

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Wise, Chair
Senator Bullard, Vice Chair

MEETING DATE: Monday, January 30, 2012
TIME: 3:30 —5:30 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Wise, Chair; Senator Bullard, Vice Chair; Senators Alexander, Altman, Benacquisto, Bogdanoff, and Montford

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 144 Flores (Similar H 1467)	Seclusion and Restraint on Students With Disabilities in Public Schools; Requiring that manual physical restraint be used only in an emergency when there is an imminent risk of serious injury or death to the student or others; providing restrictions on the use of manual physical restraint; prohibiting the use of manual physical restraint by school personnel who are not certified to use district-approved methods for applying restraint techniques; requiring that each school medically evaluate a student after the student is manually physically restrained; prohibiting school personnel from placing a student in seclusion; providing requirements for the use of time-out; requiring that a school district report its training and certification procedures to the Department of Education, etc. ED 01/30/2012 Favorable CF BC	Favorable Yeas 5 Nays 0
2	CS/SB 122 Transportation / Sobel (Similar H 957, Compare S 930)	Driver Improvement Schools and Education Programs for Driver License Applicants; Requiring the curricula of driver improvement schools and education programs to include instruction on the risks associated with using a handheld electronic communication device while operating a motor vehicle, etc. TR 12/07/2011 Fav/CS ED 01/30/2012 Favorable CU BC	Favorable Yeas 5 Nays 0

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 1886 Wise (Identical H 1445)	Zero Tolerance for Crime and Victimization in Schools; Requiring that each district school board adopt a policy for reporting to a law enforcement agency acts that pose a serious threat to school safety; requiring that acts that do not pose a serious threat to school safety be handled within the school's disciplinary system; requiring that a child accused of a misdemeanor offense not be arrested and formally processed in the juvenile justice system; requiring that minor incidents be diverted from the juvenile justice system or handled within the school system's disciplinary system, etc. ED 01/24/2012 Not Considered ED 01/30/2012 Fav/CS CJ	Fav/CS Yeas 5 Nays 0
4	SB 756 Wise (Similar H 111, Compare S 420)	Career Education; Revising the general requirements for middle grades promotion to require that a course in career and education planning explore Florida's Career Clusters; providing requirements for a career technical high school diploma; requiring a student and the student's parent or guardian to agree in writing to the requirements of the career diploma track; requiring an intensive reading course or remediation in mathematics for a student who does not meet certain academic standards; providing that a career technical high school diploma is a standard high school diploma for purposes of federal and state accountability requirements, etc. ED 01/24/2012 Not Considered ED 01/30/2012 Not Considered CM BC	Not Considered
5	SB 1704 Wise (Similar H 1403)	High School Athletics; Expanding the eligibility of certain students in private schools to participate in sports programs in public schools; designating the Sunshine Independent Athletic Association as the governing nonprofit organization of athletics in private schools in this state; revising provisions relating to the bylaws of the Florida High School Athletic Association and providing for organization, authority, and duties of the Sunshine Independent Athletic Association; prohibiting the Florida High School Athletic Association from denying or discouraging interscholastic competition between public and private schools, etc. ED 01/30/2012 Fav/CS BC	Fav/CS Yeas 4 Nays 1

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1852 Wise (Similar H 903)	Charter Schools; Providing that a community college may operate no more than one charter school that serves students in kindergarten through grade 12, if the community college operates an approved teacher preparation program; revising the restriction on the establishment of new charter schools that replicate a high-performing charter school's educational program; authorizing a high-performing charter school that is part of a high-performing charter school system to increase student enrollment, expand grade levels, submit quarterly financial statements, consolidate charters, and modify charter terms, etc. ED 01/30/2012 Not Considered HE BC	Not Considered

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
7	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.		
	State Board of Education		
	Bradshaw, Sara "Sally" S. (Havana)	12/31/2013	Recommend Confirm Yeas 5 Nays 0
	Desai, Akshay M. (St. Petersburg)	12/31/2014	Recommend Confirm Yeas 5 Nays 0
	Feingold, Barbara S. (Delray Beach)	12/31/2013	Recommend Confirm Yeas 5 Nays 0
	Director, Office of Early Learning		
	Jurado, Melody "Mel" (Temple Terrace)	Pleasure of Governor	Recommend Confirm Yeas 5 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Materials		

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 Education Pre-K - 12 Committee

BILL: SB 144

INTRODUCER: Senator Flores

SUBJECT: Seclusion and Restraint on Students with Disabilities

DATE: January 30, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	Favorable
2.	_____	_____	CF	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends section 1003.573, F.S., to provide Legislative intent and prescribe the use of restraint and seclusion on students with disabilities. Specifically, the bill:

- Requires parents be provided a copy of emergency procedures, including procedures on the use of restraint, at the beginning of each school year;
- Requires that a medical evaluation be completed by a physician, nurse, or other qualified medical professional as soon as possible after a student has been restrained;
- Requires the use of manual physical restraint be restricted to only those personnel who are certified in district-approved techniques;
- Requires the use of cardiopulmonary resuscitation (CPR) be included as a training requirement for staff identified by the district. Districts must identify individuals to be certified and provide annual refresher certification courses; and
- Prohibits the use of seclusion and provides that time-out may be only used as part of a positive behavioral intervention plan.

