individuals are unable to secure a job at all.[5]

Current labor market trends indicate that a high school diploma alone will not provide sufficient skills in many areas of forecasted employment. It is projected that more than 70 percent of jobs created from 2006-2020 will require more than a high school diploma.[6]

In June 2008, DOE launched a "re-engineering of adult education programs."[7] The specific goal of the program is to increase the number and percentage of adult education students who enter postsecondary education and earn a degree, certificate, or industry credential and secure employment.

Current law encourages adult education services to include lifelong learning courses and activities that address community, social, and economic issues, as well as courses relating to recreational or leisure pursuits of the student.[8] Current law stipulates that the cost of the recreational or leisure pursuit courses be borne by the enrollees.[9]

Financial Literacy

Section 1003.41 (1)(a)3, F.S., establishes curricular content for mathematics to include financial literacy standards. Financial literacy standards were previously included in mathematics courses

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[2] s. 1003.42, F.S.
[3] DOE Bill analysis, October 20, 2011. On file with the Senate Committee on Education Pre-K – 12.
[4] More that 1.7 million adults in Florida have reading skills below the 8th grade level. *See* www.fldoe.org/workforce/adulted/pdf/AdultEd-StatePlan.pdf.
[5] DOE Bill analysis, October 20, 2011. On file with the Senate Committee on Education Pre-K – 12.
[6] *See* www.fldoe.org/workforce/dwdgrants/pdf/strategic_plan.pdf. *See also* http://www.edweek.org/ew/articles/2011/06/09/34overview.h30.html?intc=EW-DC11-TOC.
[7] *See* http://www.fldoe.org/Workforce/dwdgrants/pdf/strategic_plan.pdf.
[8] s. 1004.93(4), F.S.
[9] s. 1004.93(2), F.S.

at the grade 9-12 level.[10] Financial literacy content, however, is not included in the Common Core Standards for mathematics adopted by the SBE in July, 2010.[11]

For purposes of high school graduation, students are required to earn three credits in social studies, which includes one-half credit in economics. Frameworks for current economics courses do not include financial literacy content and financial literacy content is not included in the newly developed Common Core Standards adopted by the SBE in July, 2010.[12] In order to ensure instruction in financial literacy, the DOE has proposed incorporating the content into an existing required course.[13]

III. Effect of Proposed Changes:

Adult General Education

The bill establishes an increased emphasis on the critical link between adult general education programs and gainful employment. The bill creates "Action Steps to Employment" activities for students entering adult general education programs after July 1, 2012. The activities must be completed prior to the end of the student's first term. The activities include:

- Identification of employment opportunities using market-driven tools;
- Creation of a personalized employment goal;
- Completion of a personalized skill and knowledge inventory;
- Comparison of the results of the personalized skill and knowledge inventory with the knowledge and skills needed to attain the personalized employment goal; and
- Upgrading of skills and knowledge needed through adult general education programs and additional educational training, if needed, based on the employment goal.

Under the bill, the "Action Steps to Employment" would be developed through assistance provided by adult general education teachers, employment specialists, guidance counselors, business and industry representatives, and online resources. Students would be directed to online resources and provided information on financial literacy, student financial aid, industry certification, occupational skills, and a listing of employment openings.

The bill provides for a ten percent variance on the learning outcomes in non-regulated career education programs offered by local school districts and FCS institutions. This provision would provide flexibility for school districts and state colleges to develop curriculum and learning outcomes in response to local employer needs. Although the Division of Career and Adult Education currently reviews and updates career education curriculum frameworks every three years based on input from business and industry, some program standards and outcomes,

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[10] *See* http://www.floridastandards.org/index.aspx. MA.912.A.2.1, was formerly included in state adopted Next Generation Sunshine State Standards.

[11] Email correspondence with the DOE Deputy Chancellor for Educator Quality, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12. Common Cores Standards, to date, have not been developed for content areas other than mathematics and reading/language arts. In order to ensure delivery of financial literacy instruction, the content has been integrated into the state standards for social studies, specifically economics for grades 9-12.

[12] *See* http://www.floridastandards.org/Standards/Common_Core_Standards.aspx.

[13] Email correspondence with the DOE Deputy Chancellor for Educator Quality, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

particularly in the Information Technology Cluster, change rapidly. This flexibility to adjust certain learning outcomes would allow education providers to respond more quickly to the changing needs of local employers.

Adult General Education is defined in law as "comprehensive instructional programs designed to improve the employability of the state's workforce through adult basic education…"[14] and is supported through state funding. State funding is only provided for the programs currently included in the definition of adult general education and does not include financial support for lifelong learning and leisure pursuits. The bill would repeal the inclusion of lifelong learning courses or courses related to recreational or leisure pursuits within the definition of adult general education.[15]

Financial Literacy
The bill would require that financial literacy standards be included within the economics course required for high school graduation. The provision will ensure that the content is included within an appropriate course required for high school graduation, irrespective of the content not be included in the Common Core Standards for mathematics. The bill also provides a definition of financial literacy and requires that financial literacy be included in required instruction under s. 1003.42, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[14] s. 1004.02(3), F.S.
[15] ch. 2011-63, L.O.F. amended s. 1009.25, F.S., to remove the adult general education fee exemption for students without a high school diploma or students who test at or below the eighth grade in basic skills.

B. Private Sector Impact:

The private sector may realize a financial benefit as the result adult general education being targeted more closely to local workforce needs.

C. Government Sector Impact:

According to the DOE, the costs associated with the development of the "Action Steps to Employment" would be minimal. Costs with respect to professional development for social studies teachers to incorporate financial literacy instruction within economics coursework is also minimal.[16]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial 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.

[16] DOE Bill analysis, October 20, 2011. On file with the Senate Committee on Education Pre-K – 12.

By Senator Oelrich

14-00899-12 20121010__

A bill to be entitled

An act relating to career and adult education; amending s. 1003.41, F.S.; requiring the Next Generation Sunshine State Standards to include financial literacy in the core curricular content of economics; amending s. 1003.42, F.S.; including the study of financial literacy in public school required instruction; amending ss. 1003.428 and 1003.429, F.S.; providing that the credit requirement in economics for high school graduation includes instruction in financial literacy; amending s. 1003.433, F.S., relating to learning opportunities for certain transfer students and students needing additional instruction to meet high school graduation requirements; deleting provisions that exempt adult general education students from payment of tuition and fees; amending s. 1004.02, F.S.; revising definitions; replacing the term "vocational-preparatory" instruction with the term "applied academics for adult education" instruction with respect to adult general education; amending s. 1004.91, F.S.; conforming provisions relating to career education programs; deleting obsolete provisions; amending s. 1004.92, F.S.; authorizing district school boards and Florida College System institution boards of trustees to vary up to a specified percentage of intended learning outcomes of career education programs; amending s. 1004.93, F.S.; deleting lifelong learning courses or activities and recreational or leisure courses as

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14-00899-12 20121010__

priorities in the provision of adult education program academic services; requiring students entering adult general education programs to complete specified "Action Steps to Employment" activities; amending ss. 1007.263, 1007.271, 1008.37, 1009.22, and 1009.25, F.S.; conforming terminology to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 1003.41, Florida Statutes, is amended to read:

1003.41 Sunshine State Standards.—

(1) Public K-12 educational instruction in Florida is based on the "Sunshine State Standards." The State Board of Education shall review the Sunshine State Standards and replace them with the Next Generation Sunshine State Standards that establish the core content of the curricula to be taught in this state and that specify the core content knowledge and skills that K-12 public school students are expected to acquire. The Next Generation Sunshine State Standards must, at a minimum:

(a) Establish the core curricular content for language arts, science, mathematics, and social studies, as follows:

1. Language arts standards must establish specific curricular content for, at a minimum, the reading process, literary analysis, the writing process, writing applications, communication, and information and media literacy. The standards must include distinct grade level expectations for the core content knowledge and skills that a student is expected to have

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acquired by each individual grade level from kindergarten through grade 8. The language arts standards for grades 9 through 12 may be organized by grade clusters of more than one grade level. The language arts standards must also identify significant literary genres and authors that encompass a comprehensive range of historical periods. Beginning with the 2011-2012 school year, the reading portion of the language arts curriculum shall include civics education content for all grade levels. The State Board of Education shall, in accordance with the expedited schedule established under subsection (2), review and replace the language arts standards adopted by the state board in 2007 with Next Generation Sunshine State Standards that comply with this subparagraph.

2. Science standards must establish specific curricular content for, at a minimum, the nature of science, earth and space science, physical science, and life science. The standards must include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The science standards for grades 9 through 12 may be organized by grade clusters of more than one grade level.

3. Mathematics standards must establish specific curricular content for, at a minimum, algebra, geometry, probability, statistics, calculus, discrete mathematics, ~~financial literacy,~~ and trigonometry. The standards must include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The mathematics standards for grades 9 through 12 may be organized by grade

clusters of more than one grade level.

4. Social studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, economics to include financial literacy, and humanities. The standards must include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The social studies standards for grades 9 through 12 may be organized by grade clusters of more than one grade level.

Section 2. Paragraph (u) is added to subsection (2) of section 1003.42, Florida Statutes, to read:

1003.42 Required instruction.—

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

(u) Financial literacy, including the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions in his or her daily life now and during adulthood.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

Section 3. Paragraph (a) of subsection (2) of section

117 1003.428, Florida Statutes, is amended to read:
118 1003.428 General requirements for high school graduation;
119 revised.—
120 (2) The 24 credits may be earned through applied,
121 integrated, and combined courses approved by the Department of
122 Education. The 24 credits shall be distributed as follows:
123 (a) Sixteen core curriculum credits:
124 1. Four credits in English, with major concentration in
125 composition, reading for information, and literature.
126 2. Four credits in mathematics, one of which must be
127 Algebra I, a series of courses equivalent to Algebra I, or a
128 higher-level mathematics course. Beginning with students
129 entering grade 9 in the 2010-2011 school year, in addition to
130 the Algebra I credit requirement, one of the four credits in
131 mathematics must be geometry or a series of courses equivalent
132 to geometry as approved by the State Board of Education.
133 Beginning with students entering grade 9 in the 2010-2011 school
134 year, the end-of-course assessment requirements under s.
135 1008.22(3)(c)2.a.(I) must be met in order for a student to earn
136 the required credit in Algebra I. Beginning with students
137 entering grade 9 in the 2011-2012 school year, the end-of-course
138 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be
139 met in order for a student to earn the required credit in
140 geometry. Beginning with students entering grade 9 in the 2012-
141 2013 school year, in addition to the Algebra I and geometry
142 credit requirements, one of the four credits in mathematics must
143 be Algebra II or a series of courses equivalent to Algebra II as
144 approved by the State Board of Education.
145 3. Three credits in science, two of which must have a

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146 laboratory component. Beginning with students entering grade 9
147 in the 2011-2012 school year, one of the three credits in
148 science must be Biology I or a series of courses equivalent to
149 Biology I as approved by the State Board of Education. Beginning
150 with students entering grade 9 in the 2011-2012 school year, the
151 end-of-course assessment requirements under s.
152 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
153 the required credit in Biology I. Beginning with students
154 entering grade 9 in the 2013-2014 school year, one of the three
155 credits must be Biology I or a series of courses equivalent to
156 Biology I as approved by the State Board of Education, one
157 credit must be chemistry or physics or a series of courses
158 equivalent to chemistry or physics as approved by the State
159 Board of Education, and one credit must be an equally rigorous
160 course, as determined by the State Board of Education.
161 4. Three credits in social studies as follows: one credit
162 in United States history; one credit in world history; one-half
163 credit in economics to include financial literacy; and one-half
164 credit in United States government.
165 5. One credit in fine or performing arts, speech and
166 debate, or a practical arts course that incorporates artistic
167 content and techniques of creativity, interpretation, and
168 imagination. Eligible practical arts courses shall be identified
169 through the Course Code Directory.
170 6. One credit in physical education to include integration
171 of health. Participation in an interscholastic sport at the
172 junior varsity or varsity level for two full seasons shall
173 satisfy the one-credit requirement in physical education if the
174 student passes a competency test on personal fitness with a

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175 score of "C" or better. The competency test on personal fitness
176 must be developed by the Department of Education. A district
177 school board may not require that the one credit in physical
178 education be taken during the 9th grade year. Completion of one
179 semester with a grade of "C" or better in a marching band class,
180 in a physical activity class that requires participation in
181 marching band activities as an extracurricular activity, or in a
182 dance class shall satisfy one-half credit in physical education
183 or one-half credit in performing arts. This credit may not be
184 used to satisfy the personal fitness requirement or the
185 requirement for adaptive physical education under an individual
186 education plan (IEP) or 504 plan. Completion of 2 years in a
187 Reserve Officer Training Corps (R.O.T.C.) class, a significant
188 component of which is drills, shall satisfy the one-credit
189 requirement in physical education and the one-credit requirement
190 in performing arts. This credit may not be used to satisfy the
191 personal fitness requirement or the requirement for adaptive
192 physical education under an individual education plan (IEP) or
193 504 plan.
194 Section 4. Paragraphs (b) and (c) of subsection (1) of
195 section 1003.429, Florida Statutes, are amended to read:
196 1003.429 Accelerated high school graduation options.—
197 (1) Students who enter grade 9 in the 2006-2007 school year
198 and thereafter may select, upon receipt of each consent required
199 by this section, one of the following three high school
200 graduation options:
201 (b) Completion of a 3-year standard college preparatory
202 program requiring successful completion of a minimum of 18
203 academic credits in grades 9 through 12. At least 6 of the 18

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204 credits required for completion of this program must be received
205 in classes that are offered pursuant to the International
206 Baccalaureate Program, the Advanced Placement Program, dual
207 enrollment, Advanced International Certificate of Education, or
208 specifically listed or identified by the Department of Education
209 as rigorous pursuant to s. 1009.531(3). The 18 credits required
210 for completion of this program shall be primary requirements and
211 shall be distributed as follows:
212 1. Four credits in English, with major concentration in
213 composition and literature;
214 2. Three credits and, beginning with students entering
215 grade 9 in the 2010-2011 school year, four credits in
216 mathematics at the Algebra I level or higher from the list of
217 courses that qualify for state university admission. Beginning
218 with students entering grade 9 in the 2010-2011 school year, in
219 addition to the Algebra I credit requirement, one of the four
220 credits in mathematics must be geometry or a series of courses
221 equivalent to geometry as approved by the State Board of
222 Education. Beginning with students entering grade 9 in the 2010-
223 2011 school year, the end-of-course assessment requirements
224 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
225 to earn the required credit in Algebra I. Beginning with
226 students entering grade 9 in the 2011-2012 school year, the end-
227 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
228 must be met in order for a student to earn the required credit
229 in geometry. Beginning with students entering grade 9 in the
230 2012-2013 school year, in addition to the Algebra I and geometry
231 credit requirements, one of the four credits in mathematics must
232 be Algebra II or a series of courses equivalent to Algebra II as

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233 approved by the State Board of Education;
234 3. Three credits in science, two of which must have a
235 laboratory component. Beginning with students entering grade 9
236 in the 2011-2012 school year, one of the three credits in
237 science must be Biology I or a series of courses equivalent to
238 Biology I as approved by the State Board of Education. Beginning
239 with students entering grade 9 in the 2011-2012 school year, the
240 end-of-course assessment requirements under s.
241 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
242 the required credit in Biology I. Beginning with students
243 entering grade 9 in the 2013-2014 school year, one of the three
244 credits must be Biology I or a series of courses equivalent to
245 Biology I as approved by the State Board of Education, one
246 credit must be chemistry or physics or a series of courses
247 equivalent to chemistry or physics as approved by the State
248 Board of Education, and one credit must be an equally rigorous
249 course, as approved by the State Board of Education;
250 4. Three credits in social sciences, which must include one
251 credit in United States history, one credit in world history,
252 one-half credit in United States government, and one-half credit
253 in economics <u>to include financial literacy</u>;
254 5. Two credits in the same second language unless the
255 student is a native speaker of or can otherwise demonstrate
256 competency in a language other than English. If the student
257 demonstrates competency in another language, the student may
258 replace the language requirement with two credits in other
259 academic courses; and
260 6. Three credits in electives and, beginning with students
261 entering grade 9 in the 2010-2011 school year, two credits in

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262 electives; or
263 (c) Completion of a 3-year career preparatory program
264 requiring successful completion of a minimum of 18 academic
265 credits in grades 9 through 12. The 18 credits shall be primary
266 requirements and shall be distributed as follows:
267 1. Four credits in English, with major concentration in
268 composition and literature;
269 2. Three credits and, beginning with students entering
270 grade 9 in the 2010-2011 school year, four credits in
271 mathematics, one of which must be Algebra I. Beginning with
272 students entering grade 9 in the 2010-2011 school year, in
273 addition to the Algebra I credit requirement, one of the four
274 credits in mathematics must be geometry or a series of courses
275 equivalent to geometry as approved by the State Board of
276 Education. Beginning with students entering grade 9 in the 2010-
277 2011 school year, the end-of-course assessment requirements
278 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
279 to earn the required credit in Algebra I. Beginning with
280 students entering grade 9 in the 2011-2012 school year, the end-
281 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
282 must be met in order for a student to earn the required credit
283 in geometry. Beginning with students entering grade 9 in the
284 2012-2013 school year, in addition to the Algebra I and geometry
285 credit requirements, one of the four credits in mathematics must
286 be Algebra II or a series of courses equivalent to Algebra II as
287 approved by the State Board of Education;
288 3. Three credits in science, two of which must have a
289 laboratory component. Beginning with students entering grade 9
290 in the 2011-2012 school year, one of the three credits in

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291 science must be Biology I or a series of courses equivalent to
292 Biology I as approved by the State Board of Education. Beginning
293 with students entering grade 9 in the 2011-2012 school year, the
294 end-of-course assessment requirements under s.
295 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
296 the required credit in Biology I. Beginning with students
297 entering grade 9 in the 2013-2014 school year, one of the three
298 credits must be Biology I or a series of courses equivalent to
299 Biology I as approved by the State Board of Education, one
300 credit must be chemistry or physics or a series of courses
301 equivalent to chemistry or physics as approved by the State
302 Board of Education, and one credit must be an equally rigorous
303 course, as approved by the State Board of Education;
304 4. Three credits in social sciences, which must include one
305 credit in United States history, one credit in world history,
306 one-half credit in United States government, and one-half credit
307 in economics to include financial literacy;
308 5. Three credits in a single vocational or career education
309 program, three credits in career and technical certificate dual
310 enrollment courses, or five credits in vocational or career
311 education courses; and
312 6. Two credits and, beginning with students entering grade
313 9 in the 2010-2011 school year, one credit in electives unless
314 five credits are earned pursuant to subparagraph 5.
315
316 Any student who selected an accelerated graduation program
317 before July 1, 2004, may continue that program, and all
318 statutory program requirements that were applicable when the
319 student made the program choice shall remain applicable to the

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320 student as long as the student continues that program.
321 Section 5. Paragraph (c) of subsection (2) of section
322 1003.433, Florida Statutes, is amended to read:
323 1003.433 Learning opportunities for out-of-state and out-
324 of-country transfer students and students needing additional
325 instruction to meet high school graduation requirements.—
326 (2) Students who have met all requirements for the standard
327 high school diploma except for passage of the grade 10 FCAT or
328 an alternate assessment by the end of grade 12 must be provided
329 the following learning opportunities:
330 (c) Participation in an adult general education program as
331 provided in s. 1004.93 for such time as the student requires to
332 master English, reading, mathematics, or any other subject
333 required for high school graduation. ~~Students attending adult~~
334 ~~basic, adult secondary, or vocational-preparatory instruction~~
335 ~~are exempt from any requirement for the payment of tuition and~~
336 ~~fees, including lab fees, pursuant to s. 1009.25.~~ A student
337 attending an adult general education program shall have the
338 opportunity to take the grade 10 FCAT an unlimited number of
339 times in order to receive a standard high school diploma.
340 Section 6. Subsections (3) and (24) of section 1004.02,
341 Florida Statutes, are amended to read:
342 1004.02 Definitions.—As used in this chapter:
343 (3) "Adult general education" means comprehensive
344 instructional programs designed to improve the employability of
345 the state's workforce through adult basic education, adult
346 secondary education, English for Speakers of Other Languages,
347 applied academics for adult education ~~vocational-preparatory~~
348 instruction, and instruction for adults with disabilities.

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349 (24) "Applied academics for adult education instruction" or
350 "applied academics instruction" ~~"Vocational-preparatory~~
351 ~~instruction"~~ means adult general education through which persons
352 attain academic and workforce readiness skills at the level of
353 functional literacy (grade levels 6.0-8.9) or higher so that
354 such persons may pursue technical certificate education or
355 higher-level technical education.
356 Section 7. Section 1004.91, Florida Statutes, is amended to
357 read:
358 1004.91 Career education program basic skills requirements
359 ~~Career preparatory instruction.~~—
360 (1) The State Board of Education shall adopt, by rule,
361 standards of basic skill mastery for completion of certificate
362 career education programs. Each school district and Florida
363 College System institution that conducts programs that confer
364 career credit shall provide applied academics ~~career-preparatory~~
365 instruction through which students receive the basic skills
366 instruction required pursuant to this section.
367 (2) Students who enroll in a program offered for career
368 credit of 450 hours or more shall complete an entry-level
369 examination within the first 6 weeks of admission into the
370 program. The State Board of Education shall designate
371 examinations that are currently in existence, the results of
372 which are comparable across institutions, to assess student
373 mastery of basic skills. Any student found to lack the required
374 level of basic skills for such program shall be referred to
375 applied academics ~~career-preparatory~~ instruction or another
376 adult general ~~basic~~ education program for a structured program
377 of basic skills instruction. Such instruction may include

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378 English for speakers of other languages. A student may not
379 receive a career certificate of completion without first
380 demonstrating the basic skills required in the state curriculum
381 frameworks for the career education program.
382 (3) An adult student with a disability may be exempted from
383 the provisions of this section. A student who possesses a
384 college degree at the associate in applied science level or
385 higher is exempt from this section. ~~A student who has completed~~
386 ~~or who is exempt from the college-level communication and~~
387 ~~computation skills examination pursuant to s. 1008.29, or who is~~
388 ~~exempt from the college entry-level examination pursuant to s.~~
389 ~~1008.29, is exempt from the provisions of this section.~~ Students
390 who have passed a state, national, or industry licensure exam
391 aligned to the career education program in which a student is
392 enrolled are exempt from this section. An adult student who is
393 enrolled in an apprenticeship program that is registered with
394 the Department of Education in accordance with the provisions of
395 chapter 446 is exempt from the provisions of this section.
396 Section 8. Paragraph (c) is added to subsection (2) of
397 section 1004.92, Florida Statutes, to read:
398 1004.92 Purpose and responsibilities for career education.—
399 (2)
400 (c) District school boards and Florida College System
401 institution boards of trustees may vary up to 10 percent of the
402 intended learning outcomes of each career education program. The
403 variance does not apply to career education programs that train
404 students for occupations requiring state or federal licensure,
405 certification, or registration.
406 Section 9. Subsection (2) of section 1004.93, Florida

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407 Statutes, is amended, subsection (8) is renumbered as subsection
408 (9), and a new subsection (8) is added to that section, to read:
409 1004.93 Adult general education.—
410 (2) The adult education program must provide academic
411 services to students in the following priority:
412 (a) Students who demonstrate skills at less than a fifth
413 grade level, as measured by tests approved for this purpose by
414 the State Board of Education, and who are studying to achieve
415 basic literacy.
416 (b) Students who demonstrate skills at the fifth grade
417 level or higher, but below the ninth grade level, as measured by
418 tests approved for this purpose by the State Board of Education,
419 and who are studying to achieve functional literacy.
420 (c) Students who are earning credit required for a high
421 school diploma or who are preparing for the General Educational
422 Development test.
423 (d) Students who have earned high school diplomas and
424 require specific improvement in order to:
425 1. Obtain or maintain employment or benefit from
426 certificate career education programs;
427 2. Pursue a postsecondary degree; or
428 3. Develop competence in the English language to qualify
429 for employment.
430 ~~(e) Students who enroll in lifelong learning courses or~~
431 ~~activities that seek to address community social and economic~~
432 ~~issues that consist of health and human relations, government,~~
433 ~~parenting, consumer economics, and senior citizens.~~
434 ~~(f) Students who enroll in courses that relate to the~~
435 ~~recreational or leisure pursuits of the students. The cost of~~

436 ~~courses conducted pursuant to this paragraph shall be borne by~~
437 ~~the enrollees.~~
438 (8) In order to accelerate the employment of adult
439 education students, students entering adult general education
440 programs after July 1, 2012, must complete the following "Action
441 Steps to Employment" activities prior to the completion of the
442 first term:
443 (a) Identify employment opportunities using market-driven
444 tools.
445 (b) Create a personalized employment goal.
446 (c) Conduct a personalized skill and knowledge inventory.
447 (d) Compare the results of the personalized skill and
448 knowledge inventory with the knowledge and skills needed to
449 attain the personalized employment goal.
450 (e) Upgrade skills and knowledge needed through adult
451 general education programs and additional educational pursuits
452 based on the personalized employment goal.
453
454 The "Action Steps to Employment" may be developed through a
455 blended approach with assistance provided to adult general
456 education students by teachers, employment specialists, guidance
457 counselors, business and industry representatives, and online
458 resources. Students should be directed to online resources or
459 provided information on financial literacy, student financial
460 aid, industry certifications, and occupational skills and
461 knowledge tools and a listing of job openings.
462 Section 10. Subsection (1) of section 1007.263, Florida
463 Statutes, is amended to read:
464 1007.263 Florida College System institutions; admissions of

465 students.—Each Florida College System institution board of
466 trustees is authorized to adopt rules governing admissions of
467 students subject to this section and rules of the State Board of
468 Education. These rules shall include the following:
469 (1) Admissions counseling shall be provided to all students
470 entering college or career credit programs. Counseling shall
471 utilize tests to measure achievement of college-level
472 communication and computation competencies by all students
473 entering college credit programs or tests to measure achievement
474 of basic skills for career education programs as prescribed in
475 s. 1004.91.
476
477 Each board of trustees shall establish policies that notify
478 students about, and place students into, adult basic education,
479 adult secondary education, or other instructional programs that
480 provide students with alternatives to traditional college-
481 preparatory instruction, including private provider instruction.
482 A student is prohibited from enrolling in additional college-
483 level courses until the student scores above the cut-score on
484 all sections of the common placement test.
485 Section 11. Subsection (2) of section 1007.271, Florida
486 Statutes, is amended to read:
487 1007.271 Dual enrollment programs.—
488 (2) For the purpose of this section, an eligible secondary
489 student is a student who is enrolled in a Florida public
490 secondary school or in a Florida private secondary school which
491 is in compliance with s. 1002.42(2) and conducts a secondary
492 curriculum pursuant to s. 1003.43. Students enrolled in
493 postsecondary instruction that is not creditable toward the high

494 school diploma shall not be classified as dual enrollments.
495 Students who are eligible for dual enrollment pursuant to this
496 section shall be permitted to enroll in dual enrollment courses
497 conducted during school hours, after school hours, and during
498 the summer term. Instructional time for such enrollment may vary
499 from 900 hours; however, the school district may only report the
500 student for a maximum of 1.0 FTE, as provided in s. 1011.61(4).
501 Any student so enrolled is exempt from the payment of
502 registration, tuition, and laboratory fees. Applied academics
503 for adult education ~~Vocational preparatory~~ instruction, college-
504 preparatory instruction, and other forms of precollegiate
505 instruction, as well as physical education courses that focus on
506 the physical execution of a skill rather than the intellectual
507 attributes of the activity, are ineligible for inclusion in the
508 dual enrollment program. Recreation and leisure studies courses
509 shall be evaluated individually in the same manner as physical
510 education courses for potential inclusion in the program.
511 Section 12. Subsection (2) of section 1008.37, Florida
512 Statutes, is amended to read:
513 1008.37 Postsecondary feedback of information to high
514 schools.—
515 (2) The Commissioner of Education shall report, by high
516 school, to the State Board of Education, the Board of Governors,
517 and the Legislature, no later than November 30 of each year, on
518 the number of prior year Florida high school graduates who
519 enrolled for the first time in public postsecondary education in
520 this state during the previous summer, fall, or spring term,
521 indicating the number of students whose scores on the common
522 placement test indicated the need for remediation through

523 applied academics instruction or college-preparatory ~~or~~
524 ~~vocational-preparatory~~ instruction pursuant to s. 1004.91 or s.
525 1008.30.
526 Section 13. Paragraph (a) of subsection (3) of section
527 1009.22, Florida Statutes, is amended to read:
528 1009.22 Workforce education postsecondary student fees.—
529 (3)(a) Except as otherwise provided by law, fees for
530 students who are nonresidents for tuition purposes must offset
531 the full cost of instruction. Residency of students shall be
532 determined as required in s. 1009.21. Fee-nonexempt students
533 enrolled in applied academics for adult education ~~vocational-~~
534 ~~preparatory~~ instruction shall be charged fees equal to the fees
535 charged for adult general education programs. Each Florida
536 College System institution that conducts college-preparatory and
537 applied academics for adult education ~~vocational-preparatory~~
538 instruction in the same class section may charge a single fee
539 for both types of instruction.
540 Section 14. Paragraphs (c) and (d) of subsection (1) of
541 section 1009.25, Florida Statutes, are amended to read:
542 1009.25 Fee exemptions.—
543 (1) The following students are exempt from the payment of
544 tuition and fees, including lab fees, at a school district that
545 provides postsecondary career programs, Florida College System
546 institution, or state university:
547 (c) A student who is or was at the time he or she reached
548 18 years of age in the custody of the Department of Children and
549 Family Services or who, after spending at least 6 months in the
550 custody of the department after reaching 16 years of age, was
551 placed in a guardianship by the court. Such exemption includes

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552 fees associated with enrollment in applied academics for adult
553 education ~~career-preparatory~~ instruction. The exemption remains
554 valid until the student reaches 28 years of age.
555 (d) A student who is or was at the time he or she reached
556 18 years of age in the custody of a relative under s. 39.5085 or
557 who was adopted from the Department of Children and Family
558 Services after May 5, 1997. Such exemption includes fees
559 associated with enrollment in applied academics for adult
560 education ~~career-preparatory~~ instruction. The exemption remains
561 valid until the student reaches 28 years of age.
562 Section 15. This act shall take effect July 1, 2012.

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Education Pre-K-12 Appropriations

BILL: CS/SB 1314

INTRODUCER: Commerce and Tourism Committee and Senators Gaetz and Gardiner

SUBJECT: Career-themed Courses

DATE: February 3, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	**Favorable**
2.	Hrdlicka	Hrdlicka	CM	**Fav/CS**
3.	Armstrong	Hamon	BEA	**Pre-meeting**
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1314 streamlines provisions included in the Career and Professional Academy (CAPE) law, as well as provisions established in 2011 for similar academies at the middle school level.[1] The CS allows for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state.

This CS amends ss. 1003.491, 1003.492, 1003.493, 1003.4935, and 1011.62 of the Florida Statutes.

II. Present Situation:

The Career and Professional Education (CAPE) Act was enacted by the 2007 Florida Legislature to attract and retain targeted, high-value industries and to develop a knowledge-based workforce.[2] The legislation has established significant partnerships among workforce and economic development agencies and local education communities, and resulted in meaningful

[1] Chapter 2011-175, L.O.F.
[2] Chapter 2007-216, L.O.F.

career and postsecondary opportunities for Florida's secondary students.[3] Current law requires each district school board to develop, in collaboration with the local workforce board and area postsecondary institutions, a 5-year strategic plan to address and meet local and regional workforce demands.[4] A focus of the plan was the requirement for at least one operational career and professional academy per school district beginning with the 2008-09 school year.[5] As specified in statute, career and professional academies must integrate a rigorous academic curriculum with an industry-specific curriculum that leads to an industry certification[6] in high-skill, high-wage, and high-demand occupations.[7] Additional requirements include opportunities for students to earn nationally recognized industry certifications, postsecondary credit, Bright Futures scholarships, and expanded offerings of integrated courses that combine academic content with technical skills.

For each student enrolled in a career and professional academy who graduates with a standard high school diploma and who earns a certification included on the "Industry Certification Funding List," the district of instruction may earn up to 0.3 full-time equivalent (FTE) student membership for the following year's funding calculation in the Florida Education Finance Program (FEFP).[8] In 2010-11, 9,712 students generated 2,913.6 additional FTE in the K-12 funding formula.[9] Because the funding is awarded in the fiscal year following high school graduation, the data reported for 2009-10 is used for the 2010-11 FEFP calculation.[10]

Profile of Career and Professional Academies[11]
In 2010-11, the fourth year of implementation of the Florida Career and Professional Education Act, school districts registered 1,298 career and professional academies, representing all of Florida's 67 school districts.[12]

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[3] Presentation by the Department of Education, Okaloosa County School District, and St. John's County School District to the Senate Pre-K – 12 Appropriations Committee on March 15, 2011. The superintendent of schools in St. Johns County testified that the CAPE model is the most important and effective legislation of his 24-year career. Presentations available at http://www.flsenate.gov/Committees/Show/BEA/ (last visited 1/30/2012).
[4] Section 1003.491(2), F.S.
[5] Section 1003.492(2), F.S., requires the Department of Education (DOE) to adopt rules for implementing an industry certification process. Rule 6A-6.0573, F.A.C., provides for a collaborative two-staged process by Workforce Florida, Inc. (WFI). The DOE annually establishes the Industry Certification Funding List, a subset of items included on the WFI Comprehensive Industry Certification List. References to years in this bill analysis refer to school years unless otherwise indicated.
[6] Industry certifications are based on assessment of skills by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies. Successful completion of the assessment results in the award of a time-limited credential that is nationally recognized and applicable to an occupation included in the workforce system's targeted occupation list or otherwise determined to be an occupation that is critical, emerging or addresses a local need. See the *CAPE Enrollment and Performance Report for 2009-2010*, pg. 3, on file with the Senate Committee on Pre-K – 12 Education.
[7] Section 1003.493(4), F.S.
[8] Section 1011.62(1)(p), F.S. Certifications earned through dual enrollment are not eligible for additional FTE. The additional FTE may not exceed 0.3 per student (i.e., no repeat allocations for additional certifications).
[9] Information provided by staff of the DOE Office of Career and Adult Education, January 20, 2012. On file with the Senate Committee on Pre-K – 12 Education.
[10] *Id.*
[11] *Id.*
[12] *Id.*

History of Secondary Career and Professional Academies

	2008-09	2009-10	2010-11
Academies Registered	490	838	1,298
CAPE Academy Enrollment	53,324	102,430	154,327

The most prevalent career areas represented by academies registered in 2009-10 were information technology, health sciences, and hospitality and tourism.[13]

Performance of Career and Professional Academy Students[14]
Among the 154,327 students enrolled in career and professional academies, 24,910 or 16.1 percent were reported as having earned one or more approved industry certifications in their high school careers beginning with the 2007-08 school year; 20,644 students earned certifications in 2010-11 alone. A total of 31,389 assessments were attempted by academy students in 2010-11, of which 23,088 were passed, resulting in a pass rate of 73.6 percent. Forty-one percent of industry certifications earned by career and professional academy students were awarded to 12th graders. Among ninth-graders, 2,887 certifications were earned, representing 12.5 percent of total certifications reported.[15]

2010-2011 Industry Certifications Earned by Grade Level[16]

Grade Level	Certifications Earned	Percent
9	2,887	12.5%
10	4,193	18.2%
11	6,468	28%
12	9,540	41.3%
Total	23,088	100.0%

[13] *Id.*
[14] Information regarding CAPE Academy performance can be found in DOE's "Career and Professional Academy Enrollment and Performance Report, 2010-11" (December 2011), available at http://www.fldoe.org/workforce/pdf/capepr1011.pdf (last visited 1/30/2012).
[15] The progression in the number of certifications as grade level increases is expected given the time and training required to earn industry certifications.
[16] *See* CAPE Performance Report, Table 6, p. 12. Updated information provided by staff of the DOE Office of Career and Adult Education, on file with the Senate Committee on Pre-K – 12 Education.

Highlights of Performance Comparisons Among Non-Academy, Academy, and Industry Certified Academy Students, 2010-11[17]

Performance Indicator	Non-CAPE	CAPE, No Certification	Non-CAPE + Certification	CAPE and Certification
Average GPA	2.46	2.58	2.79	3.00
Chronically Absent	16.3%	15.7%	11.2%	9.9%
At Least One Disciplinary Action	20.6%	20.5%	12.8%	10.9%
Dropout Rate	2.1%	0.9%	0.6%	0.3%
12th Graders Earning Standard Diploma	73.9%	85.9%	93.3%	96.1%
At Least One Accelerated Course	22.9%	25.4%	38.8%	41.2%
Bright Futures Eligible Seniors (2009-10)*	27.9%	25.9%		43.7%

* Updated information not yet available.

Additionally, academy seniors earning certifications were much more likely to be Bright Futures scholarship eligible than their peers. Among academy seniors who earned at least one industry certification, 43.7 percent were eligible for Bright Futures compared to 25.9 percent among academy seniors who did not earn a certification.[18]

Factors Included in the Calculation of High School Grades
The 2008 Legislature enacted significant changes to the high school grading formula.[19] Beginning with the 2009-10 school year, in addition to the statewide assessment results in grades 9, 10, and 11, the law requires an equal focus be placed on access to and performance in rigorous, accelerated coursework, college readiness,[20] and graduation rates for all students including those who are academically at-risk.[21]

[17] *Id* at Table 12, p. 18.
[18] *Id*.
[19] Chapter 2008-235, L.O.F.
[20] In 2007, 54 percent of high school graduates who enrolled in community college required remediation in at least one subject. The Postsecondary Education Readiness Test (P.E.R.T.) is Florida's customized common placement test. The purpose of the P.E.R.T. is accurate course placement based on the student's skills and abilities. The P.E.R.T. is aligned with the Postsecondary Readiness Competencies identified by Florida faculty as necessary for success in entry-level college credit coursework. The P.E.R.T. assessment system includes Placement and Diagnostic tests in mathematics, reading and writing. *See* DOE's P.E.R.T. website available at http://www.fldoe.org/cc/pert.asp (last visited 1/30/2012).
[21] Section 1008.34(3)(b)3., F.S.

Middle School Model
Beginning in 2011-12, districts were required to register career and professional academies offered in middle school with the Department of Education (DOE).[22] In 2011-12, 56 middle school academies were registered with DOE.[23]

III. Effect of Proposed Changes:

CS/SB 1314 streamlines provisions included in the CAPE law, as well as provisions established in 2011 for similar academies at the middle school level. The CS allows for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state.

Under the CS:

- Secondary schools would no longer be required to have in place a full-scale career academy in order to be eligible for industry certification bonus funding. This provision maintains the integrity of CAPE and the rigorous coursework required for attainment of industry certifications, but removes additional, non-essential steps required of schools to earn the bonus funding.
- Secondary schools would still be required to offer rigorous courses that lead to industry certifications in high wage, high skill, and high demand occupations and to employ instructors who hold industry certifications.
- The strategic 5-year plan developed by the school district in collaboration with regional workforce boards and postsecondary institutions determines areas of academic emphasis to meet workforce needs. Under the CS, there would now be a 3-year plan. This provision allows for a more timely response to meet critical workforce needs.
- The 3-year plan would also encompass additional strategies, including strategies for providing personalized student advisement, plans to sustain and improve career-themed courses and career and professional academies, strategies to recruit students into the career-themed courses, and strategies to redirect appropriate funding to support such programs.
- The curriculum review committee, responsible to review and approve newly developed workforce-related courses, must now approve or deny proposals within 30 days instead of 60.
- The appropriation cap to fund the bonus awarded for the attainment of certifications is increased from $15 million to $30 million.

Based on the requirements in s. 1011.62(1)(o), F.S., and Rule 6A-6.0573(6), F.A.C., a student must meet all of the following conditions for the additional FTE membership funding for an earned industry certification:

- Be enrolled in career-themed courses or a career and professional academy that leads to industry certification;

[22] Chapter 2011-175, L.O.F., established criteria for middle school career and professional academies relating to alignment to high school career and professional academies, an opportunity to earn an industry certification, and partnerships with the business community.
[23] DOE 2012 Agency Legislative Bill Analysis for SB 1314 (1/1/2012), on file with the Senate Committee on Pre-K – 12 Education.

- Attain the highest level of certification on the Industry Certification Funding List; and
- Receive a standard high school diploma.

This CS provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The CS provides for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state.

C. Government Sector Impact:

The bill increases the cap on the amount of bonus funding provided to districts in the Florida Education Finance Program (FEFP) from $15 million to $30 million for students who attain industry certification and graduate. The current year bonus amount earned in the FEFP is $10.1 million which represents the greatest level of funding for the program since inception in 2008-2009. Changes in the bill will increase access for students to achieve industry certification which will increase the level of the bonus funding in an already growing program. However, in 2012-13, the tiered bonus will begin to take place which will somewhat temper the level of the bonus funding. If the funding cap is not increased, the level of funding per student who earns a certification and graduates will be reduced.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Commerce and Tourism on February 2, 2012:
This committee substitute provided clarification throughout, made changes recommended by DOE, and moved portions of planning and strategies from the career academies partnerships to be included in the 3-year strategic plan.

B. Amendments:

None.

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

By the Committee on Commerce and Tourism; and Senators Gaetz and Gardiner

577-02853-12 20121314c1

A bill to be entitled

An act relating to career-themed courses; amending s. 1003.491, F.S.; revising provisions relating to the Florida Career and Professional Education Act; requiring that each district school board, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, develop a strategic 3-year plan addressing and meeting local and regional workforce demands; authorizing school districts to offer career-themed courses; revising the requirements of the strategic 3-year plan to include career-themed courses and specified strategies; revising the period within which newly proposed core courses are to be approved or denied by the curriculum review committee; amending s. 1003.492, F.S.; revising provisions relating to industry-certified career education programs to conform to changes made by the act; amending s. 1003.493, F.S.; providing a definition for the term "career-themed course"; requiring that a student who enrolls in and completes a career-themed course or a sequence of career-themed courses receive opportunities to earn postsecondary credit if the career-themed course credits can be articulated to a postsecondary institution; providing goals of career-themed courses; providing for career-themed courses to be offered in a school-within-a-school career academy or a school providing multiple career-themed courses structured around an occupational cluster; providing requirements

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577-02853-12 20121314c1

for career-themed courses; requiring that strategies to improve the passage rate on an industry certification examination be included in the strategic 3-year plan under certain circumstances; requiring that Workforce Florida, Inc., serve in an advisory role in the development and deployment of newly established career-themed courses; amending s. 1003.4935, F.S.; revising provisions relating to middle school career and professional academy courses to conform to changes made by the act; requiring that the Department of Education collect and report student achievement data for students who are enrolled in career-themed courses and who attain a specified industry certification; amending s. 1011.62, F.S.; revising provisions relating to the computation of the annual allocation of funds to each school district for operation; providing an effective date.

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

Section 1. Section 1003.491, Florida Statutes, is amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(1) The primary purpose of the Florida Career and

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59 Professional Education Act is to:
60 (a) Improve middle and high school academic performance by
61 providing rigorous and relevant curriculum opportunities;
62 (b) Provide rigorous and relevant career-themed courses
63 that articulate to postsecondary-level coursework and lead to
64 industry certification;
65 (c) Support local and regional economic development;
66 (d) Respond to Florida's critical workforce needs; and
67 (e) Provide state residents with access to high-wage and
68 high-demand careers.
69 (2) Each district school board shall develop, in
70 collaboration with regional workforce boards, economic
71 development agencies, and postsecondary institutions approved to
72 operate in the state, a strategic 3-year ~~5-year~~ plan to address
73 and meet local and regional workforce demands. If involvement of
74 a regional workforce board or an economic development agency in
75 the strategic plan development is not feasible, the local school
76 board, with the approval of the Department of Economic
77 Opportunity, shall collaborate with the most appropriate
78 regional business leadership board. Two or more school districts
79 may collaborate in the development of the strategic plan and
80 offer career-themed courses or a career and professional academy
81 as a joint venture. The strategic plan must describe in detail
82 provisions for the efficient transportation of students, the
83 maximum use of shared resources, access to courses aligned to
84 state curriculum standards through virtual education providers
85 legislatively authorized to provide part-time instruction to
86 middle school students, and an objective review of proposed
87 career-themed ~~career and professional academy~~ courses to

88 determine if the courses will lead to the attainment of industry
89 certifications included on the Industry Certified Funding List
90 pursuant to rules adopted by the State Board of Education. Each
91 strategic plan shall be reviewed, updated, and jointly approved
92 every 3 ~~5~~ years by the local school district, regional workforce
93 boards, economic development agencies, and state-approved
94 postsecondary institutions.
95 (3) The strategic 3-year ~~5-year~~ plan developed jointly by
96 the local school district, regional workforce boards, economic
97 development agencies, and state-approved postsecondary
98 institutions shall be constructed and based on:
99 (a) Research conducted to objectively determine local and
100 regional workforce needs for the ensuing 3 ~~5~~ years, using labor
101 projections of the United States Department of Labor and the
102 Department of Economic Opportunity;
103 (b) Strategies to develop and implement career-themed
104 courses ~~career academies~~ based on those careers determined to be
105 in high demand;
106 (c) Strategies to provide shared, maximum use of private
107 sector facilities and personnel;
108 (d) Strategies that ensure instruction by industry-
109 certified faculty and standards and strategies to maintain
110 current industry credentials and for recruiting and retaining
111 faculty to meet those standards;
112 (e) Strategies to provide personalized student advisement,
113 including a parent-participation component, and coordination
114 with middle schools to promote and support career-themed courses
115 and education planning as required under s. 1003.4156. As part
116 of the coordination with middle schools, career-themed courses

must provide information to middle school students about secondary and postsecondary career education courses that lead to industry certification;

(f) ~~(e)~~ Alignment of requirements for middle school and high school career-themed courses ~~career exploration, middle and high school career and professional academies~~ leading to industry certification, postsecondary credit, and high school graduation requirements;

(g) ~~(f)~~ Provisions to ensure that career-themed courses ~~offered through career and professional academies~~ are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and, when appropriate, result in postsecondary credit;

(h) Plans to sustain and improve career-themed courses and career and professional academies;

(i) ~~(g)~~ Strategies to improve the passage rate for industry certification examinations if the rate falls below 50 percent;

(j) ~~(h)~~ Strategies to recruit students into career-themed courses, ~~Establishment of student eligibility criteria in career and professional academies~~ which include opportunities for students who have been unsuccessful in traditional classrooms but who are interested in enrolling in career-themed courses ~~show aptitude to participate in academies~~. School boards shall address the analysis of middle school ~~eighth grade~~ student achievement data to provide opportunities for students who may be deemed ~~as~~ potential dropouts to enroll ~~participate~~ in career-themed courses ~~career and professional academies~~;

(k) ~~(i)~~ Strategies to provide sufficient space within

career-themed courses ~~academies~~ to meet workforce needs and to provide access to all interested and qualified students;

(l) ~~(j)~~ Strategies to implement career-themed courses ~~career and professional academy training~~ that lead ~~leads~~ to industry certification in juvenile justice education programs ~~at Department of Juvenile Justice facilities~~;

(m) ~~(k)~~ Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career-themed ~~career and technical~~ courses;

(n) ~~(l)~~ Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

(o) ~~(m)~~ Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career-themed ~~career and professional~~ courses, and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses; ~~and~~

(p) ~~(n)~~ Strategies to provide professional development for secondary guidance counselors on the benefits of career-themed courses that lead to industry certification; and ~~career and professional academies.~~

(q) Strategies to redirect appropriated career funding to career-themed courses and career and professional academies.

(4) The State Board of Education shall establish a process for the continual and uninterrupted review of newly proposed core secondary courses and existing courses requested to be considered as core courses to ensure that sufficient rigor and relevance is provided for workforce skills and postsecondary education and aligned to state curriculum standards. The review

175 of newly proposed core secondary courses shall be the
176 responsibility of a curriculum review committee whose membership
177 is approved by Workforce Florida, Inc., ~~the Workforce Florida~~
178 ~~Board~~ as described in s. 445.004, and shall include:
179 (a) Three certified high school guidance counselors
180 recommended by the Florida Association of Student Services
181 Administrators.
182 (b) Three assistant superintendents for curriculum and
183 instruction, recommended by the Florida Association of District
184 School Superintendents and who serve in districts that offer
185 career-themed courses ~~operate successful career and professional~~
186 ~~academies~~ pursuant to s. 1003.492. Committee members in this
187 category shall employ the expertise of appropriate subject area
188 specialists in the review of proposed courses.
189 (c) Three workforce representatives recommended by the
190 Department of Economic Opportunity.
191 (d) Three admissions directors of postsecondary
192 institutions accredited by the Southern Association of Colleges
193 and Schools, representing both public and private institutions.
194 (e) The ~~Deputy~~ Commissioner of Education, or his or her
195 designee, responsible for K-12 curriculum and instruction. The
196 Deputy Commissioner shall employ the expertise of appropriate
197 subject area specialists in the review of proposed courses.
198 (5) The curriculum review committee shall review ~~submission~~
199 ~~and review of~~ newly proposed core courses ~~shall be conducted~~
200 electronically~~,~~ and approve or deny each proposed core course
201 ~~shall be approved or denied~~ within 30 ~~60~~ days. All courses
202 approved as core courses for purposes of middle school promotion
203 and high school graduation shall be immediately added to the

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

204 Course Code Directory. Approved core courses shall also be
205 reviewed and considered for approval for dual enrollment credit.
206 The Board of Governors and the Commissioner of Education shall
207 jointly recommend an annual deadline for approval of new core
208 courses to be included for purposes of postsecondary admissions
209 and dual enrollment credit the following academic year. The
210 State Board of Education shall establish an appeals process in
211 the event that a proposed course is denied which shall require a
212 consensus ruling by the Department of Economic Opportunity and
213 the Commissioner of Education within 15 days.
214 Section 2. Section 1003.492, Florida Statutes, is amended
215 to read:
216 1003.492 Industry-certified career-themed courses ~~career~~
217 ~~education programs~~.~~—~~
218 (1) Career-themed courses must ~~Career and professional~~
219 ~~academies shall~~ be coordinated with the relevant and appropriate
220 industry ~~indicating that all components of the program are~~
221 ~~relevant and appropriate~~ to prepare a ~~the~~ student for further
222 education or for employment in that industry.
223 (2) The State Board of Education shall use the expertise of
224 Workforce Florida, Inc., to develop and adopt rules pursuant to
225 ss. 120.536(1) and 120.54 for implementing an industry
226 certification process. Industry certification shall be defined
227 by the Department of Economic Opportunity, based upon the
228 highest available national standards for specific industry
229 certification, to ensure student skill proficiency and to
230 address emerging labor market and industry trends. A regional
231 workforce board or a school principal ~~career and professional~~
232 ~~academy~~ may apply to Workforce Florida, Inc., to request

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233 additions to the approved list of industry certifications based
234 on high-demand job requirements in the regional economy. The
235 list of industry certifications approved by Workforce Florida,
236 Inc., and the Department of Education shall be published and
237 updated annually by a date certain, to be included in the
238 adopted rule.
239 (3) The Department of Education shall collect student
240 achievement and performance data in industry-certified career-
241 themed courses ~~career education programs~~ and shall work with
242 Workforce Florida, Inc., in the analysis of collected data. The
243 data collection and analyses shall examine the performance of
244 participating students over time. Performance factors shall
245 include, but not be limited to, graduation rates, retention
246 rates, Florida Bright Futures Scholarship awards, additional
247 educational attainment, employment records, earnings, and
248 industry certification~~, and employer satisfaction~~. The results
249 of this study shall be submitted to the President of the Senate
250 and the Speaker of the House of Representatives annually by
251 December 31.
252 Section 3. Section 1003.493, Florida Statutes, is amended
253 to read:
254 1003.493 Career-themed courses ~~Career and professional~~
255 ~~academies~~.—
256 (1) A "career-themed course" ~~"career and professional~~
257 ~~academy"~~ is a course in an ~~research based program that~~
258 ~~integrates a rigorous academic curriculum with an~~ industry-
259 specific curriculum aligned directly to priority workforce needs
260 established by the regional workforce board or the Department of
261 Economic Opportunity. ~~Career and professional academies shall be~~

262 ~~offered by~~ Public schools and school districts shall offer
263 career-themed courses. The Florida Virtual School is encouraged
264 to develop and offer rigorous career-themed ~~career and~~
265 ~~professional~~ courses as appropriate. A student who enrolls in
266 and completes a career-themed course or a sequence of career-
267 themed courses ~~Students completing career and professional~~
268 ~~academy programs~~ must receive ~~a standard high school diploma,~~
269 ~~the highest available industry certification, and~~ opportunities
270 to earn postsecondary credit if the credits for career-themed
271 courses can be articulated to ~~academy partners with~~ a
272 postsecondary institution approved to operate in the state.
273 (2) The goals of career-themed courses ~~a career and~~
274 ~~professional academy~~ are to:
275 (a) Increase student academic achievement and graduation
276 rates through integrated academic and career curricula.
277 (b) Prepare graduating high school students to make
278 appropriate choices relative to employment and future
279 educational experiences.
280 (c) Focus on career preparation through rigorous academics
281 and industry certification.
282 (d) Raise student aspiration and commitment to academic
283 achievement and work ethics through relevant coursework.
284 (e) Promote acceleration mechanisms, such as dual
285 enrollment and~~,~~ articulated credits ~~credit, or occupational~~
286 ~~completion points~~, so that students may earn postsecondary
287 credit while in high school.
288 (f) Support the state's economy by meeting industry needs
289 for skilled employees in high-skill, high-wage, and high-demand
290 occupations.

(3) A career-themed course may be offered in one of the following ~~Existing career education courses may serve as a foundation for the creation of a career and professional academy. A career and professional academy may be offered as one of the following small learning communities~~:

(a) A school-within-a-school career academy, as part of an existing high school, which ~~that~~ provides courses in one occupational cluster. Students who attend ~~in~~ the high school are not required to attend ~~be students in~~ the academy.

(b) A total school configuration providing multiple career-themed courses that are ~~academies, each~~ structured around an occupational cluster. The majority of students attending ~~Every student in~~ the school also attend the ~~is in an~~ academy.

(4) A career-themed course ~~Each career and professional academy~~ must:

(a) Consider ~~Provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration~~ multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. These ~~Such~~ partnerships shall be delineated in articulation agreements to provide for career-themed ~~career-based~~ courses that earn postsecondary credit. The ~~Such~~ agreements may include articulation between the career-themed

courses ~~academy~~ and public or private 2-year and 4-year postsecondary institutions and technical centers. The Department of Education, in consultation with the Board of Governors, shall establish a mechanism to ensure articulation and transfer of credits to postsecondary institutions in this state. The ~~Such~~ partnerships must provide opportunities for:

1. Instruction from highly skilled professionals who possess industry-certification credentials for courses they are teaching.

2. Internships, externships, and on-the-job training.

3. A postsecondary degree, diploma, or certificate.

4. The highest available level of industry certification.

5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

~~(c) Provide shared, maximum use of private sector facilities and personnel.~~

~~(d) Provide personalized student advisement, including a parent-participation component, and coordination with middle schools to promote and support career exploration and education planning as required under s. 1003.4156. Coordination with middle schools must provide information to middle school students about secondary and postsecondary career education programs and academies.~~

(c) ~~(e)~~ Promote and provide opportunities for students enrolled in career-themed courses ~~career and professional academy students~~ to attain, at minimum, the Florida Gold Seal Vocational Scholars award pursuant to s. 1009.536.

(d) ~~(f)~~ Provide instruction in careers designated as high growth, high demand, and high pay by the regional workforce

349 development board, the chamber of commerce, economic development
350 agencies, or the Department of Economic Opportunity.
351 (e) ~~(g)~~ Deliver academic content through instruction
352 relevant to the career, including intensive reading and
353 mathematics intervention required by s. 1003.428, with an
354 emphasis on strengthening reading for information skills.
355 (f) ~~(h)~~ Offer applied courses that combine academic content
356 with technical skills.
357 (g) ~~(i)~~ Provide instruction resulting in competency,
358 certification, or credentials in workplace skills, including,
359 but not limited to, communication skills, interpersonal skills,
360 decisionmaking skills, the importance of attendance and
361 timeliness in the work environment, and work ethics.
362 ~~(j) Include a plan to sustain career and professional~~
363 ~~academics.~~
364 ~~(k) Redirect appropriated career funding to career and~~
365 ~~professional academics.~~
366 (5) All career-themed ~~career~~ courses ~~offered in a career~~
367 ~~and professional academy~~ must lead to industry certification or
368 college credit ~~linked directly to the career theme of the~~
369 ~~course~~. If the passage rate on an industry certification
370 examination that is associated with a career-themed course ~~the~~
371 ~~career and professional academy~~ falls below 50 percent,
372 strategies to improve the passage rate must be included in the
373 strategic 3-year plan ~~the academy must discontinue enrollment of~~
374 ~~new students the following school year and each year thereafter~~
375 ~~until such time as the passage rate is above 50 percent or the~~
376 ~~academy is discontinued~~.
377 (6) Workforce Florida, Inc., ~~through the secondary career~~

378 ~~academics initiatives,~~ shall serve in an advisory role ~~and offer~~
379 ~~technical assistance~~ in the development and deployment of newly
380 established career-themed courses ~~career and professional~~
381 ~~academics~~.
382 Section 4. Section 1003.4935, Florida Statutes, is amended
383 to read:
384 1003.4935 Middle school career-themed ~~career and~~
385 ~~professional academy~~ courses.—
386 (1) Beginning with the 2012-2013 ~~2011-2012~~ school year,
387 each district school board, in collaboration with regional
388 workforce boards, economic development agencies, and state-
389 approved postsecondary institutions, shall include plans to
390 implement career-themed courses ~~a career and professional~~
391 ~~academy~~ in at least one middle school in the district as part of
392 the strategic 3-year ~~5-year~~ plan pursuant to s. 1003.491(2). The
393 ~~middle school career and professional academy component of the~~
394 strategic plan must ensure the transition of middle school
395 ~~career and professional academy~~ students enrolled in career-
396 themed courses to ~~a~~ high school career-themed courses ~~career and~~
397 ~~professional academy~~ currently operating within the school
398 district. Students who complete ~~a~~ middle school career-themed
399 courses ~~career and professional academy~~ must have the
400 opportunity to earn an industry certificate and high school
401 credit and participate in career planning, job shadowing, and
402 business leadership development activities.
403 (2) Each middle school career-themed course ~~career and~~
404 ~~professional academy~~ must be aligned with at least one high
405 school career-themed course ~~career and professional academy~~
406 offered in the district and maintain partnerships with local

407 business and industry and economic development boards. Middle
408 school career-themed courses ~~career and professional academies~~
409 must:
410 (a) Lead ~~Provide instruction in courses leading~~ to careers
411 in occupations designated as high growth, high demand, and high
412 wage ~~pay~~ in the Industry Certification Funding List approved
413 under rules adopted by the State Board of Education;
414 (b) ~~Offer career and professional academy courses that~~
415 Integrate content from core subject areas;
416 (c) ~~Offer courses that~~ Integrate career-themed course
417 ~~career and professional academy~~ content with intensive reading
418 and mathematics pursuant to s. 1003.428;
419 (d) ~~Coordinate with high schools to~~ Maximize opportunities
420 for middle school ~~career and professional academy~~ students
421 enrolled in career-themed courses to earn high school credit;
422 (e) Be offered ~~Provide access to virtual instruction~~
423 ~~courses provided~~ by virtual education providers legislatively
424 authorized to provide part-time instruction to middle school
425 students. The virtual instruction courses must be aligned to
426 state curriculum standards for middle school ~~career and~~
427 ~~professional academy~~ students, with priority given to students
428 who have required course deficits;
429 (f) Be taught by ~~Provide instruction from~~ highly skilled
430 professionals who hold industry certificates in the career area
431 in which they teach;
432 (g) Offer externships; and
433 (h) Provide personalized student advisement that includes a
434 parent-participation component.
435 (3) Beginning with the 2012-2013 school year, if a school

436 district implements ~~a~~ middle school career-themed courses ~~career~~
437 ~~and professional academy~~, the Department of Education shall
438 collect and report student achievement data pursuant to
439 performance factors identified under s. 1003.492(3) for ~~academy~~
440 students who are enrolled in career-themed courses and who
441 attain an industry certification identified in the Industry
442 Certified Funding List pursuant to rules adopted by the State
443 Board of Education.
444 Section 5. Paragraph (o) of subsection (1) of section
445 1011.62, Florida Statutes, is amended to read:
446 1011.62 Funds for operation of schools.—If the annual
447 allocation from the Florida Education Finance Program to each
448 district for operation of schools is not determined in the
449 annual appropriations act or the substantive bill implementing
450 the annual appropriations act, it shall be determined as
451 follows:
452 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
453 OPERATION.—The following procedure shall be followed in
454 determining the annual allocation to each district for
455 operation:
456 (o) *Calculation of additional full-time equivalent*
457 *membership based on certification of successful completion of*
458 *career-themed courses* ~~*industry-certified career and professional*~~
459 ~~*academy programs*~~ *pursuant to ss. 1003.491, 1003.492, 1003.493,*
460 *and 1003.4935 and attainment of the highest level of industry*
461 *certification identified in the Industry Certified Funding List*
462 *pursuant to rules adopted by the State Board of Education.*—A
463 value of 0.1, 0.2, or 0.3 full-time equivalent student
464 membership shall be calculated for each student who completes

465 career-themed courses ~~an industry-certified career and~~
466 ~~professional academy program~~ under ss. 1003.491, 1003.492,
467 1003.493, and 1003.4935 and who is issued the highest level of
468 industry certification identified annually in the Industry
469 Certification Funding List approved under rules adopted by the
470 State Board of Education and a high school diploma. The maximum
471 full-time equivalent student membership value for any student is
472 0.3. The Department of Education shall assign the appropriate
473 full-time equivalent value for each certification, 50 percent of
474 which is based on rigor and the remaining 50 percent on
475 employment value. The State Board of Education shall include the
476 assigned values in the Industry Certification Funding List under
477 rules adopted by the state board. Rigor shall be based on the
478 number of instructional hours, including work experience hours,
479 required to earn the certification, with a bonus for industry
480 certifications that have a statewide articulation agreement for
481 college credit approved by the State Board of Education.
482 Employment value shall be based on the entry wage, growth rate
483 in employment for each occupational category, and average annual
484 openings for the primary occupation linked to the industry
485 certification. The ~~Such~~ value shall be added to the total full-
486 time equivalent student membership in secondary career education
487 programs for grades 9 through 12 in the subsequent year for
488 courses that were not funded through dual enrollment. The
489 additional full-time equivalent membership authorized under this
490 paragraph may not exceed 0.3 per student. Each district must
491 allocate at least 80 percent of the funds provided for industry
492 certification, in accordance with this paragraph, to the program
493 that generated the funds. Unless a different amount is specified

494 in the General Appropriations Act, the appropriation for this
495 calculation is limited to $30 ~~$15~~ million annually. If the
496 appropriation is insufficient to fully fund the total
497 calculation, the appropriation shall be prorated.
498 Section 6. This act shall take effect July 1, 2012.

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 Budget Subcommittee on Education Pre-K - 12 Appropriations

BILL: CS/CS/SB 1368

INTRODUCER: Budget Subcommittee on Education Pre-K - 12 Appropriations, Education Pre-K – 12 Committee, and Senator Gaetz

SUBJECT: Education

DATE: February 29, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	deMarsh-Mathues	ED	**Fav/CS**
2.	Armstrong	Hamon	BEA	**Fav/CS**
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

Career and Professional Education

The bill streamlines provisions included in the Career and Professional Academy law, as well as provisions for similar academies at the middle school level. The bill requires that the strategic plan developed by school districts, regional workforce boards, and postsecondary institutions include strategies for advising students, recruiting students into career-themed courses, and redirecting funding to support career academies and career-themed courses.

The bill requires one career-themed course for middle grade promotion and requires districts to adopt or develop the course. It also requires a student who enrolls in and completes a career-themed course to have opportunities to earn postsecondary credit when applicable.

The bill provides that secondary schools would no longer be required to have a full-scale career academy in order to be eligible for industry certification bonus funding. Middle school students who attain the highest level of industry certification in a science, technology, engineering, and mathematics (STEM) area on the Industry Certification Funding List would generate bonus funding upon promotion to the 9th grade.

The bill specifies the criteria that must be met for the additional full-time equivalent (FTE) bonus funding in the Florida Education Finance Program for an earned industry certification. It also phases-in increases to the appropriation cap for bonus funding for the attainment of industry certifications, while retaining the current cap for the 2012-2013 fiscal year.

High School Graduation
The bill provides each student the option of graduating early, as soon as the student has earned 24 credits that meet high school graduation requirements. Students who graduate early will continue to be able to participate in high school graduation activities.

If a student graduates early, the district will receive funding for unpaid high school credits. For students who graduate one year early, funding may be provided up to the dollar equivalent of one FTE; for students who graduate one semester early, funding may be provided up to the dollar equivalent of one-half FTE.