This bill substantially amends section 1003.573 of the Florida Statutes.

II. Present Situation:

Section 1003.573, F.S., establishes Department of Education (DOE) policies and school district procedures related to seclusion and restraint of students with disabilities. Policies and procedures include documentation and reporting, monitoring, school district responsibilities, and prohibited

practices. Changes to the law were enacted in 2011¹ to provide greater oversight of seclusion and restraint practices.² These changes include, in part:

- Reporting the age, ethnicity, grade, and disability of the student secluded or restrained;
- A description of the restraint, based on terms established by the DOE;
- Establishment of standards by the DOE³ for documenting, reporting, and monitoring the use of seclusion and restraint;
- More detailed incident reporting by the school districts;
- Training programs for personnel on the use of seclusion and restraint; and
- School district plans to reduce the use of seclusion and restraint, including the use of schoolwide positive behavior supports.⁴

Although current law does not provide a definition of seclusion, the U.S. Department of Education's Office of Civil Rights (OCR) now requires that the DOE report all instances of seclusion and restraint for all students, not just those with disabilities.⁵ Documentation, reporting, and monitoring requirements for the use of seclusion disseminated by the DOE are based on the definition issued by OCR.⁶

According to the DOE, the Bureau of Exceptional Education and Student Services (BEES) has developed a technical assistance paper addressing the new requirements of section 1003.573, F.S. This paper has been updated based on recent legislative changes and is currently being reviewed for final approval.⁷

III. Effect of Proposed Changes:

The bill prescribes the use of restraint and seclusion on students with disabilities.

Under the bill, manual physical restraint would only be used when there is an imminent risk of serious injury or death and not used as punishment. The bill prohibits the use of certain techniques. The use of manual physical restraint would be restricted to only those personnel who are certified in district-approved techniques. According to the DOE, this would prohibit the use of physical restraint during an emergency situation by personnel who are not certified.⁸ The bill also prohibits the use of a calming blanket, currently established within the definition of a

¹ ch. 2011-175, L.O.F

² School districts are required to revise previously submitted policies and procedures regarding restraint and seclusion and submit them to the DOE by January 31, 2012. The DOE is currently reviewing updated policies and procedures as they are received. E-mail correspondence from the DOE, January 24, 2012. On file with the Senate Committee on Education Pre-K – 12.

³ The DOE was required to provide standards for documenting, reporting, and monitoring to the school districts by October 1, 2011. These have been published and provided to district ESE directors. See Appendix A:

<http://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>.

⁴ The technical assistance paper, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, has been updated and is being reviewed for final approval. See: <http://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>.

⁵ DOE Agency bill analysis dated September 23, 2011. On file with the Senate Committee on Education Pre-K – 12.

⁶ See *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, available at: <http://www.fldoe.org/ese/tap-home.asp>.

⁷ *Id.*

⁸ *Id.*

mechanical restraint. Additionally, the bill states that nothing may be used to cover the body, including a calming blanket.⁹

Under the bill, the use of CPR is included as a training requirement for staff identified by the district.¹⁰ Districts must identify individuals to be certified and provide annual refresher certification courses.

The bill provides definitions for seclusion¹¹ and time-out¹². The definitions outlined in the bill do not align to current definitions used by the DOE, which are the definitions published by the OCR.

Under the bill, school districts would be prohibited from using seclusion and provides that time-out may be only used as part of a positive behavioral intervention plan. According to DOE, some of the specified conditions may be difficult to adhere to, such as only using time-out for one minute for each year of the student's age and not using time-out as a negative consequence.¹³

The bill also requires additional documentation requirements for emergency procedures and the review of the student's functional behavioral assessment and their positive behavioral intervention plan. Furthermore, the bill establishes that current incident reporting requirements be amended to include a copy of a medical evaluation by a qualified medical professional within 24 hours or as soon as available. In order to meet this provision, districts would have to provide access to medical professionals for the evaluation to be completed for each restraint.

The bill requires documentation be provided weekly to the principal, the district ESE director, and to the DOE. Additionally, schools must also send redacted copies of documentation weekly to the Advocacy Center for Persons with Disabilities. This includes policies and procedures, in addition to the incident reports, and deletes the requirement for information to be submitted

⁹ *Id.* According to DOE, the intended purpose of a calming blanket is not one of restraint and notes that research indicates that some educators/therapists and students have found this to be an effective calming method. *See* http://www.eric.ed.gov/ERICWebPortal/search/detailmini.jsp?_nfpb=true&_ERICEstSearch_SearchValue_0=EJ822619&ERICExtSearch_SearchType_0=no&accno=EJ822619.

¹⁰ According to the DOE, such training is not a typical requirement for someone trained in physical restraint. As such, school districts would be required to add training and certification procedures to their policies and procedures to address whether or not it is appropriate for specific employees to use manual physical restraint. School districts would also be required to report training and certification procedures to the DOE as a part of the district's policies and procedures manual.

¹¹ According to the DOE, seclusion is an emergency intervention sometimes used in schools when students are exhibiting disruptive or dangerous behavior. Seclusion is not an instructional tool for the development of pro-social behavior. Rather, it is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists. *See Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, available at: <http://www.fldoe.org/ease/tap-home.asp>. According to the DOE agency bill analysis dated September 23, 2011, these definitions do not align with the OCR definitions currently used.

¹² Time-out is a procedure in which access to varied sources of reinforcement is removed or reduced for a particular time period contingent on a response. As indicated in this definition, time-out does not necessarily require the physical removal of the individual from the setting. Time-out is not a place. As a behavior reduction technique, the focus of time-out is on those behaviors deemed to be problematic and in need of reduction or elimination. *See DPS: 2011-145 - Guidelines for the Use of Time-out*, available at: <http://www.fldoe.org/ease/tap-home.asp>.

¹³ DOE Agency bill analysis dated September 23, 2011. On file with the Senate Committee on Education Pre-K – 12.

electronically. According to DOE, this reference may need clarification and additional resources may be needed for the more frequent submission of documents.

Under the bill, the content of school district policies and procedures must include information on the allowable use of restraint; personnel authorized to use physical restraint; training procedures; analysis of trend data; and reduction of the use of restraint.

According to the DOE, technical assistance documents and resources, including reporting procedures for school districts, would need to be revised to adhere to the changes proposed in 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.

C. Government Sector Impact:

Although the DOE states that the requirement to include CPR training would be an additional cost to school districts, because the bill prohibits the use of prone and supine restraints, there may be less need for CPR training. School districts would be required to provide refresher certification training courses in manual physical restraints at least annually to those individuals who have completed the initial training in manual physical restraints.¹⁴ The DOE suggests that to prevent use of manual physical restraint by non-certified personnel, the school district could offer the initial training course and refresher certification training to all applicable personnel. The cost of training implementation is indeterminate at this time.

¹⁴ *Id.*

Additionally, school districts will be required to have a student evaluated by a doctor, nurse, or other qualified medical professional as soon as possible after the manual physical restraint by school personnel. The cost of the annual certification training and medical examination is indeterminate at this time.

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 Flores

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1 A bill to be entitled
 2 An act relating to the use, prevention, and reduction
 3 of seclusion and restraint on students with
 4 disabilities in public schools; amending s. 1003.573,
 5 F.S.; providing definitions; providing legislative
 6 findings and intent; requiring that manual physical
 7 restraint be used only in an emergency when there is
 8 an imminent risk of serious injury or death to the
 9 student or others; providing restrictions on the use
 10 of manual physical restraint; prohibiting the use of
 11 manual physical restraint by school personnel who are
 12 not certified to use district-approved methods for
 13 applying restraint techniques; prohibiting specified
 14 techniques; requiring that each school medically
 15 evaluate a student after the student is manually
 16 physically restrained; prohibiting school personnel
 17 from placing a student in seclusion; providing
 18 requirements for the use of time-out; requiring that a
 19 school district report its training and certification
 20 procedures to the Department of Education; requiring
 21 that school personnel be trained and certified in the
 22 use of manual physical restraint; requiring that a
 23 school review a student's functional behavior
 24 assessment and positive behavioral intervention plan
 25 under certain circumstances; requiring that parents be
 26 notified of a school district's policies regarding the
 27 use of manual physical restraint; requiring that each
 28 school send a redacted copy of any incident report or
 29 other documentation to the Advocacy Center for Persons

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30 with Disabilities, Inc.; requiring that the department
 31 make available on its website data of incidents of
 32 manual physical restraint by a specified date;
 33 requiring that each school district develop policies
 34 and procedures addressing the allowable use of manual
 35 physical restraint, personnel authorized to use such
 36 restraint, training procedures, analysis of data
 37 trends, and the reduction of the use of manual
 38 physical restraint; requiring that any revisions to a
 39 school district's policies and procedures be filed
 40 with the bureau chief of the Bureau of Exceptional
 41 Education and Student Services by a specified date;
 42 providing an effective date.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Section 1003.573, Florida Statutes, is amended
 47 to read:

48 1003.573 Use, prevention, and reduction of seclusion and
 49 restraint on students with disabilities in public schools ~~Use of~~
 50 ~~restraint and seclusion on students with disabilities.~~

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

52 (a) "Department" means the Department of Education.

53 (b) "Imminent risk of serious injury or death" means the
 54 impending risk of a significant injury, such as a laceration,
 55 bone fracture, substantial hematoma, or other injury to internal
 56 organs, or death.

57 (c) "Manual physical restraint" means the use of physical
 58 restraint techniques that involve physical force applied by a

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59 teacher or other staff member to restrict the movement of all or
60 part of a student's body.

61 (d) "Mechanical restraint" means the use of a physical
62 device that restricts a student's movement or restricts the
63 normal function of a student's body. The term includes the use
64 of straps, belts, tie-downs, calming blankets, and chairs with
65 straps; however, the term does not include the use of:

66 1. Medical protective equipment;

67 2. Physical equipment or orthopedic appliances, surgical
68 dressings or bandages, or supportive body bands or other
69 restraints necessary for ongoing medical treatment in the
70 educational setting;

71 3. Devices used to support functional body position or
72 proper balance, or to prevent a person from falling out of a bed
73 or a wheelchair, except when such device is used for any purpose
74 other than supporting a body position or proper balance, such as
75 coercion, discipline, convenience, or retaliation, to prevent
76 imminent risk of serious injury or death of the student or
77 others, or for any other behavior-management reason; or

78 4. Equipment used for safety during transportation, such as
79 seatbelts or wheelchair tie-downs.