A student who graduates at the end of the first semester is eligible for a Bright Futures Scholarship to enter college in the spring term.

High School Grades
For purposes of calculating high school grades, the bill allows a school to earn bonus points for students who graduate early or who take additional and more rigorous STEM courses.

Performance-based Funding
The bill provides for performance-based funding. High school credits for courses that require an end-of-course (EOC) assessment, beginning with the fourth year of administering the assessment, will be funded only upon passing the assessment. In addition, credit may be funded for students who pass the statewide EOC assessment without taking the course. However, funding will continue to be limited to one FTE per school year.

The bill also creates Academically Challenging Curriculum to Enhance Learning (ACCEL) options to provide academically challenging curriculum or accelerated instruction to eligible students in kindergarten through grade 12. Districts must inform parents of the opportunities and benefits of acceleration options at the time of registering for school. Finally, the bill requires the Algebra I EOC assessment to be administered four times annually.

This bill substantially amends sections 1003.02, 1003.4156, 1003.491, 1003.492, 1003.493, 1003.4935, 1008.22, 1008.34, 1009.53, 1009.531, 1011.61, 1011.62 and creates sections 1002.3105 and 1003.4281 of the Florida Statutes.

II. Present Situation:

Science, Technology, Engineering and Mathematics (STEM)
Research by the Center on Education and the Workforce at Georgetown University found that a student's choice of major substantially affects employment prospects and earnings.[1] The study

[1] Carnevale, A.P.; Cheah, B.; and Strohl, J.; "Hard Times: College Majors, Unemployment and Earnings: Not All College Degrees are Created Equal," Georgetown University Center for Education and the Workforce, January 4, 2012.

found that "majors with high technical, business, and healthcare content tend to earn the most among both recent and experienced college graduates."[2]

According to the TechAmerica Foundation, in a ranking of states on high technology measures based on 2010 data, Florida ranked fifth in high tech employment, third in number of high tech establishments, and second in defense systems manufacturing.[3] According to a Georgetown University report analyzing STEM jobs by state, Florida will require a total of 385,010 STEM jobs by 2018,[4] and 89 percent of those jobs will require postsecondary education and training in high technology employment. Forty-nine percent of Florida's STEM jobs will be in computer occupations by 2018. The report also projects that nine percent of all Florida jobs for holders of Master's degrees and ten percent of all jobs for holders of a PhD degree will be in STEM fields by 2018. However, since 2001, there has been a 46 percent decline in bachelor's degrees earned at state universities in computer, computer services, information technology, software engineering, management information systems and related high tech fields.[5]

Prioritizing STEM in education is one of seven key steps in the Governor's 2012 Job Creation and Economic Growth Agenda.[6] The agenda calls for prioritizing STEM to focus Florida's K-12 and higher education systems on producing graduates that can support a growing high-tech workforce.[7] The agenda cites Enterprise Florida's estimate that 15 of the 20 fastest growing job fields will require a STEM education.[8]

Career and Professional Education

The Career and Professional Education (CAPE) Act was enacted by the 2007 Florida Legislature to attract and retain targeted, high-value industries and to develop a knowledge-based workforce.[9] The legislation has established significant partnerships among workforce and economic development agencies and local education communities, and resulted in meaningful career and postsecondary opportunities for Florida's secondary students.[10] Current law requires each district school board to develop, in collaboration with the local workforce board and area postsecondary institutions, a 5-year strategic plan to address and meet local and regional workforce demands.[11] A focus of the plan was the requirement for at least one operational career and professional academy per school district beginning with the 2008-09 school year.[12] As

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[2] *Id.*, p. 6.
[3] http://www.techamericafoundation.org/cyberstates2011-florida.
[4] This number represents an increase of 62,450 jobs over the 2008 total of 322,560 jobs.
[5] Florida State University Learning Systems Institute using state university system data, compiled October 2011.
[6] Governor Rick Scott's 2012 Job Creation and Economic Growth Agenda, p. 2, Readable at: http://www.flgov.com/2011/10/13/2012-job-creation-economic-growth-agenda/.
[7] *Id.*, p. 6.
[8] *Id.*, p. 6.
[9] Ch. 2007-216, L.O.F.
[10] Presentation by the Department of Education, Okaloosa County School District, and St. John's County School District to the Senate Pre-K – 12 Appropriations Committee on March 15, 2011. The superintendent of schools in St. Johns County testified that the CAPE model is the most important and effective legislation of his 24-year career. Presentations available at http://www.flsenate.gov/Committees/Show/BEA/ (last visited 1/30/2012).
[11] s. 1003.491(2), F.S.
[12] s. 1003.492(2), F.S., requires the DOE to adopt rules for implementing an industry certification process. Rule 6A-6.0573, F.A.C., provides for a collaborative two-staged process by Workforce Florida, Inc. (WFI). The DOE annually establishes the Industry Certification Funding List, a subset of items included on the WFI Comprehensive Industry Certification List. References to years in this bill analysis refer to school years unless otherwise indicated.

specified in statute, career and professional academies must integrate a rigorous academic curriculum with an industry-specific curriculum that leads to an industry certification[13] in high-skill, high-wage, and high-demand occupations.[14] Additional requirements include opportunities for students to earn nationally recognized industry certifications, postsecondary credit, Bright Futures scholarships, and expanded offerings of integrated courses that combine academic content with technical skills.

Profile of Career and Professional Academies[15]
In 2010-11, the fourth year of implementation of the Florida Career and Professional Education Act, school districts registered 1,298 career and professional academies, representing all of Florida's 67 school districts.[16]

History of Secondary Career and Professional Academies

	2008-09	2009-10	2010-11
Academies Registered	490	838	1,298
CAPE Academy Enrollment	53,324	102,430	154,327

The most prevalent career areas represented by academies registered in 2009-10 were information technology, health sciences, and hospitality and tourism.[17]

Performance of Career and Professional Academy Students[18]
Among the 154,327 students enrolled in career and professional academies, 24,910 or 16.1 percent were reported as having earned one or more approved industry certifications in their high school careers beginning with the 2007-08 school year; 20,644 students earned certifications in 2010-11 alone. A total of 31,389 assessments were attempted by academy students in 2010-11, of which 23,088 were passed, resulting in a pass rate of 73.6 percent. Forty-one percent of industry certifications earned by career and professional academy students were awarded to 12th graders. Among ninth-graders, 2,887 certifications were earned, representing 12.5 percent of total certifications reported.[19]

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[13] Industry certifications are based on assessment of skills by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies. Successful completion of the assessment results in the award of a time-limited credential that is nationally recognized and applicable to an occupation included in the workforce system's targeted occupation list or otherwise determined to be an occupation that is critical, emerging or addresses a local need. See the *CAPE Enrollment and Performance Report for 2009-2010*, pg. 3, on file with the Senate Committee on Pre-K – 12 Education.
[14] s. 1003.493(4), F.S.
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] Information regarding CAPE Academy performance can be found in DOE's "Career and Professional Academy Enrollment and Performance Report, 2010-11" (December 2011), available at http://www.fldoe.org/workforce/pdf/capepr1011.pdf (last visited 1/30/2012).
[19] The progression in the number of certifications as grade level increases is expected given the time and training required to earn industry certifications.

2010-2011 Industry Certifications Earned by Grade Level[20]

Grade Level	Certifications Earned	Percent
9	2,887	12.5%
10	4,193	18.2%
11	6,468	28%
12	9,540	41.3%
Total	23,088	100.0%

Highlights of Performance Comparisons Among Non-Academy, Academy, and Industry Certified Academy Students, 2010-11[21]

Performance Indicator	Non-CAPE	CAPE, No Certification	Non-CAPE + Certification	CAPE and Certification
Average GPA	2.46	2.58	2.79	3.00
Chronically Absent	16.3%	15.7%	11.2%	9.9%
At Least One Disciplinary Action	20.6%	20.5%	12.8%	10.9%
Dropout Rate	2.1%	0.9%	0.6%	0.3%
12th Graders Earning Standard Diploma	73.9%	85.9%	93.3%	96.1%
At Least One Accelerated Course	22.9%	25.4%	38.8%	41.2%
Bright Futures Eligible Seniors 2010-11	22.4%	21.8%	31.5%	38.2%

Additionally, academy seniors earning certifications were much more likely to be Bright Futures scholarship eligible than their peers. Among academy seniors who earned at least one industry certification, 38.2 percent were eligible for Bright Futures compared to 21.8 percent among academy seniors who did not earn a certification.[22]

[20] *See* CAPE Performance Report, Table 6, p. 12. Updated information provided by staff of the DOE Office of Career and Adult Education, on file with the Senate Committee on Pre-K – 12 Education.
[21] *Id* at Table 12, p. 18.
[22] *Id*.

Middle School Model
Beginning in 2011-12, districts were required to register career and professional academies offered in middle school with the Department of Education (DOE).[23] In 2011-12, 56 middle school academies were registered with DOE.[24]

Acceleration Options
Current law requires parents to be provided with specific information about their child's educational progress and comprehensive information about their choices and opportunities for involvement in their child's education.[25] Public school choice options that are available to students include virtual instruction programs, special programs, dual enrollment, advanced placement (AP), International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education (AICE), early admissions, and credit by examination or demonstration of competency.[26]

High School Graduation
Florida students entering their first year of high school may choose from one of the following five options to earn a standard diploma:[27]

- A four-year, 24-credit program;[28]
- An International Baccalaureate (IB) curriculum;[29]
- An Advanced International Certificate of Education (AICE) curriculum;[30]
- A three-year, 18-credit college preparatory program;[31] or
- A three-year, 18-credit career preparatory program.[32]

End-of Course Assessments
Beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I or an equivalent course must earn a passing score on the assessment in Algebra I or

[23] Chapter 2011-175, L.O.F., established criteria for middle school career and professional academies relating to alignment to high school career and professional academies, an opportunity to earn an industry certification, and partnerships with the business community.
[24] DOE Bill Analysis for SB 1314, January 1, 2012, on file with the Senate Committee on Pre-K – 12 Education.
[25] s. 1002.23(1)(a) and (b), F.S. Pursuant to s. 1003.02(1)(i), F.S., districts must apprise parents of the benefits and opportunities of acceleration at the beginning of each school year.
[26] s. 1002.20(6)(a), F.S.
[27] A student may also graduate from high school with a GED, certificate of completion, or a special diploma.
[28] s. 1003.428, F.S. The 24 credits may be earned through applied, integrated, and combined courses approved by the DOE. Sixteen of the 24 credits are core curriculum credits: four credits in English; four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course; three credits in science, two of which must have a laboratory component; three credits in social studies; one credit in fine or performing arts, speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and imagination; and one credit in physical education to include integration of health. The remaining eight credits are electives. Beginning with students entering grade 9 in the 2011-2012 school year, at least one course within the 24 credits must be completed online.
[29] *Id.*
[30] *Id.*
[31] s. 1003.429(1)(a) and (b), F.S. According to the DOE, the number of high school students, from 2007-2010, choosing to graduate based on the 18-hour college preparatory program and the 18-credit career preparatory program has declined from 140 students in 2006-2007 school year to 80 students in the 2009-2010 school year. DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.
[32] s. 1003.429(1)(a) and (c), F.S.

attain an equivalent score to earn course credit.[33] For the 2011-2012 school year, the Algebra I assessment will be administered during two testing windows (December/January and April/May). The Geometry and Biology I assessments will be administered in April/May.[34]

Beginning in the 2012 -2013 school year, the Algebra I EOC Assessment will be administered three times, in July, December, and April/May. In addition, the Geometry and Biology I EOC assessments will be administered twice, in December and April/ May.

High School Grades[35]

For Florida's high school grading system, the state assessment-based components are weighted at 50 percent of the high school grade,[36] while the other 50 percent of the available school grade points are weighted toward component areas that directly measure, or are otherwise essential to, career and college readiness (i.e., graduation rate, participation and performance in advanced curricula, including national industry certifications), and postsecondary readiness in reading and mathematics.[37] These additional components for measuring high school performance were implemented beginning in 2009-2010 to provide a more comprehensive measure of high schools' effectiveness in preparing students for success after graduation.

Currently, Florida calculates high school graduation rates for schools using a cohort method of tracking individual students in and out of the system from their entrance into ninth grade through completion four years later.[38] High schools are not currently awarded additional bonus points for students who graduate early from high school. Instead, high schools are awarded points based on the annual growth of their cohort graduation rate and the growth of their cohort graduation rate for at-risk students. At-risk students are those students who scored at Level 2 or below on both the FCAT reading and FCAT math tests in grade eight.[39]

The high school grading formula does include points for accelerated course work participation for students in grades 9-12, which is based on Advanced Placement (AP), IB, AICE, dual enrollment, and industry certification[40] exams and courses.[41] High schools earn points for this component regardless of what course the student is enrolled in.[42] In addition, high schools can earn points for their students' performance in accelerated course work.[43]

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[33] s. 1008.22(3)(c)2.a.(I), F.S.
[34] DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.
[35] s. 1008.34(3)(b), F.S.
[36] s. 1008.34(3)(b)1., F.S.
[37] s. 1008.34(3)(b)3., F.S.
[38] DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.
[39] s. 1008.34(3)(b)3.d., F.S.
[40] Industry courses and exams are those leading to national industry certification identified in the Industry Certification Funding List, pursuant to SBE rules.
[41] s. 1008.34(3)(b)3.b., F.S.
[42] DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.
[43] *Id.*

Florida Bright Futures Scholarship Program
The law establishes three lottery-funded scholarships to reward Florida high school graduates for high academic achievement.[44] The Florida Bright Futures Scholarship Program is comprised of the following awards:

- Florida Academic Scholars award, including Academic Top Scholars (ATS) award;
- Florida Medallion Scholars award; and
- Florida Gold Seal Vocational Scholars award.

Current law authorizes the DOE to evaluate students annually for a Bright Futures Scholarship.[45] The evaluation is based upon transcripts reflecting completed and in-progress coursework at the end of the 7th or 8th semesters, community service hours, and SAT/ACT test scores taken up to January 30th or June 30th of the student's high school graduation year.[46]

Each funded academic year begins in fall and ends with the spring term. The DOE transmits payment for each initial and renewal award to eligible postsecondary institutions before the registration period each term of each academic year.[47] The law provides for a renewal evaluation of a Bright Futures Scholar recipient after the passage of a full academic year, fall through spring.[48]

Students must apply for a scholarship by high school graduation.[49] Students file a Florida Financial Aid Application (FFAA) to be evaluated for academic eligibility for the subsequent academic year.[50] A student who graduates in the 2012-2013 academic year would file a 2013-2014 FFAA for funding during any term in the 2013-2014 academic year, which begins fall 2013.[51]

Full-Time-Equivalent (FTE) and Florida Education Finance Program (FEFP) Funding
Currently, Full-time-equivalent (FTE) students for funding purposes are based on:

- Hours of instruction (seat time) or
- If students take virtual courses, on grade promotion or course completion.

For middle and high school students, if FTE based on hours of instruction, one FTE is equal to 900 hours of instruction for the regular school year. The standard length of instruction for a course is equal to one-sixth FTE or 150 hours. Virtual courses that provide one credit are equal to one-sixth FTE.

For funding purposes, a student who takes all courses with the school district is limited to one FTE, or six courses per school year. A student may take additional courses and earn additional

[44] s. 1009.53, F.S.
[45] *Id. See* http://www.floridastudentfinancialaid.org/SSFAD/bf/awardamt.htm and http://www.floridastudentfinancialaid.org/SSFAD/factsheets/BF.htm.
[46] DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.
[47] *Id.*
[48] s. 1009.532, F.S.
[49] s. 1009.531(1)(f), F.S.
[50] s. 1009.531, F.S. *See* https://www.floridastudentfinancialaidsg.org/UA/SAWSTUA_uaform.asp.
[51] DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

credits but the associated FTE are not fundable, unless the additional courses are taken through the Florida Virtual School. FTE may be reported and funded for summer/year-round instruction only by the Florida Virtual School or for juvenile justice education.

The base FEFP value for one course is equal to one-sixth FTE multiplied by the Base Student Allocation. For 2011-2012, the base value of the course would be equal to $3,479.22 multiplied by one-sixth, or $580.

For each student enrolled in a career and professional academy who graduates with a standard high school diploma and who earns a certification included on the Industry Certification Funding List, the district of instruction may earn up to 0.3 full-time equivalent (FTE) student membership for the following year's funding calculation in the Florida Education Finance Program (FEFP).[52] In 2010-11, 9,712 students generated 2,913.6 additional FTE in the K-12 funding formula.[53] Because the funding is awarded in the fiscal year following high school graduation, the data reported for 2009-10 is used for the 2010-11 FEFP calculation.[54]

III. Effect of Proposed Changes:

Career and Professional Education

The bill streamlines provisions included in the CAPE law, as well as provisions established in 2011 for similar academies at the middle school level. The bill provides for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state.

Under the bill:

- Secondary schools would no longer be required to have in place a full-scale career academy in order to be eligible for industry certification bonus funding. This provision maintains the integrity of CAPE and the rigorous coursework required for attainment of industry certifications, but removes additional, non-essential steps required of schools to earn the bonus funding.
- Secondary schools would still be required to offer rigorous courses that lead to industry certifications in high wage, high skill, and high demand occupations and to employ instructors who hold industry certifications.
- The strategic 5-year plan developed by the school district in collaboration with regional workforce boards and postsecondary institutions determines areas of academic emphasis to meet workforce needs. Under the bill, there would now be a 3-year plan. This provision allows for a more timely response to meet critical workforce needs.
- The 3-year plan would also encompass additional strategies, including strategies for providing personalized student advisement, plans to sustain and improve career-themed courses and career and professional academies, strategies to recruit students into the

[52] Section 1011.62(1)(p), F.S. Certifications earned through dual enrollment are not eligible for additional FTE. The additional FTE may not exceed 0.3 per student (i.e., no repeat allocations for additional certifications).
[53] Information provided by staff of the DOE Office of Career and Adult Education, January 20, 2012. On file with the Senate Committee on Pre-K – 12 Education.
[54] *Id.*

career-themed courses, and strategies to redirect appropriate funding to support such programs.
- The curriculum review committee, responsible to review and approve newly developed workforce-related courses, must now approve or deny proposals within 30 days instead of 60.
- Middle school students would be required to complete a career-themed course with specified content prior to promotion to the 9th grade. The course may be developed or adopted by the school district, must emphasize the use of instructional technology tools, and include information from the Department of Economic Opportunity regarding educational requirements, employment trends, and forecasted earnings for jobs projected for the future.
- The State Board of Education must adopt rules to identify STEM-related industry certifications to be included on the Industry Certification Funding List.

Based on the requirements in s. 1011.62(1)(o), F.S., a student must meet all of the following conditions for the additional FTE membership funding for an earned industry certification:
- Be enrolled in career-themed courses or a career and professional academy that leads to industry certification;
- Attain the highest level of certification on the Industry Certification Funding List; and
- Receive a standard high school diploma or be promoted to the 9th grade.[55]

High School Graduation
The bill allows a student to graduate early, providing the minimum graduation requirements in s. 1003.428, F.S., have been satisfied. School districts would be required to notify the parent of a student who is eligible to graduate early.

A student who graduates early may continue to participate in school activities and events as if he or she was still enrolled, until the time at which the student would have been scheduled to satisfy the minimum graduation requirements. However, a student who fails to comply with district school board rules and policy may be denied access to the school facilities and grounds during normal operating hours.

End-of Course Assessments
The proposed change will require the DOE and school districts to administer the Algebra 1 EOC assessment four times annually.[56] According to the DOE, this would require amending the current assessment contract to include the additional test administration. The DOE notes that the earliest this could be accomplished would be the 2013-2014 school year when the necessary funding is approved and the contract is modified.[57]

The changes for Algebra I and Geometry EOC assessments would be in place for one year since the state transitions to the Partnership for Assessment of Readiness for College and Careers

[55] Middle school students who attain an industry certification in a STEM-related area would be eligible for the bonus funding upon promotion to the 9th grade.
[56] Currently, there are six statewide assessment administrations: Writing in February/March; Reading, Math, Science in April; FCAT/FCAT 2.0 Retakes in October; and the EOC assessments in December, July/August, and April/May). DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.
[57] *Id.*

(PARCC) assessments in 2014-2015. The PARCC assessments are based on the Common Core Standards and are scheduled to be fully implemented in the 2014-2015 school year.[58]

High School Grades

Beginning in the 2012-2013 school year, the DOE must award bonus points for regular high school course completion data for the percentage of students who took additional courses in science[59] and mathematics[60] that exceed the current high school graduation requirements. According to the DOE, this may result in a school encouraging students to enroll in additional courses not required for graduation to increase the points the school earns for the non-FCAT portion of the high school grade calculation.[61] However, the bill requires the courses to be at a level of rigor that exceeds the general course requirements for high school graduation in s. 1003.428, F.S.

Currently, high schools are awarded points for participation and performance in accelerated coursework.[62] The proposed change would allow for the award of additional points to high schools if students take an AP or dual enrollment course in mathematics or science. Also, the DOE would award bonus points to high schools based on the percentage of students who graduate in fewer than eight semesters.

The DOE may have to revise its method of counting students who graduate early. The DOE notes that an annual count of the early graduates could be used for the bonus point calculation required by the bill, instead of the cohort count currently used, because students who graduate early are not counted in the graduation rate until their four-year cohort graduation rate is calculated.[63]

Acceleration Options

The bill provides Academically Challenging Curriculum to Enhance Learning (ACCEL) options for accelerated instruction to eligible public school students in kindergarten through grade 12. At a minimum, schools must offer options that include enriched STEM courses, virtual instruction, credit and subject matter acceleration, early promotion, enrichment programs, grouping students

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[58] *Id.*

[59] Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or a series of courses equivalent to Biology I. Beginning with students entering grade 9 in the 2011-2012 school year, the EOC assessment requirements must be met for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics, and one credit must be an equally rigorous course. The series of equivalent courses must be approved by the State Board of Education (SBE).

[60] Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry. Beginning with students entering grade 9 in the 2010-2011 school year, the EOC assessment requirements must be met for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the EOC assessment requirements must be met for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II. The series of equivalent courses must be approved by the SBE.

[61] E-mail, DOE, February 16, 2012. On file with the Senate Committee on Education Pre-K – 12.

[62] s. 1008.34, F.S.

[63] DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.

with similar needs, abilities, and interests, advanced academic courses, classes in which younger students interact with their older peers, increased time for advanced content instruction, and self-paced student course completion.

Principals are charged with establishing eligibility options for specific acceleration options, such as virtual instruction in higher grade level subjects. Districts would be required to determine eligibility requirements for student participation in options at another school. In establishing eligibility requirements, principals and school districts would consider student performance on local, statewide or standardized assessments, grade point average, attendance and conduct, and recommendations from a core-curricula teacher and guidance counselor.

Under the bill, principals would inform parents about the eligibility requirements and options available at the school. If a parent requests that his or her child participate in options such as early promotion, subject matter acceleration, or virtual instruction, the child, if eligible, must be afforded an opportunity to participate. Similarly, an eligible child must be afforded an opportunity to participate in options available at another school.

A performance contract is required when a student participates in specific options available at the school. Parties to the contract are the parent, student, and principal. The bill specifies the components of the contract.

Finally, the bill provides that a parent must be notified if a school principal initiates participation in an acceleration option.

Florida Bright Futures Scholarship Program

The DOE would evaluate students who graduate at midpoint of an academic year based upon official transcripts reflecting completed and in progress coursework, community service hours, and SAT/ACT test scores for academic eligibility for the spring term of that same academic year. The DOE would transmit payment for each initial award to eligible postsecondary institutions before the registration period for spring term.

Eligible Bright Futures students who graduate midpoint of an academic year and are funded in the spring term of that same academic year would be evaluated for renewal of an award at the end of the following spring term of the next academic year in which they are funded.

According to the DOE, students currently file the Florida Financial Aid Application (FFAA) between December 1st and high school graduation up through August 31st of an academic year for evaluation for academic eligibility for the subsequent academic year.[64] Students who graduate at the midpoint of an academic year will be required to file the FFAA by August 31st for academic eligibility and funding during the remainder of that academic year. The student who graduates midpoint of the 2012-13 academic year would file a 2012-13 FFAA for funding in the 2012-13 academic year.[65]

[64] *Id.*
[65] *Id.*

The Bright Futures Scholarship applicants would be required to file the FFAA for evaluation of scholarship academic eligibility. Applicants would also need to file the Free Application for Federal Student Aid (FAFSA) to receive funding.

Full-Time-Equivalent (FTE) and Florida Education Finance Program (FEFP) Funding
Under the bill, a student who graduates at least one semester in advance of the scheduled graduation of the student's cohort earns one-sixth of an FTE for each unpaid high school credit. For a student who graduates one year or more in advance of the student's cohort, the school district may report up to 1.0 FTE for unpaid high school credits. For a student who graduates one semester in advance of the student's cohort, the school district may report up to one-half FTE for unpaid high school credits.

Currently, FTE for the funding of student instruction for traditional courses is based on hours of instruction or seat time. For virtual courses, FTE funding is based on course completion or grade progression. The bill revises FTE funding for traditionally-delivered courses that culminate in an end-of-course (EOC) exam beginning with the fourth year of exam administration. Students who take courses with EOC assessments will earn one-sixth FTE only upon completion of the exam and the award of the course credit. In addition, if a student takes and passes the EOC, without having taken the course, the student will also earn one-sixth FTE. All reported FTE will continue to be subject to the 1.0 FTE limit.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill provides for greater access to attainment of industry certifications in high demand fields, thus supporting critical workforce needs and providing an economic benefit to the state.

C. Government Sector Impact:

High School Graduation
Under the bill, a student who graduates at least one semester in advance of the scheduled graduation of the student's cohort earns one-sixth of an FTE for each unpaid high school credit. For a student who graduates one year or more in advance of the student's cohort, the school district may report up to 1.0 FTE for unpaid high school credits. For a student who graduates one semester in advance of the student's cohort, the school district may report up to one-half FTE for unpaid high school credits. For 2011-2012, the value of one-sixth FTE for a student is $580; for a full FTE, the value is $3,479.

If a student graduates early, the district may earn funding for FTE for courses taken and completed for credit during prior high school years that were in excess of the 1.0 FTE limit and therefore had not been funded. The district will receive the funding for these unpaid credits and will not have the cost of educating the student for an additional semester/year. The funding for unpaid credits earned for early graduation could approximate the funding foregone as a result of early graduation.

Performance-based Funding
The bill revises FTE funding for traditionally-delivered courses that culminate in an end-of-course exam (EOC). Beginning with the fourth year of exam administration, students who take courses with EOC assessments will earn one-sixth FTE only upon completion of the exam and the award of the course credit. Districts will not receive funding if the student does not pass the EOC. However, if a student takes and passes the EOC without having taken the course, the student will also earn one-sixth FTE and the district will not have the cost associated with educating the student for the course. All reported FTE will continue to be subject to the 1.0 FTE funding limit.

The DOE's estimated cost for the additional EOC assessment administration for Algebra I is $750,000. The DOE notes that funds would need to be allocated for a full-time staff member to assist with additional administration, scoring, and reporting responsibilities.[66] The proposed change would increase the testing load in school districts.[67]

In addition, School Recognition funding may be revised for schools to the extent that the school grade is affected by the bonus point criteria that are added in the bill for students who graduate early and who earn credit for additional and more rigorous math and science courses.

Career and Professional Education Funding
The bill maintains the 2011-2012 cap on the amount of bonus funding provided to districts in the Florida Education Finance Program (FEFP) at $15 million for students who attain industry certification and graduate or who are promoted to the 9th grade. The current year bonus amount earned in the FEFP is $10.1 million which represents the greatest level of funding for the program since inception in 2008-2009. The bill will

[66] DOE Bill Analysis for SB 1368, February 1, 2012. On file with the Senate Committee on Education Pre-K – 12.
[67] *Id.*

increase access for students to achieve industry certification which will increase the level of the bonus funding in an already-growing program. However, in 2012-13, the tiered bonus will begin to take place which will somewhat temper the level of the bonus funding. After 2012-2013, the bill then increases the funding cap by $5 million each year for succeeding years for a total cap of $20 million in 2013-2014, $25 million in 2014-2015, and $30 million in 2014-2015 in anticipation of continued significant growth in the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Budget Subcommittee on Education Pre-K - 12 Appropriations on February 28, 2012:
The committee substitute:

- Provides that middle school students who attain the highest level of industry certification in a STEM area on the Industry Certification Funding List would generate bonus funding upon promotion to the 9th grade;
- Specifies the criteria that must be met for the additional FTE bonus funding for an earned industry certification:
  - Enrollment in career-themed courses, a series of career-themed courses, or a career and professional academy that lead to industry certification;
  - Earning the highest level of certification on the Industry Certification Funding List; and
  - Receiving a standard high school diploma or being promoted to the 9th grade.
- Phases-in increases to the appropriation cap for bonus funding for the attainment of industry certifications ($20 million in 2013-2014, $25 million in 2014-2015, and $30 million in 2015-2016) and maintains the current cap ($15 million) for the 2012-2013 fiscal year;
- Requires that the strategic plan developed by school districts, regional workforce boards, and postsecondary institutions be developed every three years rather than every five years and includes strategies for advising students, recruiting students into career-themed courses, and redirecting funding to support career academies and career-themed courses;
- Shortens the timeline for the curriculum review committee to approve or deny newly proposed workforce-related core courses;

- Requires one career-themed course for middle grade promotion and requires districts to adopt or develop the course;
- Requires a student who enrolls in and completes a career-themed course to have opportunities to earn postsecondary credit when applicable;
- Requires the State Board of Education to adopt rules that include STEM industry certifications offered in middle school on the Industry Certified Funding List;
- Deletes the Advanced Placement Program provisions from the bill; and
- Provides that the new schedule for the administration of the Algebra I end-of-course assessment would begin in the 2013-2014 school year.

CS by the Committee on Education Pre-K – 12 on February 14, 2012:
The committee substitute:

- Creates ACCEL options to provide academically challenging curriculum or accelerated instruction to eligible students in kindergarten through grade 12; and
  - Requires principals and school districts to establish eligibility requirements for ACCEL options; and
  - Allows a parent to request that his or her child participate in an ACCEL option;
- Requires districts to inform parents of the opportunities and benefits of acceleration options when registering for school;
- Establishes student eligibility requirements for participation in the AP program;
- Revises the date, from November 30th to August 31st, for the submission of a Florida Financial Aid Application by a student who graduates early from high school and applies for a Bright Futures Scholarship; and
- Makes technical changes to the FTE reporting requirements for students who take courses requiring statewide EOC assessments and students who graduate early from high school.

B. Amendments:

None.

438134

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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	.	
	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 1002.3105, Florida Statutes, is created to read:

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

(1) ACCEL OPTIONS.—

(a) Academically Challenging Curriculum to Enhance Learning (ACCEL) options are educational options that provide academically challenging curriculum or accelerated instruction

438134

13 to eligible public school students in kindergarten through grade
14 12.
15 (b)1. At a minimum, each school must offer the following
16 ACCEL options:
17 a. Whole-grade and midyear promotion;
18 b. Subject-matter acceleration;
19 c. Virtual instruction in higher grade level subjects; and
20 d. The Credit Acceleration Program under s. 1003.4295.
21 2. Additional ACCEL options may include, but are not
22 limited to:
23 a. Enriched science, technology, engineering, and
24 mathematics (STEM) coursework;
25 b. Enrichment programs;
26 c. Flexible grouping;
27 d. Advanced academic courses;
28 e. Combined classes;
29 f. Self-paced instruction;
30 g. Curriculum compacting;
31 h. Advanced-content instruction; and
32 i. Telescoping curriculum.
33 (2) ELIGIBILITY AND PROCEDURAL REQUIREMENTS.—
34 (a) *Principal-determined eligibility requirements.*—
35 1. Each principal must establish student eligibility
36 requirements for virtual instruction in higher grade level
37 subjects. Each principal must also establish student eligibility
38 requirements for whole-grade promotion, midyear promotion, and
39 subject-matter acceleration when the promotion or acceleration
40 occurs within the principal's school.
41 2. If a school offers enriched STEM coursework, enrichment

438134

42 programs, flexible grouping, advanced academic courses, combined
43 classes, self-paced instruction, curriculum compacting,
44 advanced-content instruction, telescoping curriculum, or an
45 alternative ACCEL option established by the principal, the
46 principal must establish student eligibility requirements.
47 (b) *School district-determined eligibility and procedural*
48 *requirements.*—A school district must establish student
49 eligibility requirements and procedural requirements for any
50 whole-grade promotion, midyear promotion, or subject-matter
51 acceleration that would result in a student attending a
52 different school. Student eligibility requirements and
53 procedural requirements established by the school district must
54 be included in the school district's comprehensive student
55 progression plan under s. 1008.25.
56 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
57 student eligibility requirements, principals and school
58 districts must consider, at a minimum:
59 (a) The student's performance on a locally determined
60 assessment, a statewide assessment, or a statewide, standardized
61 assessment administered pursuant to s. 1008.22.
62 (b) The student's grade point average.
63 (c) The student's attendance and conduct record.
64 (d) Recommendations from one or more of the student's
65 teachers in core-curricula courses as defined in s.
66 1003.01(14)(a)-(e).
67 (4) ACCEL REQUIREMENTS.—
68 (a) Each principal must inform parents and students of the
69 ACCEL options available at the school and the student
70 eligibility requirements for the ACCEL options established

438134

71 pursuant to paragraph (2)(a).
72 (b)1. Each principal must establish a process by which a
73 parent may request student participation in whole-grade
74 promotion, midyear promotion, and subject-matter acceleration
75 when the promotion or acceleration occurs within the principal's
76 school; virtual instruction in higher grade level subjects; or
77 an alternative ACCEL option established by the principal. If the
78 parent selects one of these ACCEL options and the student meets
79 the eligibility requirements established by the principal
80 pursuant to paragraph (2)(a), the student must be provided the
81 opportunity to participate in the ACCEL option.
82 2. Each school district must establish a process by which a
83 parent may request student participation in whole-grade
84 promotion, midyear promotion, or subject-matter acceleration
85 that would result in a student attending a different school. If
86 the parent selects one of these ACCEL options and the student
87 meets the eligibility and procedural requirements set forth in
88 the district's comprehensive student progression plan, as
89 required under paragraph (2)(b), the student must be provided
90 the opportunity to participate in the ACCEL option.
91 (c) If a student participates in an ACCEL option pursuant
92 to the parental request under subparagraph (b)1., a performance
93 contract must be executed by the student, the parent, and the
94 principal. At a minimum, the performance contract must require
95 compliance with:
96 1. Minimum student attendance requirements.
97 2. Minimum student conduct requirements.
98 3. ACCEL option requirements established by the principal,
99 which may include participation in extracurricular activities,

438134

100 educational outings, field trips, interscholastic competitions,
101 and other activities related to the ACCEL option selected.
102 (d) If a principal initiates a student's participation in
103 an ACCEL option, the student's parent must be notified. A
104 performance contract, pursuant to paragraph (c), is not required
105 when a principal initiates participation but may be used at the
106 discretion of the principal.
107 Section 2. Paragraph (i) of subsection (1) of section
108 1003.02, Florida Statutes, is amended to read:
109 1003.02 District school board operation and control of
110 public K-12 education within the school district.—As provided in
111 part II of chapter 1001, district school boards are
112 constitutionally and statutorily charged with the operation and
113 control of public K-12 education within their school district.
114 The district school boards must establish, organize, and operate
115 their public K-12 schools and educational programs, employees,
116 and facilities. Their responsibilities include staff
117 development, public K-12 school student education including
118 education for exceptional students and students in juvenile
119 justice programs, special programs, adult education programs,
120 and career education programs. Additionally, district school
121 boards must:
122 (1) Provide for the proper accounting for all students of
123 school age, for the attendance and control of students at
124 school, and for proper attention to health, safety, and other
125 matters relating to the welfare of students in the following
126 fields:
127 (i) *Parental notification of acceleration options*
128 ~~*mechanisms*~~.—At the beginning of each school year and during

438134

129 registration for the next term, notify parents of students in or
130 entering high school of the opportunity and benefits of advanced
131 placement, International Baccalaureate, Advanced International
132 Certificate of Education, dual enrollment, and Florida Virtual
133 School courses and options for early or accelerated high school
134 graduation under ss. 1003.4281 and 1003.429.
135 Section 3. Paragraph (a) of subsection (1) of section
136 1003.4156, Florida Statutes, is amended to read:
137 1003.4156 General requirements for middle grades
138 promotion.—
139 (1) Promotion from a school composed of middle grades 6, 7,
140 and 8 requires that:
141 (a) The student must successfully complete academic courses
142 as follows:
143 1. Three middle school or higher courses in English. These
144 courses shall emphasize literature, composition, and technical
145 text.
146 2. Three middle school or higher courses in mathematics.
147 Each middle school must offer at least one high school level
148 mathematics course for which students may earn high school
149 credit. Successful completion of a high school level Algebra I
150 or geometry course is not contingent upon the student's
151 performance on the end-of-course assessment required under s.
152 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
153 school year, to earn high school credit for an Algebra I course,
154 a middle school student must pass the Algebra I end-of-course
155 assessment, and beginning with the 2012-2013 school year, to
156 earn high school credit for a geometry course, a middle school
157 student must pass the geometry end-of-course assessment.

438134

158 3. Three middle school or higher courses in social studies,
159 one semester of which must include the study of state and
160 federal government and civics education. Beginning with students
161 entering grade 6 in the 2012-2013 school year, one of these
162 courses must be at least a one-semester civics education course
163 that a student successfully completes in accordance with s.
164 1008.22(3)(c) and that includes the roles and responsibilities
165 of federal, state, and local governments; the structures and
166 functions of the legislative, executive, and judicial branches
167 of government; and the meaning and significance of historic
168 documents, such as the Articles of Confederation, the
169 Declaration of Independence, and the Constitution of the United
170 States.
171 4. Three middle school or higher courses in science.
172 Successful completion of a high school level Biology I course is
173 not contingent upon the student's performance on the end-of-
174 course assessment required under s. 1008.22(3)(c)2.a.(II).
175 However, beginning with the 2012-2013 school year, to earn high
176 school credit for a Biology I course, a middle school student
177 must pass the Biology I end-of-course assessment.
178 5. One career-themed course ~~in career and education~~
179 ~~planning~~ to be completed in 6th, 7th, or 8th grade. The course
180 may be taught by any member of the instructional staff; must
181 result in a completed personalized academic and career plan for
182 the student; must emphasize technology or the application of
183 technology in other career fields; and must include instruction
184 using the Department of Economic Opportunity's economic security
185 report as described in s. 445.07 ~~must include career exploration~~
186 ~~using Florida CHOICES or a comparable cost-effective program;~~

438134

187 ~~must include educational planning using the online student~~
188 ~~advising system known as Florida Academic Counseling and~~
189 ~~Tracking for Students at the Internet website FACTS.org; and~~
190 ~~shall result in the completion of a personalized academic and~~
191 ~~career plan~~. The required personalized academic and career plan
192 must inform students of high school graduation requirements,
193 high school assessment and college entrance test requirements,
194 Florida Bright Futures Scholarship Program requirements, state
195 university and Florida College System institution admission
196 requirements, and programs through which a high school student
197 can earn college credit, including Advanced Placement,
198 International Baccalaureate, Advanced International Certificate
199 of Education, dual enrollment, ~~career academy opportunities,~~ and
200 courses that lead to national industry certification.
201
202 A student with a disability, as defined in s. 1007.02(2), for
203 whom the individual education plan team determines that an end-
204 of-course assessment cannot accurately measure the student's
205 abilities, taking into consideration all allowable
206 accommodations, shall have the end-of-course assessment results
207 waived for purposes of determining the student's course grade
208 and completing the requirements for middle grades promotion.
209 Each school must ~~hold a parent meeting either in the evening or~~
210 ~~on a weekend to~~ inform parents about the course curriculum and
211 activities. Each student shall complete a ~~an electronic~~ personal
212 education plan that must be signed by the student~~; the student's~~
213 ~~instructor, guidance counselor, or academic advisor;~~ and the
214 student's parent. Each school district ~~The Department of~~
215 ~~Education~~ shall develop or adopt the career-themed course,

438134

216 subject to approval by the Department of Education ~~frameworks~~
217 ~~and professional development materials for the career~~
218 ~~exploration and education planning course~~. The course may be
219 implemented as a stand-alone course or integrated into another
220 career-themed course or courses. The Commissioner of Education
221 shall collect longitudinal high school course enrollment data by
222 student ethnicity in order to analyze course-taking patterns.
223 Section 4. Section 1003.4281, Florida Statutes, is created
224 to read:
225 1003.4281 Science, Technology, Engineering, and Mathematics
226 (STEM) High School Graduation Acceleration Act of 2012.—
227 (1) This section may be cited as the "Science, Technology,
228 Engineering, and Mathematics (STEM) High School Graduation
229 Acceleration Act of 2012."
230 (2) The purpose of this section is to provide an option in
231 which a student may select early graduation if the student has
232 completed a minimum of 24 credits and meets the graduation
233 requirements in s. 1003.428. For purposes of this section, the
234 term "early graduation" means graduating from high school in
235 less than 8 semesters or the equivalent.
236 (3) Each school district shall adopt a policy that provides
237 a high school student with the option of graduating early. Each
238 school district shall notify the parent of a student who is
239 eligible, pursuant to this section, to graduate early. A school
240 district may not prohibit a student who meets the requirements
241 of this section from graduating early.
242 (4) A student who graduates early is eligible to continue
243 participating in activities, awards, class rankings, social
244 events, and graduation events as if the student were still

438134

245 enrolled in high school as a regular high school student.
246 However, a school principal or superintendent may prevent a
247 student from participating in these activities and events for
248 reasons that would otherwise exclude a regularly enrolled
249 student from participation. A student who graduates early may be
250 denied access to the school facilities and grounds during normal
251 operating hours unless the student complies with the rules and
252 policies prescribed by the district school board.
253 (5) For the purposes of this section, a credit is equal to
254 1/6 of an FTE. A student may earn up to 6 paid high school
255 credits equivalent to 1 FTE per school year in grades 9 through
256 12 for courses provided by the school district. High school
257 credits earned in excess of 6 per school year in courses
258 provided by the school district are unpaid credits.
259 Section 5. Section 1003.491, Florida Statutes, is amended
260 to read:
261 1003.491 Florida Career and Professional Education Act.—The
262 Florida Career and Professional Education Act is created to
263 provide a statewide planning partnership between the business
264 and education communities in order to attract, expand, and
265 retain targeted, high-value industry and to sustain a strong,
266 knowledge-based economy.
267 (1) The primary purpose of the Florida Career and
268 Professional Education Act is to:
269 (a) Improve middle and high school academic performance by
270 providing rigorous and relevant curriculum opportunities;
271 (b) Provide rigorous and relevant career-themed courses
272 that articulate to postsecondary-level coursework and lead to
273 industry certification;

438134

274 (c) Support local and regional economic development;
275 (d) Respond to Florida's critical workforce needs; and
276 (e) Provide state residents with access to high-wage and
277 high-demand careers.
278 (2) Each district school board shall develop, in
279 collaboration with regional workforce boards, economic
280 development agencies, and postsecondary institutions approved to
281 operate in the state, a strategic 3-year ~~5-year~~ plan to address
282 and meet local and regional workforce demands. If involvement of
283 a regional workforce board or an economic development agency in
284 the strategic plan development is not feasible, the local school
285 board, with the approval of the Department of Economic
286 Opportunity, shall collaborate with the most appropriate
287 regional business leadership board. Two or more school districts
288 may collaborate in the development of the strategic plan and
289 offer career-themed courses, as defined in s. 1003.493(1)(b), or
290 a career and professional academy as a joint venture. The
291 strategic plan must describe in detail provisions for the
292 efficient transportation of students, the maximum use of shared
293 resources, access to courses aligned to state curriculum
294 standards through virtual education providers legislatively
295 authorized to provide part-time instruction to middle school
296 students, and an objective review of proposed career and
297 professional academy courses and other career-themed courses to
298 determine if the courses will lead to the attainment of industry
299 certifications included on the Industry Certified Funding List
300 pursuant to rules adopted by the State Board of Education. Each
301 strategic plan shall be reviewed, updated, and jointly approved
302 every 3 ~~5~~ years by the local school district, regional workforce

438134

303 boards, economic development agencies, and state-approved
304 postsecondary institutions.
305 (3) The strategic 3-year ~~5-year~~ plan developed jointly by
306 the local school district, regional workforce boards, economic
307 development agencies, and state-approved postsecondary
308 institutions shall be constructed and based on:
309 (a) Research conducted to objectively determine local and
310 regional workforce needs for the ensuing 3 ~~5~~ years, using labor
311 projections of the United States Department of Labor and the
312 Department of Economic Opportunity;
313 (b) Strategies to develop and implement career academies or
314 career-themed courses based on those careers determined to be
315 high wage, high skill, and ~~in~~ high demand;
316 (c) Strategies to provide shared, maximum use of private
317 sector facilities and personnel;
318 (d) Strategies that ensure instruction by industry-
319 certified faculty and standards and strategies to maintain
320 current industry credentials and for recruiting and retaining
321 faculty to meet those standards;
322 (e) Strategies to provide personalized student advisement,
323 including a parent-participation component, and coordination
324 with middle schools to promote and support career-themed courses
325 and education planning as required under s. 1003.4156.
326 (f) ~~(e)~~ Alignment of requirements for the middle school
327 career course under s. 1003.4156(1)(a)5. ~~exploration~~, middle and
328 high school career and professional academies or career-themed
329 courses leading to industry certification or postsecondary
330 credit, and high school graduation requirements;
331 (g) ~~(f)~~ Provisions to ensure that career-themed courses and

438134

332 courses offered through career and professional academies are
333 academically rigorous, meet or exceed appropriate state-adopted
334 subject area standards, result in attainment of industry
335 certification, and, when appropriate, result in postsecondary
336 credit;
337 (h) Plans to sustain and improve career-themed courses and
338 career and professional academies;
339 (i) ~~(g)~~ Strategies to improve the passage rate for industry
340 certification examinations if the rate falls below 50 percent;
341 (j) ~~(h)~~ Strategies to recruit students into career-themed
342 courses and ~~Establishment of student eligibility criteria in~~
343 career and professional academies which include opportunities
344 for students who have been unsuccessful in traditional
345 classrooms but who are interested in enrolling in career-themed
346 courses or a career and professional academy ~~show aptitude to~~
347 ~~participate in academies~~. School boards shall address the
348 analysis of eighth grade student achievement data to provide
349 opportunities for students who may be deemed as potential
350 dropouts to enroll in career-themed courses or participate in
351 career and professional academies;
352 (k) ~~(i)~~ Strategies to provide sufficient space within
353 academies to meet workforce needs and to provide access to all
354 interested and qualified students;
355 (l) ~~(j)~~ Strategies to implement career-themed courses or
356 career and professional academy training that lead ~~leads~~ to
357 industry certification in juvenile justice education programs ~~at~~
358 ~~Department of Juvenile Justice facilities~~;
359 (m) ~~(k)~~ Opportunities for high school students to earn
360 weighted or dual enrollment credit for higher-level career and

438134

361 technical courses;
362 (n) ~~(l)~~ Promotion of the benefits of the Gold Seal Bright
363 Futures Scholarship;
364 (o) ~~(m)~~ Strategies to ensure the review of district pupil-
365 progression plans and to amend such plans to include career-
366 themed courses and career and professional academy courses and
367 to include courses that may qualify as substitute courses for
368 core graduation requirements and those that may be counted as
369 elective courses; ~~and~~
370 (p) ~~(n)~~ Strategies to provide professional development for
371 secondary guidance counselors on the benefits of career and
372 professional academies and career-themed courses that lead to
373 industry certification; and
374 (q) Strategies to redirect appropriated career funding in
375 secondary and postsecondary institutions to support career
376 academies and career-themed courses that lead to industry
377 certification.
378 (4) The State Board of Education shall establish a process
379 for the continual and uninterrupted review of newly proposed
380 core secondary courses and existing courses requested to be
381 considered as core courses to ensure that sufficient rigor and
382 relevance is provided for workforce skills and postsecondary
383 education and aligned to state curriculum standards.
384 (a) The review of newly proposed core secondary courses
385 shall be the responsibility of a curriculum review committee
386 whose membership is approved by the Workforce Florida, Inc.,
387 ~~Board as described in s. 445.004,~~ and shall include:
388 1. ~~(a)~~ Three certified high school guidance counselors
389 recommended by the Florida Association of Student Services

438134

390 Administrators.
391 2.~~(b)~~ Three assistant superintendents for curriculum and
392 instruction, recommended by the Florida Association of District
393 School Superintendents and who serve in districts that operate
394 successful career and professional academies pursuant to s.
395 1003.492 or a successful series of courses that lead to industry
396 certification. Committee members in this category shall employ
397 the expertise of appropriate subject area specialists in the
398 review of proposed courses.
399 3.~~(c)~~ Three workforce representatives recommended by the
400 Department of Economic Opportunity.
401 4.~~(d)~~ Three admissions directors of postsecondary
402 institutions accredited by the Southern Association of Colleges
403 and Schools, representing both public and private institutions.
404 5.~~(e)~~ The ~~Deputy~~ Commissioner of Education, or his or her
405 designee, responsible for K-12 curriculum and instruction. The
406 ~~Deputy~~ commissioner shall employ the expertise of appropriate
407 subject area specialists in the review of proposed courses.
408 (b)~~(5)~~ The curriculum review committee shall review
409 ~~submission and review of~~ newly proposed core courses ~~shall be~~
410 ~~conducted~~ electronically.~~, and~~ Each proposed core course shall
411 be approved or denied within 30 ~~60~~ days after submission by a
412 district school board or regional workforce board. All courses
413 approved as core courses for purposes of middle school promotion
414 and high school graduation shall be immediately added to the
415 Course Code Directory. Approved core courses shall also be
416 reviewed and considered for approval for dual enrollment credit.
417 The Board of Governors and the Commissioner of Education shall
418 jointly recommend an annual deadline for approval of new core

438134

419 courses to be included for purposes of postsecondary admissions
420 and dual enrollment credit the following academic year. The
421 State Board of Education shall establish an appeals process in
422 the event that a proposed course is denied which shall require a
423 consensus ruling by the Department of Economic Opportunity and
424 the Commissioner of Education within 15 days.
425 Section 6. Section 1003.492, Florida Statutes, is amended
426 to read:
427 1003.492 Industry-certification ~~Industry-certified~~ career
428 education programs.—
429 (1) Secondary schools offering career-themed courses, as
430 defined in s. 1003.493(1)(b), and career and professional
431 academies shall be coordinated with the relevant and appropriate
432 industry ~~indicating that all components of the program are~~
433 ~~relevant and appropriate~~ to prepare a ~~the~~ student for further
434 education or for employment in that industry.
435 (2) The State Board of Education shall use the expertise of
436 Workforce Florida, Inc., to develop and adopt rules pursuant to
437 ss. 120.536(1) and 120.54 for implementing an industry
438 certification process. Industry certification shall be defined
439 by the Department of Economic Opportunity, based upon the
440 highest available national standards for specific industry
441 certification, to ensure student skill proficiency and to
442 address emerging labor market and industry trends. A regional
443 workforce board or a school principal ~~career and professional~~
444 ~~academy~~ may apply to Workforce Florida, Inc., to request
445 additions to the approved list of industry certifications based
446 on high-skill, high-wage, and high-demand job requirements in
447 the regional economy. The list of industry certifications

438134

448 approved by Workforce Florida, Inc., and the Department of
449 Education shall be published and updated annually by a date
450 certain, to be included in the adopted rule.
451 (3) The Department of Education shall collect student
452 achievement and performance data in industry-certification
453 ~~industry-certified~~ career education programs and career-themed
454 courses and shall work with Workforce Florida, Inc., in the
455 analysis of collected data. The data collection and analyses
456 shall examine the performance of participating students over
457 time. Performance factors shall include, but not be limited to,
458 graduation rates, retention rates, Florida Bright Futures
459 Scholarship awards, additional educational attainment,
460 employment records, earnings, industry certification, and
461 employer satisfaction. The results of this study shall be
462 submitted to the President of the Senate and the Speaker of the
463 House of Representatives annually by December 31.
464 Section 7. Section 1003.493, Florida Statutes, is amended
465 to read:
466 1003.493 Career and professional academies and career-
467 themed courses.—
468 (1)(a) A "career and professional academy" is a research-
469 based program that integrates a rigorous academic curriculum
470 with an industry-specific curriculum aligned directly to
471 priority workforce needs established by the regional workforce
472 board or the Department of Economic Opportunity. Career and
473 professional academies shall be offered by public schools and
474 school districts. The Florida Virtual School is encouraged to
475 develop and offer rigorous career and professional courses as
476 appropriate. Students completing career and professional academy

438134

477 programs must receive a standard high school diploma, the
478 highest available industry certification, and opportunities to
479 earn postsecondary credit if the academy partners with a
480 postsecondary institution approved to operate in the state.
481 (b) A "career-themed course" is a course, or a course in a
482 series of courses, which leads to an industry certification
483 identified in the Industry Certification Funding List pursuant
484 to rules adopted by the State Board of Education. Career-themed
485 courses have industry-specific curriculum aligned directly to
486 priority workforce needs established by the regional workforce
487 board or the Department of Economic Opportunity. The Florida
488 Virtual School is encouraged to develop and offer rigorous
489 career-themed courses as appropriate. Students completing a
490 career-themed course must be provided opportunities to earn
491 postsecondary credit if the credit for the career-themed course
492 can be articulated to a postsecondary institution approved to
493 operate in the state.
494 (2) The goals of a career and professional academy and
495 career-themed courses are to:
496 (a) Increase student academic achievement and graduation
497 rates through integrated academic and career curricula.
498 (b) Prepare graduating high school students to make
499 appropriate choices relative to employment and future
500 educational experiences.
501 (c) Focus on career preparation through rigorous academics
502 and industry certification.
503 (d) Raise student aspiration and commitment to academic
504 achievement and work ethics through relevant coursework.
505 (e) Promote acceleration mechanisms, such as dual

438134

506 enrollment and~~,~~ articulated credits ~~credit~~, ~~or occupational~~
507 ~~completion points,~~ so that students may earn postsecondary
508 credit while in high school.
509 (f) Support the state's economy by meeting industry needs
510 for skilled employees in high-skill, high-wage, and high-demand
511 occupations.
512 (3)(a) Career-themed courses may be offered in any public
513 secondary school.
514 (b) Existing career education courses may serve as a
515 foundation for the creation of a career and professional
516 academy. A career and professional academy may be offered as one
517 of the following small learning communities:
518 1.~~(a)~~ A school-within-a-school career academy, as part of
519 an existing high school, which ~~that~~ provides courses in one or
520 more occupational clusters ~~cluster~~. Students who attend ~~in~~ the
521 ~~high~~ school are not required to attend ~~be students in~~ the
522 academy.
523 2.~~(b)~~ A total school configuration that provides career-
524 themed courses in one or more ~~providing multiple academies, each~~
525 ~~structured around an~~ occupational clusters ~~cluster~~. Every
526 student who attends ~~in~~ the school also attends the ~~is in an~~
527 academy.
528 (4) Each career and professional academy and secondary
529 school providing career-themed courses must:
530 (a) Provide a rigorous standards-based academic curriculum
531 integrated with a career curriculum; consider~~. The curriculum~~
532 ~~must take into consideration~~ multiple styles of student
533 learning; promote learning by doing through application and
534 adaptation; maximize relevance of the subject matter; enhance

438134

535 each student's capacity to excel; and include an emphasis on
536 work habits and work ethics.
537 (b) Include one or more partnerships with postsecondary
538 institutions, businesses, industry, employers, economic
539 development organizations, or other appropriate partners from
540 the local community. Such partnerships with postsecondary
541 institutions shall be delineated in articulation agreements and
542 include any career and professional academy courses or career-
543 themed ~~to provide for career-based~~ courses that earn
544 postsecondary credit. Such agreements may include articulation
545 between the secondary school ~~academy~~ and public or private 2-
546 year and 4-year postsecondary institutions and technical
547 centers. The Department of Education, in consultation with the
548 Board of Governors, shall establish a mechanism to ensure
549 articulation and transfer of credits to postsecondary
550 institutions in this state. Such partnerships must provide
551 opportunities for:
552 1. Instruction from highly skilled professionals who
553 possess industry-certification credentials for courses they are
554 teaching.
555 2. Internships, externships, and on-the-job training.
556 3. A postsecondary degree, diploma, or certificate.
557 4. The highest available level of industry certification.
558 5. Maximum articulation of credits pursuant to s. 1007.23
559 upon program completion.
560 ~~(c) Provide shared, maximum use of private sector~~
561 ~~facilities and personnel.~~
562 ~~(d) Provide personalized student advisement, including a~~
563 ~~parent-participation component, and coordination with middle~~

438134

564 ~~schools to promote and support career exploration and education~~
565 ~~planning as required under s. 1003.4156. Coordination with~~
566 ~~middle schools must provide information to middle school~~
567 ~~students about secondary and postsecondary career education~~
568 ~~programs and academies.~~
569 (c) ~~(e)~~ Promote and provide opportunities for students
570 enrolled in a career and professional academy or career-themed
571 courses ~~students~~ to attain, at minimum, the Florida Gold Seal
572 Vocational Scholars award pursuant to s. 1009.536.
573 (d) ~~(f)~~ Provide instruction in careers designated as high
574 skill, high wage, and ~~high growth,~~ high demand~~, and high pay~~ by
575 the regional workforce development board, the chamber of
576 commerce, economic development agencies, or the Department of
577 Economic Opportunity.
578 (e) ~~(g)~~ Deliver academic content through instruction
579 relevant to the career, including intensive reading and
580 mathematics intervention required by s. 1003.428, with an
581 emphasis on strengthening reading for information skills.
582 (f) ~~(h)~~ Offer applied courses that combine academic content
583 with technical skills.
584 (g) ~~(i)~~ Provide instruction resulting in competency,
585 certification, or credentials in workplace skills, including,
586 but not limited to, communication skills, interpersonal skills,
587 decisionmaking skills, the importance of attendance and
588 timeliness in the work environment, and work ethics.
589 ~~(j) Include a plan to sustain career and professional~~
590 ~~academies.~~
591 ~~(k) Redirect appropriated career funding to career and~~
592 ~~professional academies.~~

438134

593 (5) All career courses offered in a career and professional
594 academy and each career-themed course offered by a secondary
595 school must lead to industry certification or college credit
596 ~~linked directly to the career theme of the course~~. If the
597 passage rate on an industry certification examination that is
598 associated with the career and professional academy or a career-
599 themed course falls below 50 percent, strategies to improve the
600 passage rate must be included in the strategic 3-year plan ~~the~~
601 ~~academy must discontinue enrollment of new students the~~
602 ~~following school year and each year thereafter until such time~~
603 ~~as the passage rate is above 50 percent or the academy is~~
604 ~~discontinued~~.
605 (6) Workforce Florida, Inc., ~~through the secondary career~~
606 ~~academies initiatives,~~ shall serve in an advisory role ~~and offer~~
607 ~~technical assistance~~ in the development and deployment of newly
608 established career and professional academies and career-themed
609 courses.
610 Section 8. Section 1003.4935, Florida Statutes, is amended
611 to read:
612 1003.4935 Middle school career and professional academy
613 courses and career-themed courses.—
614 (1) Beginning with the 2011-2012 school year, each district
615 school board, in collaboration with regional workforce boards,
616 economic development agencies, and state-approved postsecondary
617 institutions, shall include plans to implement a career and
618 professional academy or career-themed courses, as defined in s.
619 1003.493(1)(b), in at least one middle school in the district as
620 part of the strategic 3-year ~~5-year~~ plan pursuant to s.
621 1003.491(2). The ~~middle school career and professional academy~~

438134

622 ~~component of the~~ strategic plan must ensure that students are
623 provided the opportunity to complete the transition from a ~~of~~
624 middle school career and professional academy or career-themed
625 courses ~~students~~ to a high school career and professional
626 academy or career-themed courses currently operating within the
627 school district. Students who complete a middle school career
628 and professional academy or a career-themed course must have the
629 opportunity to earn an industry certificate and high school
630 credit and participate in career planning, job shadowing, and
631 business leadership development activities.
632 (2) Each middle school career and professional academy or
633 career-themed course must be aligned with at least one high
634 school career and professional academy or career-themed course
635 offered in the district and maintain partnerships with local
636 business and industry and economic development boards. Middle
637 school career and professional academies and career-themed
638 courses must:
639 (a) Lead ~~Provide instruction in courses leading~~ to careers
640 in occupations designated as high skill, high wage, and ~~high~~
641 ~~growth,~~ high demand~~, and high pay~~ in the Industry Certification
642 Funding List approved under rules adopted by the State Board of
643 Education;
644 (b) ~~Offer career and professional academy courses that~~
645 Integrate content from core subject areas;
646 (c) ~~Offer courses that~~ Integrate career and professional
647 academy or career-themed course content with intensive reading
648 and mathematics pursuant to s. 1003.428;
649 (d) Coordinate with high schools to maximize opportunities
650 for middle school ~~career and professional academy~~ students to

438134

651 earn high school credit;
652 (e) Provide access to virtual instruction courses provided
653 by virtual education providers legislatively authorized to
654 provide part-time instruction to middle school students. The
655 virtual instruction courses must be aligned to state curriculum
656 standards for middle school career and professional academy
657 courses or career-themed courses ~~students~~, with priority given
658 to students who have required course deficits;
659 (f) Provide instruction from highly skilled professionals
660 who hold industry certificates in the career area in which they
661 teach;
662 (g) Offer externships; and
663 (h) Provide personalized student advisement pursuant to s.
664 1003.4156(1)(a)5. which ~~that~~ includes a parent-participation
665 component.
666 (3) Beginning with the 2012-2013 school year, if a school
667 district implements a middle school career and professional
668 academy or a career-themed course, the Department of Education
669 shall collect and report student achievement data pursuant to
670 performance factors identified under s. 1003.492(3) for ~~academy~~
671 students enrolled in an academy or a career-themed course.
672 (4) The State Board of Education shall adopt rules pursuant
673 to ss. 120.536(1) and 120.54 to identify industry certifications
674 in science, technology, engineering, and mathematics offered in
675 middle school to be included on the Industry Certified Funding
676 List and which are eligible for additional full-time equivalent
677 membership under s. 1011.62(1).
678 Section 9. Paragraph (c) of subsection (3) of section
679 1008.22, Florida Statutes, is amended to read:

438134

680 1008.22 Student assessment program for public schools.—
681 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
682 design and implement a statewide program of educational
683 assessment that provides information for the improvement of the
684 operation and management of the public schools, including
685 schools operating for the purpose of providing educational
686 services to youth in Department of Juvenile Justice programs.
687 The commissioner may enter into contracts for the continued
688 administration of the assessment, testing, and evaluation
689 programs authorized and funded by the Legislature. Contracts may
690 be initiated in 1 fiscal year and continue into the next and may
691 be paid from the appropriations of either or both fiscal years.
692 The commissioner is authorized to negotiate for the sale or
693 lease of tests, scoring protocols, test scoring services, and
694 related materials developed pursuant to law. Pursuant to the
695 statewide assessment program, the commissioner shall:
696 (c) Develop and implement a student achievement testing
697 program as follows:
698 1. The Florida Comprehensive Assessment Test (FCAT)
699 measures a student’s content knowledge and skills in reading,
700 writing, science, and mathematics. The content knowledge and
701 skills assessed by the FCAT must be aligned to the core
702 curricular content established in the Next Generation Sunshine
703 State Standards. Other content areas may be included as directed
704 by the commissioner. Comprehensive assessments of reading and
705 mathematics shall be administered annually in grades 3 through
706 10 except, beginning with the 2010-2011 school year, the
707 administration of grade 9 FCAT Mathematics shall be
708 discontinued, and beginning with the 2011-2012 school year, the

438134

709 administration of grade 10 FCAT Mathematics shall be
710 discontinued, except as required for students who have not
711 attained minimum performance expectations for graduation as
712 provided in paragraph (9)(c). FCAT Writing and FCAT Science
713 shall be administered at least once at the elementary, middle,
714 and high school levels except, beginning with the 2011-2012
715 school year, the administration of FCAT Science at the high
716 school level shall be discontinued.
717 2.a. End-of-course assessments for a subject shall be
718 administered in addition to the comprehensive assessments
719 required under subparagraph 1. End-of-course assessments must be
720 rigorous, statewide, standardized, and developed or approved by
721 the department. The content knowledge and skills assessed by
722 end-of-course assessments must be aligned to the core curricular
723 content established in the Next Generation Sunshine State
724 Standards.
725 (I) Statewide, standardized end-of-course assessments in
726 mathematics shall be administered according to this sub-sub-
727 subparagraph. Beginning with the 2010-2011 school year, all
728 students enrolled in Algebra I or an equivalent course must take
729 the Algebra I end-of-course assessment. For students entering
730 grade 9 during the 2010-2011 school year and who are enrolled in
731 Algebra I or an equivalent, each student's performance on the
732 end-of-course assessment in Algebra I shall constitute 30
733 percent of the student's final course grade. Beginning with the
734 2013-2014 school year, the end-of-course assessment in Algebra I
735 shall be administered four times annually. Beginning with
736 students entering grade 9 in the 2011-2012 school year, a
737 student who is enrolled in Algebra I or an equivalent must earn