80 (e) "Medical protective equipment" means health-related
81 protective devices prescribed by a physician or dentist for use
82 as student protection in response to an existing medical
83 condition.

84 (f) "Seclusion" means removing a student from an
85 educational environment, involuntarily confining the student in
86 a room or area, and preventing the student from leaving the room
87 or area if achieved by locking the door or otherwise physically

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88 blocking the student's way, threatening physical force or other
89 consequences, or using physical force. The term does not include
90 the use of time-out.

91 (g) "Student" means a student with a disability.

92 (h) "Time-out" means a procedure in which access to varied
93 sources of reinforcement is removed or reduced for a particular
94 time period contingent on a response. The opportunity to receive
95 reinforcement is contingently removed for a specified time.
96 Either a student is contingently removed from the reinforcing
97 environment or the reinforcing environment is contingently
98 removed for some stipulated duration. A time-out setting may not
99 be locked and the exit may not be blocked. Physical force or
100 threats may not be used to place a student in time-out.

101 (2) LEGISLATIVE FINDINGS AND INTENT.—

102 (a) The Legislature finds that public schools have a
103 responsibility to ensure that each student is treated with
104 respect and dignity in a trauma-informed environment that
105 provides for the physical safety and security of students and
106 others.

107 (b) The Legislature finds that students, educators, and
108 families are concerned about the use of seclusion and restraint,
109 particularly when used on students in special education
110 programs. Seclusion and restraint refer to safety procedures in
111 which a student is isolated from others or physically held in
112 response to serious problem behavior that places the student or
113 others at risk of injury or harm. There is concern that these
114 procedures are prone to misapplication and abuse and place a
115 student at an equal or greater risk than the risk of the
116 student's problem behavior. Particular concerns include:

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117 1. Seclusion or restraint is inappropriately selected and
 118 implemented as treatment or behavioral intervention rather than
 119 as a safety procedure;

120 2. Seclusion or restraint is inappropriately used for
 121 behaviors, such as noncompliance, threats, or disruption, which
 122 do not place the student or others at risk of injury or harm;

123 3. Students, peers, or staff may be injured or physically
 124 harmed during attempts to conduct seclusion or restraint;

125 4. Risk of injury or harm is increased because seclusion or
 126 restraint is implemented by staff who are not adequately
 127 trained;

128 5. The use of seclusion or restraint may inadvertently
 129 result in reinforcing or strengthening the problem behavior; and

130 6. Seclusion or restraint is implemented independent of
 131 comprehensive, function-based behavioral intervention plans.

132
 133 Moreover, there are concerns about the inadequate documentation
 134 of seclusion or restraint procedures, the failure to notify
 135 parents when seclusion or restraint is applied, and the failure
 136 to use data to analyze and address the cause of the
 137 precipitating behavior.

138 (c) The Legislature finds that the majority of problem
 139 behaviors that are currently used to justify seclusion or
 140 restraint could be prevented with early identification and
 141 intensive early intervention. The need for seclusion or
 142 restraint is, in part, a result of insufficient investment in
 143 prevention efforts. The Legislature further finds that the use
 144 of seclusion or restraint may produce trauma in students. For
 145 such students, who are already experiencing trauma, the use may

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146 cause retraumatization. Left unaddressed, the lasting effects of
 147 childhood trauma place a heavy burden on individuals, families,
 148 and communities. Research has shown that trauma significantly
 149 increases the risk of mental health problems, difficulties with
 150 social relationships and behavior, physical illness, and poor
 151 school performance.

152 (d) The Legislature intends that students be free from the
 153 abusive and unnecessary use of seclusion or restraint in the
 154 public schools. The Legislature further intends to prevent, and
 155 achieve an ongoing reduction of, the use of manual physical
 156 restraint in the public schools and, specifically, to prohibit
 157 the use of seclusion, prone and supine restraint, and mechanical
 158 restraint on students. The Legislature also intends that manual
 159 physical restraint be used only when an imminent risk of serious
 160 injury or death exists; that manual physical restraint not be
 161 employed as punishment, for the convenience of staff, or as a
 162 substitute for a positive behavior-support plan; and that, when
 163 used, persons applying manual physical restraint impose the
 164 least possible restrictions and discontinue the restraint as
 165 soon as the threat of imminent risk of serious injury or death
 166 ceases.

167 (3) MANUAL PHYSICAL RESTRAINT.—Manual physical restraint
 168 shall be used only in an emergency when there is an imminent
 169 risk of serious injury or death to the student or others.

170 (a) Manual physical restraint shall be used only for the
 171 period needed in order to eliminate the imminent risk of serious
 172 injury or death to the student or others.

173 (b) The degree of force applied during manual physical
 174 restraint must be only that degree of force necessary to protect

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175 the student or others from bodily injury.

176 (c) Manual physical restraint shall be used only by school
 177 personnel who are qualified and certified to use the district-
 178 approved methods for the appropriate application of specific
 179 restraint techniques. School personnel who have received
 180 training that is not associated with their employment with the
 181 school district, such as a former law enforcement officer who is
 182 now a teacher, shall be certified in the specific district-
 183 approved techniques and may not apply techniques or procedures
 184 acquired elsewhere.

185 (d) School personnel may not manually physically restrain a
 186 student except when an imminent risk of serious injury or death
 187 to the student or others exists.

188 (e) School personnel may not use any of the following
 189 manual physical restraint techniques on a student:

- 190 1. Prone and supine restraint.
- 191 2. Pain inducement to obtain compliance.
- 192 3. Bone locks.
- 193 4. Hyperextension of joints.
- 194 5. Peer restraint.
- 195 6. Mechanical restraint.
- 196 7. Pressure or weight on the chest, lungs, sternum,
 197 diaphragm, back, or abdomen, causing chest compression.
- 198 8. Straddling or sitting on any part of the body or any
 199 maneuver that places pressure, weight, or leverage on the neck
 200 or throat, on any artery, or on the back of the student's head
 201 or neck or that otherwise obstructs or restricts the circulation
 202 of blood or obstructs an airway.
- 203 9. Any type of choking, including hand chokes, and any type

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204 of neck or head hold.

205 10. Any technique that involves pushing anything on or into
 206 the student's mouth, nose, eyes, or any part of the face or that
 207 involves covering the face or body with anything, including soft
 208 objects such as pillows or washcloths.

209 11. Any maneuver that involves punching, hitting, poking,
 210 pinching, or shoving.

211 12. Any type of mat or blanket restraint.

212 13. Water or lemon sprays.

213 (f) The school shall ensure that a student is medically
 214 evaluated by a physician, nurse, or other qualified medical
 215 professional as soon as possible after the student has been
 216 manually physically restrained by school personnel.

217 (4) SECLUSION; TIME-OUT.-

218 (a) School personnel may not place a student in seclusion.

219 (b) School personnel may place a student in time-out if the
 220 following conditions are met:

- 221 1. The time-out is part of a positive behavioral
 222 intervention plan developed for that student from a functional
 223 behavioral assessment and referenced in the student's individual
 224 education plan.
- 225 2. There is documentation that the time-out was preceded by
 226 the use of other positive behavioral supports that were not
 227 effective.
- 228 3. The time-out takes place in a classroom or in another
 229 environment where class educational activities are taking place.
- 230 4. The student is not physically prevented from leaving the
 231 time-out area.
- 232 5. The student is observed on a constant basis by an adult

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233 for the duration of the time-out.

234 6. The time-out area and process are free of any action
 235 that is likely to embarrass or humiliate the student.

236 (c) Time-out may not be used for a period that exceeds 1
 237 minute for each year of a student's age and time-out must end
 238 immediately when the student is calm enough to return to his or
 239 her seat.

240 (d) Time-out may not be used as a punishment or negative
 241 consequence of a student's behavior.

242 (5) TRAINING AND CERTIFICATION.-

243 (a) Each school district shall report its training and
 244 certification procedures to the department by publishing the
 245 procedures in the district's special policies and procedures
 246 manual.

247 (b) Training for initial certification in the use of manual
 248 physical restraint must include:

249 1. Procedures for deescalating problem behaviors before the
 250 problems increase to a level or intensity necessitating physical
 251 intervention.

252 2. Information regarding the risks associated with manual
 253 physical restraint and procedures for assessing individual
 254 situations and students in order to determine if the use of
 255 manual physical restraint is appropriate and sufficiently safe.

256 3. The actual use of specific techniques that range from
 257 the least to most restrictive, with ample opportunity for
 258 trainees to demonstrate proficiency in the use of such
 259 techniques.

260 4. Techniques for implementing manual physical restraint
 261 with multiple staff members working as a team.

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262 5. Techniques for assisting a student to reenter the
 263 instructional environment and again engage in learning.

264 6. Instruction in the district's documentation and
 265 reporting requirements.

266 7. Procedures to identify and deal with possible medical
 267 emergencies arising during the use of manual physical restraint.

268 8. Cardiopulmonary resuscitation.

269 (c) School districts shall provide refresher certification
 270 training courses in manual physical restraint techniques at
 271 least annually to all staff members who have successfully
 272 completed the initial certification program. The district must
 273 identify those persons to be certified and maintain a record
 274 that includes the name and position of the person certified, the
 275 date of the most recent certification, an indication of whether
 276 it was an initial certification or a refresher certification,
 277 and whether the individual successfully completed the
 278 certification and achieved proficiency.

279 (d) School district policies regarding the use of manual
 280 physical restraint must address whether it is appropriate for an
 281 employee working in specific settings, such as a school bus
 282 driver, school bus aide, job coach, employment specialist, or
 283 cafeteria worker, to be certified in manual physical restraint
 284 techniques. In the case of school resource officers or others
 285 who may be employed by other agencies when working in a school,
 286 administrators shall review each agency's specific policies to
 287 be aware of techniques that may be used.

288 (6) STUDENT-CENTERED FOLLOWUP.-If a student is manually
 289 physically restrained more than twice during a school year, the
 290 school shall review the student's functional behavioral

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291 assessment and positive behavioral intervention plan.