438134

738 a passing score on the end-of-course assessment in Algebra I or
739 attain an equivalent score as described in subsection (11) in
740 order to earn course credit. Beginning with the 2011-2012 school
741 year, all students enrolled in geometry or an equivalent course
742 must take the geometry end-of-course assessment. For students
743 entering grade 9 during the 2011-2012 school year, each
744 student's performance on the end-of-course assessment in
745 geometry shall constitute 30 percent of the student's final
746 course grade. Beginning with students entering grade 9 during
747 the 2012-2013 school year, a student must earn a passing score
748 on the end-of-course assessment in geometry or attain an
749 equivalent score as described in subsection (11) in order to
750 earn course credit.
751 (II) Statewide, standardized end-of-course assessments in
752 science shall be administered according to this sub-sub-
753 subparagraph. Beginning with the 2011-2012 school year, all
754 students enrolled in Biology I or an equivalent course must take
755 the Biology I end-of-course assessment. For the 2011-2012 school
756 year, each student's performance on the end-of-course assessment
757 in Biology I shall constitute 30 percent of the student's final
758 course grade. Beginning with students entering grade 9 during
759 the 2012-2013 school year, a student must earn a passing score
760 on the end-of-course assessment in Biology I in order to earn
761 course credit.
762 b. During the 2012-2013 school year, an end-of-course
763 assessment in civics education shall be administered as a field
764 test at the middle school level. During the 2013-2014 school
765 year, each student's performance on the statewide, standardized
766 end-of-course assessment in civics education shall constitute 30

438134

767 percent of the student's final course grade. Beginning with the
768 2014-2015 school year, a student must earn a passing score on
769 the end-of-course assessment in civics education in order to
770 pass the course and be promoted from the middle grades. The
771 school principal of a middle school shall determine, in
772 accordance with State Board of Education rule, whether a student
773 who transfers to the middle school and who has successfully
774 completed a civics education course at the student's previous
775 school must take an end-of-course assessment in civics
776 education.
777 c. The commissioner may select one or more nationally
778 developed comprehensive examinations, which may include, but
779 need not be limited to, examinations for a College Board
780 Advanced Placement course, International Baccalaureate course,
781 or Advanced International Certificate of Education course, or
782 industry-approved examinations to earn national industry
783 certifications identified in the Industry Certification Funding
784 List, pursuant to rules adopted by the State Board of Education,
785 for use as end-of-course assessments under this paragraph, if
786 the commissioner determines that the content knowledge and
787 skills assessed by the examinations meet or exceed the grade
788 level expectations for the core curricular content established
789 for the course in the Next Generation Sunshine State Standards.
790 The commissioner may collaborate with the American Diploma
791 Project in the adoption or development of rigorous end-of-course
792 assessments that are aligned to the Next Generation Sunshine
793 State Standards.
794 d. Contingent upon funding provided in the General
795 Appropriations Act, including the appropriation of funds

438134

796 received through federal grants, the Commissioner of Education
797 shall establish an implementation schedule for the development
798 and administration of additional statewide, standardized end-of-
799 course assessments in English/Language Arts II, Algebra II,
800 chemistry, physics, earth/space science, United States history,
801 and world history. Priority shall be given to the development of
802 end-of-course assessments in English/Language Arts II. The
803 Commissioner of Education shall evaluate the feasibility and
804 effect of transitioning from the grade 9 and grade 10 FCAT
805 Reading and high school level FCAT Writing to an end-of-course
806 assessment in English/Language Arts II. The commissioner shall
807 report the results of the evaluation to the President of the
808 Senate and the Speaker of the House of Representatives no later
809 than July 1, 2011.
810 3. The testing program shall measure student content
811 knowledge and skills adopted by the State Board of Education as
812 specified in paragraph (a) and measure and report student
813 performance levels of all students assessed in reading, writing,
814 mathematics, and science. The commissioner shall provide for the
815 tests to be developed or obtained, as appropriate, through
816 contracts and project agreements with private vendors, public
817 vendors, public agencies, postsecondary educational
818 institutions, or school districts. The commissioner shall obtain
819 input with respect to the design and implementation of the
820 testing program from state educators, assistive technology
821 experts, and the public.
822 4. The testing program shall be composed of criterion-
823 referenced tests that shall, to the extent determined by the
824 commissioner, include test items that require the student to

438134

825 produce information or perform tasks in such a way that the core
826 content knowledge and skills he or she uses can be measured.
827 5. FCAT Reading, Mathematics, and Science and all
828 statewide, standardized end-of-course assessments shall measure
829 the content knowledge and skills a student has attained on the
830 assessment by the use of scaled scores and achievement levels.
831 Achievement levels shall range from 1 through 5, with level 1
832 being the lowest achievement level, level 5 being the highest
833 achievement level, and level 3 indicating satisfactory
834 performance on an assessment. For purposes of FCAT Writing,
835 student achievement shall be scored using a scale of 1 through 6
836 and the score earned shall be used in calculating school grades.
837 A score shall be designated for each subject area tested, below
838 which score a student’s performance is deemed inadequate. The
839 school districts shall provide appropriate remedial instruction
840 to students who score below these levels.
841 6. The State Board of Education shall, by rule, designate a
842 passing score for each part of the grade 10 assessment test and
843 end-of-course assessments. Any rule that has the effect of
844 raising the required passing scores may apply only to students
845 taking the assessment for the first time after the rule is
846 adopted by the State Board of Education. Except as otherwise
847 provided in this subparagraph and as provided in s.
848 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
849 passing score on grade 10 FCAT Reading and grade 10 FCAT
850 Mathematics or attain concordant scores as described in
851 subsection (10) in order to qualify for a standard high school
852 diploma.
853 7. In addition to designating a passing score under

438134

854 subparagraph 6., the State Board of Education shall also
855 designate, by rule, a score for each statewide, standardized
856 end-of-course assessment which indicates that a student is high
857 achieving and has the potential to meet college-readiness
858 standards by the time the student graduates from high school.
859 8. Participation in the testing program is mandatory for
860 all students attending public school, including students served
861 in Department of Juvenile Justice programs, except as otherwise
862 prescribed by the commissioner. A student who has not earned
863 passing scores on the grade 10 FCAT as provided in subparagraph
864 6. must participate in each retake of the assessment until the
865 student earns passing scores or achieves scores on a
866 standardized assessment which are concordant with passing scores
867 pursuant to subsection (10). If a student does not participate
868 in the statewide assessment, the district must notify the
869 student’s parent and provide the parent with information
870 regarding the implications of such nonparticipation. A parent
871 must provide signed consent for a student to receive classroom
872 instructional accommodations that would not be available or
873 permitted on the statewide assessments and must acknowledge in
874 writing that he or she understands the implications of such
875 instructional accommodations. The State Board of Education shall
876 adopt rules, based upon recommendations of the commissioner, for
877 the provision of test accommodations for students in exceptional
878 education programs and for students who have limited English
879 proficiency. Accommodations that negate the validity of a
880 statewide assessment are not allowable in the administration of
881 the FCAT or an end-of-course assessment. However, instructional
882 accommodations are allowable in the classroom if included in a

438134

883 student’s individual education plan. Students using
884 instructional accommodations in the classroom that are not
885 allowable as accommodations on the FCAT or an end-of-course
886 assessment may have the FCAT or an end-of-course assessment
887 requirement waived pursuant to the requirements of s.
888 1003.428(8)(b) or s. 1003.43(11)(b).
889 9. A student seeking an adult high school diploma must meet
890 the same testing requirements that a regular high school student
891 must meet.
892 10. District school boards must provide instruction to
893 prepare students in the core curricular content established in
894 the Next Generation Sunshine State Standards adopted under s.
895 1003.41, including the core content knowledge and skills
896 necessary for successful grade-to-grade progression and high
897 school graduation. If a student is provided with instructional
898 accommodations in the classroom that are not allowable as
899 accommodations in the statewide assessment program, as described
900 in the test manuals, the district must inform the parent in
901 writing and must provide the parent with information regarding
902 the impact on the student’s ability to meet expected performance
903 levels in reading, writing, mathematics, and science. The
904 commissioner shall conduct studies as necessary to verify that
905 the required core curricular content is part of the district
906 instructional programs.
907 11. District school boards must provide opportunities for
908 students to demonstrate an acceptable performance level on an
909 alternative standardized assessment approved by the State Board
910 of Education following enrollment in summer academies.
911 12. The Department of Education must develop, or select,

438134

912 and implement a common battery of assessment tools that will be
913 used in all juvenile justice programs in the state. These tools
914 must accurately measure the core curricular content established
915 in the Next Generation Sunshine State Standards.
916 13. For students seeking a special diploma pursuant to s.
917 1003.438, the Department of Education must develop or select and
918 implement an alternate assessment tool that accurately measures
919 the core curricular content established in the Next Generation
920 Sunshine State Standards for students with disabilities under s.
921 1003.438.
922 14. The Commissioner of Education shall establish schedules
923 for the administration of statewide assessments and the
924 reporting of student test results. When establishing the
925 schedules for the administration of statewide assessments, the
926 commissioner shall consider the observance of religious and
927 school holidays. The commissioner shall, by August 1 of each
928 year, notify each school district in writing and publish on the
929 department's Internet website the testing and reporting
930 schedules for, at a minimum, the school year following the
931 upcoming school year. The testing and reporting schedules shall
932 require that:
933 a. There is the latest possible administration of statewide
934 assessments and the earliest possible reporting to the school
935 districts of student test results which is feasible within
936 available technology and specific appropriations; however, test
937 results for the FCAT must be made available no later than the
938 week of June 8. Student results for end-of-course assessments
939 must be provided no later than 1 week after the school district
940 completes testing for each course. The commissioner may extend

438134

941 the reporting schedule under exigent circumstances.
942 b. FCAT Writing may not be administered earlier than the
943 week of March 1, and a comprehensive statewide assessment of any
944 other subject may not be administered earlier than the week of
945 April 15.
946 c. A statewide, standardized end-of-course assessment is
947 administered at the end of the course. The commissioner shall
948 select an administration period for assessments that meets the
949 intent of end-of-course assessments and provides student results
950 prior to the end of the course. School districts shall
951 administer tests in accordance with the schedule determined by
952 the commissioner. For an end-of-course assessment administered
953 at the end of the first semester, the commissioner shall
954 determine the most appropriate testing dates based on a review
955 of each school district’s academic calendar.
956
957 The commissioner may, based on collaboration and input from
958 school districts, design and implement student testing programs,
959 for any grade level and subject area, necessary to effectively
960 monitor educational achievement in the state, including the
961 measurement of educational achievement of the Next Generation
962 Sunshine State Standards for students with disabilities.
963 Development and refinement of assessments shall include
964 universal design principles and accessibility standards that
965 will prevent any unintended obstacles for students with
966 disabilities while ensuring the validity and reliability of the
967 test. These principles should be applicable to all technology
968 platforms and assistive devices available for the assessments.
969 The field testing process and psychometric analyses for the

438134

970 statewide assessment program must include an appropriate
971 percentage of students with disabilities and an evaluation or
972 determination of the effect of test items on such students.
973 Section 10. Subsection (3) of section 1008.34, Florida
974 Statutes, is amended to read:
975 1008.34 School grading system; school report cards;
976 district grade.—
977 (3) DESIGNATION OF SCHOOL GRADES.—
978 (a) Each school that has students who are tested and
979 included in the school grading system shall receive a school
980 grade, except as follows:
981 1. A school shall not receive a school grade if the number
982 of its students tested and included in the school grading system
983 is less than the minimum sample size necessary, based on
984 accepted professional practice, for statistical reliability and
985 prevention of the unlawful release of personally identifiable
986 student data under s. 1002.22 or 20 U.S.C. s. 1232g.
987 2. An alternative school may choose to receive a school
988 grade under this section or a school improvement rating under s.
989 1008.341. For charter schools that meet the definition of an
990 alternative school pursuant to State Board of Education rule,
991 the decision to receive a school grade is the decision of the
992 charter school governing board.
993 3. A school that serves any combination of students in
994 kindergarten through grade 3 which does not receive a school
995 grade because its students are not tested and included in the
996 school grading system shall receive the school grade designation
997 of a K-3 feeder pattern school identified by the Department of
998 Education and verified by the school district. A school feeder

438134

999 pattern exists if at least 60 percent of the students in the
1000 school serving a combination of students in kindergarten through
1001 grade 3 are scheduled to be assigned to the graded school.
1002 (b)1. A school's grade shall be based on a combination of:
1003 a. Student achievement scores, including achievement on all
1004 FCAT assessments administered under s. 1008.22(3)(c)1., end-of-
1005 course assessments administered under s. 1008.22(3)(c)2.a., and
1006 achievement scores for students seeking a special diploma.
1007 b. Student learning gains in reading and mathematics as
1008 measured by FCAT and end-of-course assessments, as described in
1009 s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking
1010 a special diploma, as measured by an alternate assessment tool,
1011 shall be included not later than the 2009-2010 school year.
1012 c. Improvement of the lowest 25th percentile of students in
1013 the school in reading and mathematics on the FCAT or end-of-
1014 course assessments described in s. 1008.22(3)(c)2.a., unless
1015 these students are exhibiting satisfactory performance.
1016 2. Beginning with the 2011-2012 school year, for schools
1017 comprised of middle school grades 6 through 8 or grades 7 and 8,
1018 the school's grade shall include the performance and
1019 participation of its students enrolled in high school level
1020 courses with end-of-course assessments administered under s.
1021 1008.22(3)(c)2.a. Performance and participation must be weighted
1022 equally. As valid data becomes available, the school grades
1023 shall include the students' attainment of national industry
1024 certification identified in the Industry Certification Funding
1025 List pursuant to rules adopted by the State Board of Education.
1026 3. ~~Beginning with the 2009-2010 school year~~ For schools
1027 comprised of high school grades 9, 10, 11, and 12, or grades 10,

438134

1028 11, and 12, 50 percent of the school grade shall be based on a
1029 combination of the factors listed in sub-subparagraphs 1.a.-c.
1030 and the remaining 50 percent on the following factors:
1031 a. The high school graduation rate of the school;
1032 b. As valid data becomes available, the performance and
1033 participation of the school's students in College Board Advanced
1034 Placement courses, International Baccalaureate courses, dual
1035 enrollment courses, and Advanced International Certificate of
1036 Education courses; and the students' achievement of national
1037 industry certification identified in the Industry Certification
1038 Funding List, pursuant to rules adopted by the State Board of
1039 Education;
1040 c. Postsecondary readiness of the school's students as
1041 measured by the SAT, ACT, or the common placement test;
1042 d. The high school graduation rate of at-risk students who
1043 scored at Level 2 or lower on the grade 8 FCAT Reading and
1044 Mathematics examinations;
1045 e. As valid data becomes available, the performance of the
1046 school's students on statewide standardized end-of-course
1047 assessments administered under s. 1008.22(3)(c)2.c. and d.; ~~and~~
1048 f. The percentage of the school's students who earn credits
1049 in mathematics and science courses that must be:
1050 (I) In excess of the requirements in s. 1003.428(2)(a)2.
1051 and 3.; and
1052 (II) At a level of rigor exceeding the course requirements
1053 in s. 1003.428(2)(a)2. and 3.;
1054 g. The percentage of students who graduate in less than 8
1055 semesters or the equivalent; and
1056 h.~~f.~~ The growth or decline in the components listed in sub-

438134

1057 subparagraphs a.-e. from year to year.
1058
1059 Beginning with the 2012-2013 school year, the Department of
1060 Education shall award bonus points to each high school based on
1061 the data in sub-subparagraphs f. and g.
1062 (c) Student assessment data used in determining school
1063 grades shall include:
1064 1. The aggregate scores of all eligible students enrolled
1065 in the school who have been assessed on the FCAT and statewide,
1066 standardized end-of-course assessments in courses required for
1067 high school graduation, including, beginning with the 2010-2011
1068 school year, the end-of-course assessment in Algebra I; and
1069 beginning with the 2011-2012 school year, the end-of-course
1070 assessments in geometry and Biology; and beginning with the
1071 2013-2014 school year, on the statewide, standardized end-of-
1072 course assessment in civics education at the middle school
1073 level.
1074 2. The aggregate scores of all eligible students enrolled
1075 in the school who have been assessed on the FCAT and end-of-
1076 course assessments as described in s. 1008.22(3)(c)2.a., and who
1077 have scored at or in the lowest 25th percentile of students in
1078 the school in reading and mathematics, unless these students are
1079 exhibiting satisfactory performance.
1080 3. The achievement scores and learning gains of eligible
1081 students attending alternative schools that provide dropout
1082 prevention and academic intervention services pursuant to s.
1083 1003.53. The term “eligible students” in this subparagraph does
1084 not include students attending an alternative school who are
1085 subject to district school board policies for expulsion for

438134

1086 repeated or serious offenses, who are in dropout retrieval
1087 programs serving students who have officially been designated as
1088 dropouts, or who are in programs operated or contracted by the
1089 Department of Juvenile Justice. The student performance data for
1090 eligible students identified in this subparagraph shall be
1091 included in the calculation of the home school's grade. As used
1092 in this subparagraph and s. 1008.341, the term "home school"
1093 means the school to which the student would be assigned if the
1094 student were not assigned to an alternative school. If an
1095 alternative school chooses to be graded under this section,
1096 student performance data for eligible students identified in
1097 this subparagraph shall not be included in the home school's
1098 grade but shall be included only in the calculation of the
1099 alternative school's grade. A school district that fails to
1100 assign the FCAT and end-of-course assessment as described in s.
1101 1008.22(3)(c)2.a. scores of each of its students to his or her
1102 home school or to the alternative school that receives a grade
1103 shall forfeit Florida School Recognition Program funds for 1
1104 fiscal year. School districts must require collaboration between
1105 the home school and the alternative school in order to promote
1106 student success. This collaboration must include an annual
1107 discussion between the principal of the alternative school and
1108 the principal of each student's home school concerning the most
1109 appropriate school assignment of the student.
1110 4. The achievement scores and learning gains of students
1111 designated as hospital- or homebound. Student assessment data
1112 for students designated as hospital- or homebound shall be
1113 assigned to their home school for the purposes of school grades.
1114 As used in this subparagraph, the term "home school" means the

438134

1115 school to which a student would be assigned if the student were
1116 not assigned to a hospital- or homebound program.
1117 5. For schools comprised of high school grades 9, 10, 11,
1118 and 12, or grades 10, 11, and 12, the data listed in
1119 subparagraphs 1.-3. and the following data as the Department of
1120 Education determines such data are valid and available:
1121 a. The high school graduation rate of the school as
1122 calculated by the Department of Education;
1123 b. The participation rate of all eligible students enrolled
1124 in the school and enrolled in College Board Advanced Placement
1125 courses; International Baccalaureate courses; dual enrollment
1126 courses; Advanced International Certificate of Education
1127 courses; and courses or sequences of courses leading to national
1128 industry certification identified in the Industry Certification
1129 Funding List, pursuant to rules adopted by the State Board of
1130 Education;
1131 c. The aggregate scores of all eligible students enrolled
1132 in the school in College Board Advanced Placement courses,
1133 International Baccalaureate courses, and Advanced International
1134 Certificate of Education courses;
1135 d. Earning of college credit by all eligible students
1136 enrolled in the school in dual enrollment programs under s.
1137 1007.271;
1138 e. Earning of a national industry certification identified
1139 in the Industry Certification Funding List, pursuant to rules
1140 adopted by the State Board of Education;
1141 f. The aggregate scores of all eligible students enrolled
1142 in the school in reading, mathematics, and other subjects as
1143 measured by the SAT, the ACT, and the common placement test for

438134

1144 postsecondary readiness;
1145 g. The high school graduation rate of all eligible at-risk
1146 students enrolled in the school who scored at Level 2 or lower
1147 on the grade 8 FCAT Reading and Mathematics examinations;
1148 h. The performance of the school's students on statewide
1149 standardized end-of-course assessments administered under s.
1150 1008.22(3)(c)2.c. and d.; ~~and~~
1151 i. The percentage of the school's students who earn credits
1152 in mathematics and science courses that must be:
1153 (I) In excess of the requirements in s. 1003.428(2)(a)2.
1154 and 3.; and
1155 (II) At a level of rigor exceeding the course requirements
1156 in s. 1003.428(2)(a)2. and 3.;
1157 j. The percentage of students who graduate in less than 8
1158 semesters or the equivalent; and
1159 k.~~i.~~ The growth or decline in the data components listed in
1160 sub-subparagraphs a.-h. from year to year.
1161
1162 Beginning with the 2012-2013 school year, the Department of
1163 Education shall award bonus points to each high school based on
1164 the data in sub-subparagraphs i. and j. The State Board of
1165 Education shall adopt appropriate criteria for each school
1166 grade. The criteria must also give added weight to student
1167 achievement in reading. Schools designated with a grade of "C,"
1168 making satisfactory progress, shall be required to demonstrate
1169 that adequate progress has been made by students in the school
1170 who are in the lowest 25th percentile in reading and mathematics
1171 on the FCAT and end-of-course assessments as described in s.
1172 1008.22(3)(c)2.a., unless these students are exhibiting

438134

1173 satisfactory performance. Beginning with the 2009-2010 school
1174 year for schools comprised of high school grades 9, 10, 11, and
1175 12, or grades 10, 11, and 12, the criteria for school grades
1176 must also give added weight to the graduation rate of all
1177 eligible at-risk students, as defined in this paragraph.
1178 Beginning in the 2009-2010 school year, in order for a high
1179 school to be designated as having a grade of "A," making
1180 excellent progress, the school must demonstrate that at-risk
1181 students, as defined in this paragraph, in the school are making
1182 adequate progress.
1183 Section 11. Subsection (5) of section 1009.53, Florida
1184 Statutes, is amended to read:
1185 1009.53 Florida Bright Futures Scholarship Program.—
1186 (5) The department shall issue awards from the scholarship
1187 program annually. <u>However, the department may evaluate students</u>
1188 <u>who graduate from high school at the midpoint of the academic</u>
1189 <u>year for an award, with distribution of the initial award during</u>
1190 <u>the spring term at an eligible postsecondary institution. The</u>
1191 <u>department shall evaluate a student for renewal of an award</u>
1192 <u>after the student completes a full academic year, which begins</u>
1193 <u>with the fall term through the beginning of the next fall term.</u>
1194 Annual awards may be for up to 45 semester credit hours or the
1195 equivalent. Before the registration period each semester, the
1196 department shall transmit payment for each award to the
1197 president or director of the postsecondary education
1198 institution, or his or her representative, except that the
1199 department may withhold payment if the receiving institution
1200 fails to report or to make refunds to the department as required
1201 in this section.

438134

1202 (a) Within 30 days after the end of regular registration
1203 each semester, the educational institution shall certify to the
1204 department the eligibility status of each student who receives
1205 an award. After the end of the drop and add period, an
1206 institution is not required to reevaluate or revise a student's
1207 eligibility status; however, an institution must make a refund
1208 to the department within 30 days after the end of the semester
1209 of any funds received for courses dropped by a student or
1210 courses from which a student has withdrawn after the end of the
1211 drop and add period, unless the student has been granted an
1212 exception by the department pursuant to subsection (11).
1213 (b) An institution that receives funds from the program
1214 shall certify to the department the amount of funds disbursed to
1215 each student and shall remit to the department any undisbursed
1216 advances within 60 days after the end of regular registration.
1217 (c) Each institution that receives moneys through this
1218 program shall provide for a financial audit, as defined in s.
1219 11.45, conducted by an independent certified public accountant
1220 or the Auditor General for each fiscal year in which the
1221 institution expends program moneys in excess of $100,000. At
1222 least every 2 years, the audit shall include an examination of
1223 the institution's administration of the program and the
1224 institution's accounting of the moneys for the program since the
1225 last examination of the institution's administration of the
1226 program. The report on the audit must be submitted to the
1227 department within 9 months after the end of the fiscal year. The
1228 department may conduct its own annual audit of an institution's
1229 administration of the program. The department may request a
1230 refund of any moneys overpaid to the institution for the

438134

1231 program. The department may suspend or revoke an institution's
1232 eligibility to receive future moneys for the program if the
1233 department finds that an institution has not complied with this
1234 section. The institution must remit within 60 days any refund
1235 requested in accordance with this subsection.
1236 (d) Any institution that is not subject to an audit
1237 pursuant to this subsection shall attest, under penalty of
1238 perjury, that the moneys were used in compliance with law. The
1239 attestation shall be made annually in a form and format
1240 determined by the department.
1241 Section 12. Paragraph (f) of subsection (1) of section
1242 1009.531, Florida Statutes, is amended to read:
1243 1009.531 Florida Bright Futures Scholarship Program;
1244 student eligibility requirements for initial awards.—
1245 (1) Effective January 1, 2008, in order to be eligible for
1246 an initial award from any of the three types of scholarships
1247 under the Florida Bright Futures Scholarship Program, a student
1248 must:
1249 (f) Apply for a scholarship from the program by high school
1250 graduation. A student who graduates from high school at the
1251 midpoint of the academic year may be evaluated for an award for
1252 the current academic year if he or she submits a completed
1253 Florida Financial Aid Application by August 31 of his or her
1254 graduation year.
1255 Section 13. Paragraph (c) of subsection (1) is of section
1256 1011.61, Florida Statutes, is amended to read:
1257 1011.61 Definitions.—Notwithstanding the provisions of s.
1258 1000.21, the following terms are defined as follows for the
1259 purposes of the Florida Education Finance Program:

438134

1260 (1) A “full-time equivalent student” in each program of the
1261 district is defined in terms of full-time students and part-time
1262 students as follows:
1263 (c)1. A “full-time equivalent student” is:
1264 a. A full-time student in any one of the programs listed in
1265 s. 1011.62(1)(c); or
1266 b. A combination of full-time or part-time students in any
1267 one of the programs listed in s. 1011.62(1)(c) which is the
1268 equivalent of one full-time student based on the following
1269 calculations:
1270 (I) A full-time student in a combination of programs listed
1271 in s. 1011.62(1)(c) shall be a fraction of a full-time
1272 equivalent membership in each special program equal to the
1273 number of net hours per school year for which he or she is a
1274 member, divided by the appropriate number of hours set forth in
1275 subparagraph (a)1. or subparagraph (a)2. The difference between
1276 that fraction or sum of fractions and the maximum value as set
1277 forth in subsection (4) for each full-time student is presumed
1278 to be the balance of the student’s time not spent in such
1279 special education programs and shall be recorded as time in the
1280 appropriate basic program.
1281 (II) A prekindergarten handicapped student shall meet the
1282 requirements specified for kindergarten students.
1283 (III) A full-time equivalent student for students in
1284 kindergarten through grade 5 in a virtual instruction program
1285 under s. 1002.45 or a virtual charter school under s. 1002.33
1286 shall consist of a student who has successfully completed a
1287 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is
1288 promoted to a higher grade level.

438134

1289 (IV) A full-time equivalent student for students in grades
1290 6 through 12 in a virtual instruction program under s.
1291 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s.
1292 1002.33 shall consist of six full credit completions in programs
1293 listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions
1294 may be a combination of full-credit courses or half-credit
1295 courses. Beginning in the 2014-2015 fiscal year, when s.
1296 1008.22(3)(g) is implemented, the reported full-time equivalent
1297 students and associated funding of students enrolled in courses
1298 requiring passage of an end-of-course assessment shall be
1299 adjusted after the student completes the end-of-course
1300 assessment.
1301 (V) A Florida Virtual School full-time equivalent student
1302 shall consist of six full credit completions or the prescribed
1303 level of content that counts toward promotion to the next grade
1304 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
1305 kindergarten through grade 8 and the programs listed in s.
1306 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
1307 may be a combination of full-credit courses or half-credit
1308 courses. Beginning in the 2014-2015 fiscal year, when s.
1309 1008.22(3)(g) is implemented, the reported full-time equivalent
1310 students and associated funding of students enrolled in courses
1311 requiring passage of an end-of-course assessment shall be
1312 adjusted after the student completes the end-of-course
1313 assessment.
1314 (VI) Each successfully completed full-credit course earned
1315 through an online course delivered by a district other than the
1316 one in which the student resides shall be calculated as 1/6 FTE.
1317 (VII) Each successfully completed credit earned under the

438134

1318 alternative high school course credit requirements authorized in
1319 s. 1002.375, which is not reported as a portion of the 900 net
1320 hours of instruction pursuant to subparagraph (1)(a)1., shall be
1321 calculated as 1/6 FTE.
1322 (VIII)(A) A full-time equivalent student for courses
1323 requiring statewide end-of-course assessments pursuant to s.
1324 1008.22(3) shall be defined and reported based on the number of
1325 instructional hours as provided in s. 1011.61(1) for the first 3
1326 years of administering the end-of-course assessments. Beginning
1327 in the fourth year of administering the end-of-course
1328 assessments, FTE shall be credit-based and each course shall be
1329 equal to 1/6 FTE. The reported FTE shall be adjusted after the
1330 student successfully completes the end-of-course assessment
1331 pursuant to s. 1008.22(3)(c)2.a.
1332 (B) For students enrolled in a school district as a full-
1333 time student, the school district may report 1/6 FTE for each
1334 student who passes a statewide end-of-course assessment without
1335 having taken the corresponding course.
1336 (C) The FTE earned under this sub-sub-sub-subparagraph and
1337 any FTE for courses or programs listed in s. 1011.62(1)(c) which
1338 do not require passing statewide end-of-course assessments are
1339 subject to the requirements in subsection (4).
1340 2. A student in membership in a program scheduled for more
1341 or less than 180 school days or the equivalent on an hourly
1342 basis as specified by rules of the State Board of Education is a
1343 fraction of a full-time equivalent membership equal to the
1344 number of instructional hours in membership divided by the
1345 appropriate number of hours set forth in subparagraph (a)1.;
1346 however, for the purposes of this subparagraph, membership in

438134

1347 programs scheduled for more than 180 days is limited to students
1348 enrolled in juvenile justice education programs and the Florida
1349 Virtual School.
1350
1351 The department shall determine and implement an equitable method
1352 of equivalent funding for experimental schools and for schools
1353 operating under emergency conditions, which schools have been
1354 approved by the department to operate for less than the minimum
1355 school day.
1356 Section 14. Subsection (1) of section 1011.62, Florida
1357 Statutes, is amended to read:
1358 1011.62 Funds for operation of schools.—If the annual
1359 allocation from the Florida Education Finance Program to each
1360 district for operation of schools is not determined in the
1361 annual appropriations act or the substantive bill implementing
1362 the annual appropriations act, it shall be determined as
1363 follows:
1364 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1365 OPERATION.—The following procedure shall be followed in
1366 determining the annual allocation to each district for
1367 operation:
1368 (a) *Determination of full-time equivalent membership.*—
1369 During each of several school weeks, including scheduled
1370 intersessions of a year-round school program during the fiscal
1371 year, a program membership survey of each school shall be made
1372 by each district by aggregating the full-time equivalent student
1373 membership of each program by school and by district. The
1374 department shall establish the number and interval of membership
1375 calculations, except that for basic and special programs such

438134

1376 calculations shall not exceed nine for any fiscal year. The
1377 district's full-time equivalent membership shall be computed and
1378 currently maintained in accordance with regulations of the
1379 commissioner.
1380 (b) *Determination of base student allocation.*—The base
1381 student allocation for the Florida Education Finance Program for
1382 kindergarten through grade 12 shall be determined annually by
1383 the Legislature and shall be that amount prescribed in the
1384 current year's General Appropriations Act.
1385 (c) *Determination of programs.*—Cost factors based on
1386 desired relative cost differences between the following programs
1387 shall be established in the annual General Appropriations Act.
1388 The Commissioner of Education shall specify a matrix of services
1389 and intensity levels to be used by districts in the
1390 determination of the two weighted cost factors for exceptional
1391 students with the highest levels of need. For these students,
1392 the funding support level shall fund the exceptional students'
1393 education program, with the exception of extended school year
1394 services for students with disabilities.
1395 1. Basic programs.—
1396 a. Kindergarten and grades 1, 2, and 3.
1397 b. Grades 4, 5, 6, 7, and 8.
1398 c. Grades 9, 10, 11, and 12.
1399 2. Programs for exceptional students.—
1400 a. Support Level IV.
1401 b. Support Level V.
1402 3. Secondary career education programs.—
1403 4. English for Speakers of Other Languages.—
1404 (d) *Annual allocation calculation.*—

438134

1405 1. The Department of Education is authorized and directed
1406 to review all district programs and enrollment projections and
1407 calculate a maximum total weighted full-time equivalent student
1408 enrollment for each district for the K-12 FEFP.
1409 2. Maximum enrollments calculated by the department shall
1410 be derived from enrollment estimates used by the Legislature to
1411 calculate the FEFP. If two or more districts enter into an
1412 agreement under the provisions of s. 1001.42(4)(d), after the
1413 final enrollment estimate is agreed upon, the amount of FTE
1414 specified in the agreement, not to exceed the estimate for the
1415 specific program as identified in paragraph (c), may be
1416 transferred from the participating districts to the district
1417 providing the program.
1418 3. As part of its calculation of each district’s maximum
1419 total weighted full-time equivalent student enrollment, the
1420 department shall establish separate enrollment ceilings for each
1421 of two program groups. Group 1 shall be composed of basic
1422 programs for grades K-3, grades 4-8, and grades 9-12. Group 2
1423 shall be composed of students in exceptional student education
1424 programs support levels IV and V, English for Speakers of Other
1425 Languages programs, and all career programs in grades 9-12.
1426 a. For any calculation of the FEFP, the enrollment ceiling
1427 for group 1 shall be calculated by multiplying the actual
1428 enrollment for each program in the program group by its
1429 appropriate program weight.
1430 b. The weighted enrollment ceiling for group 2 programs
1431 shall be calculated by multiplying the enrollment for each
1432 program by the appropriate program weight as provided in the
1433 General Appropriations Act. The weighted enrollment ceiling for

438134

1434 program group 2 shall be the sum of the weighted enrollment
1435 ceilings for each program in the program group, plus the
1436 increase in weighted full-time equivalent student membership
1437 from the prior year for clients of the Department of Children
1438 and Family Services and the Department of Juvenile Justice.
1439 c. If, for any calculation of the FEFP, the weighted
1440 enrollment for program group 2, derived by multiplying actual
1441 enrollments by appropriate program weights, exceeds the
1442 enrollment ceiling for that group, the following procedure shall
1443 be followed to reduce the weighted enrollment for that group to
1444 equal the enrollment ceiling:
1445 (I) The weighted enrollment ceiling for each program in the
1446 program group shall be subtracted from the weighted enrollment
1447 for that program derived from actual enrollments.
1448 (II) If the difference calculated under sub-sub-
1449 subparagraph (I) is greater than zero for any program, a
1450 reduction proportion shall be computed for the program by
1451 dividing the absolute value of the difference by the total
1452 amount by which the weighted enrollment for the program group
1453 exceeds the weighted enrollment ceiling for the program group.
1454 (III) The reduction proportion calculated under sub-sub-
1455 subparagraph (II) shall be multiplied by the total amount of the
1456 program group’s enrollment over the ceiling as calculated under
1457 sub-sub-subparagraph (I).
1458 (IV) The prorated reduction amount calculated under sub-
1459 sub-subparagraph (III) shall be subtracted from the program’s
1460 weighted enrollment to produce a revised program weighted
1461 enrollment.
1462 (V) The prorated reduction amount calculated under sub-sub-

438134

1463 subparagraph (III) shall be divided by the appropriate program
1464 weight, and the result shall be added to the revised program
1465 weighted enrollment computed in sub-sub-subparagraph (IV).
1466 (e) *Funding model for exceptional student education*
1467 *programs.*—
1468 1.a. The funding model uses basic, at-risk, support levels
1469 IV and V for exceptional students and career Florida Education
1470 Finance Program cost factors, and a guaranteed allocation for
1471 exceptional student education programs. Exceptional education
1472 cost factors are determined by using a matrix of services to
1473 document the services that each exceptional student will
1474 receive. The nature and intensity of the services indicated on
1475 the matrix shall be consistent with the services described in
1476 each exceptional student's individual educational plan. The
1477 Department of Education shall review and revise the descriptions
1478 of the services and supports included in the matrix of services
1479 for exceptional students and shall implement those revisions
1480 before the beginning of the 2012-2013 school year.
1481 b. In order to generate funds using one of the two weighted
1482 cost factors, a matrix of services must be completed at the time
1483 of the student's initial placement into an exceptional student
1484 education program and at least once every 3 years by personnel
1485 who have received approved training. Nothing listed in the
1486 matrix shall be construed as limiting the services a school
1487 district must provide in order to ensure that exceptional
1488 students are provided a free, appropriate public education.
1489 c. Students identified as exceptional, in accordance with
1490 chapter 6A-6, Florida Administrative Code, who do not have a
1491 matrix of services as specified in sub-subparagraph b. shall

438134

1492 generate funds on the basis of full-time-equivalent student
1493 membership in the Florida Education Finance Program at the same
1494 funding level per student as provided for basic students.
1495 Additional funds for these exceptional students will be provided
1496 through the guaranteed allocation designated in subparagraph 2.
1497 2. For students identified as exceptional who do not have a
1498 matrix of services and students who are gifted in grades K
1499 through 8, there is created a guaranteed allocation to provide
1500 these students with a free appropriate public education, in
1501 accordance with s. 1001.42(4)(m) and rules of the State Board of
1502 Education, which shall be allocated annually to each school
1503 district in the amount provided in the General Appropriations
1504 Act. These funds shall be in addition to the funds appropriated
1505 on the basis of FTE student membership in the Florida Education
1506 Finance Program, and the amount allocated for each school
1507 district shall not be recalculated during the year. These funds
1508 shall be used to provide special education and related services
1509 for exceptional students and students who are gifted in grades K
1510 through 8. Beginning with the 2007-2008 fiscal year, a
1511 district's expenditure of funds from the guaranteed allocation
1512 for students in grades 9 through 12 who are gifted may not be
1513 greater than the amount expended during the 2006-2007 fiscal
1514 year for gifted students in grades 9 through 12.
1515 (f) *Supplemental academic instruction; categorical fund.*—
1516 1. There is created a categorical fund to provide
1517 supplemental academic instruction to students in kindergarten
1518 through grade 12. This paragraph may be cited as the
1519 "Supplemental Academic Instruction Categorical Fund."
1520 2. Categorical funds for supplemental academic instruction

438134

1521 shall be allocated annually to each school district in the
1522 amount provided in the General Appropriations Act. These funds
1523 shall be in addition to the funds appropriated on the basis of
1524 FTE student membership in the Florida Education Finance Program
1525 and shall be included in the total potential funds of each
1526 district. These funds shall be used to provide supplemental
1527 academic instruction to students enrolled in the K-12 program.
1528 Supplemental instruction strategies may include, but are not
1529 limited to: modified curriculum, reading instruction, after-
1530 school instruction, tutoring, mentoring, class size reduction,
1531 extended school year, intensive skills development in summer
1532 school, and other methods for improving student achievement.
1533 Supplemental instruction may be provided to a student in any
1534 manner and at any time during or beyond the regular 180-day term
1535 identified by the school as being the most effective and
1536 efficient way to best help that student progress from grade to
1537 grade and to graduate.
1538 3. Effective with the 1999-2000 fiscal year, funding on the
1539 basis of FTE membership beyond the 180-day regular term shall be
1540 provided in the FEFP only for students enrolled in juvenile
1541 justice education programs or in education programs for
1542 juveniles placed in secure facilities or programs under s.
1543 985.19. Funding for instruction beyond the regular 180-day
1544 school year for all other K-12 students shall be provided
1545 through the supplemental academic instruction categorical fund
1546 and other state, federal, and local fund sources with ample
1547 flexibility for schools to provide supplemental instruction to
1548 assist students in progressing from grade to grade and
1549 graduating.

438134

1550 4. The Florida State University School, as a lab school, is
1551 authorized to expend from its FEFP or Lottery Enhancement Trust
1552 Fund allocation the cost to the student of remediation in
1553 reading, writing, or mathematics for any graduate who requires
1554 remediation at a postsecondary educational institution.
1555 5. Beginning in the 1999-2000 school year, dropout
1556 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
1557 (b), and (c), and 1003.54 shall be included in group 1 programs
1558 under subparagraph (d)3.
1559 (g) *Education for speakers of other languages.*—A school
1560 district shall be eligible to report full-time equivalent
1561 student membership in the ESOL program in the Florida Education
1562 Finance Program provided the following conditions are met:
1563 1. The school district has a plan approved by the
1564 Department of Education.
1565 2. The eligible student is identified and assessed as
1566 limited English proficient based on assessment criteria.
1567 3.a. An eligible student may be reported for funding in the
1568 ESOL program for a base period of 3 years. However, a student
1569 whose English competency does not meet the criteria for
1570 proficiency after 3 years in the ESOL program may be reported
1571 for a fourth, fifth, and sixth year of funding, provided his or
1572 her limited English proficiency is assessed and properly
1573 documented before ~~prior to~~ his or her enrollment in each
1574 additional year beyond the 3-year base period.
1575 b. If a student exits the program and is later reclassified
1576 as limited English proficient, the student may be reported in
1577 the ESOL program for funding for an additional year, or extended
1578 annually for a period not to exceed a total of 6 years pursuant

438134

1579 to this paragraph, based on an annual evaluation of the
1580 student's status.
1581 4. An eligible student may be reported for funding in the
1582 ESOL program for membership in ESOL instruction in English and
1583 ESOL instruction or home language instruction in the basic
1584 subject areas of mathematics, science, social studies, and
1585 computer literacy.
1586 (h) *Small, isolated high schools.*—Districts that ~~which~~ levy
1587 the maximum nonvoted discretionary millage, exclusive of millage
1588 for capital outlay purposes levied pursuant to s. 1011.71(2),
1589 may calculate full-time equivalent students for small, isolated
1590 high schools by multiplying the number of unweighted full-time
1591 equivalent students times 2.75; provided the school has attained
1592 a grade of "C" or better, pursuant to s. 1008.34, for the
1593 previous school year. For the purpose of this section, the term
1594 "small, isolated high school" means any high school that ~~which~~
1595 is located no less than 28 miles by the shortest route from
1596 another high school; that ~~which~~ has been serving students
1597 primarily in basic studies provided by sub-subparagraphs (c)1.b.
1598 and c. and may include subparagraph (c)4.; and that ~~which~~ has a
1599 membership of no more than 100 students, but no fewer than 28
1600 students, in grades 9 through 12.
1601 (i) *Calculation of full-time equivalent membership with*
1602 *respect to dual enrollment instruction.*—Students enrolled in
1603 dual enrollment instruction pursuant to s. 1007.271 may be
1604 included in calculations of full-time equivalent student
1605 memberships for basic programs for grades 9 through 12 by a
1606 district school board. Instructional time for dual enrollment
1607 may vary from 900 hours; however, the school district may only

438134

1608 report the student for a maximum of 1.0 full-time equivalent
1609 student membership, as provided in s. 1011.61(4). Dual
1610 enrollment full-time equivalent student membership shall be
1611 calculated in an amount equal to the hours of instruction that
1612 would be necessary to earn the full-time equivalent student
1613 membership for an equivalent course if it were taught in the
1614 school district. Students in dual enrollment courses may also be
1615 calculated as the proportional shares of full-time equivalent
1616 enrollments they generate for a Florida College System
1617 institution or university conducting the dual enrollment
1618 instruction. Early admission students shall be considered dual
1619 enrollments for funding purposes. Students may be enrolled in
1620 dual enrollment instruction provided by an eligible independent
1621 college or university and may be included in calculations of
1622 full-time equivalent student memberships for basic programs for
1623 grades 9 through 12 by a district school board. However, those
1624 provisions of law which exempt dual enrolled and early admission
1625 students from payment of instructional materials and tuition and
1626 fees, including laboratory fees, do ~~shall~~ not apply to students
1627 who select the option of enrolling in an eligible independent
1628 institution. An independent college or university that ~~which~~ is
1629 located and chartered in Florida, is not for profit, is
1630 accredited by the Commission on Colleges of the Southern
1631 Association of Colleges and Schools or the Accrediting Council
1632 for Independent Colleges and Schools, and confers degrees as
1633 defined in s. 1005.02 shall be eligible for inclusion in the
1634 dual enrollment or early admission program. Students enrolled in
1635 dual enrollment instruction shall be exempt from the payment of
1636 tuition and fees, including laboratory fees. No student enrolled

438134

1637 in college credit mathematics or English dual enrollment
1638 instruction shall be funded as a dual enrollment unless the
1639 student has successfully completed the relevant section of the
1640 entry-level examination required pursuant to s. 1008.30.
1641 (j) *Instruction in exploratory career education.*—Students
1642 in grades 7 through 12 who are enrolled for more than four
1643 semesters in exploratory career education may not be counted as
1644 full-time equivalent students for this instruction.
1645 (k) *Study hall.*—A student who is enrolled in study hall may
1646 not be included in the calculation of full-time equivalent
1647 student membership for funding under this section.
1648 (l) *Calculation of additional full-time equivalent*
1649 *membership based on International Baccalaureate examination*
1650 *scores of students.*—A value of 0.16 full-time equivalent student
1651 membership shall be calculated for each student enrolled in an
1652 International Baccalaureate course who receives a score of 4 or
1653 higher on a subject examination. A value of 0.3 full-time
1654 equivalent student membership shall be calculated for each
1655 student who receives an International Baccalaureate diploma.
1656 Such value shall be added to the total full-time equivalent
1657 student membership in basic programs for grades 9 through 12 in
1658 the subsequent fiscal year. Each school district shall allocate
1659 80 percent of the funds received from International
1660 Baccalaureate bonus FTE funding to the school program whose
1661 students generate the funds and to school programs that prepare
1662 prospective students to enroll in International Baccalaureate
1663 courses. Funds shall be expended solely for the payment of
1664 allowable costs associated with the International Baccalaureate
1665 program. Allowable costs include International Baccalaureate

438134

1666 annual school fees; International Baccalaureate examination
1667 fees; salary, benefits, and bonuses for teachers and program
1668 coordinators for the International Baccalaureate program and
1669 teachers and coordinators who prepare prospective students for
1670 the International Baccalaureate program; supplemental books;
1671 instructional supplies; instructional equipment or instructional
1672 materials for International Baccalaureate courses; other
1673 activities that identify prospective International Baccalaureate
1674 students or prepare prospective students to enroll in
1675 International Baccalaureate courses; and training or
1676 professional development for International Baccalaureate
1677 teachers. School districts shall allocate the remaining 20
1678 percent of the funds received from International Baccalaureate
1679 bonus FTE funding for programs that assist academically
1680 disadvantaged students to prepare for more rigorous courses. The
1681 school district shall distribute to each classroom teacher who
1682 provided International Baccalaureate instruction:
1683 1. A bonus in the amount of $50 for each student taught by
1684 the International Baccalaureate teacher in each International
1685 Baccalaureate course who receives a score of 4 or higher on the
1686 International Baccalaureate examination.
1687 2. An additional bonus of $500 to each International
1688 Baccalaureate teacher in a school designated with a grade of "D"
1689 or "F" who has at least one student scoring 4 or higher on the
1690 International Baccalaureate examination, regardless of the
1691 number of classes taught or of the number of students scoring a
1692 4 or higher on the International Baccalaureate examination.
1693
1694 Bonuses awarded to a teacher according to this paragraph may

438134

1695 ~~shall~~ not exceed $2,000 in any given school year and shall be in
1696 addition to any regular wage or other bonus the teacher received
1697 or is scheduled to receive.
1698 (m) *Calculation of additional full-time equivalent*
1699 *membership based on Advanced International Certificate of*
1700 *Education examination scores of students.*—A value of 0.16 full-
1701 time equivalent student membership shall be calculated for each
1702 student enrolled in a full-credit Advanced International
1703 Certificate of Education course who receives a score of E or
1704 higher on a subject examination. A value of 0.08 full-time
1705 equivalent student membership shall be calculated for each
1706 student enrolled in a half-credit Advanced International
1707 Certificate of Education course who receives a score of E or
1708 higher on a subject examination. A value of 0.3 full-time
1709 equivalent student membership shall be calculated for each
1710 student who receives an Advanced International Certificate of
1711 Education diploma. Such value shall be added to the total full-
1712 time equivalent student membership in basic programs for grades
1713 9 through 12 in the subsequent fiscal year. The school district
1714 shall distribute to each classroom teacher who provided Advanced
1715 International Certificate of Education instruction:
1716 1. A bonus in the amount of $50 for each student taught by
1717 the Advanced International Certificate of Education teacher in
1718 each full-credit Advanced International Certificate of Education
1719 course who receives a score of E or higher on the Advanced
1720 International Certificate of Education examination. A bonus in
1721 the amount of $25 for each student taught by the Advanced
1722 International Certificate of Education teacher in each half-
1723 credit Advanced International Certificate of Education course

438134

1724 who receives a score of E or higher on the Advanced
1725 International Certificate of Education examination.
1726 2. An additional bonus of $500 to each Advanced
1727 International Certificate of Education teacher in a school
1728 designated with a grade of "D" or "F" who has at least one
1729 student scoring E or higher on the full-credit Advanced
1730 International Certificate of Education examination, regardless
1731 of the number of classes taught or of the number of students
1732 scoring an E or higher on the full-credit Advanced International
1733 Certificate of Education examination.
1734 3. Additional bonuses of $250 each to teachers of half-
1735 credit Advanced International Certificate of Education classes
1736 in a school designated with a grade of "D" or "F" which has at
1737 least one student scoring an E or higher on the half-credit
1738 Advanced International Certificate of Education examination in
1739 that class. The maximum additional bonus for a teacher awarded
1740 in accordance with this subparagraph may ~~shall~~ not exceed $500
1741 in any given school year. Teachers receiving an award under
1742 subparagraph 2. are not eligible for a bonus under this
1743 subparagraph.
1744
1745 Bonuses awarded to a teacher according to this paragraph may
1746 ~~shall~~ not exceed $2,000 in any given school year and shall be in
1747 addition to any regular wage or other bonus the teacher received
1748 or is scheduled to receive.
1749 (n) *Calculation of additional full-time equivalent*
1750 *membership based on college board advanced placement scores of*
1751 *students.*—A value of 0.16 full-time equivalent student
1752 membership shall be calculated for each student in each advanced

438134

1753 placement course who receives a score of 3 or higher on the
1754 College Board Advanced Placement Examination for the prior year
1755 and added to the total full-time equivalent student membership
1756 in basic programs for grades 9 through 12 in the subsequent
1757 fiscal year. Each district must allocate at least 80 percent of
1758 the funds provided to the district for advanced placement
1759 instruction, in accordance with this paragraph, to the high
1760 school that generates the funds. The school district shall
1761 distribute to each classroom teacher who provided advanced
1762 placement instruction:
1763 1. A bonus in the amount of $50 for each student taught by
1764 the Advanced Placement teacher in each advanced placement course
1765 who receives a score of 3 or higher on the College Board
1766 Advanced Placement Examination.
1767 2. An additional bonus of $500 to each Advanced Placement
1768 teacher in a school designated with a grade of "D" or "F" who
1769 has at least one student scoring 3 or higher on the College
1770 Board Advanced Placement Examination, regardless of the number
1771 of classes taught or of the number of students scoring a 3 or
1772 higher on the College Board Advanced Placement Examination.
1773
1774 Bonuses awarded to a teacher according to this paragraph may
1775 ~~shall~~ not exceed $2,000 in any given school year and shall be in
1776 addition to any regular wage or other bonus the teacher received
1777 or is scheduled to receive.
1778 (o) *Calculation of additional full-time equivalent*
1779 *membership based on certification of successful completion of*
1780 *career-themed courses or* ~~*industry-certified*~~ *career and*
1781 *professional academy programs pursuant to ss. 1003.491,*

438134

1782 *1003.492, 1003.493, and 1003.4935 and attainment of the highest*
1783 *level of industry certification identified in the Industry*
1784 *Certified Funding List pursuant to rules adopted by the State*
1785 *Board of Education.—*
1786 1. A value of 0.1, 0.2, or 0.3 full-time equivalent student
1787 membership shall be calculated for each student who completes a
1788 career-themed course or series of career-themed courses or a ~~an~~
1789 ~~industry-certified~~ career and professional academy program under
1790 ss. 1003.491, 1003.492, 1003.493, and 1003.4935 and who is
1791 issued the highest level of industry certification identified
1792 annually in the Industry Certification Funding List approved
1793 under rules adopted by the State Board of Education upon
1794 promotion to the 9th grade under subparagraph 2. or upon earning
1795 ~~and~~ a high school diploma. The maximum full-time equivalent
1796 student membership value for any student is 0.3. The Department
1797 of Education shall assign the appropriate full-time equivalent
1798 value for each certification, 50 percent of which is based on
1799 rigor and the remaining 50 percent on employment value. The
1800 State Board of Education shall include the assigned values in
1801 the Industry Certification Funding List under rules adopted by
1802 the state board. Rigor shall be based on the number of
1803 instructional hours, including work experience hours, required
1804 to earn the certification, with a bonus for industry
1805 certifications that have a statewide articulation agreement for
1806 college credit approved by the State Board of Education.
1807 Employment value shall be based on the entry wage, growth rate
1808 in employment for each occupational category, and average annual
1809 openings for the primary occupation linked to the industry
1810 certification. Such value shall be added to the total full-time

438134

1811 equivalent student membership in secondary career education
1812 programs for grades 9 through 12 in the subsequent year for
1813 courses that were not funded through dual enrollment.
1814 2. Upon promotion to the 9th grade, a value of 0.1 full-
1815 time equivalent student membership shall be calculated for each
1816 student who completes a career-themed course or a series of
1817 career-themed courses or a career and professional academy
1818 program under s. 1003.4935 and who is issued the highest level
1819 of industry certification in science, technology, engineering,
1820 or mathematics identified on the Industry Certification Funding
1821 List under rules adopted by the State Board of Education.
1822 3. The additional full-time equivalent membership
1823 authorized under this paragraph may not exceed 0.3 per student.
1824 Each district must allocate at least 80 percent of the funds
1825 provided for industry certification, in accordance with this
1826 paragraph, to the program that generated the funds. Unless a
1827 different amount is specified in the General Appropriations Act,
1828 the appropriation for this calculation is limited to the
1829 following:
1830 a. For the 2012-2013 fiscal year, $15 million annually;
1831 b. Beginning with the 2013-2014 fiscal year, $20 million
1832 annually;
1833 c. Beginning with the 2014-2015 fiscal year, $25 million
1834 annually; and
1835 d. Beginning with the 2015-2016 fiscal year, $30 million
1836 annually.
1837
1838 If the appropriation is insufficient to fully fund the total
1839 calculation, the appropriation shall be prorated.

438134

1840 (p) *Calculation of additional full-time equivalent*
1841 *membership based on accelerated high school graduation.*—
1842 Notwithstanding s. 1011.61(4), a school district that authorizes
1843 the accelerated graduation of a student who has met all the
1844 requirements in s. 1003.428 and graduates at least one semester
1845 in advance of the scheduled graduation of the student's cohort
1846 may report one-sixth of an FTE for unpaid high school credit
1847 delivered by the district during the student's prior enrollment.
1848 For a student who graduates 1 year or more in advance of the
1849 student's cohort, the school district may report up to 1 FTE for
1850 unpaid high school credits. For a student who graduates one
1851 semester in advance of the student's cohort, the school district
1852 may report up to 1/2 FTE for unpaid high school credits. If the
1853 student was enrolled in the district as a full-time high school
1854 student for at least 2 years, the district shall report the
1855 unpaid FTE delivered by the district. If the student was
1856 enrolled in the district for less than 2 years, the district
1857 shall report the unpaid FTE delivered by the district and the
1858 prior district of enrollment. The district of enrollment for
1859 which early graduation is claimed shall transfer a proportionate
1860 share of the funds earned for the unpaid FTE to the prior
1861 district of enrollment.
1862 (q) ~~(p)~~ *Year-round-school programs.*—The Commissioner of
1863 Education is authorized to adjust student eligibility
1864 definitions, funding criteria, and reporting requirements of
1865 statutes and rules in order that year-round-school programs may
1866 achieve equivalent application of funding requirements with non-
1867 year-round-school programs.
1868 (r) ~~(q)~~ *Extended-school-year program.*—It is the intent of

438134

1869 the Legislature that students be provided additional instruction
1870 by extending the school year to 210 days or more. Districts may
1871 apply to the Commissioner of Education for funds to be used in
1872 planning and implementing an extended-school-year program.
1873 (s) ~~(r)~~ *Determination of the basic amount for current*
1874 *operation.*—The basic amount for current operation to be included
1875 in the Florida Education Finance Program for kindergarten
1876 through grade 12 for each district shall be the product of the
1877 following:
1878 1. The full-time equivalent student membership in each
1879 program, multiplied by
1880 2. The cost factor for each program, adjusted for the
1881 maximum as provided by paragraph (c), multiplied by
1882 3. The base student allocation.
1883 (t) ~~(s)~~ *Computation for funding through the Florida*
1884 *Education Finance Program.*—The State Board of Education may
1885 adopt rules establishing programs and courses for which the
1886 student may earn credit toward high school graduation.
1887 Section 15. This act shall take effect July 1, 2012.
1888
1889 ========== T I T L E A M E N D M E N T ==========
1890 And the title is amended as follows:
1891 Delete everything before the enacting clause
1892 and insert:
1893 A bill to be entitled
1894 An act relating to education; creating s. 1002.3105,
1895 F.S.; establishing Academically Challenging Curriculum
1896 to Enhance Learning (ACCEL) options to provide
1897 eligible public school students educational options

438134

1898 that provide academically challenging curriculum or
1899 accelerated instruction; requiring that each school
1900 offer minimum ACCEL options; providing for additional
1901 ACCEL options; requiring that each school principal
1902 and school district determine student eligibility and
1903 procedural requirements; requiring that each school
1904 principal and school district base such determination
1905 on certain considerations; requiring that each school
1906 principal inform parents and students of the ACCEL
1907 options and the eligibility requirements; requiring
1908 that each school principal and school district
1909 establish a process by which a parent may request
1910 student participation in whole-grade promotion,
1911 midyear promotion, and subject-matter acceleration
1912 under certain circumstances; requiring that a
1913 performance contract be executed by the student, the
1914 parent, and the school principal under certain
1915 circumstances; requiring that a student’s parent be
1916 notified if a school principal initiates a student’s
1917 participation in an ACCEL option; amending s. 1003.02,
1918 F.S.; requiring that school districts notify parents
1919 of options for early or accelerated high school
1920 graduation at the beginning of each school year and
1921 during registration for the next term; amending s.
1922 1003.4156, F.S.; revising the general requirements for
1923 middle grades promotion to include one career-themed
1924 course to be completed in 6th, 7th, or 8th grade;
1925 providing requirements for the career-themed course;
1926 requiring that each school district develop or adopt

438134

1927 the career-themed course, subject to approval by the
1928 Department of Education; creating s. 1003.4281, F.S.;
1929 providing a short title; providing a purpose;
1930 providing a definition for the term “early
1931 graduation”; requiring that each school district adopt
1932 a policy that provides a high school student with the
1933 option of graduating early; requiring that each school
1934 district notify the parent of a student who is
1935 eligible for early graduation; prohibiting a school
1936 district from preventing a student from graduating
1937 early if the student meets the requirements; providing
1938 that a student who graduates early is eligible to
1939 continue participating in activities, awards, class
1940 rankings, social events, and graduation events;
1941 authorizing a school principal or superintendent to
1942 prevent such participation under certain
1943 circumstances; providing that a student who graduates
1944 early may be denied access to the school facilities
1945 and grounds during normal operating hours; providing
1946 that a credit is equal to one-sixth full-time
1947 equivalent student; amending s. 1003.491, F.S.;
1948 revising provisions relating to the Florida Career and
1949 Professional Education Act; requiring that each
1950 district school board, in collaboration with regional
1951 workforce boards, economic development agencies, and
1952 postsecondary institutions, develop a strategic 3-year
1953 plan addressing and meeting local and regional
1954 workforce demands; authorizing school districts to
1955 offer career-themed courses; revising the requirements

438134

1956 of the strategic 3-year plan to include career-themed
1957 courses and specified strategies; revising the period
1958 within which newly proposed core courses are to be
1959 approved or denied by the curriculum review committee;
1960 amending s. 1003.492, F.S.; revising provisions
1961 relating to industry-certification career education
1962 programs to conform to changes made by the act;
1963 amending s. 1003.493, F.S.; providing a definition for
1964 the term “career-themed course”; requiring that a
1965 student who enrolls in and completes a career-themed
1966 course or a sequence of career-themed courses receive
1967 opportunities to earn postsecondary credit if the
1968 career-themed course credits can be articulated to a
1969 postsecondary institution; providing goals of career-
1970 themed courses; providing for career-themed courses to
1971 be offered in a school-within-a-school career academy
1972 or a school providing multiple career-themed courses
1973 structured around an occupational cluster; providing
1974 requirements for career-themed courses; requiring that
1975 strategies to improve the passage rate on an industry
1976 certification examination be included in the strategic
1977 3-year plan under certain circumstances; requiring
1978 that Workforce Florida, Inc., serve in an advisory
1979 role in the development and deployment of newly
1980 established career-themed courses; amending s.
1981 1003.4935, F.S.; revising provisions relating to
1982 middle school career and professional academy courses
1983 to conform to changes made by the act; requiring that
1984 the Department of Education collect and report student

438134

1985 achievement data for students who are enrolled in
1986 career-themed courses and who attain a specified
1987 industry certification; requiring that the State Board
1988 of Education adopt rules to identify industry
1989 certifications in science, technology, engineering,
1990 and mathematics offered in middle school to be
1991 included on the Industry Certified Funding List;
1992 amending s. 1008.22, F.S.; requiring that the end-of-
1993 course assessment in Algebra I be administered four
1994 times annually beginning with a specified school year;
1995 amending s. 1008.34, F.S.; revising provisions
1996 relating to school grades; requiring that the
1997 Department of Education award bonus points to a high
1998 school based on the percentage of students who earn
1999 credits in mathematics and science in excess of the
2000 general requirements for high school graduation and
2001 the percentage of students who graduate in less than 8
2002 semesters or the equivalent; amending ss. 1009.53 and
2003 1009.531, F.S.; authorizing the Department of
2004 Education to evaluate students who graduate at the
2005 midpoint of the academic year for a Florida Bright
2006 Futures Scholarship award; requiring that such
2007 students be evaluated for scholarship renewal after
2008 completion of a full academic year at an eligible
2009 postsecondary education institution; requiring that
2010 students submit a completed Florida Financial Aid
2011 Application by a specified date; amending s. 1011.61,
2012 F.S.; providing reporting requirements for school
2013 districts for full-time equivalent students in courses

438134

2014 requiring statewide end-of-course assessments;
2015 providing that a student who passes a statewide end-
2016 of-course assessment without having taken the
2017 corresponding course is one-sixth of a full-time
2018 equivalent student for funding purposes; providing for
2019 school districts to receive additional funding for
2020 students who graduate early; amending s. 1011.62,
2021 F.S.; revising provisions relating to the computation
2022 of the annual allocation of funds for school district
2023 operations to conform to changes made by the act;
2024 providing a calculation of full-time equivalent
2025 student membership for each student who completes a
2026 career-themed course or a series of career-themed
2027 courses or a career and professional academy program;
2028 providing a calculation of additional full-time
2029 equivalent membership based on accelerated high school
2030 graduation; authorizing a school district to report
2031 unpaid high school credits for students who graduate
2032 at least one semester or 1 year or more in advance of
2033 their scheduled graduation for funding purposes;
2034 providing an effective date.