292 (7)(~~1~~) DOCUMENTATION AND REPORTING.—

293 (a) At the beginning of each school year, a school district
 294 shall provide a copy of its policies on all emergency
 295 procedures, including its policies on the use of manual physical
 296 restraint, to each student's parent or guardian. The student's
 297 parent or guardian must sign a form indicating that he or she
 298 has read and received the district's policies, which the
 299 student's school shall retain on file.

300 (b)(~~a~~) A school shall prepare an incident report within 24
 301 hours after a student is released from a restraint ~~or seclusion~~.
 302 If the student's release occurs on a day before the school
 303 closes for the weekend, a holiday, or another reason, the
 304 incident report must be completed by the end of the school day
 305 on the day the school reopens.

306 (c)(~~b~~) The following must be included in the incident
 307 report:

- 308 1. The name of the student restrained ~~or secluded~~.
- 309 2. The age, grade, ethnicity, and disability of the student
 310 restrained or secluded.
- 311 3. The date and time of the event and the duration of the
 312 restraint or seclusion.
- 313 4. The location at which the restraint ~~or seclusion~~
 314 occurred.
- 315 5. A description of the type of restraint used in terms
 316 established by the Department of Education.
- 317 6. The name of the person using or assisting in the
 318 restraint ~~or seclusion~~ of the student.
- 319 7. The name of any nonstudent who was present to witness

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320 the restraint ~~or seclusion~~.

321 8. A description of the incident, including:

322 a. The context in which the restraint ~~or seclusion~~
 323 occurred.

324 b. The student's behavior leading up to and precipitating
 325 the decision to use manual or physical restraint ~~or seclusion~~,
 326 including an indication as to why there was an imminent risk of
 327 serious injury or death to the student or others.

328 c. The specific positive behavioral strategies used to
 329 prevent and deescalate the behavior.

330 d. What occurred with the student immediately after the
 331 termination of the restraint ~~or seclusion~~.

332 e. Any injuries, visible marks, or possible medical
 333 emergencies that may have occurred during the restraint ~~or~~
 334 ~~seclusion~~, documented according to district policies.

335 f. The results of the medical evaluation and a copy of any
 336 report by the medical professionals conducting the evaluation,
 337 if available. If the medical report is not available within 24
 338 hours, the district must submit the medical report separately as
 339 soon as it is available.

340 g.~~f~~ Evidence of steps taken to notify the student's parent
 341 or guardian.

342 (d)(~~e~~) A school shall notify the parent or guardian of a
 343 student each time manual or physical restraint ~~or seclusion~~ is
 344 used. Such notification must be in writing and provided before
 345 the end of the school day on which the restraint ~~or seclusion~~
 346 occurs. Reasonable efforts must also be taken to notify the
 347 parent or guardian by telephone or computer e-mail, or both, and
 348 these efforts must be documented. The school shall obtain, and

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349 keep in its records, the parent's or guardian's signed
 350 acknowledgment that he or she was notified of his or her child's
 351 restraint ~~or seclusion~~.

352 ~~(e)(4)~~ A school shall also provide the parent or guardian
 353 with the completed incident report in writing by mail within 3
 354 school days after a student was manually or physically
 355 restrained ~~or secluded~~. The school shall obtain, and keep in its
 356 records, the parent's or guardian's signed acknowledgment that
 357 he or she received a copy of the incident report.

358 ~~(8)(2)~~ MONITORING.—

359 (a) ~~Monitoring of~~ The use of manual or physical restraint
 360 ~~or seclusion~~ on students shall be monitored ~~occur~~ at the
 361 classroom, building, district, and state levels.

362 (b) Any documentation prepared by a school pursuant to ~~as~~
 363 ~~required in~~ subsection (7) ~~(1)~~ shall be provided to the school
 364 principal, the district director of Exceptional Student
 365 Education, and the bureau chief of the Bureau of Exceptional
 366 Education and Student Services ~~electronically~~ each week ~~month~~
 367 that the school is in session.

368 (c) Each week that a school is in session, the school shall
 369 send a redacted copy of any incident report and other
 370 documentation prepared pursuant to subsection (7) to the
 371 Advocacy Center for Persons with Disabilities, Inc.

372 ~~(d)(e)~~ The department shall maintain aggregate data of
 373 incidents of manual or physical restraint ~~and seclusion~~ and
 374 disaggregate the data for analysis by county, school, student
 375 exceptionality, and other variables, including the type and
 376 method of restraint or seclusion used. This information shall be
 377 updated monthly and made available to the public through the

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378 department's website no later than January 31, 2013.

379 ~~(e)(4)~~ The department shall establish standards for
 380 documenting, reporting, and monitoring the use of manual or
 381 physical restraint or mechanical restraint, and occurrences of
 382 seclusion. These standards shall be provided to school districts
 383 ~~by October 1, 2011.~~

384 ~~(9)(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

385 (a) Each school district shall develop policies and
 386 procedures that are consistent with this section and that govern
 387 the following:

388 1. Allowable use of manual physical restraint on students.

389 2. Personnel authorized to use manual physical restraint.