By the Committee on Education Pre-K - 12; and Senators Gaetz and Gardiner

581-03371-12 20121368c1

A bill to be entitled

An act relating to high school graduation; creating s. 1002.3105, F.S.; establishing Academically Challenging Curriculum to Enhance Learning (ACCEL) options to provide eligible public school students educational options that provide academically challenging curriculum or accelerated instruction; requiring that each school offer minimum ACCEL options; providing for additional ACCEL options; requiring that each school principal and school district determine student eligibility and procedural requirements; requiring that each school principal and school district base such determination on certain considerations; requiring that each school principal inform parents and students of the ACCEL options and the eligibility requirements; requiring that each school principal and school district establish a process by which a parent may request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration under certain circumstances; requiring that a performance contract be executed by the student, the parent, and the school principal under certain circumstances; requiring that a student's parent be notified if a school principal initiates a student's participation in an ACCEL option; amending s. 1003.02, F.S.; requiring that school districts notify parents of options for early or accelerated high school graduation at the beginning of each school year and during registration for the next term;

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581-03371-12 20121368c1

creating s. 1003.4281, F.S.; providing a short title; providing a purpose; providing a definition for the term "early graduation"; requiring that each school district adopt a policy that provides a high school student with the option of graduating early; requiring that each school district notify the parent of a student who is eligible for early graduation; prohibiting a school district from preventing a student from graduating early if the student meets the requirements; providing that a student who graduates early is eligible to continue participating in activities, awards, class rankings, social events, and graduation events; authorizing a school principal or superintendent to prevent such participation under certain circumstances; providing that a student who graduates early may be denied access to the school facilities and grounds during normal operating hours; providing that a credit is equal to one-sixth full-time equivalent student; amending s. 1007.27, F.S.; revising provisions relating to articulated acceleration mechanisms and early admission; providing student eligibility requirements for enrollment in advanced placement courses; amending s. 1008.22, F.S.; requiring that the end-of-course assessment in Algebra I be administered four times annually beginning with a specified school year; amending s. 1008.34, F.S.; revising provisions relating to school grades; requiring that the Department of Education award bonus points to a high school based on the percentage of

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59 students who earn credits in mathematics and science
60 in excess of the general requirements for high school
61 graduation and the percentage of students who graduate
62 in less than 8 semesters or the equivalent; amending
63 ss. 1009.53 and 1009.531, F.S.; authorizing the
64 Department of Education to evaluate students who
65 graduate at the midpoint of the academic year for a
66 Florida Bright Futures Scholarship award; requiring
67 that such students be evaluated for scholarship
68 renewal after completion of a full academic year at an
69 eligible postsecondary education institution;
70 requiring that students submit a completed Florida
71 Financial Aid Application by a specified date;
72 amending s. 1011.61, F.S.; providing reporting
73 requirements for school districts for full-time
74 equivalent students in courses requiring statewide
75 end-of-course assessments; providing that a student
76 who passes a statewide end-of-course assessment
77 without having taken the corresponding course is one-
78 sixth of a full-time equivalent student for funding
79 purposes; providing for school districts to receive
80 additional funding for students who graduate early;
81 amending s. 1011.62, F.S.; providing a calculation of
82 additional full-time equivalent membership based on
83 accelerated high school graduation; authorizing a
84 school district to report unpaid high school credits
85 for students who graduate at least one semester or 1
86 year or more in advance of their scheduled graduation
87 for funding purposes; providing an effective date.

88
89 Be It Enacted by the Legislature of the State of Florida:
90
91 Section 1. Section 1002.3105, Florida Statutes, is created
92 to read:
93 1002.3105 Academically Challenging Curriculum to Enhance
94 Learning (ACCEL) options.—
95 (1) ACCEL OPTIONS.—
96 (a) Academically Challenging Curriculum to Enhance Learning
97 (ACCEL) options are educational options that provide
98 academically challenging curriculum or accelerated instruction
99 to eligible public school students in kindergarten through grade
100 12.
101 (b)1. At a minimum, each school must offer the following
102 ACCEL options:
103 a. Whole-grade and midyear promotion;
104 b. Subject-matter acceleration;
105 c. Virtual instruction in higher grade level subjects; and
106 d. The Credit Acceleration Program under s. 1003.4295.
107 2. Additional ACCEL options may include, but are not
108 limited to:
109 a. Enriched science, technology, engineering, and
110 mathematics (STEM) coursework;
111 b. Enrichment programs;
112 c. Flexible grouping;
113 d. Advanced academic courses;
114 e. Combined classes;
115 f. Self-paced instruction;
116 g. Curriculum compacting;

117 h. Advanced-content instruction; and
118 i. Telescoping curriculum.
119 (2) ELIGIBILITY AND PROCEDURAL REQUIREMENTS.—
120 (a) *Principal-determined eligibility requirements.*—
121 1. Each principal must establish student eligibility
122 requirements for virtual instruction in higher grade level
123 subjects. Each principal must also establish student eligibility
124 requirements for whole-grade promotion, midyear promotion, and
125 subject-matter acceleration when the promotion or acceleration
126 occurs within the principal's school.
127 2. If a school offers enriched STEM coursework, enrichment
128 programs, flexible grouping, advanced academic courses, combined
129 classes, self-paced instruction, curriculum compacting,
130 advanced-content instruction, telescoping curriculum, or an
131 alternative ACCEL option established by the principal, the
132 principal must establish student eligibility requirements
133 therefor.
134 (b) *School district-determined eligibility and procedural*
135 *requirements.*—A school district must establish student
136 eligibility requirements and procedural requirements for any
137 whole-grade promotion, midyear promotion, or subject-matter
138 acceleration that would result in a student attending a
139 different school. Student eligibility requirements and
140 procedural requirements established by the school district must
141 be included in the school district's comprehensive student
142 progression plan under s. 1008.25.
143 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
144 student eligibility requirements, principals and school
145 districts must consider, at a minimum:

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146 (a) The student's performance on a locally determined
147 assessment, a statewide assessment, or a statewide, standardized
148 assessment administered pursuant to s. 1008.22.
149 (b) The student's grade point average.
150 (c) The student's attendance and conduct record.
151 (d) Recommendations from one or more of the student's
152 teachers in core-curricula courses as defined in s.
153 1003.01(14)(a)-(e).
154 (4) ACCEL REQUIREMENTS.—
155 (a) Each principal must inform parents and students of the
156 ACCEL options available at the school and the student
157 eligibility requirements for the ACCEL options established
158 pursuant to paragraph (2)(a).
159 (b)1. Each principal must establish a process by which a
160 parent may request student participation in whole-grade
161 promotion, midyear promotion, and subject-matter acceleration
162 when the promotion or acceleration occurs within the principal's
163 school; virtual instruction in higher grade level subjects; or
164 an alternative ACCEL option established by the principal. If the
165 parent selects one of these ACCEL options and the student meets
166 the eligibility requirements established by the principal
167 pursuant to paragraph (2)(a), the student must be provided the
168 opportunity to participate in the ACCEL option.
169 2. Each school district must establish a process by which a
170 parent may request student participation in whole-grade
171 promotion, midyear promotion, or subject-matter acceleration
172 that would result in a student attending a different school. If
173 the parent selects one of these ACCEL options and the student
174 meets the eligibility and procedural requirements set forth in

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175 the district's comprehensive student progression plan, as
176 required under paragraph (2)(b), the student must be provided
177 the opportunity to participate in the ACCEL option.
178 (c) If a student participates in an ACCEL option pursuant
179 to the parental request under subparagraph (b)1., a performance
180 contract must be executed by the student, the parent, and the
181 principal. At a minimum, the performance contract must require
182 compliance with:
183 1. Minimum student attendance requirements.
184 2. Minimum student conduct requirements.
185 3. ACCEL option requirements established by the principal,
186 which may include participation in extracurricular activities,
187 educational outings, field trips, interscholastic competitions,
188 and other activities related to the ACCEL option selected.
189 (d) If a principal initiates a student's participation in
190 an ACCEL option, the student's parent must be notified. A
191 performance contract, pursuant to paragraph (c), is not required
192 when a principal initiates participation but may be used at the
193 discretion of the principal.
194 Section 2. Paragraph (i) of subsection (1) of section
195 1003.02, Florida Statutes, is amended to read:
196 1003.02 District school board operation and control of
197 public K-12 education within the school district.—As provided in
198 part II of chapter 1001, district school boards are
199 constitutionally and statutorily charged with the operation and
200 control of public K-12 education within their school district.
201 The district school boards must establish, organize, and operate
202 their public K-12 schools and educational programs, employees,
203 and facilities. Their responsibilities include staff

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204 development, public K-12 school student education including
205 education for exceptional students and students in juvenile
206 justice programs, special programs, adult education programs,
207 and career education programs. Additionally, district school
208 boards must:
209 (1) Provide for the proper accounting for all students of
210 school age, for the attendance and control of students at
211 school, and for proper attention to health, safety, and other
212 matters relating to the welfare of students in the following
213 fields:
214 (i) *Parental notification of acceleration* options
215 ~~*mechanisms*~~.—At the beginning of each school year and during
216 registration for the next term, notify parents of students in or
217 entering high school of the opportunity and benefits of advanced
218 placement, International Baccalaureate, Advanced International
219 Certificate of Education, dual enrollment, and Florida Virtual
220 School courses and options for early or accelerated high school
221 graduation under ss. 1003.4281 and 1003.429.
222 Section 3. Section 1003.4281, Florida Statutes, is created
223 to read:
224 1003.4281 Science, Technology, Engineering, and Mathematics
225 (STEM) High School Graduation Acceleration Act of 2012.—
226 (1) This section may be cited as the "Science, Technology,
227 Engineering, and Mathematics (STEM) High School Graduation
228 Acceleration Act of 2012."
229 (2) The purpose of this section is to provide an option in
230 which a student may select early graduation if the student has
231 completed a minimum of 24 credits and meets the graduation
232 requirements in s. 1003.428. For purposes of this section, the

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233 term "early graduation" means graduating from high school in
234 less than 8 semesters or the equivalent.
235 (3) Each school district shall adopt a policy that provides
236 a high school student with the option of graduating early. Each
237 school district shall notify the parent of a student who is
238 eligible, pursuant to this section, to graduate early. A school
239 district may not prohibit a student who meets the requirements
240 of this section from graduating early.
241 (4) A student who graduates early is eligible to continue
242 participating in activities, awards, class rankings, social
243 events, and graduation events as if the student were still
244 enrolled in high school as a regular high school student.
245 However, a school principal or superintendent may prevent a
246 student from participating in these activities and events for
247 reasons that would otherwise exclude a regularly enrolled
248 student from participation. A student who graduates early may be
249 denied access to the school facilities and grounds during normal
250 operating hours unless the student complies with the rules and
251 policies prescribed by the district school board.
252 (5) For the purposes of this section, a credit is equal to
253 1/6 of an FTE. A student may earn up to 6 paid high school
254 credits equivalent to 1 FTE per school year in grades 9 through
255 12 for courses provided by the school district. High school
256 credits earned in excess of 6 per school year in courses
257 provided by the school district are unpaid credits.
258 Section 4. Section 1007.27, Florida Statutes, is amended to
259 read:
260 1007.27 Articulated acceleration mechanisms.—
261 (1) It is the intent of the Legislature that a variety of

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262 articulated acceleration mechanisms be available for secondary
263 and postsecondary students attending public educational
264 institutions. It is intended that articulated acceleration serve
265 to shorten the time necessary for a student to complete the
266 requirements associated with the conference of a high school
267 diploma and a postsecondary degree, broaden the scope of
268 curricular options available to students, or increase the depth
269 of study available for a particular subject. Articulated
270 acceleration mechanisms shall include, but are not ~~be~~ limited
271 to, dual enrollment and early admission as provided for in s.
272 1007.271, ~~early admission,~~ advanced placement, credit by
273 examination, the International Baccalaureate Program, and the
274 Advanced International Certificate of Education Program. Credit
275 earned through the Florida Virtual School shall provide
276 additional opportunities for early graduation and acceleration.
277 Students of Florida public secondary schools enrolled pursuant
278 to this subsection shall be deemed authorized users of the
279 state-funded electronic library resources that are licensed for
280 Florida College System institutions and state universities by
281 the Florida Center for Library Automation and the College Center
282 for Library Automation. Verification of eligibility shall be in
283 accordance with rules established by the State Board of
284 Education and regulations established by the Board of Governors
285 and processes implemented by Florida College System institutions
286 and state universities.
287 (2) The Department of Education shall annually identify and
288 publish the minimum scores, maximum credit, and course or
289 courses for which credit is to be awarded for each College Level
290 Examination Program (CLEP) subject examination, College Board

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291 Advanced Placement Program examination, Advanced International
292 Certificate of Education examination, and International
293 Baccalaureate examination. The department shall use student
294 performance data in subsequent postsecondary courses to
295 determine the appropriate examination scores and courses for
296 which credit is to be granted. Minimum scores may vary by
297 subject area based on available performance data. In addition,
298 the department shall identify such courses in the general
299 education core curriculum of each state university and Florida
300 College System institution.
301 (3) Each Florida College System institution and state
302 university must award credit for specific courses for which
303 competency has been demonstrated by successful passage of one of
304 the examinations in subsection (2) unless the award of credit
305 duplicates credit already awarded. Florida College System
306 institutions and state universities may not exempt students from
307 courses without the award of credit if competencies have been so
308 demonstrated.
309 (4) It is the intent of the Legislature to provide
310 articulated acceleration mechanisms for students who are in home
311 education programs, as defined in s. 1002.01, consistent with
312 the educational opportunities available to public and private
313 secondary school students. Home education students may
314 participate in dual enrollment, career dual enrollment, early
315 admission, and credit by examination. Credit earned by home
316 education students through dual enrollment shall apply toward
317 the completion of a home education program that meets the
318 requirements of s. 1002.41.
319 ~~(5) Early admission shall be a form of dual enrollment~~

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320 ~~through which eligible secondary students enroll in a~~
321 ~~postsecondary institution on a full-time basis in courses that~~
322 ~~are creditable toward the high school diploma and the associate~~
323 ~~or baccalaureate degree. Students enrolled pursuant to this~~
324 ~~subsection shall be exempt from the payment of registration,~~
325 ~~tuition, and laboratory fees.~~
326 (5) ~~(6)~~ Advanced placement is ~~shall be~~ the enrollment of an
327 eligible secondary student in a course offered through the
328 Advanced Placement Program administered by the College Board.
329 Postsecondary credit for an advanced placement course is ~~shall~~
330 ~~be~~ limited to students who score a minimum of 3, on a 5-point
331 scale, on the corresponding Advanced Placement Examination. The
332 specific courses for which students receive such credit shall be
333 identified in the statewide articulation agreement required by
334 s. 1007.23(1). Students of Florida public secondary schools
335 enrolled pursuant to this subsection are ~~shall be~~ exempt from
336 the payment of any fees for administration of the examination
337 regardless of whether or not the student achieves a passing
338 score on the examination. For purposes of this subsection, an
339 eligible public secondary student is a student who is enrolled
340 in a Florida public secondary school, who demonstrates readiness
341 for college-level coursework through achievement of a minimum
342 score on a statewide assessment administered pursuant to s.
343 1008.22 or a common placement test administered pursuant to s.
344 1008.30, and who has a 3.0 unweighted grade point average in the
345 related courses in which the student is requesting enrollment in
346 an Advanced Placement course. The State Board of Education shall
347 establish, by rule, the required minimum scores on statewide
348 assessments and common placement tests.

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349 (6) ~~(7)~~ Credit by examination shall be the program through
350 which secondary and postsecondary students generate
351 postsecondary credit based on the receipt of a specified minimum
352 score on nationally standardized general or subject-area
353 examinations. For the purpose of statewide application, such
354 examinations and the corresponding minimum scores required for
355 an award of credit shall be delineated by the State Board of
356 Education and the Board of Governors in the statewide
357 articulation agreement required by s. 1007.23(1). The maximum
358 credit generated by a student pursuant to this subsection shall
359 be mitigated by any related postsecondary credit earned by the
360 student prior to the administration of the examination. This
361 subsection shall not preclude Florida College System
362 institutions and universities from awarding credit by
363 examination based on student performance on examinations
364 developed within and recognized by the individual postsecondary
365 institutions.
366 (7) ~~(8)~~ The International Baccalaureate Program shall be the
367 curriculum in which eligible secondary students are enrolled in
368 a program of studies offered through the International
369 Baccalaureate Program administered by the International
370 Baccalaureate Office. The State Board of Education and the Board
371 of Governors shall specify in the statewide articulation
372 agreement required by s. 1007.23(1) the cutoff scores and
373 International Baccalaureate Examinations which will be used to
374 grant postsecondary credit at Florida College System
375 institutions and universities. Any changes to the articulation
376 agreement, which have the effect of raising the required cutoff
377 score or of changing the International Baccalaureate

378 Examinations which will be used to grant postsecondary credit,
379 shall only apply to students taking International Baccalaureate
380 Examinations after such changes are adopted by the State Board
381 of Education and the Board of Governors. Students shall be
382 awarded a maximum of 30 semester credit hours pursuant to this
383 subsection. The specific course for which a student may receive
384 such credit shall be specified in the statewide articulation
385 agreement required by s. 1007.23(1). Students enrolled pursuant
386 to this subsection shall be exempt from the payment of any fees
387 for administration of the examinations regardless of whether or
388 not the student achieves a passing score on the examination.
389 (8) ~~(9)~~ The Advanced International Certificate of Education
390 Program and the International General Certificate of Secondary
391 Education (pre-AICE) Program shall be the curricula in which
392 eligible secondary students are enrolled in programs of study
393 offered through the Advanced International Certificate of
394 Education Program or the International General Certificate of
395 Secondary Education (pre-AICE) Program administered by the
396 University of Cambridge Local Examinations Syndicate. The State
397 Board of Education and the Board of Governors shall specify in
398 the statewide articulation agreement required by s. 1007.23(1)
399 the cutoff scores and Advanced International Certificate of
400 Education examinations which will be used to grant postsecondary
401 credit at Florida College System institutions and universities.
402 Any changes to the cutoff scores, which changes have the effect
403 of raising the required cutoff score or of changing the Advanced
404 International Certification of Education examinations which will
405 be used to grant postsecondary credit, shall apply to students
406 taking Advanced International Certificate of Education

407 examinations after such changes are adopted by the State Board
408 of Education and the Board of Governors. Students shall be
409 awarded a maximum of 30 semester credit hours pursuant to this
410 subsection. The specific course for which a student may receive
411 such credit shall be determined by the Florida College System
412 institution or university that accepts the student for
413 admission. Students enrolled in either program of study pursuant
414 to this subsection shall be exempt from the payment of any fees
415 for administration of the examinations regardless of whether the
416 student achieves a passing score on the examination.
417 Section 5. Paragraph (c) of subsection (3) of section
418 1008.22, Florida Statutes, is amended to read:
419 1008.22 Student assessment program for public schools.—
420 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
421 design and implement a statewide program of educational
422 assessment that provides information for the improvement of the
423 operation and management of the public schools, including
424 schools operating for the purpose of providing educational
425 services to youth in Department of Juvenile Justice programs.
426 The commissioner may enter into contracts for the continued
427 administration of the assessment, testing, and evaluation
428 programs authorized and funded by the Legislature. Contracts may
429 be initiated in 1 fiscal year and continue into the next and may
430 be paid from the appropriations of either or both fiscal years.
431 The commissioner is authorized to negotiate for the sale or
432 lease of tests, scoring protocols, test scoring services, and
433 related materials developed pursuant to law. Pursuant to the
434 statewide assessment program, the commissioner shall:
435 (c) Develop and implement a student achievement testing

436 program as follows:
437 1. The Florida Comprehensive Assessment Test (FCAT)
438 measures a student's content knowledge and skills in reading,
439 writing, science, and mathematics. The content knowledge and
440 skills assessed by the FCAT must be aligned to the core
441 curricular content established in the Next Generation Sunshine
442 State Standards. Other content areas may be included as directed
443 by the commissioner. Comprehensive assessments of reading and
444 mathematics shall be administered annually in grades 3 through
445 10 except, beginning with the 2010-2011 school year, the
446 administration of grade 9 FCAT Mathematics shall be
447 discontinued, and beginning with the 2011-2012 school year, the
448 administration of grade 10 FCAT Mathematics shall be
449 discontinued, except as required for students who have not
450 attained minimum performance expectations for graduation as
451 provided in paragraph (9)(c). FCAT Writing and FCAT Science
452 shall be administered at least once at the elementary, middle,
453 and high school levels except, beginning with the 2011-2012
454 school year, the administration of FCAT Science at the high
455 school level shall be discontinued.
456 2.a. End-of-course assessments for a subject shall be
457 administered in addition to the comprehensive assessments
458 required under subparagraph 1. End-of-course assessments must be
459 rigorous, statewide, standardized, and developed or approved by
460 the department. The content knowledge and skills assessed by
461 end-of-course assessments must be aligned to the core curricular
462 content established in the Next Generation Sunshine State
463 Standards.
464 (I) Statewide, standardized end-of-course assessments in

465 mathematics shall be administered according to this sub-sub-
466 subparagraph. Beginning with the 2010-2011 school year, all
467 students enrolled in Algebra I or an equivalent course must take
468 the Algebra I end-of-course assessment. For students entering
469 grade 9 during the 2010-2011 school year and who are enrolled in
470 Algebra I or an equivalent, each student's performance on the
471 end-of-course assessment in Algebra I shall constitute 30
472 percent of the student's final course grade. Beginning with the
473 2012-2013 school year, the end-of-course assessment in Algebra I
474 shall be administered four times annually. Beginning with
475 students entering grade 9 in the 2011-2012 school year, a
476 student who is enrolled in Algebra I or an equivalent must earn
477 a passing score on the end-of-course assessment in Algebra I or
478 attain an equivalent score as described in subsection (11) in
479 order to earn course credit. Beginning with the 2011-2012 school
480 year, all students enrolled in geometry or an equivalent course
481 must take the geometry end-of-course assessment. For students
482 entering grade 9 during the 2011-2012 school year, each
483 student's performance on the end-of-course assessment in
484 geometry shall constitute 30 percent of the student's final
485 course grade. Beginning with students entering grade 9 during
486 the 2012-2013 school year, a student must earn a passing score
487 on the end-of-course assessment in geometry or attain an
488 equivalent score as described in subsection (11) in order to
489 earn course credit.
490 (II) Statewide, standardized end-of-course assessments in
491 science shall be administered according to this sub-sub-
492 subparagraph. Beginning with the 2011-2012 school year, all
493 students enrolled in Biology I or an equivalent course must take

494 the Biology I end-of-course assessment. For the 2011-2012 school
495 year, each student's performance on the end-of-course assessment
496 in Biology I shall constitute 30 percent of the student's final
497 course grade. Beginning with students entering grade 9 during
498 the 2012-2013 school year, a student must earn a passing score
499 on the end-of-course assessment in Biology I in order to earn
500 course credit.
501 b. During the 2012-2013 school year, an end-of-course
502 assessment in civics education shall be administered as a field
503 test at the middle school level. During the 2013-2014 school
504 year, each student's performance on the statewide, standardized
505 end-of-course assessment in civics education shall constitute 30
506 percent of the student's final course grade. Beginning with the
507 2014-2015 school year, a student must earn a passing score on
508 the end-of-course assessment in civics education in order to
509 pass the course and be promoted from the middle grades. The
510 school principal of a middle school shall determine, in
511 accordance with State Board of Education rule, whether a student
512 who transfers to the middle school and who has successfully
513 completed a civics education course at the student's previous
514 school must take an end-of-course assessment in civics
515 education.
516 c. The commissioner may select one or more nationally
517 developed comprehensive examinations, which may include, but
518 need not be limited to, examinations for a College Board
519 Advanced Placement course, International Baccalaureate course,
520 or Advanced International Certificate of Education course, or
521 industry-approved examinations to earn national industry
522 certifications identified in the Industry Certification Funding

523 List, pursuant to rules adopted by the State Board of Education,
524 for use as end-of-course assessments under this paragraph, if
525 the commissioner determines that the content knowledge and
526 skills assessed by the examinations meet or exceed the grade
527 level expectations for the core curricular content established
528 for the course in the Next Generation Sunshine State Standards.
529 The commissioner may collaborate with the American Diploma
530 Project in the adoption or development of rigorous end-of-course
531 assessments that are aligned to the Next Generation Sunshine
532 State Standards.
533 d. Contingent upon funding provided in the General
534 Appropriations Act, including the appropriation of funds
535 received through federal grants, the Commissioner of Education
536 shall establish an implementation schedule for the development
537 and administration of additional statewide, standardized end-of-
538 course assessments in English/Language Arts II, Algebra II,
539 chemistry, physics, earth/space science, United States history,
540 and world history. Priority shall be given to the development of
541 end-of-course assessments in English/Language Arts II. The
542 Commissioner of Education shall evaluate the feasibility and
543 effect of transitioning from the grade 9 and grade 10 FCAT
544 Reading and high school level FCAT Writing to an end-of-course
545 assessment in English/Language Arts II. The commissioner shall
546 report the results of the evaluation to the President of the
547 Senate and the Speaker of the House of Representatives no later
548 than July 1, 2011.
549 3. The testing program shall measure student content
550 knowledge and skills adopted by the State Board of Education as
551 specified in paragraph (a) and measure and report student

552 performance levels of all students assessed in reading, writing,
553 mathematics, and science. The commissioner shall provide for the
554 tests to be developed or obtained, as appropriate, through
555 contracts and project agreements with private vendors, public
556 vendors, public agencies, postsecondary educational
557 institutions, or school districts. The commissioner shall obtain
558 input with respect to the design and implementation of the
559 testing program from state educators, assistive technology
560 experts, and the public.
561 4. The testing program shall be composed of criterion-
562 referenced tests that shall, to the extent determined by the
563 commissioner, include test items that require the student to
564 produce information or perform tasks in such a way that the core
565 content knowledge and skills he or she uses can be measured.
566 5. FCAT Reading, Mathematics, and Science and all
567 statewide, standardized end-of-course assessments shall measure
568 the content knowledge and skills a student has attained on the
569 assessment by the use of scaled scores and achievement levels.
570 Achievement levels shall range from 1 through 5, with level 1
571 being the lowest achievement level, level 5 being the highest
572 achievement level, and level 3 indicating satisfactory
573 performance on an assessment. For purposes of FCAT Writing,
574 student achievement shall be scored using a scale of 1 through 6
575 and the score earned shall be used in calculating school grades.
576 A score shall be designated for each subject area tested, below
577 which score a student's performance is deemed inadequate. The
578 school districts shall provide appropriate remedial instruction
579 to students who score below these levels.
580 6. The State Board of Education shall, by rule, designate a

581 passing score for each part of the grade 10 assessment test and
582 end-of-course assessments. Any rule that has the effect of
583 raising the required passing scores may apply only to students
584 taking the assessment for the first time after the rule is
585 adopted by the State Board of Education. Except as otherwise
586 provided in this subparagraph and as provided in s.
587 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
588 passing score on grade 10 FCAT Reading and grade 10 FCAT
589 Mathematics or attain concordant scores as described in
590 subsection (10) in order to qualify for a standard high school
591 diploma.
592 7. In addition to designating a passing score under
593 subparagraph 6., the State Board of Education shall also
594 designate, by rule, a score for each statewide, standardized
595 end-of-course assessment which indicates that a student is high
596 achieving and has the potential to meet college-readiness
597 standards by the time the student graduates from high school.
598 8. Participation in the testing program is mandatory for
599 all students attending public school, including students served
600 in Department of Juvenile Justice programs, except as otherwise
601 prescribed by the commissioner. A student who has not earned
602 passing scores on the grade 10 FCAT as provided in subparagraph
603 6. must participate in each retake of the assessment until the
604 student earns passing scores or achieves scores on a
605 standardized assessment which are concordant with passing scores
606 pursuant to subsection (10). If a student does not participate
607 in the statewide assessment, the district must notify the
608 student's parent and provide the parent with information
609 regarding the implications of such nonparticipation. A parent

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610 must provide signed consent for a student to receive classroom
611 instructional accommodations that would not be available or
612 permitted on the statewide assessments and must acknowledge in
613 writing that he or she understands the implications of such
614 instructional accommodations. The State Board of Education shall
615 adopt rules, based upon recommendations of the commissioner, for
616 the provision of test accommodations for students in exceptional
617 education programs and for students who have limited English
618 proficiency. Accommodations that negate the validity of a
619 statewide assessment are not allowable in the administration of
620 the FCAT or an end-of-course assessment. However, instructional
621 accommodations are allowable in the classroom if included in a
622 student's individual education plan. Students using
623 instructional accommodations in the classroom that are not
624 allowable as accommodations on the FCAT or an end-of-course
625 assessment may have the FCAT or an end-of-course assessment
626 requirement waived pursuant to the requirements of s.
627 1003.428(8)(b) or s. 1003.43(11)(b).
628 9. A student seeking an adult high school diploma must meet
629 the same testing requirements that a regular high school student
630 must meet.
631 10. District school boards must provide instruction to
632 prepare students in the core curricular content established in
633 the Next Generation Sunshine State Standards adopted under s.
634 1003.41, including the core content knowledge and skills
635 necessary for successful grade-to-grade progression and high
636 school graduation. If a student is provided with instructional
637 accommodations in the classroom that are not allowable as
638 accommodations in the statewide assessment program, as described

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639 in the test manuals, the district must inform the parent in
640 writing and must provide the parent with information regarding
641 the impact on the student's ability to meet expected performance
642 levels in reading, writing, mathematics, and science. The
643 commissioner shall conduct studies as necessary to verify that
644 the required core curricular content is part of the district
645 instructional programs.
646 11. District school boards must provide opportunities for
647 students to demonstrate an acceptable performance level on an
648 alternative standardized assessment approved by the State Board
649 of Education following enrollment in summer academies.
650 12. The Department of Education must develop, or select,
651 and implement a common battery of assessment tools that will be
652 used in all juvenile justice programs in the state. These tools
653 must accurately measure the core curricular content established
654 in the Next Generation Sunshine State Standards.
655 13. For students seeking a special diploma pursuant to s.
656 1003.438, the Department of Education must develop or select and
657 implement an alternate assessment tool that accurately measures
658 the core curricular content established in the Next Generation
659 Sunshine State Standards for students with disabilities under s.
660 1003.438.
661 14. The Commissioner of Education shall establish schedules
662 for the administration of statewide assessments and the
663 reporting of student test results. When establishing the
664 schedules for the administration of statewide assessments, the
665 commissioner shall consider the observance of religious and
666 school holidays. The commissioner shall, by August 1 of each
667 year, notify each school district in writing and publish on the

668 department's Internet website the testing and reporting
669 schedules for, at a minimum, the school year following the
670 upcoming school year. The testing and reporting schedules shall
671 require that:
672 a. There is the latest possible administration of statewide
673 assessments and the earliest possible reporting to the school
674 districts of student test results which is feasible within
675 available technology and specific appropriations; however, test
676 results for the FCAT must be made available no later than the
677 week of June 8. Student results for end-of-course assessments
678 must be provided no later than 1 week after the school district
679 completes testing for each course. The commissioner may extend
680 the reporting schedule under exigent circumstances.
681 b. FCAT Writing may not be administered earlier than the
682 week of March 1, and a comprehensive statewide assessment of any
683 other subject may not be administered earlier than the week of
684 April 15.
685 c. A statewide, standardized end-of-course assessment is
686 administered at the end of the course. The commissioner shall
687 select an administration period for assessments that meets the
688 intent of end-of-course assessments and provides student results
689 prior to the end of the course. School districts shall
690 administer tests in accordance with the schedule determined by
691 the commissioner. For an end-of-course assessment administered
692 at the end of the first semester, the commissioner shall
693 determine the most appropriate testing dates based on a review
694 of each school district's academic calendar.
695
696 The commissioner may, based on collaboration and input from

697 school districts, design and implement student testing programs,
698 for any grade level and subject area, necessary to effectively
699 monitor educational achievement in the state, including the
700 measurement of educational achievement of the Next Generation
701 Sunshine State Standards for students with disabilities.
702 Development and refinement of assessments shall include
703 universal design principles and accessibility standards that
704 will prevent any unintended obstacles for students with
705 disabilities while ensuring the validity and reliability of the
706 test. These principles should be applicable to all technology
707 platforms and assistive devices available for the assessments.
708 The field testing process and psychometric analyses for the
709 statewide assessment program must include an appropriate
710 percentage of students with disabilities and an evaluation or
711 determination of the effect of test items on such students.
712 Section 6. Subsection (3) of section 1008.34, Florida
713 Statutes, is amended to read:
714 1008.34 School grading system; school report cards;
715 district grade.—
716 (3) DESIGNATION OF SCHOOL GRADES.—
717 (a) Each school that has students who are tested and
718 included in the school grading system shall receive a school
719 grade, except as follows:
720 1. A school shall not receive a school grade if the number
721 of its students tested and included in the school grading system
722 is less than the minimum sample size necessary, based on
723 accepted professional practice, for statistical reliability and
724 prevention of the unlawful release of personally identifiable
725 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

726 2. An alternative school may choose to receive a school
727 grade under this section or a school improvement rating under s.
728 1008.341. For charter schools that meet the definition of an
729 alternative school pursuant to State Board of Education rule,
730 the decision to receive a school grade is the decision of the
731 charter school governing board.
732 3. A school that serves any combination of students in
733 kindergarten through grade 3 which does not receive a school
734 grade because its students are not tested and included in the
735 school grading system shall receive the school grade designation
736 of a K-3 feeder pattern school identified by the Department of
737 Education and verified by the school district. A school feeder
738 pattern exists if at least 60 percent of the students in the
739 school serving a combination of students in kindergarten through
740 grade 3 are scheduled to be assigned to the graded school.
741 (b)1. A school's grade shall be based on a combination of:
742 a. Student achievement scores, including achievement on all
743 FCAT assessments administered under s. 1008.22(3)(c)1., end-of-
744 course assessments administered under s. 1008.22(3)(c)2.a., and
745 achievement scores for students seeking a special diploma.
746 b. Student learning gains in reading and mathematics as
747 measured by FCAT and end-of-course assessments, as described in
748 s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking
749 a special diploma, as measured by an alternate assessment tool,
750 shall be included not later than the 2009-2010 school year.
751 c. Improvement of the lowest 25th percentile of students in
752 the school in reading and mathematics on the FCAT or end-of-
753 course assessments described in s. 1008.22(3)(c)2.a., unless
754 these students are exhibiting satisfactory performance.

755 2. Beginning with the 2011-2012 school year, for schools
756 comprised of middle school grades 6 through 8 or grades 7 and 8,
757 the school's grade shall include the performance and
758 participation of its students enrolled in high school level
759 courses with end-of-course assessments administered under s.
760 1008.22(3)(c)2.a. Performance and participation must be weighted
761 equally. As valid data becomes available, the school grades
762 shall include the students' attainment of national industry
763 certification identified in the Industry Certification Funding
764 List pursuant to rules adopted by the State Board of Education.
765 3. ~~Beginning with the 2009-2010 school year~~ For schools
766 comprised of high school grades 9, 10, 11, and 12, or grades 10,
767 11, and 12, 50 percent of the school grade shall be based on a
768 combination of the factors listed in sub-subparagraphs 1.a.-c.
769 and the remaining 50 percent on the following factors:
770 a. The high school graduation rate of the school;
771 b. As valid data becomes available, the performance and
772 participation of the school's students in College Board Advanced
773 Placement courses, International Baccalaureate courses, dual
774 enrollment courses, and Advanced International Certificate of
775 Education courses; and the students' achievement of national
776 industry certification identified in the Industry Certification
777 Funding List, pursuant to rules adopted by the State Board of
778 Education;
779 c. Postsecondary readiness of the school's students as
780 measured by the SAT, ACT, or the common placement test;
781 d. The high school graduation rate of at-risk students who
782 scored at Level 2 or lower on the grade 8 FCAT Reading and
783 Mathematics examinations;

784 e. As valid data becomes available, the performance of the
785 school's students on statewide standardized end-of-course
786 assessments administered under s. 1008.22(3)(c)2.c. and d.; ~~and~~
787 f. The percentage of the school's students who earn credits
788 in mathematics and science courses that must be:
789 (I) In excess of the requirements in s. 1003.428(2)(a)2.
790 and 3.; and
791 (II) At a level of rigor exceeding the course requirements
792 in s. 1003.428(2)(a)2. and 3.;
793 g. The percentage of students who graduate in less than 8
794 semesters or the equivalent; and
795 h.~~f.~~ The growth or decline in the components listed in sub-
796 subparagraphs a.-e. from year to year.
797
798 Beginning with the 2012-2013 school year, the Department of
799 Education shall award bonus points to each high school based on
800 the data in sub-subparagraphs f. and g.
801 (c) Student assessment data used in determining school
802 grades shall include:
803 1. The aggregate scores of all eligible students enrolled
804 in the school who have been assessed on the FCAT and statewide,
805 standardized end-of-course assessments in courses required for
806 high school graduation, including, beginning with the 2010-2011
807 school year, the end-of-course assessment in Algebra I; and
808 beginning with the 2011-2012 school year, the end-of-course
809 assessments in geometry and Biology; and beginning with the
810 2013-2014 school year, on the statewide, standardized end-of-
811 course assessment in civics education at the middle school
812 level.

813 2. The aggregate scores of all eligible students enrolled
814 in the school who have been assessed on the FCAT and end-of-
815 course assessments as described in s. 1008.22(3)(c)2.a., and who
816 have scored at or in the lowest 25th percentile of students in
817 the school in reading and mathematics, unless these students are
818 exhibiting satisfactory performance.
819 3. The achievement scores and learning gains of eligible
820 students attending alternative schools that provide dropout
821 prevention and academic intervention services pursuant to s.
822 1003.53. The term "eligible students" in this subparagraph does
823 not include students attending an alternative school who are
824 subject to district school board policies for expulsion for
825 repeated or serious offenses, who are in dropout retrieval
826 programs serving students who have officially been designated as
827 dropouts, or who are in programs operated or contracted by the
828 Department of Juvenile Justice. The student performance data for
829 eligible students identified in this subparagraph shall be
830 included in the calculation of the home school's grade. As used
831 in this subparagraph and s. 1008.341, the term "home school"
832 means the school to which the student would be assigned if the
833 student were not assigned to an alternative school. If an
834 alternative school chooses to be graded under this section,
835 student performance data for eligible students identified in
836 this subparagraph shall not be included in the home school's
837 grade but shall be included only in the calculation of the
838 alternative school's grade. A school district that fails to
839 assign the FCAT and end-of-course assessment as described in s.
840 1008.22(3)(c)2.a. scores of each of its students to his or her
841 home school or to the alternative school that receives a grade

842 shall forfeit Florida School Recognition Program funds for 1
843 fiscal year. School districts must require collaboration between
844 the home school and the alternative school in order to promote
845 student success. This collaboration must include an annual
846 discussion between the principal of the alternative school and
847 the principal of each student's home school concerning the most
848 appropriate school assignment of the student.
849 4. The achievement scores and learning gains of students
850 designated as hospital- or homebound. Student assessment data
851 for students designated as hospital- or homebound shall be
852 assigned to their home school for the purposes of school grades.
853 As used in this subparagraph, the term "home school" means the
854 school to which a student would be assigned if the student were
855 not assigned to a hospital- or homebound program.
856 5. For schools comprised of high school grades 9, 10, 11,
857 and 12, or grades 10, 11, and 12, the data listed in
858 subparagraphs 1.-3. and the following data as the Department of
859 Education determines such data are valid and available:
860 a. The high school graduation rate of the school as
861 calculated by the Department of Education;
862 b. The participation rate of all eligible students enrolled
863 in the school and enrolled in College Board Advanced Placement
864 courses; International Baccalaureate courses; dual enrollment
865 courses; Advanced International Certificate of Education
866 courses; and courses or sequences of courses leading to national
867 industry certification identified in the Industry Certification
868 Funding List, pursuant to rules adopted by the State Board of
869 Education;
870 c. The aggregate scores of all eligible students enrolled

871 in the school in College Board Advanced Placement courses,
872 International Baccalaureate courses, and Advanced International
873 Certificate of Education courses;
874 d. Earning of college credit by all eligible students
875 enrolled in the school in dual enrollment programs under s.
876 1007.271;
877 e. Earning of a national industry certification identified
878 in the Industry Certification Funding List, pursuant to rules
879 adopted by the State Board of Education;
880 f. The aggregate scores of all eligible students enrolled
881 in the school in reading, mathematics, and other subjects as
882 measured by the SAT, the ACT, and the common placement test for
883 postsecondary readiness;
884 g. The high school graduation rate of all eligible at-risk
885 students enrolled in the school who scored at Level 2 or lower
886 on the grade 8 FCAT Reading and Mathematics examinations;
887 h. The performance of the school's students on statewide
888 standardized end-of-course assessments administered under s.
889 1008.22(3)(c)2.c. and d.; ~~and~~
890 i. The percentage of the school's students who earn credits
891 in mathematics and science courses that must be:
892 (I) In excess of the requirements in s. 1003.428(2)(a)2.
893 and 3.; and
894 (II) At a level of rigor exceeding the course requirements
895 in s. 1003.428(2)(a)2. and 3.;
896 j. The percentage of students who graduate in less than 8
897 semesters or the equivalent; and
898 k.~~i.~~ The growth or decline in the data components listed in
899 sub-subparagraphs a.-h. from year to year.

900
901 Beginning with the 2012-2013 school year, the Department of
902 Education shall award bonus points to each high school based on
903 the data in sub-subparagraphs i. and j. The State Board of
904 Education shall adopt appropriate criteria for each school
905 grade. The criteria must also give added weight to student
906 achievement in reading. Schools designated with a grade of "C,"
907 making satisfactory progress, shall be required to demonstrate
908 that adequate progress has been made by students in the school
909 who are in the lowest 25th percentile in reading and mathematics
910 on the FCAT and end-of-course assessments as described in s.
911 1008.22(3)(c)2.a., unless these students are exhibiting
912 satisfactory performance. Beginning with the 2009-2010 school
913 year for schools comprised of high school grades 9, 10, 11, and
914 12, or grades 10, 11, and 12, the criteria for school grades
915 must also give added weight to the graduation rate of all
916 eligible at-risk students, as defined in this paragraph.
917 Beginning in the 2009-2010 school year, in order for a high
918 school to be designated as having a grade of "A," making
919 excellent progress, the school must demonstrate that at-risk
920 students, as defined in this paragraph, in the school are making
921 adequate progress.
922 Section 7. Subsection (5) of section 1009.53, Florida
923 Statutes, is amended to read:
924 1009.53 Florida Bright Futures Scholarship Program.—
925 (5) The department shall issue awards from the scholarship
926 program annually. However, the department may evaluate students
927 who graduate from high school at the midpoint of the academic
928 year for an award, with distribution of the initial award during

929 the spring term at an eligible postsecondary institution. The
930 department shall evaluate a student for renewal of an award
931 after the student completes a full academic year, which begins
932 with the fall term through the beginning of the next fall term.
933 Annual awards may be for up to 45 semester credit hours or the
934 equivalent. Before the registration period each semester, the
935 department shall transmit payment for each award to the
936 president or director of the postsecondary education
937 institution, or his or her representative, except that the
938 department may withhold payment if the receiving institution
939 fails to report or to make refunds to the department as required
940 in this section.
941 (a) Within 30 days after the end of regular registration
942 each semester, the educational institution shall certify to the
943 department the eligibility status of each student who receives
944 an award. After the end of the drop and add period, an
945 institution is not required to reevaluate or revise a student's
946 eligibility status; however, an institution must make a refund
947 to the department within 30 days after the end of the semester
948 of any funds received for courses dropped by a student or
949 courses from which a student has withdrawn after the end of the
950 drop and add period, unless the student has been granted an
951 exception by the department pursuant to subsection (11).
952 (b) An institution that receives funds from the program
953 shall certify to the department the amount of funds disbursed to
954 each student and shall remit to the department any undisbursed
955 advances within 60 days after the end of regular registration.
956 (c) Each institution that receives moneys through this
957 program shall provide for a financial audit, as defined in s.

958 11.45, conducted by an independent certified public accountant
959 or the Auditor General for each fiscal year in which the
960 institution expends program moneys in excess of $100,000. At
961 least every 2 years, the audit shall include an examination of
962 the institution's administration of the program and the
963 institution's accounting of the moneys for the program since the
964 last examination of the institution's administration of the
965 program. The report on the audit must be submitted to the
966 department within 9 months after the end of the fiscal year. The
967 department may conduct its own annual audit of an institution's
968 administration of the program. The department may request a
969 refund of any moneys overpaid to the institution for the
970 program. The department may suspend or revoke an institution's
971 eligibility to receive future moneys for the program if the
972 department finds that an institution has not complied with this
973 section. The institution must remit within 60 days any refund
974 requested in accordance with this subsection.
975 (d) Any institution that is not subject to an audit
976 pursuant to this subsection shall attest, under penalty of
977 perjury, that the moneys were used in compliance with law. The
978 attestation shall be made annually in a form and format
979 determined by the department.
980 Section 8. Paragraph (f) of subsection (1) of section
981 1009.531, Florida Statutes, is amended to read:
982 1009.531 Florida Bright Futures Scholarship Program;
983 student eligibility requirements for initial awards.—
984 (1) Effective January 1, 2008, in order to be eligible for
985 an initial award from any of the three types of scholarships
986 under the Florida Bright Futures Scholarship Program, a student

987 must:
988 (f) Apply for a scholarship from the program by high school
989 graduation. A student who graduates from high school at the
990 midpoint of the academic year may be evaluated for an award for
991 the current academic year if he or she submits a completed
992 Florida Financial Aid Application by August 31 of his or her
993 graduation year.
994 Section 9. Paragraph (c) of subsection (1) is of section
995 1011.61, Florida Statutes, is amended to read:
996 1011.61 Definitions.—Notwithstanding the provisions of s.
997 1000.21, the following terms are defined as follows for the
998 purposes of the Florida Education Finance Program:
999 (1) A "full-time equivalent student" in each program of the
1000 district is defined in terms of full-time students and part-time
1001 students as follows:
1002 (c)1. A "full-time equivalent student" is:
1003 a. A full-time student in any one of the programs listed in
1004 s. 1011.62(1)(c); or
1005 b. A combination of full-time or part-time students in any
1006 one of the programs listed in s. 1011.62(1)(c) which is the
1007 equivalent of one full-time student based on the following
1008 calculations:
1009 (I) A full-time student in a combination of programs listed
1010 in s. 1011.62(1)(c) shall be a fraction of a full-time
1011 equivalent membership in each special program equal to the
1012 number of net hours per school year for which he or she is a
1013 member, divided by the appropriate number of hours set forth in
1014 subparagraph (a)1. or subparagraph (a)2. The difference between
1015 that fraction or sum of fractions and the maximum value as set

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1016 forth in subsection (4) for each full-time student is presumed
1017 to be the balance of the student's time not spent in such
1018 special education programs and shall be recorded as time in the
1019 appropriate basic program.
1020 (II) A prekindergarten handicapped student shall meet the
1021 requirements specified for kindergarten students.
1022 (III) A full-time equivalent student for students in
1023 kindergarten through grade 5 in a virtual instruction program
1024 under s. 1002.45 or a virtual charter school under s. 1002.33
1025 shall consist of a student who has successfully completed a
1026 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is
1027 promoted to a higher grade level.
1028 (IV) A full-time equivalent student for students in grades
1029 6 through 12 in a virtual instruction program under s.
1030 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s.
1031 1002.33 shall consist of six full credit completions in programs
1032 listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions
1033 may be a combination of full-credit courses or half-credit
1034 courses. Beginning in the 2014-2015 fiscal year, when s.
1035 1008.22(3)(g) is implemented, the reported full-time equivalent
1036 students and associated funding of students enrolled in courses
1037 requiring passage of an end-of-course assessment shall be
1038 adjusted after the student completes the end-of-course
1039 assessment.
1040 (V) A Florida Virtual School full-time equivalent student
1041 shall consist of six full credit completions or the prescribed
1042 level of content that counts toward promotion to the next grade
1043 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
1044 kindergarten through grade 8 and the programs listed in s.

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1045 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
1046 may be a combination of full-credit courses or half-credit
1047 courses. Beginning in the 2014-2015 fiscal year, when s.
1048 1008.22(3)(g) is implemented, the reported full-time equivalent
1049 students and associated funding of students enrolled in courses
1050 requiring passage of an end-of-course assessment shall be
1051 adjusted after the student completes the end-of-course
1052 assessment.
1053 (VI) Each successfully completed full-credit course earned
1054 through an online course delivered by a district other than the
1055 one in which the student resides shall be calculated as 1/6 FTE.
1056 (VII) Each successfully completed credit earned under the
1057 alternative high school course credit requirements authorized in
1058 s. 1002.375, which is not reported as a portion of the 900 net
1059 hours of instruction pursuant to subparagraph (1)(a)1., shall be
1060 calculated as 1/6 FTE.
1061 (VIII)(A) A full-time equivalent student for courses
1062 requiring statewide end-of-course assessments pursuant to s.
1063 1008.22(3) shall be defined and reported as provided in s.
1064 1011.61(1)(a)1. for the first 3 years of administering the end-
1065 of-course assessments. Beginning in the fourth year of
1066 administering the end-of-course assessments, FTE shall be
1067 credit-based and each course shall be equal to 1/6 FTE. The
1068 reported FTE shall be adjusted after the student completes the
1069 end-of-course assessment pursuant to s. 1008.22(3)(c)2.a.
1070 (B) For students enrolled in a school district as a full-
1071 time student, the school district may report 1/6 FTE for each
1072 student who passes a statewide end-of-course assessment without
1073 having taken the corresponding course.

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1074 (C) The FTE earned under this sub-sub-sub-subparagraph and
1075 any FTE for courses or programs listed in s. 1011.62(1)(c) which
1076 do not require passing statewide end-of-course assessments are
1077 subject to the requirements in subsection (4).
1078 2. A student in membership in a program scheduled for more
1079 or less than 180 school days or the equivalent on an hourly
1080 basis as specified by rules of the State Board of Education is a
1081 fraction of a full-time equivalent membership equal to the
1082 number of instructional hours in membership divided by the
1083 appropriate number of hours set forth in subparagraph (a)1.;
1084 however, for the purposes of this subparagraph, membership in
1085 programs scheduled for more than 180 days is limited to students
1086 enrolled in juvenile justice education programs and the Florida
1087 Virtual School.
1088
1089 The department shall determine and implement an equitable method
1090 of equivalent funding for experimental schools and for schools
1091 operating under emergency conditions, which schools have been
1092 approved by the department to operate for less than the minimum
1093 school day.
1094 Section 10. Subsection (1) of section 1011.62, Florida
1095 Statutes, is amended to read:
1096 1011.62 Funds for operation of schools.—If the annual
1097 allocation from the Florida Education Finance Program to each
1098 district for operation of schools is not determined in the
1099 annual appropriations act or the substantive bill implementing
1100 the annual appropriations act, it shall be determined as
1101 follows:
1102 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR

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1103 OPERATION.—The following procedure shall be followed in
1104 determining the annual allocation to each district for
1105 operation:
1106 (a) *Determination of full-time equivalent membership.*—
1107 During each of several school weeks, including scheduled
1108 intersessions of a year-round school program during the fiscal
1109 year, a program membership survey of each school shall be made
1110 by each district by aggregating the full-time equivalent student
1111 membership of each program by school and by district. The
1112 department shall establish the number and interval of membership
1113 calculations, except that for basic and special programs such
1114 calculations shall not exceed nine for any fiscal year. The
1115 district's full-time equivalent membership shall be computed and
1116 currently maintained in accordance with regulations of the
1117 commissioner.
1118 (b) *Determination of base student allocation.*—The base
1119 student allocation for the Florida Education Finance Program for
1120 kindergarten through grade 12 shall be determined annually by
1121 the Legislature and shall be that amount prescribed in the
1122 current year's General Appropriations Act.
1123 (c) *Determination of programs.*—Cost factors based on
1124 desired relative cost differences between the following programs
1125 shall be established in the annual General Appropriations Act.
1126 The Commissioner of Education shall specify a matrix of services
1127 and intensity levels to be used by districts in the
1128 determination of the two weighted cost factors for exceptional
1129 students with the highest levels of need. For these students,
1130 the funding support level shall fund the exceptional students'
1131 education program, with the exception of extended school year

1132 services for students with disabilities.
1133 1. Basic programs.—
1134 a. Kindergarten and grades 1, 2, and 3.
1135 b. Grades 4, 5, 6, 7, and 8.
1136 c. Grades 9, 10, 11, and 12.
1137 2. Programs for exceptional students.—
1138 a. Support Level IV.
1139 b. Support Level V.
1140 3. Secondary career education programs.—
1141 4. English for Speakers of Other Languages.—
1142 (d) *Annual allocation calculation.*—
1143 1. The Department of Education is authorized and directed
1144 to review all district programs and enrollment projections and
1145 calculate a maximum total weighted full-time equivalent student
1146 enrollment for each district for the K-12 FEFP.
1147 2. Maximum enrollments calculated by the department shall
1148 be derived from enrollment estimates used by the Legislature to
1149 calculate the FEFP. If two or more districts enter into an
1150 agreement under the provisions of s. 1001.42(4)(d), after the
1151 final enrollment estimate is agreed upon, the amount of FTE
1152 specified in the agreement, not to exceed the estimate for the
1153 specific program as identified in paragraph (c), may be
1154 transferred from the participating districts to the district
1155 providing the program.
1156 3. As part of its calculation of each district's maximum
1157 total weighted full-time equivalent student enrollment, the
1158 department shall establish separate enrollment ceilings for each
1159 of two program groups. Group 1 shall be composed of basic
1160 programs for grades K-3, grades 4-8, and grades 9-12. Group 2

1161 shall be composed of students in exceptional student education
1162 programs support levels IV and V, English for Speakers of Other
1163 Languages programs, and all career programs in grades 9-12.
1164 a. For any calculation of the FEFP, the enrollment ceiling
1165 for group 1 shall be calculated by multiplying the actual
1166 enrollment for each program in the program group by its
1167 appropriate program weight.
1168 b. The weighted enrollment ceiling for group 2 programs
1169 shall be calculated by multiplying the enrollment for each
1170 program by the appropriate program weight as provided in the
1171 General Appropriations Act. The weighted enrollment ceiling for
1172 program group 2 shall be the sum of the weighted enrollment
1173 ceilings for each program in the program group, plus the
1174 increase in weighted full-time equivalent student membership
1175 from the prior year for clients of the Department of Children
1176 and Family Services and the Department of Juvenile Justice.
1177 c. If, for any calculation of the FEFP, the weighted
1178 enrollment for program group 2, derived by multiplying actual
1179 enrollments by appropriate program weights, exceeds the
1180 enrollment ceiling for that group, the following procedure shall
1181 be followed to reduce the weighted enrollment for that group to
1182 equal the enrollment ceiling:
1183 (I) The weighted enrollment ceiling for each program in the
1184 program group shall be subtracted from the weighted enrollment
1185 for that program derived from actual enrollments.
1186 (II) If the difference calculated under sub-sub-
1187 subparagraph (I) is greater than zero for any program, a
1188 reduction proportion shall be computed for the program by
1189 dividing the absolute value of the difference by the total

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1190 amount by which the weighted enrollment for the program group
1191 exceeds the weighted enrollment ceiling for the program group.
1192 (III) The reduction proportion calculated under sub-sub-
1193 subparagraph (II) shall be multiplied by the total amount of the
1194 program group's enrollment over the ceiling as calculated under
1195 sub-sub-subparagraph (I).
1196 (IV) The prorated reduction amount calculated under sub-
1197 sub-subparagraph (III) shall be subtracted from the program's
1198 weighted enrollment to produce a revised program weighted
1199 enrollment.
1200 (V) The prorated reduction amount calculated under sub-sub-
1201 subparagraph (III) shall be divided by the appropriate program
1202 weight, and the result shall be added to the revised program
1203 weighted enrollment computed in sub-sub-subparagraph (IV).
1204 (e) *Funding model for exceptional student education*
1205 *programs.*—
1206 1.a. The funding model uses basic, at-risk, support levels
1207 IV and V for exceptional students and career Florida Education
1208 Finance Program cost factors, and a guaranteed allocation for
1209 exceptional student education programs. Exceptional education
1210 cost factors are determined by using a matrix of services to
1211 document the services that each exceptional student will
1212 receive. The nature and intensity of the services indicated on
1213 the matrix shall be consistent with the services described in
1214 each exceptional student's individual educational plan. The
1215 Department of Education shall review and revise the descriptions
1216 of the services and supports included in the matrix of services
1217 for exceptional students and shall implement those revisions
1218 before the beginning of the 2012-2013 school year.

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1219 b. In order to generate funds using one of the two weighted
1220 cost factors, a matrix of services must be completed at the time
1221 of the student's initial placement into an exceptional student
1222 education program and at least once every 3 years by personnel
1223 who have received approved training. Nothing listed in the
1224 matrix shall be construed as limiting the services a school
1225 district must provide in order to ensure that exceptional
1226 students are provided a free, appropriate public education.
1227 c. Students identified as exceptional, in accordance with
1228 chapter 6A-6, Florida Administrative Code, who do not have a
1229 matrix of services as specified in sub-subparagraph b. shall
1230 generate funds on the basis of full-time-equivalent student
1231 membership in the Florida Education Finance Program at the same
1232 funding level per student as provided for basic students.
1233 Additional funds for these exceptional students will be provided
1234 through the guaranteed allocation designated in subparagraph 2.
1235 2. For students identified as exceptional who do not have a
1236 matrix of services and students who are gifted in grades K
1237 through 8, there is created a guaranteed allocation to provide
1238 these students with a free appropriate public education, in
1239 accordance with s. 1001.42(4)(m) and rules of the State Board of
1240 Education, which shall be allocated annually to each school
1241 district in the amount provided in the General Appropriations
1242 Act. These funds shall be in addition to the funds appropriated
1243 on the basis of FTE student membership in the Florida Education
1244 Finance Program, and the amount allocated for each school
1245 district shall not be recalculated during the year. These funds
1246 shall be used to provide special education and related services
1247 for exceptional students and students who are gifted in grades K

1248 through 8. Beginning with the 2007-2008 fiscal year, a
1249 district's expenditure of funds from the guaranteed allocation
1250 for students in grades 9 through 12 who are gifted may not be
1251 greater than the amount expended during the 2006-2007 fiscal
1252 year for gifted students in grades 9 through 12.
1253 (f) *Supplemental academic instruction; categorical fund.*—
1254 1. There is created a categorical fund to provide
1255 supplemental academic instruction to students in kindergarten
1256 through grade 12. This paragraph may be cited as the
1257 "Supplemental Academic Instruction Categorical Fund."
1258 2. Categorical funds for supplemental academic instruction
1259 shall be allocated annually to each school district in the
1260 amount provided in the General Appropriations Act. These funds
1261 shall be in addition to the funds appropriated on the basis of
1262 FTE student membership in the Florida Education Finance Program
1263 and shall be included in the total potential funds of each
1264 district. These funds shall be used to provide supplemental
1265 academic instruction to students enrolled in the K-12 program.
1266 Supplemental instruction strategies may include, but are not
1267 limited to: modified curriculum, reading instruction, after-
1268 school instruction, tutoring, mentoring, class size reduction,
1269 extended school year, intensive skills development in summer
1270 school, and other methods for improving student achievement.
1271 Supplemental instruction may be provided to a student in any
1272 manner and at any time during or beyond the regular 180-day term
1273 identified by the school as being the most effective and
1274 efficient way to best help that student progress from grade to
1275 grade and to graduate.
1276 3. Effective with the 1999-2000 fiscal year, funding on the

1277 basis of FTE membership beyond the 180-day regular term shall be
1278 provided in the FEFP only for students enrolled in juvenile
1279 justice education programs or in education programs for
1280 juveniles placed in secure facilities or programs under s.
1281 985.19. Funding for instruction beyond the regular 180-day
1282 school year for all other K-12 students shall be provided
1283 through the supplemental academic instruction categorical fund
1284 and other state, federal, and local fund sources with ample
1285 flexibility for schools to provide supplemental instruction to
1286 assist students in progressing from grade to grade and
1287 graduating.
1288 4. The Florida State University School, as a lab school, is
1289 authorized to expend from its FEFP or Lottery Enhancement Trust
1290 Fund allocation the cost to the student of remediation in
1291 reading, writing, or mathematics for any graduate who requires
1292 remediation at a postsecondary educational institution.
1293 5. Beginning in the 1999-2000 school year, dropout
1294 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
1295 (b), and (c), and 1003.54 shall be included in group 1 programs
1296 under subparagraph (d)3.
1297 (g) *Education for speakers of other languages.*—A school
1298 district shall be eligible to report full-time equivalent
1299 student membership in the ESOL program in the Florida Education
1300 Finance Program provided the following conditions are met:
1301 1. The school district has a plan approved by the
1302 Department of Education.
1303 2. The eligible student is identified and assessed as
1304 limited English proficient based on assessment criteria.
1305 3.a. An eligible student may be reported for funding in the

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1306 ESOL program for a base period of 3 years. However, a student
1307 whose English competency does not meet the criteria for
1308 proficiency after 3 years in the ESOL program may be reported
1309 for a fourth, fifth, and sixth year of funding, provided his or
1310 her limited English proficiency is assessed and properly
1311 documented before ~~prior to~~ his or her enrollment in each
1312 additional year beyond the 3-year base period.
1313 b. If a student exits the program and is later reclassified
1314 as limited English proficient, the student may be reported in
1315 the ESOL program for funding for an additional year, or extended
1316 annually for a period not to exceed a total of 6 years pursuant
1317 to this paragraph, based on an annual evaluation of the
1318 student's status.
1319 4. An eligible student may be reported for funding in the
1320 ESOL program for membership in ESOL instruction in English and
1321 ESOL instruction or home language instruction in the basic
1322 subject areas of mathematics, science, social studies, and
1323 computer literacy.
1324 (h) *Small, isolated high schools.*—Districts that ~~which~~ levy
1325 the maximum nonvoted discretionary millage, exclusive of millage
1326 for capital outlay purposes levied pursuant to s. 1011.71(2),
1327 may calculate full-time equivalent students for small, isolated
1328 high schools by multiplying the number of unweighted full-time
1329 equivalent students times 2.75; provided the school has attained
1330 a grade of "C" or better, pursuant to s. 1008.34, for the
1331 previous school year. For the purpose of this section, the term
1332 "small, isolated high school" means any high school that ~~which~~
1333 is located no less than 28 miles by the shortest route from
1334 another high school; that ~~which~~ has been serving students

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1335 primarily in basic studies provided by sub-subparagraphs (c)1.b.
1336 and c. and may include subparagraph (c)4.; and that ~~which~~ has a
1337 membership of no more than 100 students, but no fewer than 28
1338 students, in grades 9 through 12.
1339 (i) *Calculation of full-time equivalent membership with*
1340 *respect to dual enrollment instruction.*—Students enrolled in
1341 dual enrollment instruction pursuant to s. 1007.271 may be
1342 included in calculations of full-time equivalent student
1343 memberships for basic programs for grades 9 through 12 by a
1344 district school board. Instructional time for dual enrollment
1345 may vary from 900 hours; however, the school district may only
1346 report the student for a maximum of 1.0 full-time equivalent
1347 student membership, as provided in s. 1011.61(4). Dual
1348 enrollment full-time equivalent student membership shall be
1349 calculated in an amount equal to the hours of instruction that
1350 would be necessary to earn the full-time equivalent student
1351 membership for an equivalent course if it were taught in the
1352 school district. Students in dual enrollment courses may also be
1353 calculated as the proportional shares of full-time equivalent
1354 enrollments they generate for a Florida College System
1355 institution or university conducting the dual enrollment
1356 instruction. Early admission students shall be considered dual
1357 enrollments for funding purposes. Students may be enrolled in
1358 dual enrollment instruction provided by an eligible independent
1359 college or university and may be included in calculations of
1360 full-time equivalent student memberships for basic programs for
1361 grades 9 through 12 by a district school board. However, those
1362 provisions of law which exempt dual enrolled and early admission
1363 students from payment of instructional materials and tuition and

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1364 fees, including laboratory fees, do ~~shall~~ not apply to students
1365 who select the option of enrolling in an eligible independent
1366 institution. An independent college or university that ~~which~~ is
1367 located and chartered in Florida, is not for profit, is
1368 accredited by the Commission on Colleges of the Southern
1369 Association of Colleges and Schools or the Accrediting Council
1370 for Independent Colleges and Schools, and confers degrees as
1371 defined in s. 1005.02 shall be eligible for inclusion in the
1372 dual enrollment or early admission program. Students enrolled in
1373 dual enrollment instruction shall be exempt from the payment of
1374 tuition and fees, including laboratory fees. No student enrolled
1375 in college credit mathematics or English dual enrollment
1376 instruction shall be funded as a dual enrollment unless the
1377 student has successfully completed the relevant section of the
1378 entry-level examination required pursuant to s. 1008.30.
1379 (j) *Instruction in exploratory career education.*—Students
1380 in grades 7 through 12 who are enrolled for more than four
1381 semesters in exploratory career education may not be counted as
1382 full-time equivalent students for this instruction.
1383 (k) *Study hall.*—A student who is enrolled in study hall may
1384 not be included in the calculation of full-time equivalent
1385 student membership for funding under this section.
1386 (l) *Calculation of additional full-time equivalent*
1387 *membership based on International Baccalaureate examination*
1388 *scores of students.*—A value of 0.16 full-time equivalent student
1389 membership shall be calculated for each student enrolled in an
1390 International Baccalaureate course who receives a score of 4 or
1391 higher on a subject examination. A value of 0.3 full-time
1392 equivalent student membership shall be calculated for each

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1393 student who receives an International Baccalaureate diploma.
1394 Such value shall be added to the total full-time equivalent
1395 student membership in basic programs for grades 9 through 12 in
1396 the subsequent fiscal year. Each school district shall allocate
1397 80 percent of the funds received from International
1398 Baccalaureate bonus FTE funding to the school program whose
1399 students generate the funds and to school programs that prepare
1400 prospective students to enroll in International Baccalaureate
1401 courses. Funds shall be expended solely for the payment of
1402 allowable costs associated with the International Baccalaureate
1403 program. Allowable costs include International Baccalaureate
1404 annual school fees; International Baccalaureate examination
1405 fees; salary, benefits, and bonuses for teachers and program
1406 coordinators for the International Baccalaureate program and
1407 teachers and coordinators who prepare prospective students for
1408 the International Baccalaureate program; supplemental books;
1409 instructional supplies; instructional equipment or instructional
1410 materials for International Baccalaureate courses; other
1411 activities that identify prospective International Baccalaureate
1412 students or prepare prospective students to enroll in
1413 International Baccalaureate courses; and training or
1414 professional development for International Baccalaureate
1415 teachers. School districts shall allocate the remaining 20
1416 percent of the funds received from International Baccalaureate
1417 bonus FTE funding for programs that assist academically
1418 disadvantaged students to prepare for more rigorous courses. The
1419 school district shall distribute to each classroom teacher who
1420 provided International Baccalaureate instruction:
1421 1. A bonus in the amount of $50 for each student taught by