390 3. Training procedures.

391 ~~4.1~~ Incident-reporting procedures.

392 ~~5.2~~ Data collection and monitoring, including when, where,
 393 and why students are restrained or secluded; the frequency of
 394 occurrences of such restraint or seclusion; and the prone or
 395 mechanical restraint that is most used.

396 ~~6.3~~ Monitoring and reporting of data collected.

397 ~~7.4~~ Training programs relating to manual or physical
 398 restraint and seclusion.

399 ~~8.5~~ The district's plan for selecting personnel to be
 400 trained.

401 ~~9.6~~ The district's plan for reducing the use of restraint
 402 and seclusion particularly in settings in which it occurs
 403 frequently or with students who are restrained repeatedly, and
 404 for reducing the use of prone restraint and mechanical
 405 restraint. The plan must include a goal for reducing the use of
 406 restraint and seclusion and must include activities, skills, and

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407 resources needed to achieve that goal. Activities may include,
408 but are not limited to:

- 409 a. Additional training in positive behavioral support and
410 crisis management;
411 b. Parental involvement;
412 c. Data review;
413 d. Updates of students' functional behavioral analysis and
414 positive behavior intervention plans;
415 e. Additional student evaluations;
416 f. Debriefing with staff;
417 g. Use of schoolwide positive behavior support; and
418 h. Changes to the school environment.

419 10. Analysis of data to determine trends.

420 11. Ongoing reduction of the use of manual physical
421 restraint.

422 (b) Any revisions that a school district makes to its ~~to~~
423 ~~the district's~~ policies and procedures, which are ~~must be~~
424 prepared as part of the school district's ~~its~~ special policies
425 and procedures, must be filed with the bureau chief of the
426 Bureau of Exceptional Education and Student Services ~~no later~~
427 ~~than January 31, 2012.~~

428 ~~(4) PROHIBITED RESTRAINT. School personnel may not use a~~
429 ~~mechanical restraint or a manual or physical restraint that~~
430 ~~restricts a student's breathing.~~

431 ~~(5) SECLUSION. School personnel may not close, lock, or~~
432 ~~physically block a student in a room that is unlit and does not~~
433 ~~meet the rules of the State Fire Marshal for seclusion time out~~
434 ~~rooms.~~

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



Disability Rights FLORIDA

2010-2011 School Year Restraint Case Examples¹

1. A.B. – 8 y.o.

A.B. was an 8 year old student attending a separate emotional/behavioral disability classroom in a general education school. A.B. is diagnosed with bipolar, OCD, and PTSD.

In the spring of 2010, A.B.'s parent contacted us because of frequent suspensions. We obtained a new FBA and revised BIP for A.B. and the suspensions stopped.

When school resumed in the fall of 2010, we obtained re-evaluation and an independent educational evaluation (IEE). Pending the IEE, the school started calling the parent more often to remove A.B. We advocated for correct documentation of these suspensions and for the school to follow the state disciplinary rules for exceptional education students. Use of suspensions continued and then in the spring, use of restraint began until the parent started keeping A.B. home.

The last restraint before the parent began keeping A.B. home was done by a behavior analyst attempting what she called a "total extinction procedure". In our opinion this procedure was guaranteed to result in escalation.

We then advocated that the school district follow the new state laws concerning restraint. Shortly thereafter, following an outburst at school, the school called law enforcement even though the parent was on her way to school to remove A.B. A.B. was involuntarily examined

¹We have changed the initials of these four students in order to more fully protect their identity while still providing significant detail.

at a mental health treatment facility, but released to return to school the following day.

The IEP Team then proposed a change of placement to a private EBD center.

We filed a request for a due process. The due process request included claims for denial of FAPE, misuse of restraint, inappropriate proposed placement, retaliation and violation of the disciplinary rules.

All issues were resolved by settlement. The parties agreed to temporary placement at the private EBD center pending further evaluations and assessments, to develop an appropriate IEP, train staff, and allow Disability Rights Florida staff to monitor at the district's expense. We also secured reimbursement to parent for private tutoring, reimbursement to Disability Rights Florida for costs and fees, and payment of attorney's fees. Also under the agreement, the behavior analyst who attempted the "total extinction" procedure is prohibited from contact with A.B.

A.B. is doing well in the temporary placement and a very good IEP was developed. Evaluations and assessments are progressing on schedule.

A.B. has not been restrained or suspended at the private EBD school. Mom has not been called to remove A.B. from the private EBD school. Based on the school's philosophy, training, and track record, we don't anticipate that they will resort to R/S.

2. C.D. - 6 y.o.

C.D. is a 6 y.o. who has autism spectrum disorder and PTSD. C.D. also has epilepsy, Tourette's, and respiratory problems.

C.D. was traumatized during the fall of 2010 at a charter school as a result of misuse of R/S. The parent filed a state complaint against the charter school. A settlement agreement was reached based on findings by the state Department of Education.

The parent called Disability Rights Florida in the spring of 2011 because of problems with implementation of the agreement. C.D. was attending a different school and despite the PTSD diagnosis, the school's plan for C.D. included the use of R/S. Mom was concerned because C.D.'s tantrums and anxiety were increasing. Behavior such as kicking and hiding were increasing and when adults attempted to increase controls, the behaviors worsened. Time out was being frequently used – but without success.