1422 the International Baccalaureate teacher in each International
1423 Baccalaureate course who receives a score of 4 or higher on the
1424 International Baccalaureate examination.
1425 2. An additional bonus of $500 to each International
1426 Baccalaureate teacher in a school designated with a grade of "D"
1427 or "F" who has at least one student scoring 4 or higher on the
1428 International Baccalaureate examination, regardless of the
1429 number of classes taught or of the number of students scoring a
1430 4 or higher on the International Baccalaureate examination.
1431
1432 Bonuses awarded to a teacher according to this paragraph may
1433 ~~shall~~ not exceed $2,000 in any given school year and shall be in
1434 addition to any regular wage or other bonus the teacher received
1435 or is scheduled to receive.
1436 (m) *Calculation of additional full-time equivalent*
1437 *membership based on Advanced International Certificate of*
1438 *Education examination scores of students.*—A value of 0.16 full-
1439 time equivalent student membership shall be calculated for each
1440 student enrolled in a full-credit Advanced International
1441 Certificate of Education course who receives a score of E or
1442 higher on a subject examination. A value of 0.08 full-time
1443 equivalent student membership shall be calculated for each
1444 student enrolled in a half-credit Advanced International
1445 Certificate of Education course who receives a score of E or
1446 higher on a subject examination. A value of 0.3 full-time
1447 equivalent student membership shall be calculated for each
1448 student who receives an Advanced International Certificate of
1449 Education diploma. Such value shall be added to the total full-
1450 time equivalent student membership in basic programs for grades

1451 9 through 12 in the subsequent fiscal year. The school district
1452 shall distribute to each classroom teacher who provided Advanced
1453 International Certificate of Education instruction:
1454 1. A bonus in the amount of $50 for each student taught by
1455 the Advanced International Certificate of Education teacher in
1456 each full-credit Advanced International Certificate of Education
1457 course who receives a score of E or higher on the Advanced
1458 International Certificate of Education examination. A bonus in
1459 the amount of $25 for each student taught by the Advanced
1460 International Certificate of Education teacher in each half-
1461 credit Advanced International Certificate of Education course
1462 who receives a score of E or higher on the Advanced
1463 International Certificate of Education examination.
1464 2. An additional bonus of $500 to each Advanced
1465 International Certificate of Education teacher in a school
1466 designated with a grade of "D" or "F" who has at least one
1467 student scoring E or higher on the full-credit Advanced
1468 International Certificate of Education examination, regardless
1469 of the number of classes taught or of the number of students
1470 scoring an E or higher on the full-credit Advanced International
1471 Certificate of Education examination.
1472 3. Additional bonuses of $250 each to teachers of half-
1473 credit Advanced International Certificate of Education classes
1474 in a school designated with a grade of "D" or "F" which has at
1475 least one student scoring an E or higher on the half-credit
1476 Advanced International Certificate of Education examination in
1477 that class. The maximum additional bonus for a teacher awarded
1478 in accordance with this subparagraph may ~~shall~~ not exceed $500
1479 in any given school year. Teachers receiving an award under

1480 subparagraph 2. are not eligible for a bonus under this
1481 subparagraph.
1482
1483 Bonuses awarded to a teacher according to this paragraph may
1484 ~~shall~~ not exceed $2,000 in any given school year and shall be in
1485 addition to any regular wage or other bonus the teacher received
1486 or is scheduled to receive.
1487 (n) *Calculation of additional full-time equivalent*
1488 *membership based on college board advanced placement scores of*
1489 *students.*—A value of 0.16 full-time equivalent student
1490 membership shall be calculated for each student in each advanced
1491 placement course who receives a score of 3 or higher on the
1492 College Board Advanced Placement Examination for the prior year
1493 and added to the total full-time equivalent student membership
1494 in basic programs for grades 9 through 12 in the subsequent
1495 fiscal year. Each district must allocate at least 80 percent of
1496 the funds provided to the district for advanced placement
1497 instruction, in accordance with this paragraph, to the high
1498 school that generates the funds. The school district shall
1499 distribute to each classroom teacher who provided advanced
1500 placement instruction:
1501 1. A bonus in the amount of $50 for each student taught by
1502 the Advanced Placement teacher in each advanced placement course
1503 who receives a score of 3 or higher on the College Board
1504 Advanced Placement Examination.
1505 2. An additional bonus of $500 to each Advanced Placement
1506 teacher in a school designated with a grade of "D" or "F" who
1507 has at least one student scoring 3 or higher on the College
1508 Board Advanced Placement Examination, regardless of the number

1509 of classes taught or of the number of students scoring a 3 or
1510 higher on the College Board Advanced Placement Examination.
1511
1512 Bonuses awarded to a teacher according to this paragraph may
1513 ~~shall~~ not exceed $2,000 in any given school year and shall be in
1514 addition to any regular wage or other bonus the teacher received
1515 or is scheduled to receive.
1516 (o) *Calculation of additional full-time equivalent*
1517 *membership based on certification of successful completion of*
1518 *industry-certified career and professional academy programs*
1519 *pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935 and*
1520 *identified in the Industry Certified Funding List pursuant to*
1521 *rules adopted by the State Board of Education.*—A value of 0.1,
1522 0.2, or 0.3 full-time equivalent student membership shall be
1523 calculated for each student who completes an industry-certified
1524 career and professional academy program under ss. 1003.491,
1525 1003.492, 1003.493, and 1003.4935 and who is issued the highest
1526 level of industry certification identified annually in the
1527 Industry Certification Funding List approved under rules adopted
1528 by the State Board of Education and a high school diploma. The
1529 maximum full-time equivalent student membership value for any
1530 student is 0.3. The Department of Education shall assign the
1531 appropriate full-time equivalent value for each certification,
1532 50 percent of which is based on rigor and the remaining 50
1533 percent on employment value. The State Board of Education shall
1534 include the assigned values in the Industry Certification
1535 Funding List under rules adopted by the state board. Rigor shall
1536 be based on the number of instructional hours, including work
1537 experience hours, required to earn the certification, with a

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1538 bonus for industry certifications that have a statewide
1539 articulation agreement for college credit approved by the State
1540 Board of Education. Employment value shall be based on the entry
1541 wage, growth rate in employment for each occupational category,
1542 and average annual openings for the primary occupation linked to
1543 the industry certification. Such value shall be added to the
1544 total full-time equivalent student membership in secondary
1545 career education programs for grades 9 through 12 in the
1546 subsequent year for courses that were not funded through dual
1547 enrollment. The additional full-time equivalent membership
1548 authorized under this paragraph may not exceed 0.3 per student.
1549 Each district must allocate at least 80 percent of the funds
1550 provided for industry certification, in accordance with this
1551 paragraph, to the program that generated the funds. Unless a
1552 different amount is specified in the General Appropriations Act,
1553 the appropriation for this calculation is limited to $15 million
1554 annually. If the appropriation is insufficient to fully fund the
1555 total calculation, the appropriation shall be prorated.
1556 (p) *Calculation of additional full-time equivalent*
1557 *membership based on accelerated high school graduation.*—
1558 Notwithstanding s. 1011.61(4), a school district that authorizes
1559 the accelerated graduation of a student who has met all the
1560 requirements in s. 1003.428 and graduates at least one semester
1561 in advance of the scheduled graduation of the student's cohort
1562 may report one-sixth of an FTE for unpaid high school credit
1563 delivered by the district during the student's prior enrollment.
1564 For a student who graduates 1 year or more in advance of the
1565 student's cohort, the school district may report up to 1 FTE for
1566 unpaid high school credits. For a student who graduates one

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1567 semester in advance of the student's cohort, the school district
1568 may report up to 1/2 FTE for unpaid high school credits. If the
1569 student was enrolled in the district as a full-time high school
1570 student for at least 2 years, the district shall report the
1571 unpaid FTE delivered by the district. If the student was
1572 enrolled in the district for less than 2 years, the district
1573 shall report the unpaid FTE delivered by the district and the
1574 prior district of enrollment. The district of enrollment for
1575 which early graduation is claimed shall transfer a proportionate
1576 share of the funds earned for the unpaid FTE to the prior
1577 district of enrollment.
1578 (q) ~~(p)~~ *Year-round-school programs.*—The Commissioner of
1579 Education is authorized to adjust student eligibility
1580 definitions, funding criteria, and reporting requirements of
1581 statutes and rules in order that year-round-school programs may
1582 achieve equivalent application of funding requirements with non-
1583 year-round-school programs.
1584 (r) ~~(q)~~ *Extended-school-year program.*—It is the intent of
1585 the Legislature that students be provided additional instruction
1586 by extending the school year to 210 days or more. Districts may
1587 apply to the Commissioner of Education for funds to be used in
1588 planning and implementing an extended-school-year program.
1589 (s) ~~(r)~~ *Determination of the basic amount for current*
1590 *operation.*—The basic amount for current operation to be included
1591 in the Florida Education Finance Program for kindergarten
1592 through grade 12 for each district shall be the product of the
1593 following:
1594 1. The full-time equivalent student membership in each
1595 program, multiplied by

1596 2. The cost factor for each program, adjusted for the
1597 maximum as provided by paragraph (c), multiplied by
1598 3. The base student allocation.
1599 (t) ~~(s)~~ *Computation for funding through the Florida*
1600 *Education Finance Program.*—The State Board of Education may
1601 adopt rules establishing programs and courses for which the
1602 student may earn credit toward high school graduation.
1603 Section 11. This act shall take effect July 1, 2012.

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 Budget Subcommittee on Education Pre-K - 12 Appropriations

BILL: CS/CS/SB 1402

INTRODUCER: Budget Subcommittee on Education Pre-K - 12 Appropriations, Education Pre-K - 12 Committee and Senator Gardiner

SUBJECT: Virtual Education

DATE: February 28, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	**Fav/CS**
2.	Armstrong	Hamon	BEA	**Fav/CS**
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

The bill revises provisions relating to virtual education access for all K-12 students. The bill:

- Authorizes the Florida Virtual School (FLVS) to provide full-time and part-time instruction for students in grades K-12.
- Limits the combined total of Full Time Equivalent (FTE) reported by FLVS and the school district to 1.0 FTE for full-time students in grades K-12 and part-time students in grades K-5;
- Expands the part-time district virtual instruction program to grades K-8 for courses measured by learning gains and end-of-course exams;
- Expands eligibility for participation in virtual education programs to students in grades 2-5 who are enrolled in a full-time virtual program without having to meet the prior public school enrollment requirements;
- Provides that school district virtual instruction shall be reported by the school district providing the instruction rather than the school district in which the student resides;
- Provides that a school district may not require a student to take the online course required for graduation beyond the school day or in addition to the student's courses for the semester;

- Requires virtual instruction programs to provide courses in formats accessible to students with disabilities and aligned to the student needs established in the individual education plan (IEP);
- Establishes that anyone who knowingly and willingly takes an online course or examination on behalf of another individual commits a first degree misdemeanor;
- Authorizes exceptional student education (ESE), English for Speakers of Other Languages (ESOL), and other weighted programs for students in a full-time FLVS, district virtual instruction program, and a virtual charter school; and
- Provides standards for participation in interscholastic and intrascholastic extracurricular activities by students in a full-time FLVS program.

This bill substantially amends sections 1002.20, 1002.321, 1002.37, 1002.45, 1002.455, 1003.428, 1003.498, 1003.57, 1006.15, 1011.61, and 1011.62 of the Florida Statutes.

II. Present Situation:

Beginning with the 2009-2010 school year, each school district was required to establish its own virtual instruction program (VIP).[1] In 2011, the Legislature revised the program requirements[2] to establish that each school district be permitted to contract with the FLVS or one or more virtual instruction providers approved by the DOE; establish an FLVS franchise; or participate in multi-district agreements to provide virtual instruction services. In addition, districts may operate their own VIP program and may contract with the providers specified in law or other entities to provide segments of their program.[3] Multidistrict agreements may be executed by regional consortiums on behalf of their member districts.[4] Additionally, a charter school may enter into a joint agreement with the school district in which it is located to have its students participate in the VIP program. Each school district must offer:

- A full-time virtual instruction program for students in kindergarten through grade 12;
- Part-time virtual instruction for students enrolled in grade 9 through 12 courses that are measured by an evaluation method developed by the Department of Education (DOE); and
- A full-time or part-time virtual instruction program for students enrolled in dropout prevention and academic intervention programs, Department of Juvenile Justice programs, core-curricula courses to meet class size requirements, or Florida College System institutions offering a school district virtual instruction program.

Each provider under contract with a school district virtual instruction program (VIP) must participate in the statewide assessment program and the state's education performance accountability system.[5] Each provider receives a school grade or school improvement rating,

[1] ch. 2008-147, L.O.F.
[2] ch. 2011-137, L.O.F., codified in s. 1002.45(1), F.S.
[3] *See* DOE, *School District Virtual Instruction Program (2011-2012) Questions and Answers #9*, available at: http://www.fldoe.org/schools/virtual-schools/pdf/DistrictVIP-FAQ.pdf.
[4] s. 1002.45(1)(c), F.S.
[5] s. 1002.45(8), F.S.

which is based upon the aggregated assessment scores of all students served by the provider statewide.[6]

Provider Qualifications
Qualifications required of providers for approval include submission of a detailed curriculum and a student performance accountability plan for each subject and grade level they intend to provide. The plan must show that courses and programs meet national standards and that instructional content and services align with and measure proficiency using state standards and mechanisms to ensure a student has satisfied requirements for promotion and graduation. In addition, the application requires documentation related to financial solvency, technology, and technical support.[7]

Enrollment Reporting
Currently, the district of residence is required to report funding for a student who enrolls in another district's VIP program and to transfer funding received to the district of instruction.

Student Eligibility for Enrollment in K-12 Virtual Education
To be eligible for K-12 virtual instruction, students must meet one of the following criteria:

- The student spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for the purposes of the Florida Education Finance Program (FEFP);
- The student is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state pursuant to a permanent change of station order;
- The student was enrolled during the prior school year in a virtual instruction program, K-8 Virtual School Program, or the FLVS full-time program;
- The student has a sibling who was enrolled at the end of the prior school year and is currently enrolled in a virtual instruction program; or
- The student is eligible to enter kindergarten or first grade.

Participation in Interscholastic Activities
Current law provides standards for eligibility of home education and charter school students to participate in interscholastic and intrascholastic extracurricular activities.[8] Although these statutes provide general authority for students participating in various school choice options to participate in extracurricular activities in their district of residence, they do not provide specific language for FLVS full-time students and virtual students.[9] In September, 2011, the Florida High

[6] *Id*. School grades or school improvement ratings are published on the DOE website. If a provider receives a school grade of "D" or "F" or a school improvement rating of "Declining," the provider must file with the DOE a school improvement plan for correcting low performance. The school improvement plan must identify causes of the low performance and propose a plan for improvement. If a provider receives a school grade of "D" or "F" for any two years during a four-year period, the provider's contract must be terminated and the provider cannot be approved for at least one year.
[7] s. 1002.45(2), F.S.
[8] s. 1002.20(18)(a), F.S., provides that students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities.
[9] Full-time FLVS students enroll directly with the FLVS at the state level and are not enrolled in a district school.

School Activities Association Board of Directors[10] included provisions to facilitate FLVS full-time students' participation in extracurricular activities in their district of residence.[11]

District VIP Programs
District-operated VIP programs are currently authorized to provide the following:

- Full-time virtual instruction for students in grades K-12;
- Part-time instruction for students in grades 9-12 courses, measured by learning gains, end-of-course assessments or Advanced Placement exams; and
- Full-time or part-time virtual instruction for students enrolled in dropout prevention, academic intervention, Department of Juvenile Justice (DJJ) programs, core courses to meet class size requirements, or in Florida College System courses.

FLVS
The FLVS is currently governed by a board of trustees appointed by the Governor. The Board is designated as a public agency.[12]

The FLVS currently offers part-time virtual education to students in grades 4-12 and full-time virtual education to students in grades K-12. Public, private, and home education students in grades 6-12 may take individual online courses from FLVS to supplement their education. Also, to encourage academic acceleration and course recovery for struggling students, current law allows for students to take online courses through the FLVS's part-time program beyond the school day and during the summer. Additionally, academically advanced fourth and fifth grade public school students may take online middle school courses from FLVS; however, these students may not earn more than 1.0 FTE for district and FLVS courses combined.[13]

District virtual programs and the FLVS currently provide the entire educational program for their full-time students. The district virtual programs and the FLVS are able to serve ESE students for whom the virtual learning environment is appropriate. At present, the FLVS receives no state or federal funding for its ESE students or the services they provide to ESE students.[14]

III. Effect of Proposed Changes:

The bill allows for a full-time FLVS student to participate in extracurricular activities at the district public school to which the student would be assigned or could choose to attend if he or she meets specific conduct and academic requirements.

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[10] The Florida High School Athletic Association is the governing body for high school athletics in Florida. *See* www.fhsaa.org.
[11] The Board of Directors adopted Policy 16.3.5 on September 26, 2011. *See* http://www.fhsaa.org/news/2011/0926.
[12] s. 1002.37, F.S.
[13] FLVS's full-time program began operation in August 2011, and enrolled over 2,700 grades K-12 public school students in its first semester of operation. Full-time students in this school may not earn more than 1.0 FTE. DOE Bill Analysis, January 21, 2012. On file with the Senate Committee on Education Pre-K – 12.
[14]The FLVS is not included in the funding model for ESE programs and is not authorized to report FTE for ESOL programs. Approximately 140 FLVS full-time public school students have individual education plans. DOE Bill Analysis, January 21, 2012. On file with the Senate Committee on Education Pre-K – 12.

Under the bill, the FLVS would be able to provide part-time instruction for students in grades K-3. Additionally, students in grades 4-5 part-time programs would no longer be restricted to taking only middle school courses.

The combined total FTE for students receiving full-time instruction in grades K-12 or students receiving part-time instruction in grades K-5 from FLVS and instruction by the school district may not exceed 1.0 FTE.

The bill expands the district VIP program to include part-time instruction in grades K-12 for students in courses measured by learning gains and courses with end-of-course exams. In addition, the bill deletes the provision that the district of residence report students who enroll in another district's virtual instruction program for funding. According to the DOE, this would eliminate student confidentiality and other database reporting issues encountered if the district of residence does the reporting.[15]

The bill expands eligibility for participation in virtual education programs to students in grades 2-5 who are enrolled in a full-time virtual program without having to meet the prior public school enrollment requirements.[16]

Additional provisions included in the bill would:

- Require virtual instruction programs to provide courses in formats accessible to students with disabilities and aligned to the student needs established in the individual education plan (IEP).
- Specify that the online course currently required for purposes of high school graduation would not apply to a student whose individual education plan indicates that an online course is not appropriate or for a student enrolled in a Florida high school for one academic year or less.
- Specify that a student whose individual education plan indicates that a full-time virtual education program is inappropriate may not be enrolled in Florida Virtual School's full-time program.
- Establish that anyone who knowingly and willingly takes an online course or examination on behalf of another individual commits a first degree misdemeanor
- Revise provider qualifications to establish that the provider has prior teaching experience and quantified student learning gains in either online or traditional instructional settings.
- Revise provider qualifications for approval to include an annual audit conducted by an independent certified public accountant pursuant to rules adopted by the Auditor General.

Additionally, the bill would prohibit a school district from requiring a student to take the online course that is required for graduation outside of the school day.

[15] DOE Bill Analysis, January 21, 2012. On file with the Senate Committee on Education Pre-K – 12.
[16] s. 1002.455, F.S. establishes student eligibility requirements based upon prior school year enrollment status.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will provide greater access to students from private school and home school education programs to virtual education programs funded through the Florida Education Finance Program.

C. Government Sector Impact:

Expanding student eligibility to include students in grades 2-5 who are enrolled in a full-time virtual education program will have a fiscal impact on public school funding, primarily due to the increased number of eligible students from home-education. This impact will increase the FTE in the Florida Education Finance Program, beginning with 2012-2013. A Public School Enrollment Estimating conference was held on February 10, 2012, to adopt estimates for the FTE and fiscal impact of the similar bill, CS for House Bill 7063. The following table summarizes the results of the conference:

Cumulative FTE & Fiscal Impact	**2012-13**	**2013-14**	**2014-15**	**2015-16**
Expands the FLVS part-time program to grades K-3.				
FTE Impact	474.74	949.48	1,424.22	1,898.96
Estimated fiscal impact	**$2,278,752**	**$4,557,504**	**$6,836,256**	**$9,115,008**
Removes the eligibility requirements for FLVS grades 2-5 full-time program.				
FTE Impact	360.00	522.00	626.00	673.00
Estimated fiscal impact	**$1,728,000**	**$2,505,600**	**$3,004,800**	**$3,230,400**

Removes the eligibility requirements under s.1002.455, F.S., for full-time district VIP in K-5 and full-time virtual charter schools in K-5.				
FTE Impact	176.00	299.00	394.00	461.00
Estimated fiscal impact	**$844,800**	**$1,435,200**	**$1,891,200**	**$2,212,800**
Total Estimated fiscal impact	**$4,851,552**	**$8,498,304**	**$11,732,256**	**$14,558,208**

The bill allows for weighted FTE to be earned in all FEFP programs (Basic, ESE, Career Education, and English for Speakers of Other Languages) for students in grades K-12 enrolled full-time in the FLVS, district VIP programs and virtual charter schools. FTE for all part-time programs may be reported in Basic or Career Education.

VI. Technical Deficiencies:

Current law requires the DOE to develop an evaluation methodology for part-time virtual instruction providers based on the FCAT learning gains, end-of-course (EOC) results, and Advanced Placement (AP) exam performance results.[17] The bill expands the current part-time VIP program for students in grades 9-12 to include students in kindergarten through grade eight. The language in the bill specifies that courses for kindergarten through grade 2 are required to have the same outcome measures as the courses for students in grades 9-12. The FCAT and end-of-course assessments are not administered to students in kindergarten through grade 2. Additionally, many courses in the other grades are not measured by the FCAT, EOCs, or AP exams. According to the DOE, the intent of the bill may need to be clarified to specify which outcome measures will apply to part-time providers of virtual instruction for students in kindergarten through grade 2 and for courses that are not measured by the FCAT, EOCs, or AP exams.[18]

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by the Subcommittee on Education Pre-K – 12 Appropriations on February 28, 2012:

The committee substitute:

- Expands eligibility for participation in a virtual education program to students in grades 2-5 who are enrolled in a full-time virtual program without having to meet the prior public school enrollment requirement;

[17] s. 1002.45(8), F.S.

[18] Because the bill still includes reference to these outcome measures, the DOE notes that it is unclear as to whether these other courses are to be included in the evaluation methodology and, if so, how. DOE Bill Analysis, January 21, 2012. On file with the Senate Committee on Education Pre-K – 12.

- Requires virtual instruction programs to provide courses in formats accessible to students with disabilities and aligned to the student needs established in the individual education plan (IEP);
- Revises provider qualifications to establish that the provider have prior teaching experience and quantified student learning gains in either online or traditional instructional settings;
- Removes the provision that establishes the FLVS as a school district regarding specific statutory requirements, including provisions related to the reproduction and destruction of district school records, the enforcement of school attendance, and teenage parent programs; and

CS by the Committee on Education Pre-K – 12 on February 6, 2012:
The committee substitute:

- Removes language that would have required the State Board of Education to enforce compliance with laws and rules by FLVS;
- Adds language to establish that the FLVS full-time program shall be considered a district school board as it pertains to specific statutes,[19] such as:
  - Section 1003.26, F.S., relating to the enforcement of school attendance;
  - Section 1003.4156, F.S., relating to requirements for middle grades promotion;
  - Sections 1003.428 and 1003.43, F.S., relating to the general requirements for high school graduation;
  - Section 1003.56, F.S., relating to English language instruction for limited English proficient students;
  - Section 1003.571, F.S., relating to instruction for exceptional students who have a disability;
  - Section 1008.25, F.S., relating to student progression, remedial instruction, and reporting requirements; and
  - Section 1008.30, F.S., relating to common placement testing for public postsecondary education.
- Establishes integrity of online courses, prohibiting anyone from taking an online course or examination on behalf of another individual and provides that such conduct constitutes a first degree misdemeanor;
- Requires part-time K-5 FLVS students to meet one of the currently prescribed eligibility requirements;
- Allows for part-time 6-12 FLVS students to earn above the 1.0 FTE;
- Allows for weighted funding (including ESE, ESOL, and Career-Technical) for all full-time virtual students;
- Requires that FLVS students take any required EOC assessments at the school site where they would normally be enrolled;
- Restores current law pertaining to the sparsity supplement for smaller districts that are only held to providing one virtual option for their students;
- Deletes the requirement for a virtual provider to have an independent review of its curriculum;

[19] These provisions do not limit or eliminate any other obligation imposed upon the Florida Virtual School by law.

- Requires providers to have a financial audit conducted in accordance with rules adopted by the Auditor General;
- Establishes parity with respect to eligibility for participation in extracurricular activities for:
  - Students who transfer from the FLVS and enroll in a public school; and
  - Students who are ineligible to participate due to grades or conduct and who transfer from a public or private school to the FLVS;
- Provides for adjustment of FTE, beginning in 2014-15, for students who do not pass required EOC assessments;
- Specifies that the funding, performance, and accountability requirements for blended learning courses are the same as traditional courses; and
- Phases out the eligibility requirements for virtual instruction programs, making virtual options available to all students by the 2014-2015 school year.

B. Amendments:

None.

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

947006

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/01/2012	.	
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	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete lines 102 - 106
and insert:
(5) INTEGRITY OF ONLINE COURSES.—It is unlawful for any person to knowingly and willfully take an online course or examination on behalf of another person for compensation. Any person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

947006

13 And the title is amended as follows:
14 Delete line 12
15 and insert:
16 another person for compensation; providing a penalty;
17 amending s.

133348

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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	.	
	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Flores) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 421 - 455.
4
5 ========== T I T L E A M E N D M E N T ==========
6 And the title is amended as follows:
7 Delete lines 23 - 26
8 and insert:
9 amending s. 1002.45, F.S.;

951958

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 583 - 595
and insert:
that program at the end of the prior school year; ~~or~~
(e) The student is eligible to enter kindergarten or first grade; or~~.~~
(f) The student is eligible to enter grades 2 through 5 and is enrolled full-time in a school district virtual instruction program, a virtual charter school, or the Florida Virtual School.

951958

13 ========== T I T L E A M E N D M E N T ==========
14 And the title is amended as follows:
15 Delete lines 40 - 41
16 and insert:
17 participate in virtual instruction programs; deleting
18 provisions relating

616718

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Flores) recommended the following:

1 **Senate Amendment**
2
3 Delete line 734
4 and insert:
5 under s. 1002.33 shall consist of <u>six full credit completions or</u>
6 <u>the prescribed level of content that counts toward promotion to</u>
7 <u>the next grade in</u>

777008

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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	.	
	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete lines 798 - 809
and insert:
Section 11. Paragraphs (e) and (g) of subsection (1) and subsection (11) of section 1011.62, Florida Statutes, are amended to read:
1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as

777008

13 follows:
14 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
15 OPERATION.—The following procedure shall be followed in
16 determining the annual allocation to each district for
17 operation:
18 (e) *Funding model for exceptional student education*
19 *programs.*—
20 1.a. The funding model uses basic, at-risk, support levels
21 IV and V for exceptional students and career Florida Education
22 Finance Program cost factors, and a guaranteed allocation for
23 exceptional student education programs. Exceptional education
24 cost factors are determined by using a matrix of services to
25 document the services that each exceptional student will
26 receive. The nature and intensity of the services indicated on
27 the matrix shall be consistent with the services described in
28 each exceptional student’s individual educational plan. The
29 Department of Education shall review and revise the descriptions
30 of the services and supports included in the matrix of services
31 for exceptional students and shall implement those revisions
32 before the beginning of the 2012-2013 school year.
33 b. In order to generate funds using one of the two weighted
34 cost factors, a matrix of services must be completed at the time
35 of the student’s initial placement into an exceptional student
36 education program and at least once every 3 years by personnel
37 who have received approved training. Nothing listed in the
38 matrix shall be construed as limiting the services a school
39 district must provide in order to ensure that exceptional
40 students are provided a free, appropriate public education.
41 c. Students identified as exceptional, in accordance with

777008

42 chapter 6A-6, Florida Administrative Code, who do not have a
43 matrix of services as specified in sub-subparagraph b. shall
44 generate funds on the basis of full-time-equivalent student
45 membership in the Florida Education Finance Program at the same
46 funding level per student as provided for basic students.
47 Additional funds for these exceptional students will be provided
48 through the guaranteed allocation designated in subparagraph 2.
49 2. For students identified as exceptional who do not have a
50 matrix of services and students who are gifted in grades K
51 through 8, there is created a guaranteed allocation to provide
52 these students with a free appropriate public education, in
53 accordance with s. 1001.42(4)(l) ~~1001.42(4)(m)~~ and rules of the
54 State Board of Education, which shall be allocated annually to
55 each school district in the amount provided in the General
56 Appropriations Act. These funds shall be in addition to the
57 funds appropriated on the basis of FTE student membership in the
58 Florida Education Finance Program, and the amount allocated for
59 each school district shall not be recalculated during the year.
60 These funds shall be used to provide special education and
61 related services for exceptional students and students who are
62 gifted in grades K through 8. Beginning with the 2007-2008
63 fiscal year, a district's expenditure of funds from the
64 guaranteed allocation for students in grades 9 through 12 who
65 are gifted may not be greater than the amount expended during
66 the 2006-2007 fiscal year for gifted students in grades 9
67 through 12.
68
69 ========== T I T L E A M E N D M E N T ==========
70 And the title is amended as follows:

777008

71 Delete line 62
72 and insert:
73 F.S.; correcting a cross-reference; providing that
74 full-time virtual instruction

180154

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Ring) recommended the following:

Senate Amendment

Delete lines 503 - 507
and insert:
4. Possesses prior~~, successful~~ experience offering online courses to elementary, middle, or high school students and ~~as demonstrated by~~ quantified student learning gains in online or traditional courses in each subject area and grade level provided for consideration as an instructional program option;

295818

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Flores) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 547 and 548
insert:
(3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual instruction program under this section must:
(f) Provide virtual courses in accessible formats for students with disabilities, including, but not limited to, students who are visually impaired, learning disabled, or physically disabled, and ensure that such courses are tailored to the individual education plans of such students.

295818

13 ====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
14 And the directory clause is amended as follows:
15 Delete line 458
16 and insert:
17 of section 1002.45, Florida Statutes, are amended, and paragraph
18 (f) is added to subsection (3) of that section, to read:
19
20 ================= T I T L E A M E N D M E N T ================
21 And the title is amended as follows:
22 Delete line 35
23 and insert:
24 Department of Education; requiring that each virtual
25 instruction program provide courses in accessible
26 formats for students with disabilities and ensure that
27 such courses are tailored to the individual education
28 plans of such students; revising provisions relating

By the Committee on Education Pre-K - 12; and Senator Gardiner

581-02973-12 20121402c1

A bill to be entitled

An act relating to digital learning; amending s. 1002.20, F.S.; providing that Florida Virtual School full-time students who meet specified academic and conduct requirements are eligible to participate in interscholastic extracurricular activities at certain public schools; amending s. 1002.321, F.S.; revising provisions relating to customized and accelerated learning through virtual instruction to include blended learning courses; prohibiting any person from taking an online course or examination on behalf of another person; providing a penalty; amending s. 1002.37, F.S.; providing that the Florida Virtual School may provide part-time instruction for students in kindergarten through grade 12; deleting a requirement that an elementary school principal provide certain notification to parents; requiring that statewide assessments be taken at the school to which a student would be assigned according to district school board attendance area policies; requiring that a school district provide a student with access to the school's testing facilities; providing that the Florida Virtual School is subject to certain statutory requirements and is considered a district school board within the context of those statutory requirements; amending s. 1002.45, F.S.; revising provisions relating to school district options for providing full-time and part-time virtual instruction programs and the open enrollment period

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

581-02973-12 20121402c1

for participation; providing that a part-time virtual instruction program offer instruction for students enrolled in kindergarten through grade 12 courses; requiring an additional qualification for a virtual instruction program provider to obtain approval by the Department of Education; revising provisions relating to the funding of virtual instruction programs and virtual charter schools to conform to changes made by the act; amending s. 1002.455, F.S.; revising provisions relating to the eligibility of students to participate in virtual instruction programs during specified school years; deleting provisions relating to virtual instruction options for which students in the school district are eligible; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; prohibiting a school district from requiring a student to take an online course outside the school day or in addition to the student's courses for a given semester; amending s. 1003.498, F.S.; providing requirements for blended learning courses; amending s. 1003.57, F.S.; providing responsibilities and requirements for each full-time virtual instruction program enrolling public school exceptional students; amending s. 1006.15, F.S.; providing that a student enrolled in the Florida Virtual School's full-time program may participate in any interscholastic extracurricular activity at a public school under certain circumstances; amending s. 1011.61, F.S.;

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59 revising the definition of the term "full-time
60 equivalent student" to conform to changes made by the
61 act; conforming cross-references; amending s. 1011.62,
62 F.S.; providing that full-time virtual instruction
63 programs are eligible to report student membership in
64 the English for Speakers of Other Languages program
65 for funding purposes; conforming a cross-reference;
66 providing an effective date.
67
68 Be It Enacted by the Legislature of the State of Florida:
69
70 Section 1. Present paragraph (d) of subsection (18) of
71 section 1002.20, Florida Statutes, is redesignated as paragraph
72 (e), and a new paragraph (d) is added to that subsection, to
73 read:
74 1002.20 K-12 student and parent rights.—Parents of public
75 school students must receive accurate and timely information
76 regarding their child's academic progress and must be informed
77 of ways they can help their child to succeed in school. K-12
78 students and their parents are afforded numerous statutory
79 rights including, but not limited to, the following:
80 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with the
81 provisions of s. 1006.15:
82 (d) *Florida Virtual School full-time students.*—Florida
83 Virtual School full-time students who meet specified academic
84 and conduct requirements are eligible to participate in
85 extracurricular activities at the public school to which the
86 student would be assigned or could choose to attend according to
87 district school board policies.

88 Section 2. Paragraph (e) of subsection (4) of section
89 1002.321, Florida Statutes, is amended, and subsection (5) is
90 added to that section, to read:
91 1002.321 Digital learning.—
92 (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district
93 must establish multiple opportunities for student participation
94 in part-time and full-time kindergarten through grade 12 virtual
95 instruction. Options include, but are not limited to:
96 (e) Courses delivered in the traditional school setting by
97 personnel providing direct instruction through ~~a~~ virtual
98 instruction ~~environment~~ or through ~~though a~~ blended learning
99 courses consisting of both traditional classroom and online
100 instructional techniques ~~virtual and physical environment~~
101 pursuant to s. 1003.498.
102 (5) INTEGRITY OF ONLINE COURSES.—It is unlawful for any
103 person to knowingly and willfully take an online course or
104 examination on behalf of another person. Any person who violates
105 this subsection commits a misdemeanor of the first degree,
106 punishable as provided in s. 775.082 or s. 775.083.
107 Section 3. Section 1002.37, Florida Statutes, is amended,
108 to read:
109 1002.37 The Florida Virtual School.—
110 (1)(a) The Florida Virtual School is established for the
111 development and delivery of online and distance learning
112 education. The Commissioner of Education shall monitor the
113 school's performance and report its performance to the State
114 Board of Education and the Legislature.
115 (b) The mission of the Florida Virtual School is to provide
116 students with technology-based educational opportunities to gain

117 the knowledge and skills necessary to succeed. The school shall
118 serve any student in the state who meets the profile for success
119 in this educational delivery context and shall give priority to:
120 1. Students who need expanded access to courses in order to
121 meet their educational goals, such as home education students
122 and students in inner-city and rural high schools who do not
123 have access to higher-level courses.
124 2. Students seeking accelerated access in order to obtain a
125 high school diploma at least one semester early.
126 (c) To ensure students are informed of the opportunities
127 offered by the Florida Virtual School, the commissioner shall
128 provide the board of trustees of the Florida Virtual School
129 access to the records of public school students in a format
130 prescribed by the board of trustees.
131
132 The board of trustees of the Florida Virtual School shall
133 identify appropriate performance measures and standards based on
134 student achievement that reflect the school's statutory mission
135 and priorities, and shall implement an accountability system for
136 the school that includes assessment of its effectiveness and
137 efficiency in providing quality services that encourage high
138 student achievement, seamless articulation, and maximum access.
139 (2) The Florida Virtual School shall be governed by a board
140 of trustees comprised of seven members appointed by the Governor
141 to 4-year staggered terms. The board of trustees shall be a
142 public agency entitled to sovereign immunity pursuant to s.
143 768.28, and board members shall be public officers who shall
144 bear fiduciary responsibility for the Florida Virtual School.
145 The board of trustees shall have the following powers and

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146 duties:
147 (a)1. The board of trustees shall meet at least 4 times
148 each year, upon the call of the chair, or at the request of a
149 majority of the membership.
150 2. The fiscal year for the Florida Virtual School shall be
151 the state fiscal year as provided in s. 216.011(1)(o).
152 (b) The board of trustees shall be responsible for the
153 Florida Virtual School's development of a state-of-the-art
154 technology-based education delivery system that is cost-
155 effective, educationally sound, marketable, and capable of
156 sustaining a self-sufficient delivery system through the Florida
157 Education Finance Program.
158 (c) The board of trustees shall aggressively seek avenues
159 to generate revenue to support its future endeavors, and shall
160 enter into agreements with distance learning providers. The
161 board of trustees may acquire, enjoy, use, and dispose of
162 patents, copyrights, and trademarks and any licenses and other
163 rights or interests thereunder or therein. Ownership of all such
164 patents, copyrights, trademarks, licenses, and rights or
165 interests thereunder or therein shall vest in the state, with
166 the board of trustees having full right of use and full right to
167 retain the revenues derived therefrom. Any funds realized from
168 patents, copyrights, trademarks, or licenses shall be considered
169 internal funds as provided in s. 1011.07. Such funds shall be
170 used to support the school's marketing and research and
171 development activities in order to improve courseware and
172 services to its students.
173 (d) The board of trustees shall be responsible for the
174 administration and control of all local school funds derived

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175 from all activities or sources and shall prescribe the
176 principles and procedures to be followed in administering these
177 funds.
178 (e) The Florida Virtual School may accrue supplemental
179 revenue from supplemental support organizations, which include,
180 but are not limited to, alumni associations, foundations,
181 parent-teacher associations, and booster associations. The
182 governing body of each supplemental support organization shall
183 recommend the expenditure of moneys collected by the
184 organization for the benefit of the school. Such expenditures
185 shall be contingent upon the review of the executive director.
186 The executive director may override any proposed expenditure of
187 the organization that would violate Florida law or breach sound
188 educational management.
189 (f) In accordance with law and rules of the State Board of
190 Education, the board of trustees shall administer and maintain
191 personnel programs for all employees of the board of trustees
192 and the Florida Virtual School. The board of trustees may adopt
193 rules, policies, and procedures related to the appointment,
194 employment, and removal of personnel.
195 1. The board of trustees shall determine the compensation,
196 including salaries and fringe benefits, and other conditions of
197 employment for such personnel.
198 2. The board of trustees may establish and maintain a
199 personnel loan or exchange program by which persons employed by
200 the board of trustees for the Florida Virtual School as academic
201 administrative and instructional staff may be loaned to, or
202 exchanged with persons employed in like capacities by, public
203 agencies either within or without this state, or by private

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204 industry. With respect to public agency employees, the program
205 authorized by this subparagraph shall be consistent with the
206 requirements of part II of chapter 112. The salary and benefits
207 of board of trustees personnel participating in the loan or
208 exchange program shall be continued during the period of time
209 they participate in a loan or exchange program, and such
210 personnel shall be deemed to have no break in creditable or
211 continuous service or employment during such time. The salary
212 and benefits of persons participating in the personnel loan or
213 exchange program who are employed by public agencies or private
214 industry shall be paid by the originating employers of those
215 participants, and such personnel shall be deemed to have no
216 break in creditable or continuous service or employment during
217 such time.
218 3. The employment of all Florida Virtual School academic
219 administrative and instructional personnel shall be subject to
220 rejection for cause by the board of trustees, and shall be
221 subject to policies of the board of trustees relative to
222 certification, tenure, leaves of absence, sabbaticals,
223 remuneration, and such other conditions of employment as the
224 board of trustees deems necessary and proper, not inconsistent
225 with law.
226 4. Each person employed by the board of trustees in an
227 academic administrative or instructional capacity with the
228 Florida Virtual School shall be entitled to a contract as
229 provided by rules of the board of trustees.
230 5. All employees except temporary, seasonal, and student
231 employees may be state employees for the purpose of being
232 eligible to participate in the Florida Retirement System and

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233 receive benefits. The classification and pay plan, including
234 terminal leave and other benefits, and any amendments thereto,
235 shall be subject to review and approval by the Department of
236 Management Services and the Executive Office of the Governor
237 prior to adoption.
238 (g) The board of trustees shall establish priorities for
239 admission of students in accordance with paragraph (1)(b).
240 (h) The board of trustees shall establish and distribute to
241 all school districts and high schools in the state procedures
242 for enrollment of students in courses offered by the Florida
243 Virtual School.
244 (i) The board of trustees shall establish criteria defining
245 the elements of an approved franchise. The board of trustees may
246 enter into franchise agreements with Florida district school
247 boards and may establish the terms and conditions governing such
248 agreements. The board of trustees shall establish the
249 performance and accountability measures and report the
250 performance of each school district franchise to the
251 Commissioner of Education.
252 (j) The board of trustees shall submit to the State Board
253 of Education both forecasted and actual enrollments and credit
254 completions for the Florida Virtual School, according to
255 procedures established by the State Board of Education. At a
256 minimum, such procedures must include the number of public,
257 private, and home education students served by program and by
258 county of residence.
259 (k) The board of trustees shall provide for the content and
260 custody of student and employee personnel records. Student
261 records shall be subject to the provisions of s. 1002.22.

262 Employee records shall be subject to the provisions of s.
263 1012.31.
264 (l) The financial records and accounts of the Florida
265 Virtual School shall be maintained under the direction of the
266 board of trustees and under rules adopted by the State Board of
267 Education for the uniform system of financial records and
268 accounts for the schools of the state.
269
270 The Governor shall designate the initial chair of the board of
271 trustees to serve a term of 4 years. Members of the board of
272 trustees shall serve without compensation, but may be reimbursed
273 for per diem and travel expenses pursuant to s. 112.061. The
274 board of trustees shall be a body corporate with all the powers
275 of a body corporate and such authority as is needed for the
276 proper operation and improvement of the Florida Virtual School.
277 The board of trustees is specifically authorized to adopt rules,
278 policies, and procedures, consistent with law and rules of the
279 State Board of Education related to governance, personnel,
280 budget and finance, administration, programs, curriculum and
281 instruction, travel and purchasing, technology, students,
282 contracts and grants, and property as necessary for optimal,
283 efficient operation of the Florida Virtual School. Tangible
284 personal property owned by the board of trustees shall be
285 subject to the provisions of chapter 273.
286 (3) Funding for the Florida Virtual School shall be
287 provided as follows:
288 (a)1. For a student in grades 9 through 12, a “full-time
289 equivalent student” is one student who has successfully
290 completed six full-credit courses that count toward the minimum

291 number of credits required for high school graduation. A student
292 who completes fewer than six full-credit courses is a fraction
293 of a full-time equivalent student. Half-credit course
294 completions shall be included in determining a full-time
295 equivalent student. Credit completed by a student in excess of
296 the minimum required for that student for high school graduation
297 is not eligible for funding.
298 2. For a student in kindergarten through grade 8, a "full-
299 time equivalent student" is one student who has successfully
300 completed six courses or the prescribed level of content that
301 counts toward promotion to the next grade. A student who
302 completes fewer than six courses or the prescribed level of
303 content shall be a fraction of a full-time equivalent student.
304 3. Beginning in the 2014-2015 fiscal year, when s.
305 1008.22(3)(g) is implemented, the reported full-time equivalent
306 students and associated funding of students enrolled in courses
307 requiring passage of an end-of-course assessment shall be
308 adjusted after the student completes the end-of-course
309 assessment. However, no adjustment shall be made for home
310 education program students who choose not to take an end-of-
311 course assessment.
312
313 For purposes of this paragraph, the calculation of "full-time
314 equivalent student" shall be as prescribed in s.
315 1011.61(1)(c)1.b.(V).
316 (b) Full-time equivalent student credit completed through
317 the Florida Virtual School, including credits completed during
318 the summer, shall be reported to the Department of Education in
319 the manner prescribed by the department and shall be funded

320 through the Florida Education Finance Program.
321 (c) School districts may not limit student access to
322 courses offered through the Florida Virtual School.
323 (d) Full-time equivalent student credit completion for
324 courses offered through the Florida Virtual School shall be
325 reported only by the Florida Virtual School. School districts
326 shall report full-time equivalent student membership only for
327 courses for which the district provides the instruction.
328 (e) The district cost differential as provided in s.
329 1011.62(2) shall be established as 1.000.
330 (f) The Florida Virtual School shall receive funds for
331 operating purposes in an amount determined as follows: multiply
332 the maximum allowable nonvoted discretionary millage for
333 operations pursuant to s. 1011.71(1) and (3) by the value of 96
334 percent of the current year's taxable value for school purposes
335 for the state; divide the result by the total full-time
336 equivalent membership of the state; and multiply the result by
337 the full-time equivalent membership of the school. The amount
338 thus obtained shall be discretionary operating funds and shall
339 be appropriated from state funds in the General Appropriations
340 Act.
341 (g) The Florida Virtual School shall receive additional
342 state funds as may be provided in the General Appropriations
343 Act; however, such funds may not be provided for the purpose of
344 fulfilling the class size requirements in ss. 1003.03 and
345 1011.685.
346 (h) In addition to the funds provided in the General
347 Appropriations Act, the Florida Virtual School may receive other
348 funds from grants and donations.

349 (4) School districts operating a virtual school that is an
350 approved franchise of the Florida Virtual School may count full-
351 time equivalent students, as provided in paragraph (3)(a), if
352 such school has been certified as an approved franchise by the
353 Commissioner of Education based on criteria established by the
354 board of trustees pursuant to paragraph (2)(i).
355 (5) Under no circumstance may the credit of the state be
356 pledged on behalf of the Florida Virtual School.
357 (6) The board of trustees shall annually submit to the
358 Governor, the Legislature, the Commissioner of Education, and
359 the State Board of Education a complete and detailed report
360 setting forth:
361 (a) The operations and accomplishments of the Florida
362 Virtual School.
363 (b) The marketing and operational plan for the Florida
364 Virtual School, including recommendations regarding methods for
365 improving the delivery of education through the Internet and
366 other distance learning technology.
367 (c) The assets and liabilities of the Florida Virtual
368 School at the end of the fiscal year.
369 (d) A copy of an annual financial audit of the accounts and
370 records of the Florida Virtual School, conducted by an
371 independent certified public accountant and performed in
372 accordance with rules adopted by the Auditor General.
373 (e) Recommendations regarding the unit cost of providing
374 services to students. In order to most effectively develop
375 public policy regarding any future funding of the Florida
376 Virtual School, it is imperative that the cost of the program is
377 accurately identified. The identified cost of the program must

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378 be based on reliable data.
379 (f) Recommendations regarding an accountability mechanism
380 to assess the effectiveness of the services provided by the
381 Florida Virtual School.
382 (7) The State Board of Education may adopt rules it deems
383 necessary to implement reporting requirements for the Florida
384 Virtual School.
385 (8)(a) The Florida Virtual School may provide full-time and
386 part-time instruction for students in kindergarten through grade
387 12 ~~and part-time instruction for students in grades 4 through~~
388 ~~12~~. To receive part-time instruction in kindergarten through
389 grade 5 ~~full-time instruction in grades 2 through 5~~, a student
390 must meet at least one of the eligibility criteria in s.
391 1002.455(2). ~~Part-time instruction for grades 4 and 5 may be~~
392 ~~provided only to public school students taking grade 6 through~~
393 ~~grade 8 courses.~~
394 (b) For students receiving part-time instruction in
395 kindergarten through grade ~~grades 4 and~~ 5 and students receiving
396 full-time instruction in kindergarten through grade 12 from the
397 Florida Virtual School, the combined total of all FTE reported
398 by both the school district and the Florida Virtual School may
399 not exceed 1.0 FTE.
400 ~~(9) Each elementary school principal must notify the parent~~
401 ~~of each student who scores at Level 4 or Level 5 on FCAT Reading~~
402 ~~or FCAT Mathematics of the option for the student to take~~
403 ~~accelerated courses through the Florida Virtual School.~~
404 (9) ~~(10)~~ (a) Public school students receiving full-time
405 instruction in kindergarten through grade 12 by the Florida
406 Virtual School must take all statewide assessments required

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407 pursuant to s. 1008.22.
408 (b) Public school students receiving part-time instruction
409 by the Florida Virtual School in courses requiring statewide
410 end-of-course assessments must take all statewide end-of-course
411 assessments required pursuant to s. 1008.22(3)(c)2.
412 (c) All statewide assessments must be taken at the school
413 to which the student would be assigned according to district
414 school board attendance area policies ~~within the school district~~
415 ~~in which the student resides~~. A school district must provide the
416 student with access to the school's ~~district's~~ testing
417 facilities.
418 (10) ~~(11)~~ The Florida Virtual School shall receive a school
419 grade pursuant to s. 1008.34 for students receiving full-time
420 instruction.
421 (11) The Florida Virtual School is subject to, with respect
422 to its full-time program, and shall be considered a district
423 school board within the context of the following statutes:
424 (a) Section 1001.52, relating to the reproduction and
425 destruction of district school records;
426 (b) Section 1003.22, relating to school-entry health
427 examinations;
428 (c) Section 1003.26, relating to the enforcement of school
429 attendance;
430 (d) Section 1003.33, relating to report cards;
431 (e) Section 1003.4156, relating to requirements for middle
432 grades promotion;
433 (f) Section 1003.42, relating to required instruction;
434 (g) Sections 1003.428 and 1003.43, relating to the general
435 requirements for high school graduation;

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436 (h) Section 1003.49, relating to graduation and promotion
437 requirements for publicly operated schools;
438 (i) Section 1003.54, relating to teenage parent programs;
439 (j) Section 1003.56, relating to English language
440 instruction for limited English proficient students;
441 (k) Section 1003.571, relating to instruction for
442 exceptional students who have a disability;
443 (l) Section 1006.025, relating to guidance services;
444 (m) Section 1006.07, relating to student discipline and
445 school safety;
446 (n) Section 1007.271, relating to dual enrollment programs;
447 (o) Section 1008.25, relating to student progression,
448 remedial instruction, and reporting requirements; and
449 (p) Section 1008.30, relating to common placement testing
450 for public postsecondary education, except that school districts
451 are required to administer any statewide test required, pursuant
452 to paragraph (9)(c).
453
454 This subsection does not limit or eliminate any other obligation
455 imposed upon the Florida Virtual School by law.
456 Section 4. Paragraph (b) of subsection (1), paragraph (a)
457 of subsection (2), and paragraphs (c) and (f) of subsection (7)
458 of section 1002.45, Florida Statutes, are amended to read:
459 1002.45 Virtual instruction programs.—
460 (1) PROGRAM.—
461 (b) Each school district that is eligible for the sparsity
462 supplement pursuant to s. 1011.62(7)(a) and (b) ~~1011.62(7)~~ shall
463 provide all enrolled public school students within its
464 boundaries the option of participating in part-time and full-

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465 time virtual instruction programs. Each school district that is
466 not eligible for the sparsity supplement pursuant to s.
467 1011.62(7)(a) and (b) shall provide at least three options for
468 part-time and full-time virtual instruction. All school
469 districts must provide parents with timely written notification
470 of at least one ~~an~~ open enrollment period for full-time students
471 of ~~at least~~ 90 days or more which ~~that~~ ends ~~no later than~~ 30
472 days before ~~prior to~~ the first day of the school year. The
473 purpose of the program is to make quality virtual instruction
474 available to students using online and distance learning
475 technology in the nontraditional classroom. A school district
476 virtual instruction program shall consist of ~~provide~~ the
477 following:
478 1. Full-time virtual instruction for students enrolled in
479 kindergarten through grade 12.
480 2. Part-time virtual instruction for students enrolled in
481 kindergarten ~~grades 9~~ through grade 12 courses that are measured
482 pursuant to subparagraph (8)(a)2.
483 3. Full-time or part-time virtual instruction for students
484 enrolled in dropout prevention and academic intervention
485 programs under s. 1003.53, Department of Juvenile Justice
486 education programs under s. 1003.52, core-curricula courses to
487 meet class size requirements under s. 1003.03, or Florida
488 College System institutions under this section.
489 (2) PROVIDER QUALIFICATIONS.—
490 (a) The department shall annually publish online a list of
491 providers approved to offer virtual instruction programs. To be
492 approved by the department, a provider must document that it:
493 1. Is nonsectarian in its programs, admission policies,

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494 employment practices, and operations;
495 2. Complies with the antidiscrimination provisions of s.
496 1000.05;
497 3. Locates an administrative office or offices in this
498 state, requires its administrative staff to be state residents,
499 requires all instructional staff to be Florida-certified
500 teachers under chapter 1012, and conducts background screenings
501 for all employees or contracted personnel, as required by s.
502 1012.32, using state and national criminal history records;
503 4. Possesses prior, successful experience offering online
504 courses to elementary, middle, or high school students as
505 demonstrated by quantified student learning gains in each
506 subject area and grade level provided for consideration as an
507 instructional program option;
508 5. Is accredited by a regional accrediting association as
509 defined by State Board of Education rule;
510 6. Ensures instructional and curricular quality through a
511 detailed curriculum and student performance accountability plan
512 that addresses every subject and grade level it intends to
513 provide through contract with the school district, including:
514 a. Courses and programs that meet the standards of the
515 International Association for K-12 Online Learning and the
516 Southern Regional Education Board.
517 b. Instructional content and services that align with, and
518 measure student attainment of, student proficiency in the Next
519 Generation Sunshine State Standards.
520 c. Mechanisms that determine and ensure that a student has
521 satisfied requirements for grade level promotion and high school
522 graduation with a standard diploma, as appropriate;

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523 7. Publishes for the general public, in accordance with
524 disclosure requirements adopted in rule by the State Board of
525 Education, as part of its application as a provider and in all
526 contracts negotiated pursuant to this section:
527 a. Information and data about the curriculum of each full-
528 time and part-time program.
529 b. School policies and procedures.
530 c. Certification status and physical location of all
531 administrative and instructional personnel.
532 d. Hours and times of availability of instructional
533 personnel.
534 e. Student-teacher ratios.
535 f. Student completion and promotion rates.
536 g. Student, educator, and school performance accountability
537 outcomes; ~~and~~
538 8. If the provider is a Florida College System institution,
539 employs instructors who meet the certification requirements for
540 instructional staff under chapter 1012; and
541 9. Performs an annual financial audit of its accounts and
542 records conducted by an independent certified public accountant
543 which is in accordance with rules adopted by the Auditor
544 General, is conducted in compliance with generally accepted
545 auditing standards, and includes a report on financial
546 statements presented in accordance with generally accepted
547 accounting principles.
548 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
549 FUNDING.—
550 (c) For a student enrolled ~~part-time~~ in a kindergarten
551 ~~grades 6~~ through grade 12 virtual instruction program, a "full-

552 time equivalent student" has the same meaning as provided in s.
553 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(c)1.b.(IV)~~.
554 (f) The school district providing virtual instruction ~~in~~
555 ~~which the student resides~~ shall report full-time equivalent
556 students for a virtual instruction program or a virtual charter
557 school to the department in a manner prescribed by the
558 department, and funding shall be provided through the Florida
559 Education Finance Program. ~~Funds received by the school district~~
560 ~~of residence for a student in a virtual instruction program~~
561 ~~provided by another school district under this section shall be~~
562 ~~transferred to the school district providing the virtual~~
563 ~~instruction program.~~
564 Section 5. Subsections (2) and (3) of section 1002.455,
565 Florida Statutes, are amended to read:
566 1002.455 Student eligibility for K-12 virtual instruction.—
567 (2) A student is eligible to participate in virtual
568 instruction if:
569 (a) The student spent the prior school year in attendance
570 at a public school in the state and was enrolled and reported by
571 the school district for funding during October and February for
572 purposes of the Florida Education Finance Program surveys;
573 (b) The student is a dependent child of a member of the
574 United States Armed Forces who was transferred within the last
575 12 months to this state from another state or from a foreign
576 country pursuant to a permanent change of station order;
577 (c) The student was enrolled during the prior school year
578 in a virtual instruction program under s. 1002.45, the K-8
579 Virtual School Program under s. 1002.415, or a full-time Florida
580 Virtual School program under s. 1002.37(8)(a);

(d) The student has a sibling who is currently enrolled in a virtual instruction program and the sibling was enrolled in that program at the end of the prior school year; or

(e) The student is eligible to enter kindergarten or first grade.

Notwithstanding this subsection, beginning with the 2012-2013 school year, a student is eligible to participate in a virtual education program if the student is eligible to enter grades 2 through 5. Beginning with the 2013-2014 school year, a student is eligible to participate in a virtual education program if the student is eligible to enter kindergarten through grade 8. Beginning with the 2014-2015 school year, a student is eligible to participate in a virtual education program if the student is eligible to enter kindergarten through grade 12.

(3) The virtual instruction options for which this eligibility section applies include:

(a) School district operated part-time or full-time kindergarten through grade 12 virtual instruction programs under s. 1002.45(1)(b) for students enrolled in the school district.

(b) Full-time virtual charter school instruction authorized under s. 1002.33.

~~(c) Courses delivered in the traditional school setting by personnel providing direct instruction through a virtual environment or though a blended virtual and physical environment pursuant to s. 1003.498 and as authorized pursuant to s. 1002.321(4)(c).~~

(c) ~~(d)~~ Virtual courses offered in the course code directory to students within the school district or to students in other

school districts throughout the state pursuant to s. 1003.498.

Section 6. Paragraph (c) of subsection (2) of section 1003.428, Florida Statutes, is amended to read:

1003.428 General requirements for high school graduation; revised.—

(2) The 24 credits may be earned through applied, integrated, and combined courses approved by the Department of Education. The 24 credits shall be distributed as follows:

(c) Beginning with students entering grade 9 in the 2011-2012 school year, at least one course within the 24 credits required in this subsection must be completed through online learning. A school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. ~~However,~~ An online course taken during grades 6 through 8 fulfills this requirement. This requirement shall be met through an online course offered by the Florida Virtual School, an online course offered by the high school, or an online dual enrollment course ~~offered pursuant to a district interinstitutional articulation agreement pursuant to s. 1007.235~~. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets this requirement. This requirement does not apply to a student who has an individual educational plan under s. 1003.57 which indicates that an online course would be inappropriate or a student who is enrolled in a Florida high school and has less than 1 academic year remaining in high school.

Section 7. Subsection (1) of section 1003.498, Florida Statutes, is amended to read:

639 1003.498 School district virtual course offerings.—
640 (1) School districts may deliver courses in the traditional
641 school setting by personnel certified pursuant to s. 1012.55 who
642 provide direct instruction through ~~a~~ virtual instruction
643 ~~environment~~ or through ~~though a~~ blended learning courses
644 consisting of both traditional classroom and online
645 instructional techniques ~~virtual and physical environment~~.
646 Students in a blended learning course must be full-time students
647 of the school and receive the online instruction in a classroom
648 setting at the school. The funding, performance, and
649 accountability requirements for blended learning courses are the
650 same as those for traditional courses.
651 Section 8. Subsection (5) is added to section 1003.57,
652 Florida Statutes, to read:
653 1003.57 Exceptional students instruction.—
654 (5) Each full-time virtual instruction program under s.
655 1002.37 or s. 1002.45 must fulfill the obligations of a school
656 district under this section for public school exceptional
657 students who are enrolled in a full-time virtual instruction
658 program. A student whose individual educational plan indicates
659 that full-time virtual instruction is appropriate may be
660 enrolled in a full-time virtual instruction program.
661 Section 9. Paragraphs (e), (f), and (g) are added to
662 subsection (3) of section 1006.15, Florida Statutes, to read:
663 1006.15 Student standards for participation in
664 interscholastic and intrascholastic extracurricular student
665 activities; regulation.—
666 (3)
667 (e) A student enrolled in the Florida Virtual School full-

668 time program may participate in any interscholastic
669 extracurricular activity at the public school to which the
670 student would be assigned according to district school board
671 attendance area policies or which the student could choose to
672 attend, pursuant to district or interdistrict controlled open
673 enrollment policies, if the student:
674 1. During the period of participation in the
675 interscholastic extracurricular activity, meets the requirements
676 in paragraph (a).
677 2. Meets any additional requirements as determined by the
678 board of trustees of the Florida Virtual School.
679 3. Meets the same residency requirements as other students
680 in the school at which he or she participates.
681 4. Meets the same standards of acceptance, behavior, and
682 performance that are required of other students in
683 extracurricular activities.
684 5. Registers his or her intent to participate in
685 interscholastic extracurricular activities with the school
686 before the beginning date of the season for the activity in
687 which he or she wishes to participate. A Florida Virtual School
688 student must be able to participate in curricular activities if
689 that is a requirement for an extracurricular activity.
690 (f) A student who transfers from the Florida Virtual School
691 full-time program to a traditional public school before or
692 during the first grading period of the school year is
693 academically eligible to participate in interscholastic
694 extracurricular activities during the first grading period if
695 the student has a successful evaluation from the previous school
696 year pursuant to paragraph (a).

697 (g) A public school or private school student who has been
698 unable to maintain academic eligibility for participation in
699 interscholastic extracurricular activities is ineligible to
700 participate in such activities as a Florida Virtual School
701 student until the student successfully completes one grading
702 period in the Florida Virtual School pursuant to paragraph (a).
703 Section 10. Paragraph (c) of subsection (1) of section
704 1011.61, Florida Statutes, is amended to read:
705 1011.61 Definitions.—Notwithstanding the provisions of s.
706 1000.21, the following terms are defined as follows for the
707 purposes of the Florida Education Finance Program:
708 (1) A "full-time equivalent student" in each program of the
709 district is defined in terms of full-time students and part-time
710 students as follows:
711 (c)1. A "full-time equivalent student" is:
712 a. A full-time student in any one of the programs listed in
713 s. 1011.62(1)(c); or
714 b. A combination of full-time or part-time students in any
715 one of the programs listed in s. 1011.62(1)(c) which is the
716 equivalent of one full-time student based on the following
717 calculations:
718 (I) A full-time student in a combination of programs listed
719 in s. 1011.62(1)(c) shall be a fraction of a full-time
720 equivalent membership in each special program equal to the
721 number of net hours per school year for which he or she is a
722 member, divided by the appropriate number of hours set forth in
723 subparagraph (a)1. or subparagraph (a)2. The difference between
724 that fraction or sum of fractions and the maximum value as set
725 forth in subsection (4) for each full-time student is presumed

726 to be the balance of the student's time not spent in such
727 special education programs and shall be recorded as time in the
728 appropriate basic program.
729 (II) A prekindergarten handicapped student shall meet the
730 requirements specified for kindergarten students.
731 (III) A full-time equivalent student for students in
732 kindergarten through grade 12 ~~5~~ in a full-time virtual
733 instruction program under s. 1002.45 or a virtual charter school
734 under s. 1002.33 shall consist of six full credit completions in
735 programs listed in s. 1011.62(1)(c) ~~a student who has~~
736 ~~successfully completed a basic program listed in s.~~
737 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~
738 ~~level~~. Credit completions may be a combination of full-credit
739 courses or half-credit courses. Beginning in the 2014-2015
740 fiscal year, when s. 1008.22(3)(g) is implemented, the reported
741 full-time equivalent students and associated funding of students
742 enrolled in courses requiring passage of an end-of-course
743 assessment shall be adjusted after the student completes the
744 end-of-course assessment.
745 (IV) A full-time equivalent student for students in
746 kindergarten ~~grades 6~~ through grade 12 in a part-time virtual
747 instruction program under s. 1002.45 ~~1002.45(1)(b)1., 2., or 3.~~
748 ~~or a virtual charter school under s. 1002.33~~ shall consist of
749 six full credit completions in programs listed in s.
750 1011.62(1)(c)1. and 3. ~~1011.62(1)(c)1.b. or c. and 3.~~ Credit
751 completions may be a combination of full-credit courses or half-
752 credit courses. Beginning in the 2014-2015 fiscal year, when s.
753 1008.22(3)(g) is implemented, the reported full-time equivalent
754 students and associated funding of students enrolled in courses

755 requiring passage of an end-of-course assessment shall be
756 adjusted after the student completes the end-of-course
757 assessment.
758 (V) A Florida Virtual School full-time equivalent student
759 shall consist of six full credit completions or the prescribed
760 level of content that counts toward promotion to the next grade
761 in the programs listed in s. 1011.62(1)(c)1. and 3.
762 ~~1011.62(1)(c)1.a. and b.~~ for students participating in
763 kindergarten through grade 12 part-time virtual instruction ~~8~~
764 and the programs listed in s. 1011.62(1)(c) ~~1011.62(1)(c)1.c.~~
765 for students participating in kindergarten through grade 12
766 full-time virtual instruction ~~grades 9 through 12~~. Credit
767 completions may be a combination of full-credit courses or half-
768 credit courses. Beginning in the 2014-2015 fiscal year, when s.
769 1008.22(3)(g) is implemented, the reported full-time equivalent
770 students and associated funding of students enrolled in courses
771 requiring passage of an end-of-course assessment shall be
772 adjusted after the student completes the end-of-course
773 assessment.
774 (VI) Each successfully completed full-credit course earned
775 through an online course delivered by a district other than the
776 one in which the student resides shall be calculated as 1/6 FTE.
777 (VII) Each successfully completed credit earned under the
778 alternative high school course credit requirements authorized in
779 s. 1002.375, which is not reported as a portion of the 900 net
780 hours of instruction pursuant to subparagraph (1)(a)1., shall be
781 calculated as 1/6 FTE.
782 2. A student in membership in a program scheduled for more
783 or less than 180 school days or the equivalent on an hourly

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784 basis as specified by rules of the State Board of Education is a
785 fraction of a full-time equivalent membership equal to the
786 number of instructional hours in membership divided by the
787 appropriate number of hours set forth in subparagraph (a)1.;
788 however, for the purposes of this subparagraph, membership in
789 programs scheduled for more than 180 days is limited to students
790 enrolled in juvenile justice education programs and the Florida
791 Virtual School.
792
793 The department shall determine and implement an equitable method
794 of equivalent funding for experimental schools and for schools
795 operating under emergency conditions, which schools have been
796 approved by the department to operate for less than the minimum
797 school day.
798 Section 11. Paragraph (g) of subsection (1) and subsection
799 (11) of section 1011.62, Florida Statutes, are amended to read:
800 1011.62 Funds for operation of schools.—If the annual
801 allocation from the Florida Education Finance Program to each
802 district for operation of schools is not determined in the
803 annual appropriations act or the substantive bill implementing
804 the annual appropriations act, it shall be determined as
805 follows:
806 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
807 OPERATION.—The following procedure shall be followed in
808 determining the annual allocation to each district for
809 operation:
810 (g) *Education for speakers of other languages.*—A school
811 district or a full-time virtual instruction program is ~~shall be~~
812 eligible to report full-time equivalent student membership in

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813 the ESOL program in the Florida Education Finance Program
814 provided the following conditions are met:
815 1. The school district or the full-time virtual instruction
816 program has a plan approved by the Department of Education.
817 2. The eligible student is identified and assessed as
818 limited English proficient based on assessment criteria.
819 3.a. An eligible student may be reported for funding in the
820 ESOL program for a base period of 3 years. However, a student
821 whose English competency does not meet the criteria for
822 proficiency after 3 years in the ESOL program may be reported
823 for a fourth, fifth, and sixth year of funding, provided his or
824 her limited English proficiency is assessed and properly
825 documented prior to his or her enrollment in each additional
826 year beyond the 3-year base period.
827 b. If a student exits the program and is later reclassified
828 as limited English proficient, the student may be reported in
829 the ESOL program for funding for an additional year, or extended
830 annually for a period not to exceed a total of 6 years pursuant
831 to this paragraph, based on an annual evaluation of the
832 student's status.
833 4. An eligible student may be reported for funding in the
834 ESOL program for membership in ESOL instruction in English and
835 ESOL instruction or home language instruction in the basic
836 subject areas of mathematics, science, social studies, and
837 computer literacy.
838 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
839 annually provide in the Florida Education Finance Program a
840 virtual education contribution. The amount of the virtual
841 education contribution shall be the difference between the

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842 amount per FTE established in the General Appropriations Act for
843 virtual education and the amount per FTE for each district and
844 the Florida Virtual School, which may be calculated by taking
845 the sum of the base FEFP allocation, the discretionary local
846 effort, the state-funded discretionary contribution, the
847 discretionary millage compression supplement, the research-based
848 reading instruction allocation, and the instructional materials
849 allocation, and then dividing by the total unweighted FTE. This
850 difference shall be multiplied by the virtual education
851 unweighted FTE for programs and options identified in s.
852 1002.455(3) ~~1002.455(3)(a), (b), and (d)~~ and the Florida Virtual
853 School and its franchises to equal the virtual education
854 contribution and shall be included as a separate allocation in
855 the funding formula.
856 Section 12. This act shall take effect July 1, 2012.

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Education Pre-K - 12 Appropriations

BILL: SB 1422

INTRODUCER: Senator Altman

SUBJECT: Public School Instruction

DATE: February 28, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	**Favorable**
2.	Armstrong	Hamon	BEA	**Favorable**
3.				
4.				
5.				
6.				

I. Summary:

The bill requires that the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation be included within required instruction for public school students.

This bill amends section 1003.42 of the Florida Statutes.

II. Present Situation:

Section 1003.42, F.S., establishes components of required instruction for public school students. Current law specifies that instructional staff teach the following content:

- The history and content of the Declaration of Independence, to include specific consents which include in part including national sovereignty, and natural law;
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States with emphasis on each of the ten amendments that make up the Bill of Rights;
- The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers;
- Flag education, including proper flag display and flag salute;
- The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts;
- The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present;

- The history of the Holocaust;
- The history of African Americans;
- The elementary principles of agriculture;
- The true effects of all alcoholic beverages and narcotics upon the human body and mind;
- Kindness to animals;
- The history of the state;
- The conservation of natural resources;
- Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including in part, an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; and dating violence and abuse;
- Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law;
- The study of Hispanic contributions to the United States;
- The study of women's contributions to the United States;
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12; and
- In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide.

Additionally, federal law designates September 11 as Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States on September 11, 2001.[1]

Although current law does not require instruction on the impact of 9-11 on our nation, the Department of Education (DOE) website includes multiple resources to support educators and students.[2]

III. Effect of Proposed Changes:

The bill requires that the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation be included within required instruction for public school students. Although the bill does not include a specific timeframe for the required instruction, school districts would most likely incorporate a remembrance of these events within instruction and school-related activities on Patriot Day, September 11, of each year.

[1] Public Law 107-89. *See* 36 U.S.C. s.144.
[2] *See* http://www.fldoe.org/bii/humanities/pdc.asp.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of this bill is minimal. For implementation, school districts will be able to use resources currently available at no cost from the Department of Education.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

By Senator Altman

24-01312-12 20121422__

A bill to be entitled

An act relating to public school instruction; amending s. 1003.42, F.S.; requiring that members of the instructional staff of public schools provide instruction to students about the events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation; providing an effective date.

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

Section 1. Paragraph (u) is added to subsection (2) of section 1003.42, Florida Statutes, to read:

1003.42 Required instruction.—

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

(u) The events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

Section 2. This act shall take effect July 1, 2012.

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Education Pre-K - 12 Appropriations

BILL: CS/SB 1522

INTRODUCER: Education Pre-K - 12 Committee and Senator Montford

SUBJECT: Accountability in Public Schools

DATE: February 28, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	**Fav/CS**
2.	Armstrong	Hamon	BEA	**Favorable**
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

In an effort to provide more clarity while maintaining effective school accountability, the proposed changes in the bill would align Florida's Differentiated Accountably (DA) system with the state's school grading system. The proposed changes to the system would more strategically target struggling schools in need of additional support and increase support to school districts in closing the achievement gaps for all subgroups of students.

The bill establishes the same DA requirements for charter schools and traditional public schools.

The bill would change the requirements for determining high-performing status for a charter school system that assumes operation of a school with a grade of "F" or that establish a charter school within a school zone in which the majority of students are enrolled in a turnaround option under DA provisions.

In order to hold schools more accountable for the postsecondary readiness of their students, the bill would change the postsecondary readiness calculation in the high school grades model to

include those students who are on-time graduates.[1] In order for a high school to earn a school grade of "A," the bill would require a school to demonstrate an increase in the graduation rate of its at-risk students.

Finally, the bill would eliminate duplicative testing for middle school students who participate in high school courses that require an end-of-course (EOC) assessment, therefore limiting the amount of time a student would be tested during the school year.

This bill substantially amends sections 1001.42, 1002.33, 1002.332, 1002.38, 1008.22, 1008.33, 1008.34, 1008.345, 1012.07, 1012.22, and 1012.2315 of the Florida Statutes.

II. Present Situation:

Differentiated Accountability[2]
Section 1008.33, F.S., provides the framework for Florida's DA system and requires the State Board of Education (SBE) to comply with the federal Elementary and Secondary Education Act (ESEA).[3] The ESEA establishes SBE authority to enforce a state system of school improvement and intervention and directs the Department of Education (DOE) to categorize each public school in one of six categories. The six categories are based on statewide assessment components for school grading and the level and rate of change in student performance in reading and mathematics.[4] The categories established in SBE rule are, from highest to lowest:

- Schools Not Required to Participate in Differentiated Accountability Strategies;
- Prevent I;
- Correct I;
- Prevent II;
- Correct II; and
- Intervene.

Under current law, placement in all but the highest category identifies a school for interventions.[5] The lowest category, Intervene, includes schools that have received:

[1] Currently, Florida calculates high school graduation rates for schools using the National Governors Association (NGA) graduation rate, which tracks individual students in and out of the system from their entrance into ninth grade through completion four years later.
[2] The U.S. Department of Education selected Florida to participate in the "Differentiated Accountability Pilot" initiative in 2008. Through Differentiated Accountability, the state is allowed greater flexibility in providing the needed technical assistance and interventions to the schools with greatest need. Florida's DA plan streamlines the federal and state accountability systems and directs increasing schoolwide interventions and school and district accountability based on Adequate Yearly Progress (AYP) and school grades. This program allows the DOE to operate a new tiered approach to working directly with schools to increase student achievement. The support and assistance provided to each school is individualized, depending on the needs of that school. Through DA, schools fall into a matrix of categories based on the level of the school's achievement. The lowest performing schools receive the most support, and under DA, these schools are required to implement the most robust interventions that will help lead to successful school improvement. In order to provide direct support to schools, Florida has created a regional system of support. *See*: http://flbsi.org/DA/.
[3] 20 U.S.C. s. 6311 et seq.
[4] s. 1008.33(3)(b), F.S.
[5] Rule 6A-1.099811(3)(f), F.A.C.

- A grade of "F" in the most recent school year and in four of the last six years; or
- A grade of "D" or "F" in the most recent school year and meet at least three of the following criteria:
  - The percentage of students who are not proficient in reading has increased when compared to measurements taken five years previously;
  - The percentage of students who are not proficient in mathematics has increased when compared to measurements taken five years previously;
  - At least 65 percent of the school's students are not proficient in reading; or
  - At least 65 percent of the school's students are not proficient in mathematics.[6]

The DOE administers interventions for schools in the lowest category (Intervene) and "F" schools in the second lowest category (Correct II). Interventions for all other schools are administered by the school or school district.[7]

For a school identified in the lowest category, the school district must select one of the following school turnaround options:

- Convert the school to a district-managed turnaround school by means that include implementation of a turnaround plan approved by the Commissioner of Education that becomes the school's improvement plan;
- Reassign students to another school and monitor the progress of the reassigned students;
- Close the school and authorize a sponsor to reopen the school as a charter school or multiple charter schools; or
- Contract with an outside entity to operate the school.

The district must submit a plan to the SBE for implementing the option by the beginning of the second year after such identification, unless the school advances to a higher category or exits the category before such time. Implementation of the selected option requires SBE approval. If a school does not move from the lowest category during the initial year of implementing an option, the school district must submit a plan to the SBE to implement an alternate option. The school district must then implement the option at the beginning of the next school year, unless the SBE determines that the school is likely to move from the lowest category if additional time is provided to implement intervention and support strategies under the previous option.[8]

In order to advance to a higher category, a school must make significant progress by improving its school grade and by increasing student performance in mathematics and reading. Student performance is evaluated and reported for each subgroup.[9]

Charter Schools
Section 1002.33, F.S., requires provisions for charter school accountability to be included within the contract between the charter school and the sponsor, usually the school district. The sponsor

[6] s. 1008.33(4)(b), F.S.
[7] s. 1008.33(2)(b) and (4), F.S.
[8] s. 1008.33(5)(b), F.S.
[9] Subgroups include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. *See* the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

has the authority to close a charter school if the school fails to meet the student performance outcomes agreed upon in the charter, fails to meet generally accepted standards of fiscal management, violates the law, or shows other good cause.[10]

Charter schools are evaluated and assigned a school grade using the same standards and criteria currently established for traditional public schools. The DOE is required to annually provide an analysis and comparison of the overall performance of charter school students to traditional public school students, based on the statewide assessment program and information reported by the charter school to the school district. [11]

High Performing Charter School Systems
A high-performing charter school system is currently defined as a charter school system that:

- Operates at least three high-performing charter schools;
- Is one in which at least fifty percent of the schools within the charter school system have received at least two school grades of "A" and no school grade below "B" during the previous three school years; and
- Has no charter school that has received a grade of "D" or "F."[12]

When a charter-school system assumes operation of a low performing public school that has received a "D" or "F," the school's grade is not considered in determining high-performing charter school system status for a period of three-years. Additionally, when a charter school established by a high-performing charter school system that serves a student population, the majority of which resides in a school zone served by a public school that is identified as lowest performing, the school grade will not be considered in determining high-performing charter school system status. However, this provision is contingent upon the school attaining and maintaining a school grade that is higher than that of the public school serving that school zone. This provision must be met within three years after establishment of the charter school.[13]

Student Assessment
Students enrolled in a high school course that requires an EOC assessment must take all the statewide comprehensive assessments required for that grade level. Middle school students who participate in a high school mathematics course with an associated EOC are required to take both the required EOC assessment and the corresponding comprehensive statewide assessment.

III. Effect of Proposed Changes:

Last fall, the U.S. Department of Education offered states the opportunity to request flexibility from certain requirements of the 1965 Elementary and Secondary Education Act (ESEA),[14] as amended by the No Child Left Behind Act of 2001, and the associated regulatory, administrative, and reporting requirements in exchange for rigorous and comprehensive state-developed plans. The stated purpose of the waiver is to improve educational outcomes for all students, close

[10] http://www.floridaschoolchoice.org/information/charter_schools/faqs.asp.
[11] *Id.*
[12] s. 1002.332, F.S.
[13] *Id.*
[14] *See* the federal Elementary and Secondary Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

achievement gaps, increase equity, and improve the quality of instruction.[15] In response to this initiative, Florida requested[16] and was granted a waiver of 11 specific federal school accountability provisions.[17] The waiver establishes an enhanced school grades accountability system to focus all accountability resources and attention on one system and attain college- and career-ready standards for all students.[18]

The changes in the bill would align Florida's differentiated accountability system with the state's school grading system and conform to provisions included in the federal waiver. According to the DOE, these changes would eliminate the duplication and confusion caused by having two separate accountability systems, one federal and one state. The changes would more strategically target struggling schools in need of additional support and increase support to school districts in closing the achievement gaps for all subgroups of students. Additionally, a uniform system of accountability could provide more clarity on the options available to the parents of students who attend schools designated as having a school grade of "D" or "F" and that are required to implement a DA turnaround option.[19]

Under the bill, beginning with 2011-12 school year, the DOE would annually identify each public school in need of intervention and support to improve student academic performance. Identification would be based on the school's earning a grade of "D" or "F," pursuant to current school grading provisions.[20] The SBE would be required to apply the most intense intervention and support strategies to schools earning a grade of "F." When a school initially receives a grade of "F," the district would be required to select one of five turnaround options and submit a plan for implementation to DOE for approval by the SBE. Schools that earn three consecutive grades of "D" would also be required to implement a school turnaround option.

The bill would increase the school turnaround options available to schools initially identified as having a grade of "F," to include an option of a hybrid model of the four options currently listed in SBE rule.[21] The DOE estimates that the priority/intervene schools category would include 112 schools, reflecting six percent of all Title I schools in the state's current accountability system.[22]

The bill requires the SBE to establish by rule a differentiated matrix of intervention and support strategies to assist identified schools, including identified charter schools.[23]

The school turnaround options established in the bill are:

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[15] U.S. Department of Education, *ESEA Flexibility Review Guidance*, February 10, 2012. See http://www.ed.gov/category/keyword/esea-flexibility.
[16] *Florida's Approved Flexibility Request,* January 31, 2012, *See* http://www2.ed.gov/policy/eseaflex/approved-requests/fl.pdf.
[17] Correspondence to Florida Commissioner of Education Gerard Robinson from Secretary Arne Duncan, U.S. DOE, February 9, 2012. *See* http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf.
[18] *Id.* Florida was granted a waiver on February 9, 2012.
[19] s. 1002.38(3)(a)2., F.S.
[20] s. 1008.34, F.S.
[21] Rule 6A-1.099811, F.A.C.
[22] *Florida's Approved Flexibility Request,* January 31, 2012, *See* http://www2.ed.gov/policy/eseaflex/approved-requests/fl.pdf.
[23] The rule must also define the intervention and support strategies for school improvement and the respective roles of the district and DOE.

1. Convert a school to a district-managed turnaround school;
2. Reassign students to another school;
3. Close and reopen the school as one or more charter schools with a governing board that has a demonstrated record of effectiveness;
4. Contract with an outside entity that has a demonstrated record of effectiveness; or
5. Implement a hybrid of existing turnaround options or other turnaround models that have demonstrated a record of effectiveness.

A school would be given two full school years after receiving a grade of "F" to fully implement the turnaround option. In the event a school improves by at least one letter grade, implementation of the turnaround option would no longer be required. However, a school that improves must continue to implement strategies identified in its school improvement plan and the DOE must annually review implementation of the school improvement plan to ensure continued improvement.

In the event a school that earns a grade of "F" does not improve by at least one letter grade after two full years of implementing the turnaround option, the school district would be required to select a different turnaround option and submit another implementation plan to DOE for approval by the SBE. Implementation of the new plan would begin in the following school year unless the SBE determines that the school is likely to improve a letter grade if additional time is provided to implement the existing option.

A school that receives a grade of "F" within two years of raising its grade from an "F" or that receives an "F" within two years of exiting the lowest performing category established under current DA law, must implement one of the turnaround options other than the district managed turnaround option.

A school classified in lowest performing categories under current state DA law prior to July 1, 2012, would not be required to continue implementing any turnaround options, unless the school receives a grade of "F" for the 2011-12 school year. A school receiving a grade of "F" for the 2011-12 school year must continue to meet the current requirements in law.

Under the bill, the SBE would develop rules, in consultation with education stakeholders, to include timelines for submission of implementation plans, approval criteria for plans, and timelines for implementing intervention and support strategies.

The bill would authorize the Commissioner of Education to prescribe the design and content of the annual report required under s. 1008.34, F.S. to include the percentage of students performing at or above grade level and of those making a year's progress in a year's time for reading.[24]

The bill requires that in order for a high school to earn a grade of "A," the school must demonstrate that the school's at-risk students are making adequate progress. The bill defines at-

[24] Section 1008.34, F.S. requires the Commissioner of Education to prepare an annual report of the results of the statewide assessment program which describes student achievement in the state, each district, and each school.

risk students as those students scoring at Level 1 or Level 2 on grade 8 FCAT mathematics and reading.

The bill provides flexibility to the school district as to how the school report card is to be communicated to parents. This provision would allow for multiple methods of delivery, including electronic and online versions.

The bill also includes provisions that are required in the federal waiver related to school improvement plans. These provisions require the SBE to adopt in rule thresholds for determining compliance with the requirement to decrease significant student achievement and graduation gaps. Schools that do not significantly decrease the percentage of students scoring below satisfactory on statewide assessments or those schools that do not significantly lower graduation rates for a subgroup when compared to the state's graduation rate, must include within the school's improvement plan strategies for improving these conditions.

Charter Schools
A charter school that earns a grade of "D" or "F" would be required to present to the charter sponsor information regarding achievement deficiencies. Under the bill, the sponsor would require the charter school governing board to submit a school improvement plan and upon approval by the sponsor, immediately implement the plan. The bill requires DOE to offer technical assistance. In the event a charter school earns a grade of "F" or three consecutive grades of "D" and does not improve by at least one letter grade, the charter school must:

- Contract for educational services for the charter school;
- Reorganize the school under new director or principal; or
- Voluntarily close.

In the event the charter school improves by at least one letter grade, the charter school would no longer be required to implement the plan. However, the charter school must continue to implement corrective strategies and the sponsor must annually review the school improvement plan for compliance. If the charter school does not improve by at least one letter grade after two full years, the school must select a different corrective action and implement that action the following year, unless the sponsor determines that the charter school is likely to improve.

High Performing Charter School Systems
The bill would change the requirements for determining high-performing status for a charter school system. Under the bill, a charter school system would not be considered high performing if one of the schools in the system has a school grade of "D" or "F," unless:

- A high-performing charter school system, as a result of an implemented turnaround model, has assumed operation of a public school, which has been identified as having a school grade of "F." The public school's grade would not be considered in the determination of a high-performing charter school system status for a period of three years.
- The charter school system establishes a new charter school that serves a student population the majority of which resides in a school zone served by a public school that is identified as having a school grade of "F" or that is required to implement a school turnaround plan.

Assessment and School Grades
The bill would eliminate duplicative testing for middle school students who participate in high school courses that require an EOC assessment. For example, a middle school student who takes the Algebra I EOC would no longer be required to also take the grade 8 FCAT Mathematics, therefore limiting the amount of time a student would be tested during the school year.

In order to hold schools more accountable for the postsecondary readiness of their students, the bill would change the postsecondary readiness calculation in the high school grades model to include those students who graduate on time.[25] Under the bill, the Postsecondary Education Readiness Test (PERT)[26] is included as an acceptable method of determining readiness.

Additionally, the bill would allow for Achievement Level standards for the EOC assessments to be established in rule, prior to the assessments being used in the calculation of school grades.

The bill includes technical provisions related to the Opportunity Scholarship Program, critical teacher shortage areas, and assignment of teachers to conform to the DA changes made under the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

[25] Florida calculates on-time high school graduates as students who matriculate in and out of the system from their entrance into ninth grade through completion four years later. *See* "Compact Rate" established by the National Governors Association, available at: http://www.nga.org/cms/home.html.
[26] *See* www.fldoe.org/cc/pert.asp.

C. Government Sector Impact:

Elimination of the duplicative portions of the accountability systems proposed by the bill in conjunction with the waiver from certain requirements of the Elementary and Secondary Act could potentially reduce administrative costs for the department and school districts.

The bill will make it more difficult for certain high schools to earn an "A" because of the requirement that they must demonstrate an increase in the graduation rate of their at-risk students. This could then reduce the number of schools eligible for School Recognition Program funding.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by the Committee on Education Pre-K – 12 on February 14, 2012:
The committee substitute:

- Includes provisions from the recently granted ESEA federal waiver for the SBE to determine thresholds for improved compliance with requirements to improve achievement gaps and graduation rates for student subgroups;
- Requires schools that earn an "F" or three consecutive "D"s to implement a school turnaround option;
- Clarifies that "F" schools will have two full school years to implement the turnaround option;
- Establishes the same DA requirements for charter schools and traditional public schools; and
- Provides that schools currently identified as lowest performing must continue to meet the current requirements in law if the school receives a grade of "F" in the 2011-12 school year.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Montford

581-03365-12 20121522c1

A bill to be entitled

An act relating to school improvement and accountability; amending s. 1008.22, F.S.; revising the duties of the Commissioner of Education which relate to the statewide assessment program; revising provisions relating to the development and implementation of a student achievement assessment program; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act flexibility waiver approved by the United States Secretary of Education; requiring that the Department of Education annually identify each public school in need of intervention and support to improve student academic performance; requiring that the State Board of Education establish by rule a matrix of intervention and support strategies for assisting public schools and charter schools; deleting provisions requiring the Department of Education to create a matrix reflecting intervention and support strategies for the lowest-performing schools; requiring that the state board apply the most intense intervention and support strategies to schools earning a grade of "F"; providing turnaround options for school districts to address such schools; providing exceptions for schools classified in the lowest-performing category; requiring that the state board adopt rules that include timelines for submitting implementation plans; amending s. 1008.34, F.S.; revising provisions

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581-03365-12 20121522c1

relating to the school grading system; requiring that the annual report of the results of the statewide assessment program prepared by the Commissioner of Education include the percentage of students performing at or above grade level; revising provisions relating to the criteria for the designation of school grades; requiring that a school district communicate a school report card to parents throughout the school district; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to school improvement plans and opportunity scholarships; amending s. 1002.33, F.S.; revising provisions relating to charter school requirements to conform to changes made by the act; amending s. 1002.332, F.S.; conforming cross-references and provisions to changes made by the act; amending s. 1002.38, F.S.; revising provisions relating to the eligibility for opportunity scholarships to conform to changes made by the act; amending ss. 1008.345, 1012.07, 1012.22, and 1012.2315, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall

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59 design and implement a statewide program of educational
60 assessment that provides information for the improvement of the
61 operation and management of the public schools, including
62 schools operating for the purpose of providing educational
63 services to youth in Department of Juvenile Justice programs.
64 The commissioner may enter into contracts for the continued
65 administration of the assessment~~, testing, and evaluation~~
66 programs authorized and funded by the Legislature. Contracts may
67 be initiated in 1 fiscal year and continue into the next and may
68 be paid from the appropriations of either or both fiscal years.
69 The commissioner is authorized to negotiate for the sale or
70 lease of tests, scoring protocols, test scoring services, and
71 related materials developed pursuant to law. Pursuant to the
72 statewide assessment program, the commissioner shall:
73 (a) Submit proposed Next Generation Sunshine State
74 Standards to the State Board of Education for adoption and
75 periodic review and revision under s. 1003.41.
76 (b) Develop and implement a uniform system of indicators to
77 describe the performance of public school students and the
78 characteristics of the public school districts and the public
79 schools. These indicators must include~~, without limitation,~~
80 information gathered by the comprehensive management information
81 system created pursuant to s. 1008.385 and student achievement
82 information obtained pursuant to this section.
83 (c) Develop and implement a student achievement assessment
84 ~~testing~~ program as follows:
85 1. The Florida Comprehensive Assessment Test (FCAT)
86 measures a student's content knowledge and skills in reading,
87 writing, science, and mathematics. The content knowledge and

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88 skills assessed by the FCAT must be aligned to the core
89 curricular content established in the Next Generation Sunshine
90 State Standards. FCAT ~~Other content areas may be included as~~
91 ~~directed by the commissioner. Comprehensive assessments of~~
92 reading and mathematics shall be administered annually in grades
93 3 through 10 except, beginning with the 2010-2011 school year,
94 the administration of grade 9 FCAT Mathematics shall be
95 discontinued, and beginning with the 2011-2012 school year, the
96 administration of grade 10 FCAT Mathematics shall be
97 discontinued, except as required for students who have not
98 attained minimum performance expectations for graduation as
99 provided in paragraph (9)(c). FCAT Writing and FCAT Science
100 shall be administered at least once at the elementary, middle,
101 and high school levels except, beginning with the 2011-2012
102 school year, the administration of FCAT Science at the high
103 school level shall be discontinued. Students enrolled in an
104 Algebra I, Geometry, or Biology I course or an equivalent course
105 with a statewide, standardized end-of-course assessment are not
106 required to take the corresponding grade-level FCAT assessment.
107 2.a. ~~End-of-course assessments for a subject shall be~~
108 ~~administered in addition to the comprehensive assessments~~
109 ~~required under subparagraph 1.~~ End-of-course assessments must be
110 rigorous, statewide, standardized, and developed or approved by
111 the department. The content knowledge and skills assessed by
112 end-of-course assessments must be aligned to the core curricular
113 content established in the Next Generation Sunshine State
114 Standards.
115 (I) Statewide, standardized end-of-course assessments in
116 mathematics shall be administered according to this sub-sub-

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117 subparagraph. Beginning with the 2010-2011 school year, all
118 students enrolled in Algebra I or an equivalent course must take
119 the Algebra I end-of-course assessment. For students entering
120 grade 9 during the 2010-2011 school year and who are enrolled in
121 Algebra I or an equivalent, each student's performance on the
122 end-of-course assessment in Algebra I shall constitute 30
123 percent of the student's final course grade. Beginning with
124 students entering grade 9 in the 2011-2012 school year, a
125 student who is enrolled in Algebra I or an equivalent must earn
126 a passing score on the end-of-course assessment in Algebra I or
127 attain an equivalent score as described in subsection (11) in
128 order to earn course credit. Beginning with the 2011-2012 school
129 year, all students enrolled in geometry or an equivalent course
130 must take the geometry end-of-course assessment. For students
131 entering grade 9 during the 2011-2012 school year, each
132 student's performance on the end-of-course assessment in
133 geometry shall constitute 30 percent of the student's final
134 course grade. Beginning with students entering grade 9 during
135 the 2012-2013 school year, a student must earn a passing score
136 on the end-of-course assessment in geometry or attain an
137 equivalent score as described in subsection (11) in order to
138 earn course credit.
139 (II) Statewide, standardized end-of-course assessments in
140 science shall be administered according to this sub-sub-
141 subparagraph. Beginning with the 2011-2012 school year, all
142 students enrolled in Biology I or an equivalent course must take
143 the Biology I end-of-course assessment. For the 2011-2012 school
144 year, each student's performance on the end-of-course assessment
145 in Biology I shall constitute 30 percent of the student's final

146 course grade. Beginning with students entering grade 9 during
147 the 2012-2013 school year, a student must earn a passing score
148 on the end-of-course assessment in Biology I in order to earn
149 course credit.
150 b. During the 2012-2013 school year, an end-of-course
151 assessment in civics education shall be administered as a field
152 test at the middle school level. During the 2013-2014 school
153 year, each student's performance on the statewide, standardized
154 end-of-course assessment in civics education shall constitute 30
155 percent of the student's final course grade. Beginning with the
156 2014-2015 school year, a student must earn a passing score on
157 the end-of-course assessment in civics education in order to
158 pass the course and be promoted from the middle grades. The
159 school principal of a middle school shall determine, in
160 accordance with State Board of Education rule, whether a student
161 who transfers to the middle school and who has successfully
162 completed a civics education course at the student's previous
163 school must take an end-of-course assessment in civics
164 education.
165 c. The commissioner may select one or more nationally
166 developed comprehensive examinations, which may include, but
167 need not be limited to, examinations for a College Board
168 Advanced Placement course, International Baccalaureate course,
169 or Advanced International Certificate of Education course, or
170 industry-approved examinations to earn national industry
171 certifications identified in the Industry Certification Funding
172 List, pursuant to rules adopted by the State Board of Education,
173 for use as end-of-course assessments under this paragraph, if
174 the commissioner determines that the content knowledge and

175 skills assessed by the examinations meet or exceed the grade
176 level expectations for the core curricular content established
177 for the course in the Next Generation Sunshine State Standards.
178 The commissioner may collaborate with the American Diploma
179 Project in the adoption or development of rigorous end-of-course
180 assessments that are aligned to the Next Generation Sunshine
181 State Standards.
182 d. Contingent upon funding provided in the General
183 Appropriations Act, including the appropriation of funds
184 received through federal grants, the Commissioner of Education
185 shall establish an implementation schedule for the development
186 and administration of additional statewide, standardized end-of-
187 course assessments in English/Language Arts II, Algebra II,
188 chemistry, physics, earth/space science, United States history,
189 and world history. Priority shall be given to the development of
190 end-of-course assessments in English/Language Arts II. The
191 Commissioner of Education shall evaluate the feasibility and
192 effect of transitioning from the grade 9 and grade 10 FCAT
193 Reading and high school level FCAT Writing to an end-of-course
194 assessment in English/Language Arts II. The commissioner shall
195 report the results of the evaluation to the President of the
196 Senate and the Speaker of the House of Representatives no later
197 than July 1, 2011.
198 3. The testing program shall measure student content
199 knowledge and skills adopted by the State Board of Education as
200 specified in paragraph (a) and measure and report student
201 performance levels of all students assessed in reading, writing,
202 mathematics, and science. The commissioner shall provide for the
203 tests to be developed or obtained, as appropriate, through

204 contracts and project agreements with private vendors, public
205 vendors, public agencies, postsecondary educational
206 institutions, or school districts. The commissioner shall obtain
207 input with respect to the design and implementation of the
208 testing program from state educators, assistive technology
209 experts, and the public.
210 4. The testing program shall be composed of criterion-
211 referenced tests that shall, to the extent determined by the
212 commissioner, include test items that require the student to
213 produce information or perform tasks in such a way that the core
214 content knowledge and skills he or she uses can be measured.
215 5. FCAT Reading, Mathematics, and Science and all
216 statewide, standardized end-of-course assessments shall measure
217 the content knowledge and skills a student has attained on the
218 assessment by the use of scaled scores and achievement levels.
219 Achievement levels shall range from 1 through 5, with level 1
220 being the lowest achievement level, level 5 being the highest
221 achievement level, and level 3 indicating satisfactory
222 performance on an assessment. For purposes of FCAT Writing,
223 student achievement shall be scored using a scale of 1 through 6
224 and the score earned shall be used in calculating school grades.
225 A score shall be designated for each subject area tested, below
226 which score a student's performance is deemed inadequate. The
227 school districts shall provide appropriate remedial instruction
228 to students who score below these levels.
229 6. The State Board of Education shall, by rule, designate a
230 passing score for each part of the grade 10 assessment test and
231 end-of-course assessments. Any rule that has the effect of
232 raising the required passing scores may apply only to students

233 taking the assessment for the first time after the rule is
234 adopted by the State Board of Education. Except as otherwise
235 provided in this subparagraph and as provided in s.
236 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
237 passing score on grade 10 FCAT Reading and grade 10 FCAT
238 Mathematics or attain concordant scores as described in
239 subsection (10) in order to qualify for a standard high school
240 diploma.
241 7. In addition to designating a passing score under
242 subparagraph 6., the State Board of Education shall also
243 designate, by rule, a score for each statewide, standardized
244 end-of-course assessment which indicates that a student is high
245 achieving and has the potential to meet college-readiness
246 standards by the time the student graduates from high school.
247 8. Participation in the testing program is mandatory for
248 all students attending public school, including students served
249 in Department of Juvenile Justice programs, except as otherwise
250 prescribed by the commissioner. A student who has not earned
251 passing scores on the grade 10 FCAT as provided in subparagraph
252 6. must participate in each retake of the assessment until the
253 student earns passing scores or achieves scores on a
254 standardized assessment which are concordant with passing scores
255 pursuant to subsection (10). If a student does not participate
256 in the statewide assessment, the district must notify the
257 student's parent and provide the parent with information
258 regarding the implications of such nonparticipation. A parent
259 must provide signed consent for a student to receive classroom
260 instructional accommodations that would not be available or
261 permitted on the statewide assessments and must acknowledge in

262 writing that he or she understands the implications of such
263 instructional accommodations. The State Board of Education shall
264 adopt rules, based upon recommendations of the commissioner, for
265 the provision of test accommodations for students in exceptional
266 education programs and for students who have limited English
267 proficiency. Accommodations that negate the validity of a
268 statewide assessment are not allowable in the administration of
269 the FCAT or an end-of-course assessment. However, instructional
270 accommodations are allowable in the classroom if included in a
271 student's individual education plan. Students using
272 instructional accommodations in the classroom that are not
273 allowable as accommodations on the FCAT or an end-of-course
274 assessment may have the FCAT or an end-of-course assessment
275 requirement waived pursuant to the requirements of s.
276 1003.428(8)(b) or s. 1003.43(11)(b).
277 9. A student seeking an adult high school diploma must meet
278 the same testing requirements that a regular high school student
279 must meet.
280 10. District school boards must provide instruction to
281 prepare students in the core curricular content established in
282 the Next Generation Sunshine State Standards adopted under s.
283 1003.41, including the core content knowledge and skills
284 necessary for successful grade-to-grade progression and high
285 school graduation. If a student is provided with instructional
286 accommodations in the classroom that are not allowable as
287 accommodations in the statewide assessment program, as described
288 in the test manuals, the district must inform the parent in
289 writing and must provide the parent with information regarding
290 the impact on the student's ability to meet expected performance

291 levels in reading, writing, mathematics, and science. The
292 commissioner shall conduct studies as necessary to verify that
293 the required core curricular content is part of the district
294 instructional programs.
295 11. District school boards must provide opportunities for
296 students to demonstrate an acceptable performance level on an
297 alternative standardized assessment approved by the State Board
298 of Education following enrollment in summer academies.
299 12. The Department of Education must develop, or select,
300 and implement a common battery of assessment tools that will be
301 used in all juvenile justice programs in the state. These tools
302 must accurately measure the core curricular content established
303 in the Next Generation Sunshine State Standards.
304 13. For students seeking a special diploma pursuant to s.
305 1003.438, the Department of Education must develop or select and
306 implement an alternate assessment tool that accurately measures
307 the core curricular content established in the Next Generation
308 Sunshine State Standards for students with disabilities under s.
309 1003.438.
310 14. The Commissioner of Education shall establish schedules
311 for the administration of statewide assessments and the
312 reporting of student test results. When establishing the
313 schedules for the administration of statewide assessments, the
314 commissioner shall consider the observance of religious and
315 school holidays. The commissioner shall, by August 1 of each
316 year, notify each school district in writing and publish on the
317 department's Internet website the testing and reporting
318 schedules for, at a minimum, the school year following the
319 upcoming school year. The testing and reporting schedules shall

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320 require that:
321 a. There is the latest possible administration of statewide
322 assessments and the earliest possible reporting to the school
323 districts of student test results which is feasible within
324 available technology and specific appropriations; however, test
325 results for the FCAT must be made available no later than the
326 week of June 8. Student results for end-of-course assessments
327 must be provided no later than 1 week after the school district
328 completes testing for each course. The commissioner may extend
329 the reporting schedule under exigent circumstances.
330 b. FCAT Writing may not be administered earlier than the
331 week of March 1, and a comprehensive statewide assessment of any
332 other subject may not be administered earlier than the week of
333 April 15.
334 c. A statewide, standardized end-of-course assessment is
335 administered at the end of the course. The commissioner shall
336 select an administration period for assessments that meets the
337 intent of end-of-course assessments and provides student results
338 prior to the end of the course. School districts shall
339 administer tests in accordance with the schedule determined by
340 the commissioner. For an end-of-course assessment administered
341 at the end of the first semester, the commissioner shall
342 determine the most appropriate testing dates based on a review
343 of each school district's academic calendar.
344
345 The commissioner may, based on collaboration and input from
346 school districts, design and implement student testing programs,
347 for any grade level and subject area, necessary to effectively
348 monitor educational achievement in the state, including the

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349 measurement of educational achievement of the Next Generation
350 Sunshine State Standards for students with disabilities.
351 Development and refinement of assessments shall include
352 universal design principles and accessibility standards that
353 will prevent any unintended obstacles for students with
354 disabilities while ensuring the validity and reliability of the
355 test. These principles should be applicable to all technology
356 platforms and assistive devices available for the assessments.
357 The field testing process and psychometric analyses for the
358 statewide assessment program must include an appropriate
359 percentage of students with disabilities and an evaluation or
360 determination of the effect of test items on such students.
361 (d) Conduct ongoing research to develop improved methods of
362 assessing student performance, including, without limitation,
363 the use of technology to administer tests, score, or report the
364 results of, the use of electronic transfer of data, the
365 development of work-product assessments, and the development of
366 process assessments.
367 (e) Conduct ongoing research and analysis of student
368 achievement data, including, without limitation, monitoring
369 trends in student achievement by grade level and overall student
370 achievement, identifying school programs that are successful,
371 and analyzing correlates of school achievement.
372 (f) Provide technical assistance to school districts in the
373 implementation of state and district testing programs and the
374 use of the data produced pursuant to such programs.
375 (g) Beginning with the 2014-2015 school year, all statewide
376 end-of-course assessments shall be administered online.
377 Section 2. Section 1008.33, Florida Statutes, is amended to

378 read:
379 1008.33 Authority to enforce public school improvement.—
380 (1) The State Board of Education shall comply with the
381 federal Elementary and Secondary Education Act (ESEA), 20 U.S.C.
382 ss. 6301 et seq., ~~and~~ its implementing regulations, and the ESEA
383 flexibility waiver approved for Florida by the United States
384 Secretary of Education. The state board may ~~State Board of~~
385 ~~Education is authorized to~~ adopt rules ~~in compliance with the~~
386 ~~ESEA and, after evaluating and determining that the ESEA and its~~
387 ~~implementing regulations are consistent with the statements of~~
388 ~~purpose set forth in the ESEA (2002), may adopt rules~~ to
389 maintain compliance with the ESEA and the ESEA flexibility
390 waiver.
391 (2)(a) Pursuant to subsection (1) and ss. 1008.34,
392 1008.345, and 1008.385, the State Board of Education shall hold
393 all school districts and public schools accountable for student
394 performance. The state board is responsible for a state system
395 of school improvement and education accountability that assesses
396 student performance by school, identifies schools in which
397 students are not making adequate progress toward state
398 standards, and institutes appropriate measures for enforcing
399 improvement.
400 (b) The state system of school improvement and education
401 accountability must provide for uniform accountability
402 standards, provide assistance of escalating intensity to low-
403 performing schools, direct support to schools in order to
404 improve and sustain performance, focus on the performance of
405 student subgroups, and enhance student performance.
406 (c) School districts must be held accountable for improving

407 the academic achievement of all students and for identifying and
408 turning around low-performing schools.
409 (3)(a) The academic performance of all students has a
410 significant effect on the state school system. Pursuant to Art.
411 IX of the State Constitution, which prescribes the duty of the
412 State Board of Education to supervise Florida's public school
413 system, the state board ~~of Education~~ shall equitably enforce the
414 accountability requirements of the state school system and may
415 impose state requirements on school districts in order to
416 improve the academic performance of all districts, schools, and
417 students based upon the provisions of the Florida K-20 Education
418 Code, chapters 1000-1013;~~, and~~ the federal ESEA ~~Elementary and~~
419 ~~Secondary Education Act, 20 U.S.C. ss. 6301 et seq.,~~ and its
420 implementing regulations; and the ESEA flexibility waiver
421 approved for Florida by the United States Secretary of
422 Education.
423 (b) ~~For the purpose of determining whether a public school~~
424 ~~requires action to achieve a sufficient level of school~~
425 ~~improvement,~~ Beginning with the 2011-2012 ~~2010-2011~~ school year,
426 the Department of Education shall annually identify each
427 ~~categorize a~~ public school in need of intervention and support
428 to improve student academic performance. A school earning a
429 grade of "D" or "F" pursuant to s. 1008.34 is a school in need
430 of intervention and support ~~in one of six categories based on~~
431 ~~the following:~~
432 ~~1. A school's grade based upon statewide assessments~~
433 ~~administered pursuant to s. 1008.22; and~~
434 ~~2. The level and rate of change in student performance in~~
435 ~~the areas of reading and mathematics, disaggregated into student~~

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436 ~~subgroups as described in the federal Elementary and Secondary~~
437 ~~Education Act, 20 U.S.C. s. 6311(b)(2)(C)(v)(II)~~.
438 (c) The state board shall establish by rule a
439 differentiated matrix of intervention and support strategies for
440 assisting traditional public schools identified under paragraph
441 (b) and charter schools as provided under s. 1002.33(9)(n).
442 ~~Appropriate intervention and support strategies shall be applied~~
443 ~~to schools that require action to achieve a sufficient level of~~
444 ~~improvement as described in paragraph (b).~~ The intervention and
445 support strategies must address student performance and may
446 include~~, including, but not limited to,~~ improvement planning,
447 leadership quality improvement, educator quality improvement,
448 professional development, curriculum alignment and pacing, ~~and~~
449 the use of continuous improvement, and monitoring plans and
450 processes, and, for schools that have a grade of "F" or three
451 consecutive grades of "D," school turnaround options. In
452 addition, the state board ~~of Education~~ may prescribe reporting
453 requirements to review and monitor the progress of the schools.
454 The rule that the state board establishes must define the
455 intervention and support strategies for school improvement for
456 schools earning a grade of "D" or "F" and the roles for the
457 district and the department. The rule must differentiate among
458 schools earning consecutive grades of "D" or "F," or a
459 combination thereof, and provide more intense monitoring,
460 intervention, and support strategies for these schools.
461 ~~(4) The Department of Education shall create a matrix that~~
462 ~~reflects intervention and support strategies to address the~~
463 ~~particular needs of schools in each category.~~
464 ~~(a) Intervention and support strategies shall be applied to~~

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465 ~~schools based upon the school categorization pursuant to~~
466 ~~paragraph (3)(b). The Department of Education shall apply the~~
467 ~~most intense intervention strategies to the lowest-performing~~
468 ~~schools. For all but the lowest category and "F" schools in the~~
469 ~~second lowest category, the intervention and support strategies~~
470 ~~shall be administered solely by the districts and the schools.~~
471 ~~(b) The lowest-performing schools are schools that are~~
472 ~~categorized pursuant to paragraph (3)(b) and have received:~~
473 ~~1. A grade of "F" in the most recent school year and in 4~~
474 ~~of the last 6 years; or~~
475 ~~2. A grade of "D" or "F" in the most recent school year and~~
476 ~~meet at least three of the following criteria:~~
477 ~~a. The percentage of students who are not proficient in~~
478 ~~reading has increased when compared to measurements taken 5~~
479 ~~years previously;~~
480 ~~b. The percentage of students who are not proficient in~~
481 ~~mathematics has increased when compared to measurements taken 5~~
482 ~~years previously;~~
483 ~~c. At least 65 percent of the school's students are not~~
484 ~~proficient in reading; or~~
485 ~~d. At least 65 percent of the school's students are not~~
486 ~~proficient in mathematics.~~
487 (4)~~(5)~~(a) The state board shall apply the most intense
488 intervention and support strategies to schools earning a grade
489 of "F." In the first full school year after a school ~~is~~
490 initially earns a grade of "F," ~~identified as a school in the~~
491 ~~lowest-performing category,~~ the school district must implement
492 intervention and support strategies prescribed by rule under
493 paragraph (3)(c), select a turnaround option from those provided

494 in subparagraphs (b)1.-5., and submit a plan for implementing
495 the turnaround option to the department for approval by the
496 state board. Upon approval by the state board, the turnaround
497 option must be implemented in the following school year.
498 (b) Except as provided in subsection (5), the turnaround
499 options that a school district must select from to address a
500 school that earns a grade of "F" are as follows ~~a plan, which is~~
501 ~~subject to approval by the State Board of Education, for~~
502 ~~implementing one of the following options at the beginning of~~
503 ~~the next school year. The plan must be implemented unless the~~
504 ~~school moves from the lowest performing category~~:
505 1. Convert the school to a district-managed turnaround
506 school ~~by means that include implementing a turnaround plan~~
507 ~~approved by the Commissioner of Education which shall become the~~
508 ~~school's improvement plan~~;
509 2. Reassign students to another school and monitor the
510 progress of each reassigned student;
511 3. Close the school and reopen the school as one or more
512 charter schools, each with a governing board that has a
513 demonstrated record of effectiveness; ~~or~~
514 4. Contract with an outside entity that has a demonstrated
515 record of effectiveness to operate the school; or
516 5. Implement a hybrid of turnaround options set forth in
517 subparagraphs 1.-4. or other turnaround models that have a
518 demonstrated record of effectiveness.
519 (c) A school earning a grade of "F" will have 2 full school
520 years after the full school year of planning to fully implement
521 the turnaround option. Implementation of the turnaround option
522 is no longer required if the school improves by at least one

523 letter grade, except as provided in paragraph (d).
524 (d) A school earning a grade of "F" which improves its
525 letter grade shall continue to implement strategies identified
526 in its school improvement plan pursuant to s. 1001.42(18)(a).
527 The department shall annually review implementation of the
528 school improvement plan to ensure the school's continued
529 improvement.
530 (e) ~~(b)~~ If a school earning a grade of "F" does not improve
531 by at least one letter grade after 2 full school years of
532 implementing the turnaround option selected by the school
533 district under ~~move from the lowest performing category during~~
534 ~~the initial year of implementing one of the options in~~ paragraph
535 (b) ~~(a)~~, the school district must select a different turnaround
536 option and submit the new turnaround option implementation plan
537 to the department for ~~a plan , which is subject to~~ approval by
538 the state board ~~of Education~~. Implementation of the approved
539 turnaround option must begin in the~~, for implementing a~~
540 ~~different option in paragraph (a) at the beginning of the next~~
541 school year following the implementation period of the existing
542 turnaround option, unless the state board ~~of Education~~
543 determines that the school is likely to improve a letter grade
544 ~~move from the lowest-performing category~~ if additional time is
545 provided to implement the existing turnaround option
546 ~~intervention and support strategies~~. ~~The State Board of~~
547 ~~Education shall determine whether a school district may continue~~
548 ~~to implement an option beyond 1 year while a school remains in~~
549 ~~the lowest-performing category.~~
550 ~~(6) In order to advance to a higher category, a school must~~
551 ~~make significant progress by improving its school grade and by~~

552 ~~increasing student performance in mathematics and reading.~~
553 ~~Student performance must be evaluated for each student subgroup~~
554 ~~as set forth in paragraph (3)(b).~~
555 (5) ~~(7)~~ A school that earns a grade of "F" within 2 years
556 after raising its grade from a grade of "F" or that earns a
557 grade of "F" within 2 years after exiting the lowest-performing
558 category under s. 3, chapter 2009-144, Laws of Florida, must
559 implement one of the turnaround options in subparagraphs
560 (4)(b)2.-5. ~~Beginning July 1, 2009, the Department of Education~~
561 ~~shall commence its duties under this section.~~
562 (6) A school that earns a grade of "D" for 3 consecutive
563 years or more must implement the district-managed turnaround
564 option pursuant to subparagraph (4)(b)1. The school district
565 must submit an implementation plan to the department for
566 approval by the state board.
567 (7) A school classified in the lowest-performing category
568 under s. 3, chapter 2009-144, Laws of Florida, before July 1,
569 2012, is not required to continue implementing any turnaround
570 option unless the school earns a grade of "F" or a third
571 consecutive "D" for the 2011-2012 school year. A school earning
572 a grade of "F" or a third consecutive "D" for the 2011-2012
573 school year is not entitled to restart the number of years it
574 has been low performing by virtue of the 2012 amendments to this
575 section.
576 (8) ~~By July 1, 2010,~~ The state board ~~of Education~~ shall
577 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
578 this section. The rules must include timelines for submission of
579 implementation plans, approval criteria for implementation
580 plans, and timelines for implementing intervention and support

581 strategies. The state board shall consult with education
582 stakeholders in developing the rules.
583 Section 3. Section 1008.34, Florida Statutes, is amended to
584 read:
585 1008.34 School grading system; school report cards;
586 district grade.—
587 (1) ANNUAL REPORTS.—The Commissioner of Education shall
588 prepare annual reports of the results of the statewide
589 assessment program which describe student achievement in the
590 state, each district, and each school. The commissioner shall
591 prescribe the design and content of these reports, which must
592 include~~, without limitation,~~ descriptions of the performance of
593 all schools participating in the assessment program and all of
594 their major student populations as determined by the
595 Commissioner. The report ~~of Education, and~~ must also include the
596 percent of students performing at or above grade level and
597 making a year's learning growth in a year's time for reading and
598 mathematics ~~the median scores of all eligible students who~~
599 ~~scored at or in the lowest 25th percentile of the state in the~~
600 ~~previous school year~~; ~~provided,~~ however, ~~that~~ the provisions of
601 s. 1002.22 pertaining to student records apply to this section.
602 (2) SCHOOL GRADES.—The annual report shall identify schools
603 as having one of the following grades, defined according to
604 rules of the State Board of Education:
605 (a) "A," schools making excellent progress.
606 (b) "B," schools making above average progress.
607 (c) "C," schools making satisfactory progress.
608 (d) "D," schools making less than satisfactory progress.
609 (e) "F," schools failing to make adequate progress.

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610
611 Each school that earns ~~designated with~~ a grade of "A"~~," making~~
612 ~~excellent progress,~~ or improves ~~having improved~~ at least two
613 letter grades ~~grade levels,~~ shall have greater authority over
614 the allocation of the school's total budget generated from the
615 FEFP, state categoricals, lottery funds, grants, and local
616 funds, as specified in state board rule. The rule must provide
617 that the increased budget authority shall remain in effect until
618 the school's grade declines.
619 (3) DESIGNATION OF SCHOOL GRADES.—
620 (a) Each school that has students who are tested and
621 included in the school grading system shall receive a school
622 grade, except as follows:
623 1. A school shall not receive a school grade if the number
624 of its students tested and included in the school grading system
625 is less than the minimum sample size necessary, based on
626 accepted professional practice, for statistical reliability and
627 prevention of the unlawful release of personally identifiable
628 student data under s. 1002.22 or 20 U.S.C. s. 1232g.
629 2. An alternative school may choose to receive a school
630 grade under this section or a school improvement rating under s.
631 1008.341. For charter schools that meet the definition of an
632 alternative school pursuant to State Board of Education rule,
633 the decision to receive a school grade is the decision of the
634 charter school governing board.
635 3. A school that serves any combination of students in
636 kindergarten through grade 3 which does not receive a school
637 grade because its students are not tested and included in the
638 school grading system shall receive the school grade designation

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639 of a K-3 feeder pattern school identified by the Department of
640 Education and verified by the school district. A school feeder
641 pattern exists if at least 60 percent of the students in the
642 school serving a combination of students in kindergarten through
643 grade 3 are scheduled to be assigned to the graded school.
644 (b)1. A school's grade shall be based on a combination of:
645 a. Student achievement scores, including achievement as
646 measured by ~~on all~~ FCAT ~~assessments administered~~ under s.
647 1008.22(3)(c)1., and statewide, standardized end-of-course
648 assessments ~~administered~~ under s. 1008.22(3)(c)2.a. and b., and
649 achievement scores for students seeking a special diploma.
650 b. Student learning gains in reading and mathematics as
651 measured by FCAT and statewide, standardized end-of-course
652 assessments, as described in s. 1008.22(3)(c)1. and 2.a., ,
653 including learning gains for students seeking a special diploma,
654 as measured by an alternate assessment ~~tool, shall be included~~
655 ~~not later than the 2009-2010 school year~~.
656 c. Improvement of the lowest 25th percentile of students in
657 the school in reading and mathematics on the FCAT or end-of-
658 course assessments described in s. 1008.22(3)(c)2.a., unless
659 these students are exhibiting satisfactory performance.
660 2. Beginning with the 2011-2012 school year, for schools
661 comprised of middle school grades 6 through 8 or grades 7 and 8,
662 the school's grade shall include the performance and
663 participation of its students enrolled in high school level
664 courses with end-of-course assessments administered under s.
665 1008.22(3)(c)2.a. Performance and participation must be weighted
666 equally. As valid data becomes available, the school grades
667 shall include the students' attainment of national industry

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668 certification identified in the Industry Certification Funding
669 List pursuant to rules adopted by the state board ~~of Education~~.
670 3. Beginning with the 2009-2010 school year for schools
671 comprised of high school grades 9, 10, 11, and 12, or grades 10,
672 11, and 12, 50 percent of the school grade shall be based on a
673 combination of the factors listed in sub-subparagraphs 1.a.-c.
674 and the remaining 50 percent on the following factors:
675 a. The high school graduation rate of the school;
676 b. As valid data becomes available, the performance and
677 participation of the school's students in College Board Advanced
678 Placement courses, International Baccalaureate courses, dual
679 enrollment courses, and Advanced International Certificate of
680 Education courses; and the students' achievement of national
681 industry certification identified in the Industry Certification
682 Funding List, pursuant to rules adopted by the state board ~~State~~
683 ~~Board of Education~~;
684 c. Postsecondary readiness of all of the school's on-time
685 graduates ~~students~~ as measured by the SAT, ACT, Postsecondary
686 Education Readiness Test, or the common placement test;
687 d. The high school graduation rate of at-risk students who
688 are students scoring ~~scored~~ at Level 1 or Level 2 ~~or lower~~ on
689 ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;
690 e. As valid data becomes available, the performance of the
691 school's students on statewide, standardized end-of-course
692 assessments administered under s. 1008.22(3)(c)2.c. and d.; and
693 f. The growth or decline in the components listed in sub-
694 subparagraphs a.-e. from year to year.
695 (c) Student assessment data used in determining school
696 grades shall include:

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697 1. The aggregate scores of all eligible students enrolled
698 in the school who have been assessed on the FCAT and statewide,
699 standardized end-of-course assessments in courses required for
700 high school graduation, including, beginning with the 2011-2012
701 ~~2010-2011~~ school year, the end-of-course assessment in Algebra
702 I; and beginning with the 2012-2013 ~~2011-2012~~ school year, the
703 end-of-course assessments in Geometry and Biology; and beginning
704 with the 2014-2015 ~~2013-2014~~ school year, on the statewide,
705 standardized end-of-course assessment in Civics education at the
706 middle school level.
707 2. The aggregate scores of all eligible students enrolled
708 in the school who have been assessed on the FCAT and statewide,
709 standardized end-of-course assessments as described in s.
710 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
711 percentile of students in the school in reading and mathematics,
712 unless these students are exhibiting satisfactory performance.
713 3. The achievement scores and learning gains of eligible
714 students attending alternative schools that provide dropout
715 prevention and academic intervention services pursuant to s.
716 1003.53. The term "eligible students" in this subparagraph does
717 not include students attending an alternative school who are
718 subject to district school board policies for expulsion for
719 repeated or serious offenses, who are in dropout retrieval
720 programs serving students who have officially been designated as
721 dropouts, or who are in programs operated or contracted by the
722 Department of Juvenile Justice. The student performance data for
723 eligible students identified in this subparagraph shall be
724 included in the calculation of the home school's grade. As used
725 in this subparagraph and s. 1008.341, the term "home school"

726 means the school to which the student would be assigned if the
727 student were not assigned to an alternative school. If an
728 alternative school chooses to be graded under this section,
729 student performance data for eligible students identified in
730 this subparagraph shall not be included in the home school's
731 grade but shall be included only in the calculation of the
732 alternative school's grade. A school district that fails to
733 assign the FCAT and statewide, standardized end-of-course
734 assessment as described in s. 1008.22(3)(c)2.a. scores of each
735 of its students to his or her home school or to the alternative
736 school that receives a grade shall forfeit Florida School
737 Recognition Program funds for 1 fiscal year. School districts
738 must require collaboration between the home school and the
739 alternative school in order to promote student success. This
740 collaboration must include an annual discussion between the
741 principal of the alternative school and the principal of each
742 student's home school concerning the most appropriate school
743 assignment of the student.
744 4. The achievement scores and learning gains of students
745 designated as hospital- or homebound. Student assessment data
746 for students designated as hospital- or homebound shall be
747 assigned to their home school for the purposes of school grades.
748 As used in this subparagraph, the term "home school" means the
749 school to which a student would be assigned if the student were
750 not assigned to a hospital- or homebound program.
751 5. For schools comprised of high school grades 9, 10, 11,
752 and 12, or grades 10, 11, and 12, the data listed in
753 subparagraphs 1.-3. and the following data as the Department of
754 Education determines such data are valid and available:

755 a. The high school graduation rate of the school as
756 calculated by the department ~~of Education~~;
757 b. The participation rate of all eligible students enrolled
758 in the school and enrolled in College Board Advanced Placement
759 courses; International Baccalaureate courses; dual enrollment
760 courses; Advanced International Certificate of Education
761 courses; and courses or sequences of courses leading to national
762 industry certification identified in the Industry Certification
763 Funding List, pursuant to rules adopted by the State Board of
764 Education;
765 c. The aggregate scores of all eligible students enrolled
766 in the school in College Board Advanced Placement courses,
767 International Baccalaureate courses, and Advanced International
768 Certificate of Education courses;
769 d. Earning of college credit by all eligible students
770 enrolled in the school in dual enrollment programs under s.
771 1007.271;
772 e. Earning of a national industry certification identified
773 in the Industry Certification Funding List, pursuant to rules
774 adopted by the State Board of Education;
775 f. The aggregate scores of all eligible students enrolled
776 in the school in reading, mathematics, and other subjects as
777 measured by the SAT, the ACT, and the common placement test for
778 postsecondary readiness;
779 g. The high school graduation rate of all eligible at-risk
780 students enrolled in the school who scored at Level 2 or lower
781 on ~~the~~ grade 8 FCAT Reading and FCAT Mathematics ~~examinations~~;
782 h. The performance of the school's students on statewide,
783 standardized end-of-course assessments administered under s.

784 1008.22(3)(c)2.c. and d.; and
785 i. The growth or decline in the data components listed in
786 sub-subparagraphs a.-h. from year to year.
787
788 The State Board of Education shall adopt appropriate criteria
789 for each school grade. The criteria must also give added weight
790 to student achievement in reading. Schools designated with a
791 grade of "C," making satisfactory progress, shall be required to
792 demonstrate that adequate progress has been made by students in
793 the school who are in the lowest 25th percentile in reading and
794 mathematics on the FCAT and end-of-course assessments as
795 described in s. 1008.22(3)(c)2.a., unless these students are
796 exhibiting satisfactory performance. ~~Beginning with the 2009-~~
797 ~~2010 school year~~ For schools comprised of high school grades 9,
798 10, 11, and 12, or grades 10, 11, and 12, the criteria for
799 school grades must also give added weight to the graduation rate
800 of all eligible at-risk students~~, as defined in this paragraph~~.
801 ~~Beginning in the 2009-2010 school year,~~ In order for a high
802 school to earn ~~be designated as having~~ a grade of "A," ~~making~~
803 ~~excellent progress,~~ the school must demonstrate that its at-risk
804 students, as defined in this paragraph, ~~in the school~~ are making
805 adequate progress.
806 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall
807 identify each school's performance as having improved, remained
808 the same, or declined. This school improvement rating shall be
809 based on a comparison of the current year's and previous year's
810 student and school performance data. Schools that improve their
811 rating by at least one ~~grade~~ level are eligible for school
812 recognition awards pursuant to s. 1008.36.