We intervened with the goal of negotiating a new behavior intervention plan that would prevent and preclude the use of any R/S.

We assisted in developing alternative strategies and positive behavior supports, monitoring the efficacy of strategies using RTi principals, and implementing a structured problem solving approach. We continue to monitor implementation and when C.D.'s behavior becomes challenging, we assist the district in assessing cause, fidelity of interventions and revising as necessary.

C.D. has many other needs and the case(s) remain active due to those other issues. Until all issues are resolved, we will continue to address R/S in terms of monitoring, TA and negotiations on behalf of parent and of course be available to the parent thereafter should new problems arise.

3. E.F. – 14.y.o.

We first met E.F., who has a diagnosis of bipolar, ADHD, and PTSD, when a relative/guardian of E.F. contacted Disability Rights Florida after a school broke E.F.'s leg during a restraint. The relative/guardian retained a personal injury attorney due to the severity of the injury. We focused our efforts on obtaining a new functional behavior assessment and new behavior intervention plan. E.F. was 14 years old. E.F. was attending an emotional/behavioral disabilities segregated center school.

In January 2011, E.F.'s relative/guardian asked for more help because the school resource officer (SRO) had threatened to charge E.F. with

disruption of a school function (leaving campus without authorization). We represented E.F. at an IEP meeting and the next day E.F. was charged with both the new charge and a violation of probation.

We continued to advocate for revision of E.F.'s BIP, investigation of bullying, and investigation of harassment by the SRO. However, due to the risks of retaliation and DJJ placement, it was agreed to seek a residential treatment program agreeable to the relative/guardian.

Pending that placement, we advocated, together with several other agencies, to try to get E.F. in-home services and to work through the various Medicaid barriers. We also assisted the guardian in memorializing lack of consent to the use of restraint, the need for trauma-informed, positive behavior interventions and supports for E.F.

Because of our work with the community mental health center, a coalition of representatives from different agencies formed to provide the services needed for E.F. to stay out of DJJ and to support E.F.'s reintegration into the community after residential treatment.

The JJ judge approved the residential placement. The school district agreed to let us to train its SROs over the summer and to provide E.F. with extended school year services during his residential treatment.

The guardian is pleased with the educational and mental health services E.F. is receiving at the facility. The goal is eventual placement in a general education school with in-home services.

E.F. has not been restrained during the period of residential treatment.

4. G.H. – 15 y.o.

G.H. is a 15 y.o student who has autism spectrum disorder, poor communication skills and who exhibits lots of aggression.

After moving to the school district, G.H. enrolled in school in late fall of 2010. For 3-4 weeks, G.H. attended school in a separate classroom where restraint use was routine. We learned of 21 incidents but we suspect restraint was used multiple times *each* day.

The school district then inappropriately placed G.H. in an IAES of temporary home instruction. When the 45 days was over, the district placed G.H. in a hospital/homebound setting during which G.H. was going to school only an hour a week. During that hour, the school again routinely subjected G.H. to restraint. They failed to recognize in several instances that what they were doing was restraint and therefore failed to provide proper notice or reports of the restraints.

This is when we were contacted - late spring of 2011.

The district's plan at that time was to provide G.H. with home instruction until G.H.'s behavior became more acceptable. G.H. was getting only a few hours of total instruction each week.

We filed a Due Process request to obtain FAPE and to object to the placement and this approach to G.H.'s behavioral support needs. We then negotiated a re-entry plan, a revised FBA/BIP, staff training in alternatives to R/S using PBS principals, and a revised IEP. The district agreed to national experts coming in to assess, observe, and develop intervention strategies for G.H. that did not involve R/S or exclusionary practices. We successfully increased G.H.'s school time and substantially limited R/S use.

Regrettably, G.H.'s home life fell apart during the summer and fall of 2011 and the present situation is precarious.

Florida Association of Academic Nonpublic Schools

P.O. Box 10009 • Tallahassee, FL 32302

Dr. Howard Burke, President • James Herzog, Legislative Coordinator



Supporting High Quality Nonpublic Education in Florida since 1971

Special Note: The following resolution was discussed and approved by the members of the Florida Association of Academic Nonpublic Schools at their annual meeting on Tues., Jan. 24, 2012. This is being provided to the Senate Committee for Education Pre-K-12 for information purposes regarding **Senate Bill 1704 for the proposed independent athletics association.**

“Be it resolved that FAANS unanimously encourages the withdrawal or defeat of SB1704 and HB1403 which seek to statutorily establish the Sunshine Independent Athletic Association as there are presently several available voluntary athletic association options in the State in addition to the FHSAA; this would negatively impact the academic education of student participants due to extensive travel requirements for competitive events; this would have a negative fiscal impact on member schools due to scheduling and long distance travel; if opened to the vote of all qualifying private schools the bill intent would fail to obtain a majority vote of those directly impacted; while voluntary participation is offered under the immediate proposed legislation, history shows such “pilot” or voluntary projects when placed in Statute become mandatory for all within a given category; and finally unless such is required to be fully funded, having consistently applied rules promulgated, with ongoing governing oversight provided then the resources available