813 (5) SCHOOL REPORT CARD.—The Department of Education shall
814 annually develop, in collaboration with the school districts, a
815 school report card to be communicated by the school district
816 ~~delivered~~ to parents throughout each school district. The report
817 card shall include the school's grade, information regarding
818 school improvement, an explanation of school performance as
819 evaluated by the federal Elementary and Secondary Education Act
820 (ESEA), 20 U.S.C. ss. 6301 et seq. ~~No Child Left Behind Act of~~
821 ~~2001~~, and indicators of return on investment. Each school's
822 report card shall be published annually by the department on its
823 website~~, and the school district shall provide the school report~~
824 ~~card to each parent~~.
825 (7) DISTRICT GRADE.—The annual report required by
826 subsection (1) shall include district grades, which shall
827 consist of weighted district average grades, by level, for all
828 elementary schools, middle schools, and high schools in the
829 district. A district's weighted average grade shall be
830 calculated by weighting individual school grades determined
831 pursuant to subsection (2) by school enrollment.
832 Section 4. Paragraph (a) of subsection (18) and subsection
833 (20) of section 1001.42, Florida Statutes, are amended to read:
834 1001.42 Powers and duties of district school board.—The
835 district school board, acting as a board, shall exercise all
836 powers and perform all duties listed below:
837 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
838 Maintain a state system of school improvement and education
839 accountability as provided by statute and State Board of
840 Education rule. This system of school improvement and education
841 accountability shall be consistent with, and implemented

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842 through, the district's continuing system of planning and
843 budgeting required by this section and ss. 1008.385, 1010.01,
844 and 1011.01. This system of school improvement and education
845 accountability shall comply with the provisions of ss. 1008.33,
846 1008.34, 1008.345, and 1008.385 and include the following:
847 (a) *School improvement plans.*—The district school board
848 shall annually approve and require implementation of a new,
849 amended, or continuation school improvement plan for each school
850 in the district. If a school has a significant gap in
851 achievement on statewide assessments under s. 1008.34(3)(b) by
852 one or more student subgroups, as described in the federal
853 Elementary and Secondary Education Act, 20 U.S.C. s.
854 6311(b)(2)(C)(v)(II); has not significantly decreased the
855 percentage of students scoring below satisfactory on statewide
856 assessments; or has significantly lower graduation rates for a
857 subgroup when compared to the state's graduation rate, that
858 school's improvement plan must include strategies for improving
859 these conditions. The state board shall adopt rules establishing
860 thresholds for determining compliance with this paragraph.
861 (20) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing
862 students attending schools that have earned ~~have been designated~~
863 ~~with~~ a grade of "D" or "F" pursuant to s. 1008.34 and are
864 required to implement a school turnaround option ~~that are in one~~
865 ~~of the two lowest-performing categories~~ pursuant to s. 1008.33
866 to attend a higher-performing school in the district or any
867 other district in the state, in conformance with s. 1002.38 and
868 State Board of Education rule.
869 Section 5. Paragraphs (n), (o), and (p) of subsection (9)
870 of section 1002.33, Florida Statutes, are amended to read:

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871 1002.33 Charter schools.—
872 (9) CHARTER SCHOOL REQUIREMENTS.—
873 (n)1. The director and a representative of the governing
874 board ~~body~~ of a charter school that has earned ~~received~~ a ~~school~~
875 grade of "D" or "F" under s. 1008.34(2) shall appear before the
876 sponsor ~~or the sponsor's staff at least once a year~~ to present
877 information concerning each contract component having noted
878 deficiencies. ~~The sponsor shall communicate at the meeting, and~~
879 ~~in writing to the director, the services provided to the school~~
880 ~~to help the school address its deficiencies.~~
881 ~~(o) Upon notification that a charter school receives a~~
882 ~~school grade of "D" for 2 consecutive years or a school grade of~~
883 ~~"F" under s. 1008.34(2),~~ The charter school sponsor ~~or the~~
884 ~~sponsor's staff~~ shall require the director and a representative
885 of the governing board ~~body~~ to submit to the sponsor for
886 approval a school improvement plan to raise student achievement
887 ~~and to implement the plan~~. Upon approval by the sponsor, the
888 charter school shall begin implementation of the ~~has the~~
889 ~~authority to approve a~~ school improvement plan ~~that the charter~~
890 ~~school will implement in the following school year~~. ~~The sponsor~~
891 ~~may also consider the State Board of Education's recommended~~
892 ~~action pursuant to s. 1008.33(1) as part of the school~~
893 ~~improvement plan.~~ The department ~~of Education~~ shall offer
894 technical assistance and training to the charter school and its
895 governing board ~~body~~ and establish guidelines for developing,
896 submitting, and approving such plans.
897 2.~~1.~~ If a ~~the~~ charter school earning a grade of "F" does
898 not ~~fails to~~ improve by at least one letter grade in ~~its student~~
899 ~~performance from~~ the year following ~~immediately prior to the~~

900 implementation of the school improvement plan, the sponsor ~~shall~~
901 ~~place the charter school on probation and~~ shall require the
902 charter school governing board to choose ~~body to take~~ one of the
903 following corrective actions:
904 a. Contract for the educational services of the charter
905 school;
906 b. Reorganize the school ~~at the end of the school year~~
907 under a new director or principal who is authorized to hire new
908 staff ~~and implement a plan that addresses the causes of~~
909 ~~inadequate progress~~; or
910 c. Voluntarily close ~~Reconstitute~~ the charter school.
911 3.~~2.~~ A charter school is no longer required to implement
912 ~~that is placed on probation shall continue the~~ corrective
913 actions ~~required~~ under subparagraph 2. if it ~~1. until the~~
914 ~~charter school~~ improves by at least one letter grade ~~its student~~
915 ~~performance from the year prior to the implementation of the~~
916 ~~school improvement plan~~. However, the charter school must
917 continue to implement strategies identified in the school
918 improvement plan. The sponsor must annually review
919 implementation of the school improvement plan for compliance
920 with the plan and for addressing deficiencies in the school's
921 continued improvement.
922 4. If a charter school earns a grade of "D" for 3
923 consecutive years, the sponsor shall require the charter school
924 governing board to choose one of the corrective actions in
925 subparagraph 2.
926 5. Any charter school implementing a corrective action
927 provided in subparagraph 2. which does not improve by at least
928 one letter grade after 2 full school years after implementing

929 the corrective action must select a different corrective action.
930 Implementation of the new corrective action must begin in the
931 school year following the implementation period of the existing
932 corrective action, unless the sponsor determines that the
933 charter school is likely to improve a letter grade if additional
934 time is provided to implement the existing corrective action.
935 6.~~3.~~ Notwithstanding any provision of this paragraph, the
936 sponsor may terminate the charter at any time pursuant to
937 subsection (8).
938 7.~~(p)~~ The director and a representative of the governing
939 board ~~body~~ of a graded charter school that has implemented
940 ~~submitted~~ a school improvement plan ~~or has been placed on~~
941 ~~probation~~ under this paragraph ~~(o)~~ shall appear before the
942 sponsor ~~or the sponsor's staff~~ at least once a year to present
943 information regarding the progress of ~~corrective~~ strategies ~~that~~
944 ~~are being~~ implemented by the school pursuant to the school
945 improvement plan. The sponsor shall communicate at the meeting,
946 and in writing to the director, the services provided to the
947 school to help the school address its deficiencies.
948 Section 6. Subsection (1) of section 1002.332, Florida
949 Statutes, is amended to read:
950 1002.332 High-performing charter school system.—
951 (1) For purposes of this section, the term:
952 (a) "Entity" means a municipality or other public entity
953 that is authorized by law to operate a charter school; a
954 private, nonprofit corporation with tax-exempt status under s.
955 501(c)(3) of the Internal Revenue Code; or a private, for-profit
956 education management corporation.
957 (b) "High-performing charter school system" means an entity

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

958 that:
959 1. Operates at least three high-performing charter schools
960 in the state;
961 2. Operates a system of charter schools in which at least
962 50 percent of the charter schools are high-performing charter
963 schools pursuant to s. 1002.331 and no charter school earned
964 ~~received~~ a school grade of "D" or "F" pursuant to s. 1008.34,
965 except that:
966 a. If the entity has assumed operation of a public school
967 pursuant to s. 1008.33(4)(b)~~(5)(a)~~3. with a school grade of ~~"D"~~
968 ~~or~~ "F," that school's grade may ~~shall~~ not be considered in
969 determining high-performing charter school system status for a
970 period of 3 years.
971 b. If the entity establishes a new charter school that
972 serves a student population the majority of which resides in a
973 school zone served by a public school that is required to
974 implement a school turnaround option pursuant to ~~identified as~~
975 ~~lowest performing under~~ s. 1008.33~~(4)(b)~~, that charter school's
976 grade may ~~shall~~ not be considered in determining high-performing
977 charter school system status if it attains and maintains a
978 school grade that is higher than that of the public school
979 serving that school zone within 3 years after establishment; and
980 3. Has not received a financial audit that revealed one or
981 more of the financial emergency conditions set forth in s.
982 218.503(1) for any charter school assumed or established by the
983 entity.
984 Section 7. Subsection (2) of section 1002.38, Florida
985 Statutes, is amended to read:
986 1002.38 Opportunity Scholarship Program.—

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987 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—
988 (a) ~~For purposes of this section, a school's grade shall be~~
989 ~~based upon statewide assessments administered pursuant to s.~~
990 ~~1008.22.~~ A public school student's parent may request and
991 receive an opportunity scholarship for the student to enroll in
992 and attend a public school in accordance with the provisions of
993 this section if:
994 1. By assigned school attendance area or by special
995 assignment, the student has spent the prior school year in
996 attendance at a public school that has earned a grade of ~~been~~
997 ~~designated as performance grade category~~ "D" or "F" pursuant to
998 s. 1008.34 and that is required to implement a school turnaround
999 option ~~that is in one of the two lowest-performing categories~~
1000 pursuant to s. 1008.33, and the student's attendance occurred
1001 during a school year in which such designation was in effect;
1002 2. The student has been in attendance elsewhere in the
1003 public school system and has been assigned to such school for
1004 the next school year; or
1005 3. The student has been notified that he or she has been
1006 assigned to such school for the next school year.
1007 (b) This section does not apply to a student who is
1008 enrolled in a school operating for the purpose of providing
1009 educational services to youth in Department of Juvenile Justice
1010 commitment programs. For purposes of continuity of educational
1011 choice, the opportunity scholarship shall remain in force until
1012 the student graduates from high school.
1013 Section 8. Paragraph (d) of subsection (6) of section
1014 1008.345, Florida Statutes, is amended to read:
1015 1008.345 Implementation of state system of school

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

1016 improvement and education accountability.—
1017 (6)
1018 (d) The commissioner shall assign a community assessment
1019 team to each school district or governing board with a school
1020 graded "F" or a school that is required to implement a school
1021 turnaround option ~~in the lowest-performing category~~ pursuant to
1022 s. 1008.33 to review the school performance data and determine
1023 causes for the low performance, including the role of school,
1024 area, and district administrative personnel. The community
1025 assessment team shall review a high school's graduation rate
1026 calculated without GED tests for the past 3 years, disaggregated
1027 by student ethnicity. The team shall make recommendations to the
1028 school board or the governing board and to the State Board of
1029 Education which address the causes of the school's low
1030 performance and may be incorporated into the school improvement
1031 plan. The assessment team shall include, but not be limited to,
1032 a department representative, parents, business representatives,
1033 educators, representatives of local governments, and community
1034 activists, and shall represent the demographics of the community
1035 from which they are appointed.
1036 Section 9. Section 1012.07, Florida Statutes, is amended to
1037 read:
1038 1012.07 Identification of critical teacher shortage areas.—
1039 The term "critical teacher shortage area" means high-need
1040 content areas and high-priority location areas identified by the
1041 State Board of Education. The State Board of Education shall
1042 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
1043 annually identify critical teacher shortage areas. The state
1044 board must consider current and emerging educational

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1045 requirements and workforce demands in determining critical
1046 teacher shortage areas. School grade levels may also be
1047 designated critical teacher shortage areas. Individual district
1048 school boards may identify and submit other critical teacher
1049 shortage areas. Such submissions must be aligned to current and
1050 emerging educational requirements and workforce demands in order
1051 to be approved by the State Board of Education. High-priority
1052 location areas shall be in high-density, low-economic urban
1053 schools; low-density, low-economic rural schools; and schools
1054 that are required to implement school turnaround options
1055 pursuant to ~~identified as lowest performing under~~ s. 1008.33
1056 ~~(4)(b)~~.
1057 Section 10. Paragraph (c) of subsection (1) of section
1058 1012.22, Florida Statutes, is amended to read:
1059 1012.22 Public school personnel; powers and duties of the
1060 district school board.—The district school board shall:
1061 (1) Designate positions to be filled, prescribe
1062 qualifications for those positions, and provide for the
1063 appointment, compensation, promotion, suspension, and dismissal
1064 of employees as follows, subject to the requirements of this
1065 chapter:
1066 (c) *Compensation and salary schedules.*—
1067 1. Definitions.—As used in this paragraph:
1068 a. "Adjustment" means an addition to the base salary
1069 schedule that is not a bonus and becomes part of the employee's
1070 permanent base salary and shall be considered compensation under
1071 s. 121.021(22).
1072 b. "Grandfathered salary schedule" means the salary
1073 schedule or schedules adopted by a district school board before

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1074 July 1, 2014, pursuant to subparagraph 4.
1075 c. "Instructional personnel" means instructional personnel
1076 as defined in s. 1012.01(2)(a)-(d), excluding substitute
1077 teachers.
1078 d. "Performance salary schedule" means the salary schedule
1079 or schedules adopted by a district school board pursuant to
1080 subparagraph 5.
1081 e. "Salary schedule" means the schedule or schedules used
1082 to provide the base salary for district school board personnel.
1083 f. "School administrator" means a school administrator as
1084 defined in s. 1012.01(3)(c).
1085 g. "Supplement" means an annual addition to the base salary
1086 for the term of the negotiated supplement as long as the
1087 employee continues his or her employment for the purpose of the
1088 supplement. A supplement does not become part of the employee's
1089 continuing base salary but shall be considered compensation
1090 under s. 121.021(22).
1091 2. Cost-of-living adjustment.—A district school board may
1092 provide a cost-of-living salary adjustment if the adjustment:
1093 a. Does not discriminate among comparable classes of
1094 employees based upon the salary schedule under which they are
1095 compensated.
1096 b. Does not exceed 50 percent of the annual adjustment
1097 provided to instructional personnel rated as effective.
1098 3. Advanced degrees.—A district school board may not use
1099 advanced degrees in setting a salary schedule for instructional
1100 personnel or school administrators hired on or after July 1,
1101 2011, unless the advanced degree is held in the individual's
1102 area of certification and is only a salary supplement.

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1103 4. Grandfathered salary schedule.—
1104 a. The district school board shall adopt a salary schedule
1105 or salary schedules to be used as the basis for paying all
1106 school employees hired before July 1, 2014. Instructional
1107 personnel on annual contract as of July 1, 2014, shall be placed
1108 on the performance salary schedule adopted under subparagraph 5.
1109 Instructional personnel on continuing contract or professional
1110 service contract may opt into the performance salary schedule if
1111 the employee relinquishes such contract and agrees to be
1112 employed on an annual contract under s. 1012.335. Such an
1113 employee shall be placed on the performance salary schedule and
1114 may not return to continuing contract or professional service
1115 contract status. Any employee who opts into the performance
1116 salary schedule may not return to the grandfathered salary
1117 schedule.
1118 b. In determining the grandfathered salary schedule for
1119 instructional personnel, a district school board must base a
1120 portion of each employee's compensation upon performance
1121 demonstrated under s. 1012.34 and shall provide differentiated
1122 pay for both instructional personnel and school administrators
1123 based upon district-determined factors, including, but not
1124 limited to, additional responsibilities, school demographics,
1125 critical shortage areas, and level of job performance
1126 difficulties.
1127 5. Performance salary schedule.—By July 1, 2014, the
1128 district school board shall adopt a performance salary schedule
1129 that provides annual salary adjustments for instructional
1130 personnel and school administrators based upon performance
1131 determined under s. 1012.34. Employees hired on or after July 1,

1132 2014, or employees who choose to move from the grandfathered
1133 salary schedule to the performance salary schedule shall be
1134 compensated pursuant to the performance salary schedule once
1135 they have received the appropriate performance evaluation for
1136 this purpose. However, a classroom teacher whose performance
1137 evaluation utilizes student learning growth measures established
1138 under s. 1012.34(7)(e) shall remain under the grandfathered
1139 salary schedule until his or her teaching assignment changes to
1140 a subject for which there is an assessment or the school
1141 district establishes equally appropriate measures of student
1142 learning growth as defined under s. 1012.34 and rules of the
1143 State Board of Education.
1144 a. Base salary.—The base salary shall be established as
1145 follows:
1146 (I) The base salary for instructional personnel or school
1147 administrators who opt into the performance salary schedule
1148 shall be the salary paid in the prior year, including
1149 adjustments only.
1150 (II) Beginning July 1, 2014, instructional personnel or
1151 school administrators new to the district, returning to the
1152 district after a break in service without an authorized leave of
1153 absence, or appointed for the first time to a position in the
1154 district in the capacity of instructional personnel or school
1155 administrator shall be placed on the performance salary
1156 schedule.
1157 b. Salary adjustments.—Salary adjustments for highly
1158 effective or effective performance shall be established as
1159 follows:
1160 (I) The annual salary adjustment under the performance

1161 salary schedule for an employee rated as highly effective must
1162 be greater than the highest annual salary adjustment available
1163 to an employee of the same classification through any other
1164 salary schedule adopted by the district.
1165 (II) The annual salary adjustment under the performance
1166 salary schedule for an employee rated as effective must be equal
1167 to at least 50 percent and no more than 75 percent of the annual
1168 adjustment provided for a highly effective employee of the same
1169 classification.
1170 (III) The performance salary schedule shall not provide an
1171 annual salary adjustment for an employee who receives a rating
1172 other than highly effective or effective for the year.
1173 c. Salary supplements.—In addition to the salary
1174 adjustments, each district school board shall provide for salary
1175 supplements for activities that must include, but are not
1176 limited to:
1177 (I) Assignment to a Title I eligible school.
1178 (II) Assignment to a school that is required to implement a
1179 school turnaround option pursuant to ~~in the bottom two~~
1180 ~~categories of the school improvement system under~~ s. 1008.33
1181 such that the supplement remains in force for at least 1 year
1182 following improved performance in that school.
1183 (III) Certification and teaching in critical teacher
1184 shortage areas. Statewide critical teacher shortage areas shall
1185 be identified by the State Board of Education under s. 1012.07.
1186 However, the district school board may identify other areas of
1187 critical shortage within the school district for purposes of
1188 this sub-sub-subparagraph and may remove areas identified by the
1189 state board which do not apply within the school district.

1190 (IV) Assignment of additional academic responsibilities.
1191
1192 If budget constraints in any given year limit a district school
1193 board's ability to fully fund all adopted salary schedules, the
1194 performance salary schedule shall not be reduced on the basis of
1195 total cost or the value of individual awards in a manner that is
1196 proportionally greater than reductions to any other salary
1197 schedules adopted by the district.
1198 Section 11. Subsection (2) of section 1012.2315, Florida
1199 Statutes, is amended to read:
1200 1012.2315 Assignment of teachers.—
1201 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F" ~~CATEGORIZED AS~~
1202 ~~IN NEED OF IMPROVEMENT~~.—School districts may not assign a higher
1203 percentage than the school district average of temporarily
1204 certified teachers, teachers in need of improvement, or out-of-
1205 field teachers to schools graded "D" or "F" pursuant to s.
1206 1008.34 ~~in one of the three lowest-performing categories under~~
1207 ~~s. 1008.33(3)(b)~~. Each school district shall annually certify to
1208 the Commissioner of Education that this requirement has been
1209 met. If the commissioner determines that a school district is
1210 not in compliance with this subsection, the State Board of
1211 Education shall be notified and shall take action pursuant to s.
1212 1008.32 in the next regularly scheduled meeting to require
1213 compliance.
1214 Section 12. This act shall take effect July 1, 2012.

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 Budget Subcommittee on Education Pre-K - 12 Appropriations

BILL: CS/CS/SB 1610

INTRODUCER: Budget Subcommittee on Education Pre-K - 12 Appropriations, Committee on Education Pre-K - 12 and Senator Dean

SUBJECT: Education

DATE: February 28, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	**Fav/CS**
2.	Armstrong	Hamon	BEA	**Fav/CS**
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This bill requires the Department of Education (DOE) to create a uniform, statewide photo identification badge to be worn by noninstructional contractors indicating that the contractors have had a criminal history background check.

School districts would be required to issue the contractor badges. To qualify for the badge, the contractor must:

- Be a resident and citizen, or a permanent resident alien of the U.S.;
- Be at least 18 years old; and
- Meet background screening standards.

The badges must be visible at all times when a noninstructional contractor is on school grounds.

The cost for the identification badge, to be determined by the DOE, will be paid by the contractor.

The badge would be valid for a period of five years, unless the contractor is required to return the badge due to a new offense.

Badgeholders who commit a disqualifying offense are required to relinquish their badges to the issuing school district within 48 hours of self-reporting the incident.

This bill substantially amends section 1012.467 of the Florida Statutes.

II. Present Situation:

Criminal History Background Checks for Noninstructional Contractors (s. 1012.467, F.S.)

A noninstructional contractor is defined as any vendor, person, or entity under school or school board contract who is compensated for services performed for the school or school district, not in an employee capacity. Noninstructional contractors also include employees of contractors, subcontractors, and employees of subcontractors.[1]

A criminal history check is required of each noninstructional contractor:

- Who is granted access to school grounds when students are present;
- Whose performance of the contract is not anticipated to result in direct contact with students; and
- For whom any unanticipated contact is infrequent or incidental.[2]

The criminal history check, to be conducted every five years, involves a database search for convictions of the following offenses:

- Sexual offender crimes;
- Sexual misconduct with developmentally disabled adults or mental health patients;
- Terrorism;
- Murder;
- Kidnapping;
- Lewdness and indecent exposure;[3]
- Incest; and
- Child abuse, aggravated child abuse, or neglect of a child.[4]

Noninstructional contractors are under a standing duty to report to an employer within 48 hours any arrests involving disqualifying offenses, or be subject to third-degree felony charges for a failure to notify.[5]

[1] s. 1012.467(1), F.S.
[2] s. 1012.467(2)(a), F.S.
[3] s. 435.04(1), F.S.
[4] s. 1012.467(2)(a) and (g), F.S.
[5] s. 1012.467(6), F.S.

A noninstructional contractor that works in multiple districts is required to notify a school district that he or she has completed a criminal history check in another school district in the last five years. The school districts use a shared system, designed for that purpose, to verify results, without cost to the contractor.[6] The system is commonly known as the Florida Shared School Results system (FSSR). Over the last five-year period, the Florida Department of Law Enforcement (FDLE) indicates that of the 222,570 records in the FSSR, only 32,309 were viewed by a school district other than the one which submitted the record. This represents just 14.5 percent of the total number of records maintained, which suggests that work in multiple districts may not be that common.[7]

Level 2 Background Screenings

Certain employees, such as instructional personnel and noninstructional personnel who have direct contact with students, are subject to more rigorous background screening. This includes not only fingerprinting through the FDLE, but also a national criminal history check through the Federal Bureau of Investigation, as well as a more comprehensive list of disqualifying offenses.[8] These include categories of offenses relating to sexual misconduct against children, abuse against vulnerable populations, violent crimes, certain felony drug crimes, and a range of miscellaneous offenses, such as felony video voyeurism, arson, false imprisonment, and escape.[9]

Level 2 screenings capture not just convictions, but also pending charges, guilty pleas and pleas of nolo contendere (neither admission of, nor denial of guilt.)[10]

The DOE indicates that screening standards established in s. 1012.467, F.S., are considered to represent the minimum set of standards, and many districts have adopted their own screening standards for contractors. Some districts apply the same standards to employees and contractors, established by their school boards. Other districts use separate screening standards adopted by their school board or have adopted the provisions in s. 435.04, F.S., as their standards for contractors. This has created great confusion for those contractors who cross districts in their work in multiple districts.[11]

Exemption to Screening

Section 1012.468, F.S., provides an exemption from fingerprinting and criminal history checks to certain noninstructional contractors. The statute defines a noninstructional contractor as a person, entity, or vendor under contract with a school or the school board who receives remuneration for services performed for the school district or a school, but is not an employee of the district. The exemption applies as follows:

[6] s. 1012.467(2)(f), F.S.
[7] Donna Uzell, FDLE, E-mail correspondence on February 10, 2012. On file with the Committee on Education Pre-K – 12.
[8] s. 435.04(1), F.S.
[9] s. 435.04(2), F.S.
[10] s. 435.04(2), F.S.
[11] DOE Bill Analysis on SB 1610 (January 17, 2012). On file with the Committee on Education Pre-K – 12.

- To those under direct supervision of a school employee or contractor who has been screened pursuant to s. 1012.467, F.S. (which provides the list of disqualifying offenses that have resulted in a conviction); or
- To those who are not under direct supervision, but have been screened through the more stringent s. 435.04, F.S.[12]

Noninstructional contractors that are exempt from screening are still required to be screened through the sexual predator and sexual offender database maintained by the Florida Department of Law Enforcement and the National Sex Offender Public Registry maintained by the U.S. Department of Justice.[13]

III. Effect of Proposed Changes:

This bill requires the DOE to create a uniform, statewide photo identification badge to be worn by noninstructional contractors indicating that the contractors have been screened.

School districts would be required to issue the actual contractor badges. To qualify for the badge, the contractor must:

- Be a resident and citizen, or a permanent resident alien of the U.S.;
- Be at least 18 years old; and
- Meet criminal history background check requirements in s. 1012.467, F.S..

This bill specifies that the validity of the badge is for a period of five years. This is identical to the amount of time that background checks remain valid. Also, the bill clarifies that the exemption from background screening provided in s. 1012.468, F.S., would still apply. These provisions are consistent with current law.

The badges must be visible at all times when a noninstructional contractor is on school grounds. Presumably, the badgeholder would wear the badge.

If a disqualifying offense occurs and the noninstructional contractor self-reports the offense as is required within 48 hours, the badge must be returned to the issuing school district within 48 hours of notification. This appears to be cumulative to the initial 48 hour period for self-reporting required in s. 1012.467(6), F.S., which would mean that the criminal offender would have up to four days from the date of the charge to return the badge.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[12] s. 1012.468(2), F.S.
[13] s. 1012.468(3), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

For the screening of noninstructional contractors, the cost for the identification badge, to be determined by the DOE, will be paid by the contractor.

C. Government Sector Impact:

The Department of Education will have minimal cost to implement the provisions of the bill. The cost of the identification badges will be passed on to the contractors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS/CS by the Budget Subcommittee on Education Pre-K – 12 Appropriations on February 28, 2012:

- The committee substitute removes all provisions in the bill related to juvenile justice education for youth in Department of Juvenile Justice programs.

CS by the Committee on Education Pre-K – 12 on February 14, 2012:
The committee substitute:

- Ensures students in residential programs have access to virtual instruction or instruction offered by volunteers during evenings and weekends;
- Provides clarity to the individual student outcomes in the bill and includes occupational completion points throughout;

- Provides that a provider who maintains at least an adequate rating will be given autonomy to hire instructors;
- Requires that State Board of Education rule includes provisions for uniform contracts between the school districts and private providers;
- Increases from 90 percent to 95 percent the amount of funding generated by juvenile justice students that must go directly to student instruction;
- Provides that the applicable background screening law for noninstructional contractors is s. 1012.467, F.S.;
- Provides that identification badges remain valid for a five-year period;
- Specifies that if a disqualifying offense occurs and the noninstructional contractor self-reports the offense as is required, the badge must be returned to the issuing school district within 48 hours of notification; and
- Clarifies that the provision addressing the exemption from background screening for certain noninstructional contractors continues to apply.

B. Amendments:

None.

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

649214

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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	.	
	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete lines 131 - 929.

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

And the title is amended as follows:

Delete lines 2 - 111

and insert:

An act relating to education;

By the Committee on Education Pre-K - 12; and Senator Dean

581-03356-12 20121610c1

A bill to be entitled

An act relating to education; amending s. 985.03, F.S.; providing a definition for the term "juvenile justice education programs" for purposes of the act; amending s. 985.46, F.S.; requiring that each juvenile committed to a juvenile justice commitment program have a transition plan upon release; requiring that the transition plan include an education transition plan component and information regarding delinquency treatment and intervention services that are accessible upon exiting the program; amending s. 985.618, F.S.; providing legislative intent regarding juvenile justice education and workforce-related programs; requiring that the Department of Juvenile Justice, in collaboration with the Department of Education, annually verify that each juvenile justice education program meets specified minimum standards; requiring that the department collaborate with certain entities to adopt rules; amending s. 985.632, F.S.; conforming provisions to changes made by the act; requiring that the Department of Education rather than the Department of Juvenile Justice ensure that there is accurate cost accounting for certain education programs; requiring that the Department of Education submit annual cost data to the Department of Juvenile Justice; requiring that the effectiveness of juvenile justice education programs be determined by implementing systematic data collection, data analysis, and evaluations; requiring that the programs

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

581-03356-12 20121610c1

be evaluated based on student performance outcomes; requiring that the Department of Juvenile Justice, in collaboration with the Department of Education and in consultation with other entities, prepare and submit an annual report to the Governor and the Legislature by a specified date; amending s. 985.721, F.S.; conforming a cross-reference; amending s. 1001.42, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending ss. 1002.20 and 1002.45, F.S.; conforming cross-references; amending s. 1003.01, F.S.; revising the term "juvenile justice education programs or schools" to conform to changes made by the act; creating s. 1003.515, F.S.; providing a short title; providing a legislative finding; providing purposes of the Florida Juvenile Justice Education Act; providing a definition for the term "juvenile justice education programs"; providing responsibilities for school districts and private providers contracted by school districts to offer education services to youth in juvenile justice education programs; requiring that each juvenile justice residential and nonresidential program involve the regional workforce board or economic development agency and local postsecondary institutions to determine the occupational areas for the education and workforce-related program; providing requirements for education and workforce-related services in juvenile justice programs; providing responsibilities for the Department of Education; requiring that the department

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

59 identify each juvenile justice residential and
60 nonresidential education program, excluding detention
61 programs, by performance ratings; providing criteria
62 for determining performance ratings; requiring that
63 the department make available a common student pre-
64 and post-assessment to measure the academic progress
65 in reading and mathematics of youth in juvenile
66 justice education programs; requiring that juvenile
67 justice residential and nonresidential education
68 programs, excluding detention centers, be held
69 accountable for student performance outcomes for a
70 specified period after youth are released from the
71 programs; providing for program accountability;
72 requiring that the department monitor the education
73 performance of youth, prohibit certain school district
74 or private providers, under specified circumstances,
75 from delivering education services, and verify that a
76 school district is operating or contracting to deliver
77 education services; providing for a school district's
78 responsibilities; requiring that a youth who exits the
79 program attain an industry certification, enroll in a
80 program to complete the industry certification, be
81 gainfully employed, or enroll in and continue his or
82 her education based on a transition plan; requiring
83 that an education transition plan component be
84 incorporated in a youth's transition plan; requiring
85 that each juvenile justice education program develop
86 the education transition plan component during the
87 course of the youth's stay in a juvenile justice

88 residential or nonresidential program; providing
89 funding requirements for the juvenile justice
90 education programs; prohibiting a district school
91 board from being charged rent, maintenance, utilities,
92 or overhead on facilities; requiring that the
93 Department of Juvenile Justice provide maintenance,
94 repairs, and remodeling of existing facilities;
95 requiring that the State Board of Education
96 collaborate with the Department of Juvenile Justice,
97 the Department of Economic Opportunity, school
98 districts, and private providers to adopt rules;
99 repealing s. 1003.52, F.S., relating to educational
100 services in Department of Juvenile Justice programs;
101 amending s. 1009.25, F.S.; providing an exemption from
102 the payment of postsecondary education fees and
103 tuition for certain youth who are ordered by a court
104 to participate in a juvenile justice residential
105 program; amending s. 1010.20, F.S.; revising
106 provisions relating to expenditure requirements for
107 juvenile justice programs; amending s. 1011.62, F.S.;
108 extending dates relating to the funding of students
109 who are enrolled in juvenile justice education
110 programs or in education programs for juveniles placed
111 in secure facilities; conforming a cross-reference;
112 amending s. 1012.467, F.S.; requiring the Department
113 of Education to create a uniform, statewide
114 identification badge to be worn by noninstructional
115 contractors signifying that a contractor has met
116 specified requirements; requiring school districts to

117 issue the identification badge to a qualified
118 contractor; providing that the identification badge
119 shall be recognized by all school districts; providing
120 that the identification badge is valid for 5 years;
121 establishing conditions for return of an
122 identification badge; requiring the department to
123 determine a uniform cost that a school district may
124 charge a contractor for receipt of the identification
125 badge, which shall be borne by the contractor;
126 providing an exception for certain contractors;
127 providing an effective date.
128
129 Be It Enacted by the Legislature of the State of Florida:
130
131 Section 1. Present subsections (30) through (57) of section
132 985.03, Florida Statutes, are redesignated as subsections (31)
133 through (58), respectively, and a new subsection (30) is added
134 to that section, to read:
135 985.03 Definitions.—As used in this chapter, the term:
136 (30) "Juvenile justice education programs" has the same
137 meaning as provided in s. 1003.01(11)(a).
138 Section 2. Subsection (6) is added to section 985.46,
139 Florida Statutes, to read:
140 985.46 Conditional release.—
141 (6) Each juvenile committed to a commitment program shall
142 have a transition plan upon release. Transition planning shall
143 begin for each juvenile upon placement in a commitment program
144 and shall result in an individual transition plan for each youth
145 before he or she is released. The transition plan shall be

146 developed with the participation of the youth, representatives
147 of the commitment program, school district personnel, and
148 representatives of conditional release or postcommitment
149 probation programs, if appropriate. The transition plan shall
150 include an education transition plan component as provided in s.
151 1003.515(10), as well as information regarding pertinent
152 delinquency treatment and intervention services that are
153 accessible upon exiting the program.
154 (a) For a juvenile who is released on conditional release
155 or postcommitment probation status, the transition plan shall be
156 incorporated into the conditions of release.
157 (b) For a juvenile who is not released on conditional
158 release or postcommitment probation status, the transition plan
159 shall be explained to the youth and provided upon release, with
160 all necessary referrals having been made at least 30 days before
161 the youth exits the program.
162 (c) For a juvenile who participates in a nonresidential
163 program, the transition plan shall be explained to the youth and
164 provided upon release. For a juvenile who participates in a
165 nonresidential program and who is released on conditional
166 release or postcommitment probation status, the transition plan
167 shall be incorporated into the conditions of release.
168 Section 3. Section 985.618, Florida Statutes, is amended to
169 read:
170 (Substantial rewording of section. See
171 s. 985.618, F.S., for present text.)
172 985.618 Education and workforce-related programs.—
173 (1) The Legislature intends for youth in juvenile justice
174 programs to be provided a quality education that includes

175 workforce-related skills that lead to continuing education or
176 meaningful employment, or both, and that results in reduced
177 rates of recidivism.
178 (2) The department, in collaboration with the Department of
179 Education, shall annually verify that each juvenile justice
180 education program, at a minimum:
181 (a) Provides access to virtual course offerings that
182 maximize learning opportunities for youth.
183 (b) Encourages access to virtual counseling to address the
184 educational and workforce needs of adjudicated youth.
185 (c) Provides instruction from individuals who hold industry
186 credentials in the occupational areas in which they teach.
187 (d) Ensures students in juvenile justice residential
188 education programs have access to virtual instruction or
189 instruction offered by volunteers during evenings and weekends.
190 (e) Considers, before placement, the age, interests, prior
191 education, training, work experience, emotional and mental
192 abilities, treatment needs, and physical capabilities of the
193 youth and the duration of the term of placement imposed.
194 (f) Provides specialized instruction, related services,
195 accommodations, and modifications as are necessary to ensure the
196 provision of a free, appropriate public education for students
197 with disabilities.
198 (g) Expends funds in a manner that directly supports the
199 attainment of successful student outcomes as specified in s.
200 1003.515(7) and that allows youth to engage in real work
201 situations whenever possible.
202 (3) The department shall collaborate with the Department of
203 Education, the Department of Economic Opportunity, school

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204 districts, and private providers to adopt rules to administer
205 this section.
206 Section 4. Section 985.632, Florida Statutes, is amended to
207 read:
208 985.632 Quality assurance and cost-effectiveness.—
209 (1) It is the intent of the Legislature that the
210 department:
211 (a) Ensure that information be provided to decisionmakers
212 in a timely manner so that resources are allocated to programs
213 of the department which achieve desired performance levels.
214 (b) Provide information about the cost of such programs and
215 their differential effectiveness so that the quality of such
216 programs can be compared and improvements made continually.
217 (c) Provide information to aid in developing related policy
218 issues and concerns.
219 (d) Provide information to the public about the
220 effectiveness of such programs in meeting established goals and
221 objectives.
222 (e) Provide a basis for a system of accountability so that
223 each client is afforded the best programs to meet his or her
224 needs.
225 (f) Improve service delivery to clients.
226 (g) Modify or eliminate activities that are not effective.
227 (2) As used in this section, the term:
228 (a) "Client" means any person who is being provided
229 treatment or services by the department or by a provider under
230 contract with the department.
231 (b) "Program component" means an aggregation of generally
232 related objectives which, because of their special character,

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233 related workload, and interrelated output, can logically be
234 considered an entity for purposes of organization, management,
235 accounting, reporting, and budgeting.
236 (c) "Program effectiveness" means the ability of the
237 program to achieve desired client outcomes, goals, and
238 objectives.
239 (3) The department shall annually collect and report cost
240 data for every program operated by the department or its
241 contracted provider ~~or contracted by the department~~. The cost
242 data shall conform to a format approved by the department and
243 the Legislature. Uniform cost data shall be reported and
244 collected for each education program operated by a school
245 district or private provider contracted by a school district
246 ~~state-operated and contracted programs~~ so that comparisons can
247 be made among programs. The Department of Education shall ensure
248 that there is accurate cost accounting for education programs
249 operated by school districts, including those programs operated
250 by private providers under contract with school districts ~~state-~~
251 ~~operated services including market-equivalent rent and other~~
252 ~~shared cost~~. ~~The cost of the educational program provided to a~~
253 ~~residential facility shall be reported and included in the cost~~
254 ~~of a program.~~ The Department of Education shall submit ~~an~~ annual
255 cost data ~~report~~ to the department ~~President of the Senate, the~~
256 ~~Speaker of the House of Representatives, the Minority Leader of~~
257 ~~each house of the Legislature, the appropriate substantive and~~
258 ~~fiscal committees of each house of the Legislature, and the~~
259 ~~Governor, no later than December 1 of each year~~. The annual cost
260 data shall be included in the annual report required in
261 subsection (7). Cost-benefit analysis for juvenile justice

262 education ~~educational~~ programs shall ~~will~~ be developed and
263 implemented in collaboration with and in cooperation with the
264 Department of Education, local providers, and local school
265 districts. ~~Cost data for the report shall include data collected~~
266 ~~by the Department of Education for the purposes of preparing the~~
267 ~~annual report required by s. 1003.52(19).~~
268 (4)(a) The department, in consultation with the Office of
269 Economic and Demographic Research and contract service
270 providers, shall develop a cost-effectiveness model and apply
271 the model to each commitment program. Program recidivism rates
272 shall be a component of the model. The cost-effectiveness model
273 shall compare program costs to client outcomes and program
274 outputs. It is the intent of the Legislature that continual
275 development efforts take place to improve the validity and
276 reliability of the cost-effectiveness model.
277 (b) The department shall rank commitment programs based on
278 the cost-effectiveness model and shall submit a report to the
279 appropriate substantive and fiscal committees of each house of
280 the Legislature by December 31 of each year.
281 (c) Based on reports of the department on client outcomes
282 and program outputs and on the department's most recent cost-
283 effectiveness rankings, the department may terminate a program
284 operated by the department or a provider if the program has
285 failed to achieve a minimum threshold of program effectiveness.
286 This paragraph does not preclude the department from terminating
287 a contract as provided under this section or as otherwise
288 provided by law or contract, and does not limit the department's
289 authority to enter into or terminate a contract.
290 (d) In collaboration with the Office of Economic and

291 Demographic Research, and contract service providers, the
292 department shall develop a work plan to refine the cost-
293 effectiveness model so that the model is consistent with the
294 performance-based program budgeting measures approved by the
295 Legislature to the extent the department deems appropriate. The
296 department shall notify the Office of Program Policy Analysis
297 and Government Accountability of any meetings to refine the
298 model.
299 (e) Contingent upon specific appropriation, the department,
300 in consultation with the Office of Economic and Demographic
301 Research, and contract service providers, shall:
302 1. Construct a profile of each commitment program that uses
303 the results of the quality assurance report required by this
304 section, the cost-effectiveness report required in this
305 subsection, and other reports available to the department.
306 2. Target, for a more comprehensive evaluation, any
307 commitment program that has achieved consistently high, low, or
308 disparate ratings in the reports required under subparagraph 1.
309 3. Identify the essential factors that contribute to the
310 high, low, or disparate program ratings.
311 4. Use the results of these evaluations in developing or
312 refining juvenile justice programs or program models, client
313 outcomes and program outputs, provider contracts, quality
314 assurance standards, and the cost-effectiveness model.
315 (5)(a) Program effectiveness shall be determined by
316 implementing systematic data collection, data analysis, and
317 education and workforce-related program evaluations pursuant to
318 this section and s. 1003.515.
319 (b) The evaluation of juvenile justice education and

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320 workforce-related programs shall be based on the performance
321 outcomes provided in s. 1003.515(7).
322 (6)~~(5)~~ The department shall:
323 (a) Establish a comprehensive quality assurance system for
324 each program operated by the department or its contracted
325 provider ~~operated by a provider under contract with the~~
326 ~~department~~. Each contract entered into by the department must
327 provide for quality assurance.
328 (b) Provide operational definitions of and criteria for
329 quality assurance for each specific program component.
330 (c) Establish quality assurance goals and objectives for
331 each specific program component.
332 (d) Establish the information and specific data elements
333 required for the quality assurance program.
334 (e) Develop a quality assurance manual of specific,
335 standardized terminology and procedures to be followed by each
336 program.
337 (f) Evaluate each program operated by the department or its
338 contracted ~~a~~ provider ~~under a contract with the department~~ and
339 establish minimum thresholds for each program component. If a
340 provider fails to meet the established minimum thresholds, such
341 failure shall cause the department to cancel the provider's
342 contract unless the provider achieves compliance with minimum
343 thresholds within 6 months or unless there are documented
344 extenuating circumstances. In addition, the department may not
345 contract with the same provider for the canceled service for a
346 period of 12 months. If a department-operated program fails to
347 meet the established minimum thresholds, the department must
348 take necessary and sufficient steps to ensure and document

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349 program changes to achieve compliance with the established
350 minimum thresholds. If the department-operated program fails to
351 achieve compliance with the established minimum thresholds
352 within 6 months and if there are no documented extenuating
353 circumstances, the department must notify the Executive Office
354 of the Governor and the Legislature of the corrective action
355 taken. Appropriate corrective action may include, but is not
356 limited to:
357 1. Contracting out for the services provided in the
358 program;
359 2. Initiating appropriate disciplinary action against all
360 employees whose conduct or performance is deemed to have
361 materially contributed to the program's failure to meet
362 established minimum thresholds;
363 3. Redesigning the program; or
364 4. Realigning the program.
365
366 The department shall submit an annual report to the President of
367 the Senate, the Speaker of the House of Representatives, the
368 Minority Leader of each house of the Legislature, the
369 appropriate substantive and fiscal committees of each house of
370 the Legislature, and the Governor, no later than February 1 of
371 each year. The annual report must contain, at a minimum, for
372 each specific program component: a comprehensive description of
373 the population served by the program; a specific description of
374 the services provided by the program; cost; a comparison of
375 expenditures to federal and state funding; immediate and long-
376 range concerns; and recommendations to maintain, expand,
377 improve, modify, or eliminate each program component so that

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378 changes in services lead to enhancement in program quality. The
379 department shall ensure the reliability and validity of the
380 information contained in the report.
381 (7) The department, in collaboration with the Department of
382 Education and in consultation with the school districts and
383 private juvenile justice education program providers, shall
384 prepare an annual report containing the education performance
385 outcomes, based on the criteria in s. 1003.515(7), of youth in
386 juvenile justice education programs. The report shall delineate
387 the performance outcomes of youth in the state, in each school
388 district's juvenile justice education program, and for each
389 private provider's juvenile justice education program, including
390 the performance outcomes of all major student populations and
391 genders, as determined by the Department of Education. The
392 report shall address the use and successful completion of
393 virtual instruction courses and the successful implementation of
394 transition and reintegration plans. The report must include an
395 analysis of the performance of youth over time, including, but
396 not limited to, additional education attainment, employment,
397 earnings, industry certification, and rates of recidivism. The
398 report must also include recommendations for improving
399 performance outcomes and for additional cost savings and
400 efficiencies. The report shall be submitted to the Governor, the
401 President of the Senate, and the Speaker of the House of
402 Representatives by February 15, 2014, and each year thereafter.
403 (8) ~~(6)~~ The department shall collect and analyze available
404 statistical data for the purpose of ongoing evaluation of all
405 programs. The department shall provide the Legislature with
406 necessary information and reports to enable the Legislature to

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407 make informed decisions regarding the effectiveness of, and any
408 needed changes in, services, programs, policies, and laws.
409 Section 5. Section 985.721, Florida Statutes, is amended to
410 read:
411 985.721 Escapes from secure detention or residential
412 commitment facility.—An escape from:
413 (1) Any secure detention facility maintained for the
414 temporary detention of children, pending adjudication,
415 disposition, or placement;
416 (2) Any residential commitment facility described in s.
417 985.03(46) ~~985.03(45)~~, maintained for the custody, treatment,
418 punishment, or rehabilitation of children found to have
419 committed delinquent acts or violations of law; or
420 (3) Lawful transportation to or from any such secure
421 detention facility or residential commitment facility,
422
423 constitutes escape within the intent and meaning of s. 944.40
424 and is a felony of the third degree, punishable as provided in
425 s. 775.082, s. 775.083, or s. 775.084.
426 Section 6. Paragraph (b) of subsection (18) of section
427 1001.42, Florida Statutes, is amended to read:
428 1001.42 Powers and duties of district school board.—The
429 district school board, acting as a board, shall exercise all
430 powers and perform all duties listed below:
431 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
432 Maintain a state system of school improvement and education
433 accountability as provided by statute and State Board of
434 Education rule. This system of school improvement and education
435 accountability shall be consistent with, and implemented

436 through, the district's continuing system of planning and
437 budgeting required by this section and ss. 1008.385, 1010.01,
438 and 1011.01. This system of school improvement and education
439 accountability shall comply with the provisions of ss. 1008.33,
440 1008.34, 1008.345, and 1008.385 and include the following:
441 (b) *Public disclosure*.—The district school board shall
442 provide information regarding the performance of students in ~~and~~
443 education ~~educational~~ programs as required pursuant to ss.
444 1008.22 and 1008.385 and implement a system of school reports as
445 required by statute and State Board of Education rule which
446 shall include schools operating for the purpose of providing
447 education ~~educational~~ services to youth in Department of
448 Juvenile Justice residential and nonresidential programs, and
449 for those programs ~~schools~~, report on the data and education
450 outcomes ~~elements~~ specified in s. 1003.515(7) ~~1003.52(19)~~.
451 Annual public disclosure reports shall be in an easy-to-read
452 report card format and shall include the school's grade, high
453 school graduation rate calculated without GED tests,
454 disaggregated by student ethnicity, and performance data as
455 specified in state board rule.
456 Section 7. Subsection (20) of section 1002.20, Florida
457 Statutes, is amended to read:
458 1002.20 K-12 student and parent rights.—Parents of public
459 school students must receive accurate and timely information
460 regarding their child's academic progress and must be informed
461 of ways they can help their child to succeed in school. K-12
462 students and their parents are afforded numerous statutory
463 rights including, but not limited to, the following:
464 (20) JUVENILE JUSTICE PROGRAMS.—Students who are in

465 juvenile justice programs have the right to receive educational
466 programs and services in accordance with the provisions of s.
467 1003.515 ~~1003.52~~.
468 Section 8. Paragraph (b) of subsection (1) of section
469 1002.45, Florida Statutes, is amended to read:
470 1002.45 Virtual instruction programs.—
471 (1) PROGRAM.—
472 (b) Each school district that is eligible for the sparsity
473 supplement pursuant to s. 1011.62(7) shall provide all enrolled
474 public school students within its boundaries the option of
475 participating in part-time and full-time virtual instruction
476 programs. Each school district that is not eligible for the
477 sparsity supplement shall provide at least three options for
478 part-time and full-time virtual instruction. All school
479 districts must provide parents with timely written notification
480 of an open enrollment period for full-time students of at least
481 90 days that ends no later than 30 days before ~~prior to~~ the
482 first day of the school year. The purpose of the program is to
483 make quality virtual instruction available to students using
484 online and distance learning technology in the nontraditional
485 classroom. A school district virtual instruction program shall
486 provide the following:
487 1. Full-time virtual instruction for students enrolled in
488 kindergarten through grade 12.
489 2. Part-time virtual instruction for students enrolled in
490 grades 9 through 12 courses that are measured pursuant to
491 subparagraph (8)(a)2.
492 3. Full-time or part-time virtual instruction for students
493 enrolled in dropout prevention and academic intervention

494 programs under s. 1003.53, Department of Juvenile Justice
495 education programs under s. 1003.515 ~~1003.52~~, core-curricula
496 courses to meet class size requirements under s. 1003.03, or
497 Florida College System institutions under this section.
498 Section 9. Paragraph (a) of subsection (11) of section
499 1003.01, Florida Statutes, is amended to read:
500 1003.01 Definitions.—As used in this chapter, the term:
501 (11)(a) "Juvenile justice education programs ~~or schools~~"
502 means programs ~~or schools~~ operating for the purpose of providing
503 educational services to youth in Department of Juvenile Justice
504 programs, for a school year comprised of 250 days of instruction
505 distributed over 12 months. At the request of the provider, a
506 district school board may decrease the minimum number of days of
507 instruction by up to 10 days for teacher planning for
508 residential programs and up to 20 days for teacher planning for
509 nonresidential programs, subject to the approval of the
510 Department of Juvenile Justice and the Department of Education.
511 Section 10. Section 1003.515, Florida Statutes, is created
512 to read:
513 1003.515 The Florida Juvenile Justice Education Act.—
514 (1) SHORT TITLE.—This section may be cited as the "Florida
515 Juvenile Justice Education Act."
516 (2) LEGISLATIVE FINDING.—The Legislature finds that an
517 education is the single most important factor in the
518 rehabilitation of adjudicated youth who are in Department of
519 Juvenile Justice residential and nonresidential programs.
520 (3) PURPOSES.—The purposes of this section are to:
521 (a) Provide performance-based outcome measures and
522 accountability for juvenile justice education programs; and

523 (b) Improve academic and workforce-related outcomes so that
524 adjudicated and at-risk youth may successfully complete the
525 transition to and reenter the academic and workforce
526 environments.
527 (4) DEFINITION.—For purposes of this section, the term
528 "juvenile justice education programs" has the same meaning as in
529 s. 1003.01(11)(a).
530 (5) SCHOOL DISTRICT AND CONTRACTED EDUCATION PROVIDER
531 RESPONSIBILITIES.—
532 (a) A school district or private provider contracted by a
533 school district to offer education services to youth in a
534 juvenile justice education program shall:
535 1. Provide rigorous and relevant academic and workforce-
536 related curricula that will lead to industry certifications or
537 occupational completion points in an occupational area
538 identified in the Industry Certification Funding list adopted by
539 the State Board of Education, or articulate to secondary or
540 postsecondary-level coursework, as appropriate.
541 2. Support state, local, and regional economic development
542 demands.
543 3. Make high-wage and high-demand careers more accessible
544 to adjudicated and at-risk youth.
545 4. Reduce rates of recidivism for adjudicated youth.
546 5. Provide access to the appropriate courses and
547 instruction to prepare youth for a standard high school diploma,
548 a special diploma, or a high school equivalency diploma, as
549 appropriate.
550 6. Provide access to virtual education courses that are
551 appropriate to meet the requirements of academic or workforce-

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552 related programs and the requirements for continuing education
553 specified in the youth's transition and postrelease plans.
554 7. Provide opportunities for earning credits toward high
555 school graduation or credits that articulate to postsecondary
556 education institutions while the youth are in residential and
557 nonresidential juvenile justice facilities.
558 8. Ensure that the credits and partial credits earned by
559 the youth are transferred and included in the youth's records as
560 part of the transition plan.
561 9. Ensure that the education program consists of the
562 appropriate academic, workforce-related, or exceptional
563 education curricula and related services that directly support
564 performance outcomes, which must be specified in each youth's
565 education transition plan component as required by subsection
566 (10).
567 10. If the duration of a youth's stay in a program is less
568 than 40 days, ensure that the youth receives employability, life
569 skills, and academic remediation, as appropriate. In addition,
570 counseling and transition services must be provided which
571 mitigate the youth's identified risk factors and prepare the
572 youth for a successful reintegration into the school, community,
573 and home settings.
574 11. Maintain an academic record for each youth who is
575 enrolled in a juvenile justice facility, as required by s.
576 1003.51, and ensure that the coursework, credits, partial
577 credits, occupational completion points, and industry
578 certifications earned by the youth are transferred and included
579 in the youth's transition plan pursuant to s. 985.46.
580 (b) Each school district and private provider shall ensure

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581 that the following youth participate in the program:
582 1. Youth who are of compulsory school attendance age
583 pursuant to s. 1003.21.
584 2. Youth who are not of compulsory school attendance age
585 and who have not received a high school diploma or its
586 equivalent, if the youth is in a residential or nonresidential
587 juvenile justice program. Such youth must participate in the
588 education program and participate in a workforce-related
589 education program that leads to industry certification or
590 occupational completion points in an occupational area
591 identified in the Industry Certification Funding list adopted by
592 the State Board of Education. This subparagraph does not limit
593 the rights of students with disabilities, as defined under the
594 Individuals with Disabilities Education Act, who are not of
595 compulsory school attendance age and who have not received a
596 high school diploma to receive a free, appropriate public
597 education in accordance with their individualized needs.
598 3. Youth who have attained a high school diploma or its
599 equivalent and who are not employed. Such youth must participate
600 in a workforce-related education program that leads to
601 employment in an occupational area identified in the Industry
602 Certification Funding list adopted by the State Board of
603 Education. Such youth may enroll in a state postsecondary
604 institution to complete the workforce-related education program
605 and are exempt from the payment of tuition and fees pursuant to
606 s. 1009.25(1)(g).
607 (6) PROGRAM REQUIREMENTS.—In compliance with the strategic
608 5-year plan under s. 1003.491, each juvenile justice residential
609 and nonresidential education program shall, in collaboration

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610 with the regional workforce board or economic development agency
611 and local postsecondary institutions, determine the appropriate
612 occupational areas for the program. Juvenile justice education
613 programs must:
614 (a) Ensure that rigorous academic and workforce-related
615 coursework is offered and meets or exceeds appropriate state-
616 approved subject area standards, and results in the attainment
617 of industry certification and postsecondary credit, when
618 appropriate;
619 (b) Ensure instruction from individuals who hold state
620 certifications, school district certifications pursuant to ss.
621 1012.39 and 1012.55(1), or industry credentials in the
622 occupational areas in which they teach;
623 (c) Maximize the use of private sector personnel;
624 (d) Use strategies to maximize the delivery of virtual
625 instruction;
626 (e) Maximize instructional efficiency for youth in juvenile
627 justice facilities;
628 (f) Provide opportunities for youth to earn weighted or
629 dual enrollment credit for higher-level courses, when
630 appropriate;
631 (g) Promote credit recovery; and
632 (h) Provide instruction that results in competency,
633 certification, or credentials in workplace skills, including,
634 but not limited to, communication skills, interpersonal skills,
635 decisionmaking skills, work ethic, and the importance of
636 attendance and timeliness in the work environment.
637 (7) DEPARTMENT RESPONSIBILITIES.—
638 (a) The department shall identify each residential and

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639 nonresidential juvenile justice education program, excluding
640 detention programs, as having one of the following performance
641 ratings as defined by State Board of Education rule:
642 1. High performance.
643 2. Adequate performance.
644 3. Failing performance.
645 (b) The department shall consider the level of rigor
646 associated with the attainment of a particular outcome when
647 assigning weight to the outcome. The department shall evaluate
648 the following elements in determining a juvenile justice
649 education program's performance rating:
650 1. One or more of the following outcomes for a youth who is
651 14 years of age or younger:
652 a. Achieving academic progress in reading and mathematics,
653 as measured by the statewide common pre- and post-assessment
654 adopted by the department for use in juvenile justice education
655 programs.
656 b. Participating in continuing education upon release from
657 a juvenile justice residential or nonresidential program.
658 c. Completing secondary coursework upon release from a
659 juvenile justice residential or nonresidential program.
660 d. Attaining occupational completion points in an
661 occupational area identified in the Industry Certification
662 Funding list adopted by the State Board of Education.
663 e. Attaining an industry certification in an occupational
664 area identified in the Industry Certification Funding list
665 adopted by the State Board of Education, if available and
666 appropriate.
667 2. One or more of the following outcomes for a youth who is

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668 15 years of age or older:
669 a. Achieving academic progress in reading and mathematics,
670 as measured by the statewide common pre- and post-assessment
671 adopted by the department for use in juvenile justice education
672 programs.
673 b. Participating in continuing education upon release from
674 a juvenile justice residential or nonresidential program.
675 c. Earning secondary or postsecondary credit upon release
676 from a juvenile justice residential or nonresidential program.
677 d. Attaining a high school diploma or its equivalent upon
678 release from a juvenile justice residential or nonresidential
679 program.
680 e. Obtaining employment upon release from a juvenile
681 justice residential or nonresidential program.
682 f. Attaining an industry certification in an occupational
683 area identified in the Industry Certification Funding list
684 adopted by the State Board of Education.
685 g. Attaining occupational completion points in an
686 occupational area identified in the Industry Certification
687 Funding list adopted by the State Board of Education.
688 h. Participating in continuing education upon release from
689 a juvenile justice residential or nonresidential program in
690 order to complete the industry certification identified in the
691 Industry Certification Funding list adopted by the State Board
692 of Education.
693 (c) By September 1, 2012, the department shall make
694 available a common student pre- and post-assessment to measure
695 the academic progress in reading and mathematics of youth who
696 are assigned to juvenile justice education programs.

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697

698 For purposes of performance ratings, juvenile justice
699 residential and nonresidential education programs, excluding
700 detention centers, shall be held accountable for the performance
701 outcomes of youth for no more than 6 months after the release of
702 youth from the residential or nonresidential program. This
703 subsection does not abrogate the provisions of s. 1002.22 which
704 relate to education records or the requirements of 20 U.S.C. s.
705 1232g, the Family Educational Rights and Privacy Act.
706 (8) PROGRAM ACCOUNTABILITY.—
707 (a) The department shall, in collaboration with the
708 Department of Juvenile Justice:
709 1. Monitor the education performance of youth in juvenile
710 justice facilities.
711 2. Prohibit school districts or private providers that have
712 failing performance ratings from delivering the education
713 services.
714 3. Verify that a school district is operating or
715 contracting with a private provider to deliver education
716 services.
717 (b) If a school district's juvenile justice residential or
718 nonresidential education program earns two failing performance
719 ratings in any 3-year period, as provided in subsection (7), the
720 school district shall contract with a private provider that has
721 an adequate or higher performance rating or enter into an
722 agreement with a school district that has an adequate or higher
723 performance rating to deliver the education services to the
724 youth in the program.
725 (c) Except as provided in paragraph (b), the school

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726 district of the county in which the residential or
727 nonresidential facility is located shall deliver education
728 services to youth in Department of Juvenile Justice programs. A
729 school district may contract with a private provider to deliver
730 the education services in lieu of directly providing the
731 education services. The contract shall include performance
732 criteria as provided in subsection (7).
733 (d) When determining educational placement for youth who
734 enroll in a school district upon release, the school district
735 must adhere to the transition plan established under s.
736 985.46(6).
737 (e) If a private provider under contract with a school
738 district maintains an adequate or high-performance rating
739 pursuant to subsection (7), the school district may not require
740 a private provider to use the school district's personnel.
741 (f) Academic instructional personnel must be certified by
742 the Department of Education; however, a nondegreed teacher of
743 career education may be certified by a local school district
744 under s. 1012.39 and may be designated as teaching out-of-field.
745 An instructor who is deemed to be an expert in a specific field
746 may be employed under s. 1012.55(1).
747 (g) Each school district must provide juvenile justice
748 education programs access to substitute classroom teachers used
749 by the school district.
750 (9) EXITING PROGRAM.—Upon exiting a program, a youth must:
751 (a) Attain an industry certification or occupational
752 completion points in an occupational area identified in the
753 Industry Certification Funding list adopted by the State Board
754 of Education;

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755 (b) Enroll in a program to complete the industry
756 certification;
757 (c) Be gainfully employed and earning full-time wages; or
758 (d) Enroll in and continue his or her education based on
759 the transition and postrelease plan provided in s. 958.46.
760 (10) EDUCATION TRANSITION PLAN COMPONENT.—
761 (a) The education transition plan component shall be
762 incorporated in the transition plan pursuant to s. 985.46(6).
763 (b) Each juvenile justice education program must develop an
764 education transition plan component during the course of a
765 youth's stay in a juvenile justice residential or nonresidential
766 program which coordinates academic and workforce services and
767 assists the youth in successful community reintegration upon the
768 youth's release.
769 (c) The development of the education transition plan
770 component shall begin upon a youth's placement in the program.
771 The education transition plan component must include the
772 academic and workforce services to be provided during the
773 program stay and the establishment of services to be implemented
774 upon release. The appropriate personnel in the juvenile justice
775 residential and nonresidential program, the members of the
776 community, the youth, and the youth's family, when appropriate,
777 shall collaborate to develop the education transition plan
778 component.
779 (d) Education planning for reintegration shall begin when
780 placement decisions are made and continue throughout the youth's
781 stay in order to provide for continuing education, job
782 placement, and other necessary services. Individuals who are
783 responsible for reintegration shall coordinate activities to

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784 ensure that the education transition plan component is
785 successfully implemented and a youth is provided access to
786 support services that will sustain the youth's success once he
787 or she is no longer under the supervision of the Department of
788 Juvenile Justice. The education transition plan component must
789 provide for continuing education, workforce development, or
790 meaningful job placement pursuant to the performance outcomes in
791 subsection (7). For purposes of this section, the term
792 "reintegration" means the process by which a youth returns to
793 the community following release from a juvenile justice program.
794 (11) FUNDING.—
795 (a) Youth who are participating in GED preparation programs
796 while under the supervision of the Department of Juvenile
797 Justice shall be funded at the basic program cost factor for
798 juvenile justice programs in the Florida Education Finance
799 Program (FEFP). Juvenile justice education programs shall be
800 funded in the appropriate FEFP program based on the education
801 services needed by the students in the programs pursuant to s.
802 1011.62.
803 (b) Juvenile justice education programs operated through a
804 contract with the Department of Juvenile Justice and under the
805 purview of the department's quality assurance standards and
806 performance outcomes shall receive the appropriate FEFP funding
807 for juvenile justice programs.
808 (c) A district school board shall fund the education
809 program in a juvenile justice facility at the same or higher
810 level of funding for equivalent students in the district school
811 system based on the funds generated through the FEFP and funds
812 allocated from federal programs.

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813 (d) Consistent with the rules of the State Board of
814 Education, district school boards shall request an alternative
815 full-time equivalent (FTE) survey for juvenile justice programs
816 experiencing fluctuations in student enrollment.
817 (e) The State Board of Education shall prescribe rules
818 relating to FTE count periods which must be the same for
819 juvenile justice programs and other public school programs. The
820 summer school period for students in juvenile justice programs
821 shall begin on the day immediately preceding the subsequent
822 regular school year. Students may be funded for no more than 25
823 hours per week of direct instruction; however, students shall be
824 provided access to virtual instruction in order to maximize the
825 most efficient use of time.
826 (12) FACILITIES.—The district school board may not be
827 charged any rent, maintenance, utilities, or overhead on the
828 facilities. Maintenance, repairs, and remodeling of existing
829 facilities shall be provided by the Department of Juvenile
830 Justice.
831 (13) RULEMAKING.—The State Board of Education shall
832 collaborate with the Department of Juvenile Justice, the
833 Department of Economic Opportunity, school districts, and
834 private providers to adopt rules pursuant to ss. 120.536(1) and
835 120.54 to administer this section which must include provisions
836 for uniform contracts and contract requirements between school
837 districts and private providers.
838 Section 11. Section 1003.52, Florida Statutes, is repealed.
839 Section 12. Present paragraph (g) of subsection (1) of
840 section 1009.25, Florida Statutes, is redesignated as paragraph
841 (h), and a new paragraph (g) is added to that subsection, to

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842 read:
843 1009.25 Fee exemptions.—
844 (1) The following students are exempt from the payment of
845 tuition and fees, including lab fees, at a school district that
846 provides postsecondary career programs, Florida College System
847 institution, or state university:
848 (g) For purposes of completing coursework initiated while
849 in the temporary custody of the state, youth who are eligible
850 under s. 1003.515(5)(b)3. and who are ordered by a court to
851 participate in a juvenile justice residential program.
852 Section 13. Paragraph (a) of subsection (3) of section
853 1010.20, Florida Statutes, is amended to read:
854 1010.20 Cost accounting and reporting for school
855 districts.—
856 (3) PROGRAM EXPENDITURE REQUIREMENTS.—
857 (a) Each district shall expend at least the percent of the
858 funds generated by each of the programs listed in this section
859 on the aggregate total school costs for such programs:
860 1. Kindergarten and grades 1, 2, and 3, 90 percent.
861 2. Grades 4, 5, 6, 7, and 8, 80 percent.
862 3. Grades 9, 10, 11, and 12, 80 percent.
863 4. Programs for exceptional students, on an aggregate
864 program basis, 90 percent.
865 5. Grades 7 through 12 career education programs, on an
866 aggregate program basis, 80 percent.
867 6. Students-at-risk programs, on an aggregate program
868 basis, 80 percent.
869 7. Juvenile justice programs, on an aggregate program
870 basis, 95 ~~90~~ percent.

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871 8. Any new program established and funded under s.
872 1011.62(1)(c), that is not included under subparagraphs 1.-7.,
873 on an aggregate basis as appropriate, 80 percent.
874 Section 14. Paragraph (f) of subsection (1) of section
875 1011.62, Florida Statutes, is amended to read:
876 1011.62 Funds for operation of schools.—If the annual
877 allocation from the Florida Education Finance Program to each
878 district for operation of schools is not determined in the
879 annual appropriations act or the substantive bill implementing
880 the annual appropriations act, it shall be determined as
881 follows:
882 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
883 OPERATION.—The following procedure shall be followed in
884 determining the annual allocation to each district for
885 operation:
886 (f) *Supplemental academic instruction; categorical fund.*—
887 1. There is created a categorical fund to provide
888 supplemental academic instruction to students in kindergarten
889 through grade 12. This paragraph may be cited as the
890 "Supplemental Academic Instruction Categorical Fund."
891 2. Categorical funds for supplemental academic instruction
892 shall be allocated annually to each school district in the
893 amount provided in the General Appropriations Act. These funds
894 shall be in addition to the funds appropriated on the basis of
895 FTE student membership in the Florida Education Finance Program
896 and shall be included in the total potential funds of each
897 district. These funds shall be used to provide supplemental
898 academic instruction to students enrolled in the K-12 program.
899 Supplemental instruction strategies may include, but are not

900 limited to: modified curriculum, reading instruction, after-
901 school instruction, tutoring, mentoring, class size reduction,
902 extended school year, intensive skills development in summer
903 school, and other methods for improving student achievement.
904 Supplemental instruction may be provided to a student in any
905 manner and at any time during or beyond the regular 180-day term
906 identified by the school as being the most effective and
907 efficient way to best help that student progress from grade to
908 grade and to graduate.
909 3. Effective with the 2012-2013 ~~1999-2000~~ fiscal year,
910 funding on the basis of FTE membership beyond the 180-day
911 regular term shall be provided in the FEFP only for students
912 enrolled in juvenile justice education programs or in education
913 programs for juveniles placed in secure facilities or programs
914 under s. 985.19. Funding for instruction beyond the regular 180-
915 day school year for all other K-12 students shall be provided
916 through the supplemental academic instruction categorical fund
917 and other state, federal, and local fund sources with ample
918 flexibility for schools to provide supplemental instruction to
919 assist students in progressing from grade to grade and
920 graduating.
921 4. The Florida State University School, as a lab school, is
922 authorized to expend from its FEFP or Lottery Enhancement Trust
923 Fund allocation the cost to the student of remediation in
924 reading, writing, or mathematics for any graduate who requires
925 remediation at a postsecondary educational institution.
926 5. ~~Beginning in the 1999-2000 school year,~~ Dropout
927 prevention programs as defined in ss. 1003.515 ~~1003.52~~,
928 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in

929 group 1 programs under subparagraph (d)3.
930 Section 15. Subsection (8) is added to section 1012.467,
931 Florida Statutes, to read:
932 1012.467 Noninstructional contractors who are permitted
933 access to school grounds when students are present; background
934 screening requirements.—
935 (8)(a) The Department of Education shall create a uniform,
936 statewide identification badge to be worn by noninstructional
937 contractors signifying that a contractor has met the
938 requirements of this section. The school district shall issue an
939 identification badge to the contractor, which must bear a
940 photograph of the contractor. An identification badge shall be
941 issued if the contractor:
942 1. Is a resident and citizen of the United States or a
943 permanent resident alien of the United States as determined by
944 the United States Bureau of Citizenship and Immigration
945 Services;
946 2. Is 18 years of age or older; and
947 3. Meets the background screening requirements under this
948 section.
949 (b) The uniform, statewide identification badge shall be
950 recognized by all school districts and must be visible at all
951 times a noninstructional contractor is on school grounds.
952 (c) The identification badge shall be valid for a period of
953 5 years. If a noninstructional contractor provides notification
954 pursuant to subsection (6), the contractor shall, within 48
955 hours, return the identification badge to the school district
956 that issued the badge.
957 (d) The Department of Education shall determine a uniform

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958 cost that a school district may charge a noninstructional
959 contractor for receipt of the identification badge, which shall
960 be borne by the recipient of the badge.
961 (e) This subsection does not apply to noninstructional
962 contractors who are exempt from background screening
963 requirements pursuant to s. 1012.468.
964 Section 16. This act shall take effect upon becoming a law.

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Education Pre-K - 12 Appropriations

BILL: CS/SB 1718

INTRODUCER: Education Pre-K - 12 Committee and Senator Benacquisto

SUBJECT: Parent Empowerment in Education

DATE: January 24, 2012 REVISED: 2/29/2012

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	**Fav/CS**
2.	Armstrong	Hamon	BEA	**Fav/1 Amendment**
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....	X	Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This bill creates the Parent Empowerment Act to expand the list of rights provided to K-12 students and parents. The bill also provides options to parents when a school or a teacher's performance is unsatisfactory.

School districts are required to notify parents that they may, through petition process, select and submit to the district school board a new school turnaround option when the student performance in a school subject to an existing turnaround option has failed to improve. Safeguards are included for the accuracy and credibility of the petition process to provide majority vote, require public meetings, and authorize signature verification.

In cases where a school district fails to adopt a petition selection, it still must submit the petition option, along with its own, to the State Board of Education (SBE). The SBE makes the final determination.

School districts are also required to notify parents if the classroom teachers assigned to their children have received poor performance ratings. Upon request, parents would also have the

right to receive actual performance evaluations of any classroom personnel involved in their child's education.

This bill makes available an option of virtual instruction by an "effective" or "highly effective" instructor for a student assigned to a classroom teacher who:

- Is teaching out-of-field; or
- Has received poor performance evaluations, defined as two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.

Annual notice must be provided to parents when a child is assigned to an out-of-field classroom teacher, and that virtual instruction is available.

This bill substantially amends sections 1001.10, 1002.20, 1002.32, 1008.33, 1012.2315, creates section 1003.07, and repeals section 1012.42 of the Florida Statutes.

II. Present Situation:

Differentiated Accountability[1]

Differentiated accountability is the system used by Florida to meet conditions for participation in the federal Elementary and Secondary Education Act[2] that requires states to hold public schools and school districts accountable for making adequate yearly progress toward meeting state proficiency goals. Schools are categorized based upon the school's grade[3] and the level and rate of change in student performance in reading and mathematics, disaggregated into student subgroups.[4]

The law requires the Department of Education (DOE) to provide the most intensive intervention strategies to the lowest performing schools, which are defined as schools that have received: [5]

- An "F" grade in the most recent school year and 4 of the 6 previous years; or

[1] Last fall, the U.S. Department of Education offered states the opportunity to request flexibility from certain requirements of the 1965 Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001, and the associated regulatory, administrative, and reporting requirements in exchange for rigorous and comprehensive state-developed plans. The stated purpose of the waiver is to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. In response to this initiative, Florida requested and was granted a waiver of 11 specific federal school accountability provisions. The waiver establishes an enhanced school grades accountability system to focus all accountability resources and attention on one system and attain college- and career-ready standards for all students.

[2] 20 U.S.C. ss. 6301 et seq.

[3] s. 1008.34, F.S., requires school grades: "A," making excellent progress, "B," making above average progress, "C," making satisfactory progress, "D," making less than satisfactory progress, or "F," failing to make adequate progress.

[4] ch. 2009-144, codified in s. 1008.33, F.S. Six categories, beginning with the highest performing, comprise the differentiated accountability system: Schools Not Required to Participate in Differentiated Accountability Strategies, Prevent I, Correct I, Prevent II, Correct II, and Intervene. *See* Rule 6A-1.099811, F.A.C.

[5] s. 1008.33(4)(b), F.S.

- A "D" or "F" grade in the most recent school year and with three out of four of these criteria:
    - A percentage increase of students who are not reading proficient in comparison to measurements taken 5 years ago;
    - A percentage increase of students not mathematics proficient in comparison to measurements taken 5 years ago;
    - A threshold of at least 65 percent of students whom are not reading proficient; or
    - A threshold of at least 65 percent of students whom are not mathematics proficient.

Florida law requires school districts to submit a school improvement plan to the State Board of Education in the school year after a school has ranked in the lowest-performing category. The plan must include one of the following options: [6]

- Conversion of the school to a district-managed turnaround school, including implementing a Commissioner of Education-approved turnaround plan that becomes the school's improvement plan;
- Reassignment of students to another school with progress monitoring of each reassigned student;
- Closing the school and reopening the school as a charter school with a governing board that has proven effectiveness; or
- Contracting with an outside entity that has a proven record of effectiveness to operate the school.

Teacher Assignments

In 2009, the Florida Legislature enacted legislation to address the quality of teachers assigned to the lowest performing schools.[7] School districts may not assign to these schools a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to these schools.

District school boards are required to adopt and implement plans to help teachers teaching out-of-field, and to require participation in a certification or staff development program, with priority consideration given regarding professional development. Written notification is to be provided to parents of the students.

Performance Evaluations

The evaluation system for instructional personnel and school-based administrators must differentiate among four levels: highly effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing; and unsatisfactory.[8]

[6] s. 1008.33(5)(a), F.S.
[7] Ch. 2009-144, L.O.F., codified in section 1012.2315, F.S. Prior to this change, the provision only applied to schools designated as "D" or "F" schools. The lowest performing schools are defined in section 1008.33, F.S.
[8] Ch. 2011-1, L.O.F., codified in s. 1012.34(2)(e), F.S.

Current law requires the DOE to annually publish online performance rating data, to constitute the percentage of classroom teachers, instructional personnel and school administrators receiving each performance rating aggregated by district and school.[9]

Also, school districts are required to annually report ratings to those parents whose children are assigned to a classroom teacher or school administrator who has received two consecutive annual performance revaluation ratings of unsatisfactory; two annual performance evaluation ratings of unsatisfactory within three years; or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.[10]

III. Effect of Proposed Changes:

Parents would be authorized, through a petition, to implement a second school improvement option, provided that a sufficient percentage of parents support the petition. This expands current law which is school district-directed regarding determination of the plan option. Still, school districts would retain authority to select the initial turnaround option.

The petition process would involve the following:

- A school district is required to annually notify, in writing, parents of eligible students when a school has failed to improve performance while under an existing turnaround option, and that they have the option, through petition, to submit a different choice;
- Although a petition choice is non-binding on the district school board, the district school board must submit the option, along with its own choice, to the SBE, which would make the final determination;
- Provisions are included requiring that a majority of the parents of the students at a school approve the turnaround petition (indicating greater than one-half of eligible parents approve the plan), ensuring a public meeting and authorizing verification of signatures.
- Signatures on a petition for a school turnaround option are required to be based upon one parent per eligible student, defined as a student actually enrolled in the school or a student who will be attending the school in the following year; and
- Regarding a timeline, parental notice must be provided within 30 calendar days after the DOE notifies the school district that a different remedy must be implemented, with implementation of the second option to begin the following school year.

The bill requires the SBE to adopt rules to establish standards for verifying petition signatures. However, districts are not required to verify signatures. For students being taught by an out-of-field teacher, virtual instruction would be available from an in-field teacher. For students currently instructed by personnel receiving poor performance evaluation ratings, virtual instruction would be available from effective or highly effective teachers.

The provisions in the bill regarding assistance to out-of-field teachers are similar to those in current law. The bill would additionally require that the district school board implement

[9] s. 1002.2315(5)(a), F.S.
[10] s. 1012.2315(5)(b), F.S.

assistance plans by rule, and that the notice inform the parent that a certified in-field teacher is available through virtual instruction.

This bill requires schools to provide students who have been taught by a teacher who received a "needs improvement" or "unsatisfactory" rating to receive instruction from a teacher with a higher rating the following year.

This bill provides parents the right to receive performance evaluations of each classroom teacher assigned to the student, pursuant to s. 1012.31, F.S., which already provides that public school employee files are public records. However, current law also makes confidential and exempt employee evaluations until the end of the school year after the school year covered in the evaluation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

School districts may incur some additional cost associated with the parent notification requirements in the bill. The Department of Education may also incur some additional cost in reviewing appeals of turnaround options not adopted and for developing rules for the parent petition process.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Education Pre-K – 12 on January 24, 2012:

This bill:

- Provides that authority for parents to initiate the petition process is triggered only after a school has failed to improve performance under a school turnaround option;
- Requires specific notice by the school district to parents of eligible students that the school has been unable to improve performance under a school turnaround option, and that parents may petition a different option;
- Limits signatures to one parent per eligible student and defines the term "eligible student;"
- Requires the SBE to adopt standards for signature verification;
- Authorizes, but does not require, the district school board to adopt the petition-directed turnaround option and provides that where the district school board rejects the petition selection, that both choices are to be submitted to the SBE;
- Details the rule adoption required of the SBE;
- Provides that when students instructed in the classroom by out-of-field instructors opt for in-field virtual instruction, the instructors must have annual performance ratings of at least the level of "effective;" and
- Clarifies that the prohibition on a student being taught in two consecutive years by instructors with poor performance evaluation ratings in the same subject area refer only to classroom teaching.

B. Amendments:

Barcode 519440 by Budget Subcommittee on Education Pre-K – 12 Appropriations on February 28, 2012:

This amendment:

- Permits parents to make the initial selection of a turnaround plan, with the provisions of the bill inapplicable to schools currently in intervention for the 2011-12 or the 2012-13 school year;
- Details the process for parental selection of a plan, including district notification to eligible parents, the petition signature gathering and supervision process, a public school board meeting to consider adoption, and final decision by the SBE;

- Requires the school district to verify a majority of petition signatures, and specifies that the method for verification would be comparison of petition signatures to student records;
- Specifies resolving parental disagreements regarding the turnaround option;
- Considers a petition signature as a certification that a parent intends to enroll his or her child in the school if the turnaround option is implemented;
- Prohibits signature solicitors from being paid per signature and requires disclosure of affiliated organizations upon request;
- Requires parental notification where a child is receiving classroom instruction from an out-of-field teacher or from a teacher who has received poor performance ratings, and of the availability of virtual instruction in these instances;
- Requires school district assistance to out-of-field teachers, as is provided in current law, and requires that the district adopt an assistance plan through rule;
- Clarifies that provisions addressing assistance to out-of-field teachers and parental notification of the availability of virtual instruction, apply equally to charter school teachers;
- Requires rules adopted by the SBE to include sample petition forms for each turnaround option, and to address the following:
    - Presentation of the form;
    - Timelines for petition signature solicitation, submission to the district, and school board meeting consideration; and
    - Alternative ways to validate signatures.
- Requires a school district to provide classroom teacher performance evaluations to parents upon request; and
- Provides that where a student received instruction by a classroom teacher with a rating of “needs improvement” or “unsatisfactory” for a school year, the school cannot in the following year place the student in a class of the same subject with instruction by a teacher who received those ratings.

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

519440

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/03/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(3) To facilitate innovative practices and ~~to allow~~ local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a

519440

13 district school board, state board ~~of Education~~ rules that
14 relate to ~~district~~ school instruction and ~~school~~ operations,
15 except those rules pertaining to civil rights, and student
16 health, safety, and welfare. The Commissioner of Education is
17 not authorized to grant waivers for any provisions in rule
18 pertaining to the allocation and appropriation of state and
19 local funds for public education; the election, compensation,
20 and organization of school board members and superintendents;
21 graduation and state accountability standards; financial
22 reporting requirements; reporting of out-of-field teaching
23 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
24 public records; or due process hearings governed by chapter 120.
25 No later than January 1 of each year, the commissioner shall
26 report to the Legislature and the State Board of Education all
27 approved waiver requests in the preceding year.
28 Section 2. Paragraph (d) is added to subsection (21) of
29 section 1002.20, Florida Statutes, and subsections (24) and (25)
30 are added to that section, to read:
31 1002.20 K-12 student and parent rights.—Parents of public
32 school students must receive accurate and timely information
33 regarding their child's academic progress and must be informed
34 of ways they can help their child to succeed in school. K-12
35 students and their parents are afforded numerous statutory
36 rights including, but not limited to, the following:
37 (21) PARENTAL INPUT AND MEETINGS.—
38 (d) Parent empowerment.—Parents of students who are
39 assigned to a public school that is required to implement a
40 school turnaround option under s. 1008.33 may submit a petition
41 to the school district requesting implementation of a school

519440

42 turnaround option pursuant to s. 1003.07.
43 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
44 parent of a public school student, the school district must
45 provide the parent with the performance evaluation for each
46 classroom teacher assigned to his or her child, pursuant to s.
47 1012.31.
48 (25) ASSIGNMENT TO TEACHERS.—
49 (a) Out-of-field classroom teachers.—Each school district
50 shall annually notify the parent of each public school student
51 assigned to a classroom teacher who is teaching out-of-field
52 regarding such assignment. The notification must inform the
53 parent that virtual instruction from a certified in-field
54 teacher with an annual performance evaluation rating of
55 effective or highly effective is available pursuant to s.
56 1012.2315(5).
57 (b) Underperforming classroom teachers.—When a student is
58 assigned to a classroom teacher who has received two consecutive
59 annual performance evaluation ratings of unsatisfactory, two
60 annual performance evaluation ratings of unsatisfactory within a
61 3-year period, or three consecutive annual performance
62 evaluation ratings of needs improvement or a combination of
63 needs improvement and unsatisfactory under s. 1012.34, the
64 school district shall notify the parent regarding the
65 performance evaluation rating of the classroom teacher. The
66 notification must inform the parent that virtual instruction
67 from a teacher with an annual performance evaluation rating of
68 effective or highly effective is available pursuant to s.
69 1012.2315(7).
70 Section 3. Paragraph (c) of subsection (7) of section

519440

71 1002.32, Florida Statutes, is amended to read:
72 1002.32 Developmental research (laboratory) schools.—
73 (7) PERSONNEL.—
74 (c) Lab school faculty members shall meet the certification
75 requirements of s. ~~ss.~~ 1012.32 ~~and 1012.42~~.
76 Section 4. Paragraph (b) of subsection (16) of section
77 1002.33, Florida statutes, is amended to read:
78 1002.33 Charter schools.—
79 (16) EXEMPTION FROM STATUTES.—
80 (b) Additionally, a charter school shall be in compliance
81 with the following statutes:
82 1. Section 286.011, relating to public meetings and
83 records, public inspection, and criminal and civil penalties.
84 2. Chapter 119, relating to public records.
85 3. Section 1003.03, relating to the maximum class size,
86 except that the calculation for compliance pursuant to s.
87 1003.03 shall be the average at the school level.
88 4. Section 1012.22(1)(c), relating to compensation and
89 salary schedules.
90 5. Section 1012.33(5), relating to workforce reductions.
91 6. Section 1012.335, relating to contracts with
92 instructional personnel hired on or after July 1, 2011.
93 7. Section 1012.34, relating to the substantive
94 requirements for performance evaluations for instructional
95 personnel and school administrators.
96 8. Section 1012.2315(5) and (7), relating to notifications
97 and assignment of teachers.
98 Section 5. Section 1003.07, Florida Statutes, is created to
99 read:

519440

100 1003.07 Parent empowerment.—
101 (1) This section may be cited as the "Parent Empowerment
102 Act."
103 (2) Each school district must provide written notification
104 to the parents of eligible students, as defined in paragraph
105 (3)(b), and the school advisory council when a public school has
106 been unable to improve performance and must implement a school
107 turnaround option as required under s. 1008.33. The written
108 notification shall inform parents that they may, by petition,
109 request implementation of a school turnaround option by the
110 school in the following school year. The notification shall be
111 provided to parents within 30 calendar days after the school
112 district receives notice from the Department of Education that
113 the school must implement a school turnaround option. The
114 notification by the school district shall include:
115 (a) A description of each school turnaround option
116 available for selection under s. 1008.33;
117 (b) A description of the process for implementing school
118 turnaround options, including the date by which the school
119 district must submit its implementation plan to the State Board
120 of Education;
121 (c) The date and location for submission of the petition;
122 (d) The date and location of the publicly noticed district
123 school board meeting required under paragraph (4)(a) at which
124 the school board will consider any school turnaround option,
125 including a parent petition; and
126 (e) School district contact information for questions.
127 (3)(a) Prior to the school district's selection and
128 implementation of a school turnaround option for the following

519440

129 school year, parents may submit a petition selecting an
130 available school turnaround option, as described pursuant to
131 paragraph (2)(a), for consideration by the district school
132 board.
133 (b) Up to one parental vote per eligible student may be
134 counted with respect to parent signatures on the petition. An
135 eligible student is a student enrolled in the school in which
136 the school turnaround option will be implemented or, according
137 to the district school board's enrollment policies, a student
138 who is scheduled the following school year for assignment to
139 that school.
140 1. A parental vote is the signature of one parent unless
141 the other parent objects in writing to the petition vote, in
142 which case the parental vote counts for one-half per eligible
143 student. The objection must be made before the date the petition
144 is to be submitted pursuant to subsection (2).
145 2. Notwithstanding subparagraph 1., a parental vote is the
146 signature of the parent who has been assigned sole parental
147 responsibility or ultimate responsibility for education
148 decisions pursuant to s. 61.13.
149 (c) A parent must date each petition on the day it is
150 signed and identify each eligible student on the petition. The
151 parent's signature shall constitute a certification that the
152 parent has a present intention to enroll each eligible student
153 in the school if the school turnaround option identified on the
154 petition is selected. A parent may sign the petition prior to
155 the initial notification provided to the parents of eligible
156 students pursuant to subsection (2).
157 (d) The school district shall verify at least a majority of

519440

158 the signatures on the petition using existing student enrollment
159 documentation or other records containing parent signatures.
160 However, a notarized signature of a person who is a parent of an
161 eligible student shall be treated as valid. Signatures not
162 verified within the established verification period shall be
163 treated as valid.
164 (e) A signature gatherer may not be paid per signature and,
165 if asked, must disclose the organization he or she represents.
166 (4)(a) The school turnaround option selected by parents
167 must be considered for implementation by the district school
168 board at a publicly noticed school board meeting if the petition
169 is signed and dated by a majority of the parents of eligible
170 students. A majority is more than one-half of the parents who
171 are eligible to sign the petition pursuant to paragraph (3)(b).
172 If petitions for more than one school turnaround option are
173 signed by a majority of the parents, the petition having the
174 most such signatures shall be deemed the official turnaround
175 option selected by parents.
176 (b) The district school board may adopt the school
177 turnaround option selected by parents or a different school
178 turnaround option selected by the school board. If the district
179 school board does not adopt the school turnaround option
180 selected by parents, it must include that option with the
181 implementation plan submitted to the State Board of Education
182 under s. 1008.33. If the state board determines that the school
183 turnaround option selected by parents is more likely to improve
184 the academic performance of students at the school, it shall
185 return the district school board's implementation plan to the
186 school board. The district school board shall submit to the

519440

187 state board an implementation plan for the school turnaround
188 option selected by parents.
189 (5) The State Board of Education shall adopt rules to
190 establish a model petition format, the petition submission
191 process, standards for verifying signatures, and timelines for
192 district school board validation and consideration of a petition
193 at a publicly noticed meeting. The rules must provide a sample
194 petition form for each school turnaround option available for
195 selection under s. 1008.33 with easy-to-understand instructions.
196 Each petition form shall clearly identify only one school
197 turnaround option on the front page of the petition and each
198 page thereafter. The petition forms must be provided or made
199 easily accessible to parents at the time of notification by the
200 school district pursuant to subsection (2). The rules shall
201 provide for the following:
202 (a) A minimum of 30 days after initial notification,
203 pursuant to subsection (2), must be provided for the parents of
204 eligible students to gather petition signatures.
205 (b) A maximum of 30 days after the date the petition is
206 submitted must be provided for the school district to verify the
207 signatures.
208 (c) A minimum of 30 days must be provided between the
209 submission of a petition and the district school board meeting
210 to consider the petition.
211 (d) A submitted petition may list only one school
212 turnaround option identified in s. 1008.33 that is not currently
213 being implemented at the school.
214 (e) A parent may sign a petition for each school turnaround
215 option.

519440

216 (f) A school district may not reject a parent signature on
217 a petition based on a lack of conformity to signatures in school
218 records if the parent's identity and signature can be easily
219 validated with a photographic identification, a notarized
220 signature verifying the identity of the signer, or by the
221 personal knowledge of a school employee.
222 (g) A school district may not reject a parent signature on
223 a petition on the basis that the parent signed the petition
224 prior to the initial notification pursuant to subsection (2).
225 Section 6. Subsection (5) of section 1008.33, Florida
226 Statutes, is amended to read:
227 1008.33 Authority to enforce public school improvement.—
228 (5)(a) In the school year after a school is initially
229 identified as a school in the lowest-performing category, the
230 school district must submit a plan, which is subject to approval
231 by the State Board of Education, for implementing one of the
232 following school turnaround options at the beginning of the next
233 school year. The plan must be implemented unless the school
234 moves from the lowest-performing category:
235 1. Convert the school to a district-managed turnaround
236 school by means that include implementing a turnaround plan
237 approved by the Commissioner of Education which shall become the
238 school's improvement plan;
239 2. Reassign students to another school and monitor the
240 progress of each reassigned student;
241 3. Close the school and reopen the school as one or more
242 charter schools, each with a governing board that has a
243 demonstrated record of effectiveness; or
244 4. Contract with an outside entity that has a demonstrated

519440

245 record of effectiveness to operate the school.
246 (b) If a school does not move from the lowest-performing
247 category during the initial year of implementing one of the
248 school turnaround options in paragraph (a), the school district
249 must submit a plan, which is subject to approval by the State
250 Board of Education, for implementing a different school
251 turnaround option in paragraph (a) at the beginning of the next
252 school year, unless the State Board of Education determines that
253 the school is likely to move from the lowest-performing category
254 if additional time is provided to implement intervention and
255 support strategies. The State Board of Education shall determine
256 whether a school district may continue to implement a school
257 turnaround ~~an~~ option beyond 1 year while a school remains in the
258 lowest-performing category.
259 (c) Parents of students who are assigned to a public school
260 that is required by the State Board of Education to implement a
261 school turnaround option may petition the school district to
262 implement one of the school turnaround options in paragraph (a)
263 selected by the parents pursuant to s. 1003.07. A school
264 implementing a school turnaround option during the 2011-2012 or
265 2012-2013 school year is not subject to the requirements of s.
266 1003.07 until the school is required to implement a different
267 school turnaround option.
268 Section 7. Section 1012.2315, Florida Statutes, is amended
269 to read:
270 1012.2315 Assignment of teachers.—
271 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
272 disparities between teachers assigned to teach in a majority of
273 schools that do not need improvement and schools that do need

519440

274 improvement pursuant to s. 1008.33. The disparities may be found
275 in the assignment of temporarily certified teachers, teachers in
276 need of improvement, and out-of-field teachers and in the
277 performance of the students. It is the intent of the Legislature
278 that district school boards have flexibility through the
279 collective bargaining process to assign teachers more equitably
280 across the schools in the district.
281 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
282 IMPROVEMENT.—School districts may not assign a higher percentage
283 than the school district average of temporarily certified
284 teachers, teachers in need of improvement, or out-of-field
285 teachers to schools in one of the three lowest-performing
286 categories under s. 1008.33(3)(b). Each school district shall
287 annually certify to the Commissioner of Education that this
288 requirement has been met. If the commissioner determines that a
289 school district is not in compliance with this subsection, the
290 State Board of Education shall be notified and shall take action
291 pursuant to s. 1008.32 in the next regularly scheduled meeting
292 to require compliance.
293 (3) SALARY INCENTIVES.—District school boards may ~~are~~
294 ~~authorized to~~ provide salary incentives to meet the requirement
295 of subsection (2). A district school board may not sign a
296 collective bargaining agreement that precludes the school
297 district from providing sufficient incentives to meet this
298 requirement.
299 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
300 chapter 447 relating to district school board collective
301 bargaining, collective bargaining provisions may not preclude a
302 school district from providing incentives to high-quality

519440

303 teachers and assigning such teachers to low-performing schools.
304 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—
305 (a) Each district school board shall adopt rules for
306 implementing an assistance plan for each classroom teacher who
307 is teaching out-of-field. The assistance plan must provide
308 teachers who are teaching out-of-field with priority
309 consideration in professional development activities and require
310 such teachers to participate in a certification or staff
311 development program that provides the competencies required for
312 the assigned duties. A district school board may reimburse a
313 teacher who is teaching out-of-field for a certification fee.
314 The assistance plan must also include duties of administrative
315 personnel and other instructional personnel for assisting a
316 teacher who is teaching out-of-field in providing instructional
317 services to students.
318 (b) The school district shall annually notify the parent of
319 each student who is assigned to a classroom teacher who is
320 teaching subject matter that is:
321 1. Outside the field in which the teacher is certified;
322 2. Outside the field that was the teacher’s minor field of
323 study; or
324 3. Outside the field in which the teacher has demonstrated
325 sufficient subject area expertise, as determined by district
326 school board policy in the subject area to be taught.
327
328 The notification must inform the parent that virtual instruction
329 from a certified in-field teacher with an annual performance
330 evaluation rating of effective or highly effective under s.
331 1012.34 is available to his or her child through the virtual

519440

332 instruction options listed under s. 1002.321(4).
333 (6) ~~(5)~~ REPORT.—
334 ~~(a)~~ By July 1, 2012, the Department of Education shall
335 annually report on its website, in a manner that is accessible
336 to the public, the performance rating data reported by district
337 school boards under s. 1012.34. The report must include the
338 percentage of classroom teachers, instructional personnel, and
339 school administrators receiving each performance rating
340 aggregated by school district and by school.
341 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
342 EVALUATIONS.—
343 (a) ~~(b)~~ Notwithstanding ~~the provisions of~~ s.
344 1012.31(3)(a)2., each school district shall annually notify
345 ~~report to~~ the parent of any student who is assigned to a
346 classroom teacher or school administrator having two consecutive
347 annual performance evaluation ratings of unsatisfactory under s.
348 1012.34, two annual performance evaluation ratings of
349 unsatisfactory within a 3-year period under s. 1012.34, or three
350 consecutive annual performance evaluation ratings of needs
351 improvement or a combination of needs improvement and
352 unsatisfactory under s. 1012.34. The notification must inform
353 the parent that virtual instruction from a teacher with a
354 performance evaluation rating of highly effective or effective
355 under s. 1012.34 is available to his or her child through the
356 virtual instruction options listed under s. 1002.321(4).
357 (b) Upon request by the parent of a public school student,
358 the school district shall provide the parent with the
359 performance evaluation for each classroom teacher assigned to
360 his or her child, pursuant to s. 1012.31.

519440

361 (c) If a student is currently taught by a classroom teacher
362 who receives, in that school year, a performance evaluation
363 rating of needs improvement or unsatisfactory under s. 1012.34,
364 the student may not be assigned the following school year to a
365 classroom teacher in the same subject area who received a
366 performance evaluation rating of needs improvement or
367 unsatisfactory in the preceding school year.
368 Section 8. Section 1012.42, Florida Statutes, is repealed.
369 Section 9. This act shall take effect July 1, 2012.
370
371 ========== T I T L E A M E N D M E N T ==========
372 And the title is amended as follows:
373 Delete everything before the enacting clause
374 and insert:
375 A bill to be entitled
376 An act relating to parent empowerment in education;
377 amending s. 1001.10, F.S.; conforming a cross-
378 reference; amending s. 1002.20, F.S.; authorizing
379 parents of students who are assigned to certain
380 underperforming public schools to submit a petition to
381 the school district requesting implementation of a
382 school turnaround option; requiring a school district,
383 upon request, to provide a parent with a performance
384 evaluation for each classroom teacher assigned to his
385 or her child; requiring notification to the parent of
386 each student who is assigned to a classroom teacher
387 who is teaching out-of-field or who has received
388 unsatisfactory performance evaluations; requiring such
389 notification to include information about the

519440

390 availability of virtual instruction; amending s.
391 1002.32, F.S.; correcting a cross-reference; amending
392 s. 1002.33, F.S.; requiring charter schools to be in
393 compliance with statutes relating to notifications and
394 assignment of teachers; creating s. 1003.07, F.S., the
395 Parent Empowerment Act; requiring each school district
396 to notify parents of students attending a lowest-
397 performing school that has been unable to improve
398 performance and must implement a school turnaround
399 option; authorizing parents to submit a petition
400 requesting implementation of an available school
401 turnaround option; providing requirements for
402 submission of a petition and its consideration and
403 adoption by the district school board; requiring the
404 State Board of Education to adopt rules for the
405 petition process and specifying requirements therefor;
406 amending s. 1008.33, F.S.; identifying the options for
407 improving a school identified in the lowest-performing
408 category as school turnaround options; authorizing
409 parents to submit a petition to the school district to
410 implement a school turnaround option; amending s.
411 1012.2315, F.S.; requiring that each district school
412 board adopt rules to implement an assistance plan for
413 out-of-field classroom teachers and requiring their
414 participation in certain programs; requiring that the
415 school district annually notify the parent of each
416 student assigned to an out-of-field classroom teacher
417 or a classroom teacher who has received unsatisfactory
418 performance evaluations; requiring such notification

519440

419 to include information about the availability of
420 virtual instruction; requiring that a school district,
421 upon request, provide a parent with the performance
422 evaluation of each classroom teacher assigned to his
423 or her child; prohibiting the consecutive assignment
424 of students to classroom teachers who receive certain
425 performance evaluations; repealing s. 1012.42, F.S.,
426 relating to teachers teaching out-of-field; providing
427 an effective date.

By the Committee on Education Pre-K - 12; and Senators Benacquisto, Flores, Altman, and Gaetz

A bill to be entitled

An act relating to parent empowerment in education; amending s. 1001.10, F.S.; conforming a cross-reference; amending s. 1002.20, F.S.; authorizing parents of students who are assigned to certain underperforming public schools to submit a petition to the school district requesting implementation of a school turnaround option; requiring a school district, upon request, to provide a parent with a performance evaluation for each classroom teacher assigned to his or her child; requiring notification to the parent of each student who is assigned to a classroom teacher who is teaching out-of-field or who has received unsatisfactory performance evaluations and of the availability of virtual instruction; amending s. 1002.32, F.S.; conforming a cross-reference; creating s. 1003.07, F.S., the Parent Empowerment Act; requiring each school district to notify parents of students attending a lowest-performing school that has been unable to improve performance after implementation of a school turnaround option; authorizing parents to submit a petition requesting implementation of an available school turnaround option; providing requirements for a petition and its consideration and adoption by the district school board; requiring that the State Board of Education adopt rules; amending s. 1008.33, F.S.; identifying the options for improving a school identified in the lowest-performing category as school turnaround

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options; authorizing parents to submit a petition to the school district to implement a specified school turnaround option; amending s. 1012.2315, F.S.; requiring that each district school board adopt rules to implement an assistance plan for out-of-field classroom teachers and requiring that such teachers participate in certain programs; requiring that the school district annually notify the parent of each student assigned to an out-of-field classroom teacher or an underperforming classroom teacher and of the availability of virtual instruction; requiring that a school district, upon request, provide to a parent the performance evaluation of each classroom teacher assigned to his or her child; prohibiting the consecutive assignment of students to classroom teachers who receive certain performance evaluations; repealing s. 1012.42, F.S., relating to teachers teaching out-of-field; providing an effective date.

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

Section 1. Subsection (3) of section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(3) To facilitate innovative practices and ~~to allow~~ local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, state board ~~of Education~~ rules that

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59 relate to ~~district~~ school instruction and ~~school~~ operations,
60 except those rules pertaining to civil rights, and student
61 health, safety, and welfare. The Commissioner of Education is
62 not authorized to grant waivers for any provisions in rule
63 pertaining to the allocation and appropriation of state and
64 local funds for public education; the election, compensation,
65 and organization of school board members and superintendents;
66 graduation and state accountability standards; financial
67 reporting requirements; reporting of out-of-field teaching
68 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
69 public records; or due process hearings governed by chapter 120.
70 No later than January 1 of each year, the commissioner shall
71 report to the Legislature and the State Board of Education all
72 approved waiver requests in the preceding year.
73 Section 2. Paragraph (d) is added to subsection (21) of
74 section 1002.20, Florida Statutes, and subsections (24) and (25)
75 are added to that section, to read:
76 1002.20 K-12 student and parent rights.—Parents of public
77 school students must receive accurate and timely information
78 regarding their child's academic progress and must be informed
79 of ways they can help their child to succeed in school. K-12
80 students and their parents are afforded numerous statutory
81 rights including, but not limited to, the following:
82 (21) PARENTAL INPUT AND MEETINGS.—
83 (d) *Parent empowerment*.—Parents of students who are
84 assigned to a public school that does not improve performance
85 following implementation of a school turnaround option under s.
86 1008.33(5)(a) may submit a petition to the school district
87 requesting implementation of a school turnaround option pursuant

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88 to s. 1003.07.
89 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
90 parent of a public school student, the school district must
91 provide to the parent the performance evaluation for each
92 classroom teacher assigned to his or her child, pursuant to s.
93 1012.31.
94 (25) ASSIGNMENT TO TEACHERS.—
95 (a) Each school district shall annually notify the parent
96 of each public school student assigned to a classroom teacher
97 who is teaching out-of-field regarding such assignment. The
98 notification must inform the parent that virtual instruction
99 from a certified in-field teacher with an annual performance
100 evaluation rating of effective or highly effective is available
101 pursuant to s. 1012.2315(5).
102 (b) When a student is assigned to a classroom teacher who
103 has received two consecutive annual performance evaluation
104 ratings of unsatisfactory, two annual performance evaluation
105 ratings of unsatisfactory within a 3-year period, or three
106 consecutive annual performance evaluation ratings of needs
107 improvement or a combination of needs improvement and
108 unsatisfactory under s. 1012.34, the school district shall
109 notify the parent regarding the performance evaluation rating of
110 the classroom teacher. The notification must inform the parent
111 that virtual instruction from a teacher who has received an
112 annual performance evaluation rating of effective or highly
113 effective is available pursuant to s. 1012.2315(7).
114 Section 3. Paragraph (c) of subsection (7) of section
115 1002.32, Florida Statutes, is amended to read:
116 1002.32 Developmental research (laboratory) schools.—

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117 (7) PERSONNEL.—
118 (c) Lab school faculty members shall meet the certification
119 requirements of s. ~~ss.~~ 1012.32 ~~and 1012.42~~.
120 Section 4. Section 1003.07, Florida Statutes, is created to
121 read:
122 1003.07 Parent empowerment.—
123 (1) This section may be cited as the "Parent Empowerment
124 Act."
125 (2) Each school district must provide written notification
126 to the parents of eligible students, as defined in paragraph
127 (3)(b), when a public school has been unable to improve
128 performance following implementation of a school turnaround
129 option and must implement a different option, as required under
130 s. 1008.33(5). The written notification shall inform parents
131 that they may, by petition, request implementation of a school
132 turnaround option by the school in the following school year.
133 The notification shall be provided to parents within 30 calendar
134 days after the school district receives notice from the
135 Department of Education that the school must implement a
136 different school turnaround option. The notification by the
137 school district shall include:
138 (a) A description of each school turnaround option
139 available for selection under s. 1008.33(5)(a);
140 (b) A description of the process for implementing school
141 turnaround options, including the date by which the school
142 district must submit its implementation plan to the State Board
143 of Education;
144 (c) The date and location for submission of the petition;
145 (d) The date and location of the publicly noticed district

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146 school board meeting, required under paragraph (4)(a), at which
147 the school board will consider the petition; and
148 (e) School district contact information for additional
149 questions.
150 (3)(a) Prior to the school district's selection and
151 implementation of a different school turnaround option for the
152 following school year, parents may submit a petition selecting
153 an available school turnaround option, as described in the
154 notification provided pursuant to paragraph (2)(a), for
155 consideration by the district school board.
156 (b) Only one parent per eligible student may sign the
157 petition. An eligible student is a student enrolled in the
158 school in which the school turnaround option will be implemented
159 or a student who is scheduled, the following school year, for
160 assignment to the school in which the school turnaround option
161 will be implemented, according to the district school board's
162 enrollment policies.
163 (c) A parent must date the petition on the day it is signed
164 and identify the eligible student on the petition.
165 (d) If the school district chooses to verify signatures on
166 the petition, the district shall use existing student enrollment
167 documentation or other records containing parent signatures.
168 (4)(a) The school turnaround option selected by parents
169 must be considered for implementation by the district school
170 board at a publicly noticed school board meeting if the petition
171 is signed and dated by a majority of the parents of eligible
172 students. A majority is more than one-half of the parents who
173 are eligible to sign the petition pursuant to paragraph (3)(b).
174 (b) The district school board may adopt the school

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175 turnaround option selected by parents or a different school
176 turnaround option selected by the school board. If the district
177 school board does not adopt the school turnaround option
178 selected by parents, it must include that option with the
179 implementation plan submitted to the State Board of Education
180 under s. 1008.33(5)(b). If the state board determines that the
181 school turnaround option selected by parents is more likely to
182 improve the academic performance of students at the school, it
183 shall remand the district school board's implementation plan to
184 the school board. The district school board shall submit to the
185 state board an implementation plan for the school turnaround
186 option selected by parents.
187 (5) The State Board of Education shall adopt rules pursuant
188 to ss. 120.536(1) and 120.54 to establish a model petition
189 format, petition submission process, standards for verifying
190 signatures, and timelines for district school board
191 consideration of a petition at a publicly noticed meeting.
192 Section 5. Subsection (5) of section 1008.33, Florida
193 Statutes, is amended to read:
194 1008.33 Authority to enforce public school improvement.—
195 (5)(a) In the school year after a school is initially
196 identified as a school in the lowest-performing category, the
197 school district must submit a plan, which is subject to approval
198 by the State Board of Education, for implementing one of the
199 following school turnaround options at the beginning of the next
200 school year. The plan must be implemented unless the school
201 moves from the lowest-performing category:
202 1. Convert the school to a district-managed turnaround
203 school by means that include implementing a turnaround plan

204 approved by the Commissioner of Education which shall become the
205 school's improvement plan;
206 2. Reassign students to another school and monitor the
207 progress of each reassigned student;
208 3. Close the school and reopen the school as one or more
209 charter schools, each with a governing board that has a
210 demonstrated record of effectiveness; or
211 4. Contract with an outside entity that has a demonstrated
212 record of effectiveness to operate the school.
213 (b) If a school does not move from the lowest-performing
214 category during the initial year of implementing one of the
215 school turnaround options in paragraph (a), the school district
216 must submit a plan, which is subject to approval by the State
217 Board of Education, for implementing a different option in
218 paragraph (a) at the beginning of the next school year, unless
219 the State Board of Education determines that the school is
220 likely to move from the lowest-performing category if additional
221 time is provided to implement intervention and support
222 strategies. The State Board of Education shall determine whether
223 a school district may continue to implement a school turnaround
224 ~~an~~ option beyond 1 year while a school remains in the lowest-
225 performing category. Parents of students who are assigned to a
226 public school that is required to implement a different school
227 turnaround option may petition the school district to implement
228 a school turnaround option selected by the parents pursuant to
229 s. 1003.07.
230 Section 6. Section 1012.2315, Florida Statutes, is amended
231 to read:
232 1012.2315 Assignment of teachers.—

233 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
234 disparities between teachers assigned to teach in a majority of
235 schools that do not need improvement and schools that do need
236 improvement pursuant to s. 1008.33. The disparities may be found
237 in the assignment of temporarily certified teachers, teachers in
238 need of improvement, and out-of-field teachers and in the
239 performance of the students. It is the intent of the Legislature
240 that district school boards have flexibility through the
241 collective bargaining process to assign teachers more equitably
242 across the schools in the district.
243 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
244 IMPROVEMENT.—School districts may not assign a higher percentage
245 than the school district average of temporarily certified
246 teachers, teachers in need of improvement, or out-of-field
247 teachers to schools in one of the three lowest-performing
248 categories under s. 1008.33(3)(b). Each school district shall
249 annually certify to the Commissioner of Education that this
250 requirement has been met. If the commissioner determines that a
251 school district is not in compliance with this subsection, the
252 State Board of Education shall be notified and shall take action
253 pursuant to s. 1008.32 in the next regularly scheduled meeting
254 to require compliance.
255 (3) SALARY INCENTIVES.—District school boards may ~~are~~
256 ~~authorized to~~ provide salary incentives to meet the requirement
257 of subsection (2). A district school board may not sign a
258 collective bargaining agreement that precludes the school
259 district from providing sufficient incentives to meet this
260 requirement.
261 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of

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

262 chapter 447 relating to district school board collective
263 bargaining, collective bargaining provisions may not preclude a
264 school district from providing incentives to high-quality
265 teachers and assigning such teachers to low-performing schools.
266 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—
267 (a) Each district school board shall adopt rules for
268 implementing an assistance plan for each classroom teacher who
269 is teaching out-of-field. The assistance plan must provide
270 teachers who are teaching out-of-field with priority
271 consideration in professional development activities and require
272 such teachers to participate in a certification or staff
273 development program that provides the competencies required for
274 the assigned duties. The assistance plan must also include
275 duties of administrative personnel and other instructional
276 personnel for assisting a teacher who is teaching out-of-field
277 in providing instructional services to students.
278 (b) The school district shall annually notify the parent of
279 each student who is assigned to a classroom teacher who is
280 teaching a subject matter that is:
281 1. Outside the field in which the teacher is certified;
282 2. Outside the field that was the teacher's minor field of
283 study; or
284 3. Outside the field in which the teacher has demonstrated
285 sufficient subject area expertise, as determined by district
286 school board policy in the subject area to be taught.
287
288 The notification must inform the parent that virtual instruction
289 from a certified in-field teacher who has received an annual
290 performance evaluation rating of effective or highly effective

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

291 under s. 1012.34 is available to his or her child through the
292 virtual instruction options listed under s. 1002.321(4).
293 (6) ~~(5)~~ REPORT.—
294 ~~(a)~~ By July 1, 2012, the Department of Education shall
295 annually report on its website, in a manner that is accessible
296 to the public, the performance rating data reported by district
297 school boards under s. 1012.34. The report must include the
298 percentage of classroom teachers, instructional personnel, and
299 school administrators receiving each performance rating
300 aggregated by school district and by school.
301 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
302 EVALUATIONS.—
303 (a) ~~(b)~~ Notwithstanding ~~the provisions of~~ s.
304 1012.31(3)(a)2., each school district shall annually notify
305 ~~report to~~ the parent of any student who is assigned to a
306 classroom teacher or school administrator having two consecutive
307 annual performance evaluation ratings of unsatisfactory under s.
308 1012.34, two annual performance evaluation ratings of
309 unsatisfactory within a 3-year period under s. 1012.34, or three
310 consecutive annual performance evaluation ratings of needs
311 improvement or a combination of needs improvement and
312 unsatisfactory under s. 1012.34. The notification must inform
313 the parent that virtual instruction from a teacher who has
314 received a performance evaluation rating of highly effective or
315 effective under s. 1012.34 is available to his or her child
316 through the virtual instruction options listed under s.
317 1002.321(4).
318 (b) Upon request by the parent of a public school student,
319 the school district shall provide to the parent the performance

320 evaluation for each classroom teacher assigned to his or her
321 child, pursuant to s. 1012.31.
322 (c) If a student is currently taught by a classroom teacher
323 who receives, in that school year, a performance evaluation
324 rating of needs improvement or unsatisfactory under s. 1012.34,
325 the student may not be assigned the following school year to a
326 classroom teacher, in the same subject area, who received a
327 performance evaluation rating of needs improvement or
328 unsatisfactory in the preceding school year.
329 Section 7. Section 1012.42, Florida Statutes, is repealed.
330 Section 8. This act shall take effect July 1, 2012.

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 Budget Subcommittee on Education Pre-K - 12 Appropriations

BILL: SB 1728

INTRODUCER: Senator Montford

SUBJECT: Instruction in the Public Schools

DATE: February 28, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	**Favorable**
2.	Armstrong	Hamon	BEA	**Favorable**
3.				
4.				
5.				
6.				

I. Summary:

This bill authorizes district school boards to promote awareness of cyberbullying through a designated "Cyberbullying Awareness Week" to be held annually during the third week of September in all public K-12 schools in the district.

The term "cyberbullying" is defined, goals of instruction are identified, and suggestions are offered regarding incorporation into the school curriculum.

This bill creates section 1003.4206 of the Florida Statutes.

II. Present Situation:

Bullying

The 2008 Florida Legislature enacted legislation which prohibits bullying and harassment in the school environment.[1] Bullying and harassment are specifically prohibited:

- During education programs and activities;
- During school-related and school-sponsored activities, including on a school bus; and
- Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 institution.[2]

[1] ch. 2008-123, L.O.F., provides the Jeffrey Johnston Stand Up for All Students Act.
[2] s. 1006.147(2), F.S.

School districts are required to have in place a policy which prohibits bullying and harassment of students and employees of public K-12 educational institutions by December 1, 2008.[3] The policy must be integrated with a school's curriculum, discipline policies and other violence prevention efforts.[4]

The policy must address:

- A prohibition on bullying and harassment;
- Definitions of bullying and harassment which are reflective of definitions provided in law;
- Consequences for violators;
- Reporting procedures and the investigation process;
- Immediate parental notification of victims and perpetrators;
- A procedure for reporting these incidents as part of a school's report on school safety; and
- A procedure for providing instruction on identifying, preventing and responding to bullying and harassment.[5]

Receipt of safe school funds to a school district is contingent upon the Department of Education's approval of a school policy on bullying and harassment.[6]

Although Florida does have this law prohibiting bullying, it only addresses cyberbullying in the context of the school environment.

Cyberbullying

Cyberbullying is generally defined as intentional and repeated harm inflicted through electronic transmission, such as by computers, cell phones, and other electronic devices.[7] In a random sample of 4,400 11 through 18 year old students:

- Approximately 20 percent responded that they had been a victim of cyberbullying;
- Approximately 20 percent responded that they had committed cyberbullying; and
- About 10 percent indicated that they had been both victim and perpetrator.[8]

Detrimental consequences experienced by victims of cyberbullying include reduced self-esteem, family problems, academic problems, school violence and delinquent behavior, and possible physical self-harm, including several documented cases of suicide.[9]

---

[3] s. 1006.147(4), F.S.
[4] *Id*.
[5] s. 1006.147(5), F.S.
[6] s. 1006.147(8), F.S. The appropriation for 2011-2012 amounted to $64,456,019 total, with each district to receive a specified allocation of $62,660. ch. 2011-69, L.O.F. (GAA)
[7] Sameer Hinduja, PhD and Justin W. Patchin, PhD, *Cyberbullying: Identification, Prevention, and Response*. *See* online at http://www.cyberbullying.us/. Last checked February 17, 2012.
[8] *Id*.
[9] *Id*.

In response to the prevalence of bullying in schools, 48 states have adopted anti-bullying legislation, all of which require adoption of a school policy.[10] Of these, none have adopted legislation which specifically addresses cyberbullying, but eleven states, in addition to Florida, are currently considering such legislation.[11]

III. Effect of Proposed Changes:

This bill authorizes, but does not require district school boards to adopt a "Cyberbullying Awareness Week" to be held every third week of September in all public K-12 schools districtwide.

If adopted, instruction would be provided to:

- Increase attention to identifying and preventing cyberbullying;
- Provide awareness of the consequences;
- Offer ways to respond appropriately, including reporting incidents to school officials; and
- Provide awareness that incidents of cyberbullying taking place at school often continue after school hours.

The term "cyberbullying" is defined as:

> The transmission of any electronic textual, visual, written, or oral communication with malicious or willful intent to threaten, torment, abuse or intimidate.

The effective date of the bill is July 1, 2012. It appears this would provide adequate time for implementation of an awareness week, if the district school board chooses.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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[10] Sameer Hinduja, PhD and Justin W. Patchin, PhD, *State Cyberbullying Laws: A Brief Review of State Cyberbullying Laws and Policies* (February 2012). States that do not have any legislation on bullying are Montana and South Dakota.

[11] *Id*. These are Alabama, Alaska, Georgia, Indiana, Kentucky, Maine, Minnesota, Nebraska, New Hampshire, New York and Ohio.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill will have a minimal fiscal impact. The bill provides the school district with discretion to incorporate cyberbullying awareness instruction into the curriculum. If instruction on this topic is provided, it could be accomplished within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial 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 Montford

6-01311A-12 20121728__

A bill to be entitled

An act relating to instruction in the public schools; creating s. 1003.4206, F.S.; authorizing each district school board to provide cyberbullying awareness instruction in K-12 public schools during the beginning of the school year; providing for designation of "Cyberbullying Awareness Week"; defining the term "cyberbullying"; providing for the integration of cyberbullying awareness instruction into existing curriculum and the goals of such instruction; providing an effective date.

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

Section 1. Section 1003.4206, Florida Statutes, is created to read:

1003.4206 Cyberbullying awareness instruction.—

(1) Each district school board may provide cyberbullying awareness instruction in all K-12 public schools in the district during the third week in September each year. The district school board shall designate the week as "Cyberbullying Awareness Week."

(2)(a) During this 1-week period, students may be provided intensive instruction to expand their knowledge, understanding, and awareness of cyberbullying. For purposes of this section, the term "cyberbullying" means the transmission of any electronic textual, visual, written, or oral communication with the malicious or willful intent to threaten, torment, abuse, or intimidate an individual.

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

6-01311A-12 20121728__

(b) The instruction may be integrated into the existing school curriculum in ways including, but not limited to, supplementing lesson plans, holding school assemblies, or providing other school-related activities. The instruction shall be delivered by qualified school personnel or by knowledgeable guest speakers.

(3) The goals of cyberbullying awareness instruction include:

(a) Increased attention to identifying and preventing cyberbullying.

(b) Awareness of the serious consequences of cyberbullying, including, but not limited to, the emotional pain or discomfort that cyberbullying may cause.

(c) Ways in which to respond to cyberbullying, including reporting incidents of cyberbullying to school officials.

(d) Awareness that incidents of cyberbullying which occur in school often continue to occur after school hours.

Section 2. This act shall take effect July 1, 2012.

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

NO MEETING

MATERIALS AVAILABLE.

1

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: Digital Learning

Bill Number: 1402 *(if applicable)*

Name: Mari "Miki" Presley

Amendment Barcode: *(if applicable)*

Job Title: DOE General Counsel's Office

Address: 325 W. Gaines St.
Street

Tallahassee, FL 32311
City *State* *Zip*

Phone: (850) 245-9426

E-mail: mari.presley@fldoe.org

Speaking: ☐ For ☐ Against ☑ Information

Representing: Florida Department of Education

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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

S-001 (10/20/11)

2

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: Parent Trigger

Bill Number: 1718 *(if applicable)*

Name: Colleen Wood

Amendment Barcode: *(if applicable)*

Job Title: Parent

Address: 450-106 SR 13 #142
Street

St. Johns, FL 32259
City *State* *Zip*

Phone: 904-591-3207

E-mail: colleen@50thNoMore.org

Speaking: ☐ For ☑ Against ☐ Information

Representing: Parents of 50th No More

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/20/11)

(3)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-28-12
Meeting Date

Topic: Digital Learning

Bill Number: 1402 *(if applicable)*

Name: Wendy Dodge

Amendment Barcode: 947006 *(if applicable)*

Job Title: Director of Govt Affairs

Address: PO Box 391
Street

Bartow FL 33831
City *State* *Zip*

Phone: 863-838-3632

E-mail: wendy.dodge@polk-fl.net

Speaking: [ ] For [X] Against [ ] Information

Representing: POLK COUNTY SCHOOLS

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

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

S-001 (10/20/11)

(4)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/6/10
Meeting Date

Topic: EDUCATION / GITCH BILL

Bill Number: 1610 *(if applicable)*

Name: GAIL MARIE PERRY

Amendment Barcode: _____ *(if applicable)*

Job Title: CHAIR

Address: PO BOX 1766
Street

POMPANO BEACH FLA 33061
City *State* *Zip*

Phone: 954/850 4255

E-mail: workingfolk@yahoo.com

Speaking: [X] For [ ] Against [ ] Information

Representing: COUNCIL of FLORIDA COMMUNICATIONS WORKERS of AMERICA

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

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

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

S-001 (10/20/11)

5

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: SB 1728 Cyberbullying

Bill Number: 1728 *(if applicable)*

Name: Olivia James

Amendment Barcode: _____ *(if applicable)*

Job Title: FSU Phd Candidate - Educ. leadership

Address: _____
Street

_____
City *State* *Zip*

Phone: _____

E-mail: _____

Speaking: [X] For [ ] Against [ ] Information

Representing: _____

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

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

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

S-001 (10/20/11)

6

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/23/12
Meeting Date

Topic: Natural Triggers

Bill Number: 1718 *(if applicable)*

Name: Michael Weaver

Amendment Barcode: _____ *(if applicable)*

Job Title: Policy Analyst

Address: 315 S. Adams Street
Street

Tallahassee, FL 32301
City *State* *Zip*

Phone: 201-2800

E-mail: michael.weaver@floridaca.org

Speaking: [ ] For [✓] Against [ ] Information

Representing: FIA

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

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

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

S-001 (10/20/11)

CourtSmart Tag Report

Room: KN 412 **Case:** **Type:**
Caption: Senate Budget Committee on Education Pre-K-12 Appropriations 412K -- 11:30am - 1:30 pm **Judge:**

Started: 2/28/2012 11:59:01 AM
Ends: 2/28/2012 1:32:44 PM **Length: 01:33:44**

11:59:03 AM	Call to order
11:59:37 AM	Roll call
11:59:45 AM	Chair remarks
11:59:50 AM	Senator Gardiner
12:00:27 PM	SB 1402 Sen. Gardiner
12:03:05 PM	Senator Detert
12:04:46 PM	Amendments
12:07:13 PM	Micki Presley - DOE General Counsel's Office
12:11:45 PM	Kurt Hamon, Staff Director, Senate Education Appropriations Committees
12:13:30 PM	Senator Detert
12:17:16 PM	Senator Lynn
12:18:24 PM	Kurt Hamon
12:20:38 PM	Senator Gardiner
12:24:34 PM	Senator Montford
12:25:01 PM	Senator Simmons
12:25:13 PM	Senator Gardiner
12:26:31 PM	Senator Lynn
12:27:08 PM	Senator Detert
12:28:44 PM	Senator Simmons
12:29:12 PM	Senator Siplin
12:30:00 PM	Chairman
12:30:28 PM	Colleen Wood, Parent
12:32:24 PM	Wendy Dodge, Director of Governmental Affairs, Polk County Schools
12:33:24 PM	Senator Lynn
12:34:42 PM	Motion to Reconsider Am. #947006 - Senator Lynn
12:37:41 PM	Amendment Withdrawn #947006
12:38:04 PM	Senator Siplin
12:40:14 PM	Senator Montford
12:44:20 PM	SB 1402 passed Fav/CS
12:44:49 PM	Chair Montford
12:45:43 PM	SB 1368
12:49:34 PM	SB 1368- FAV/ CS
12:50:13 PM	SB 808 - Favorable
12:52:09 PM	SB 1610 passed Fav/CS
12:53:44 PM	Am. #649214 - Fav/CS
12:54:19 PM	Gail Marie Perry, Communications Workers of America
12:56:50 PM	SB 1010 -Favorable
12:58:41 PM	SB 1422 - Favorable
1:00:20 PM	SB 1728 - Favorable
1:01:36 PM	Olivia James - FSU PhD. Candidate
1:05:17 PM	SB 1522 - Favorable
1:07:52 PM	SB 1718
1:08:15 PM	Motion to vote time certain at 1:27pm
1:08:43 PM	AM#519440
1:11:15 PM	Senator Ring
1:13:40 PM	Senator Montford
1:19:23 PM	Senator Detert
1:23:47 PM	Michael Monroe, Parent Trigger
1:26:02 PM	Colleen Wood
1:27:47 PM	SB 1718 - Favorable/1 Amendment #519440
1:31:41 PM	Chairman
1:31:47 PM	Meeting Adjourned

Bennett, JoAnne

From: Hamon, Kurt
Sent: Monday, February 27, 2012 7:18 PM
To: Bennett, JoAnne
Cc: Armstrong, Mark
Subject: FW: Absence

fyi...

From: ROGERS.RACHEL.S15 [mailto:ROGERS.RACHEL.S15@flsenate.gov]
Sent: Monday, February 27, 2012 12:23 PM
To: SIMMONS.DAVID.S22
Cc: Hamon, Kurt
Subject: Absence

Senator David Simmons, Chairman
Education K-12 Appropriations Committee
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Simmons:

I am requesting to be excused from the meeting on Tuesday, February 28. I was on a family trip and came down with strep throat. Please do not hesitate to contact me if you have any questions or need more information.

Warm regards,

Paula Dockery
State Senator, 15th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Reapportionment, *Chair*
Banking and Insurance
Budget
Budget - Subcommittee on Transportation, Tourism, and Economic Development Appropriations
Budget - Subcommittee on Health and Human Services Appropriations
Health Regulation
Rules
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:
Legislative Budget Commission

SENATOR DON GAETZ
4th District

February 8, 2012

The Honorable David Simmons, Chair
Budget Subcommittee on
Education Pre-K-12 Appropriations
320 Senate Office Building
404 South Monroe Street
Tallahassee, Fl 32399-1100

Dear Senator Simmons,

I respectfully request that you place Senate Bill 1314, relating to Career-themed Courses, on your Budget Subcommittee on Education Pre-K-12 Appropriations agenda as soon as conveniently possible.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Senator Don Gaetz
District 4

CC: Kurt Hamon, Staff Director

REPLY TO:
☐ 4300 Legendary Drive, Suite 230, Destin, Florida 32541 (850) 897-5747
☐ 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: *www.flsenate.gov*

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Reapportionment, *Chair*
Banking and Insurance
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Budget - Subcommittee on Transportation, Tourism, and Economic Development Appropriations
Budget - Subcommittee on Health and Human Services Appropriations
Health Regulation
Rules
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:
Legislative Budget Commission

SENATOR DON GAETZ
4th District

February 8, 2012

The Honorable David Simmons, Chair
Budget Subcommittee on
Education Pre-K-12 Appropriations
320 Senate Office Building
404 South Monroe Street
Tallahassee, Fl 32399-1100

Dear Senator Simmons,

I respectfully request that you place Senate Bill 1314, relating to Career-themed Courses, on your Budget Subcommittee on Education Pre-K-12 Appropriations agenda as soon as conveniently possible.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Senator Don Gaetz
District 4

CC: Kurt Hamon, Staff Director

qB
2/20/12

REPLY TO:
☐ 4300 Legendary Drive, Suite 230, Destin, Florida 32541 (850) 897-5747
☐ 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: *www.flsenate.gov*

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

JoAnne EA

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Community Affairs, *Vice Chair*
Budget - Subcommittee on Finance and Tax
Budget - Subcommittee on Transportation, Tourism, and Economic Development Appropriations
Health Regulation
Military Affairs, Space, and Domestic Security
Transportation

JOINT COMMITTEE:
Legislative Auditing Committee, *Alternating Chair*

SENATOR JIM NORMAN
12th District

February 22, 2012

The Honorable David Simmons, Chair
Subcommittee on Education PreK-12 Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Simmons:

My Senate Bill 808, an act relating to Use of Public School Grounds and Facilities has been referred to your committee. I respectfully request that this bill be placed on the first possible agenda for a hearing.

Should you or your staff have any questions, please do not hesitate to contact me or my chief aide, Ben Kelly.

Sincerely,

Jim Norman, Senator
12th District

JN: dlc

SENATE APPROPRIATIONS
RECEIVED
12 FEB 22 PM 2:48
SENT TO: CHAIRMAN
STAFF DIR. ____ STAFF ____

cc: Kurt Hamon, Staff Director – Subcommittee on Education PreK-12 Appropriations

REPLY TO:
☐ 14031 North Dale Mabry Boulevard, Tampa, Florida 33618 (813) 265-6260
☐ 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5068

Senate's Website: *www.flsenate.gov*

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Military Affairs, Space, and Domestic Security, *Chair*
Budget - Subcommittee on Finance and Tax, *Vice Chair*
Budget
Budget - Subcommittee on Higher Education Appropriations
Communications, Energy, and Public Utilities
Health Regulation
Regulated Industries

SENATOR THAD ALTMAN
24th District

February 22, 2012

The Honorable David Simmons, Chair
Senate Budget Subcommittee on
Education Pre-K - 12 Appropriations
320 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simmons:

I respectfully request that SB 1422, related to *Public School Instruction,* be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

Thad Altman

Thad Altman
TA/vc

CC: Kurt Hamon, Staff Director, 201 Capitol Building

REPLY TO:
☐ 6767 North Wickham Road, Suite 211, Melbourne, Florida 32940 (321) 752-3138
☐ 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5053

Senate's Website: *www.flsenate.gov*

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

JoAnne LA

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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Criminal Justice, *Vice Chair*
Budget - Subcommittee on Transportation, Tourism, and Economic Development Appropriations
Governmental Oversight and Accountability
Reapportionment
Regulated Industries

SENATOR CHARLES S. DEAN, SR.
3rd District

February 22, 2012

The Honorable David Simmons
320 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Mr. Chairman:

I respectfully request you place Senate Bill 1610, relating to Background Screening in Education, on your Budget Subcommittee on Education Pre-K – 12 Appropriations agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

Charles S. Dean
State Senator District 3

cc: Kurt Hamon, Staff Director

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MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

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Education Pre-K - 12
Governmental Oversight and Accountability
Reapportionment
Transportation

SENATOR LIZBETH BENACQUISTO
Deputy Majority Leader
27th District

February 14, 2012

The Honorable David Simmons
Budget Subcommittee on Education Pre-K - 12 Appropriations
201 Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

RE: SB 1718 – Parent Empowerment in Education

Dear Mr. Chairman:

Please allow this letter to serve as my respectful request to agenda SB 1718, Relating to Parent Empowerment in Education, for a public hearing at your earliest convenience.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

Lizbeth Benacquisto

Lizbeth Benacquisto
Senate District 27

REPLY TO:
- 12300 West Forest Hill Boulevard, Wellington, Florida 33414 (561) 753-2440
- 17595 South Tamiami Trail, Suite 200-9, Fort Myers, Florida 33908 (239) 433-6599
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5356

Senate's Website: *www.flsenate.gov*

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore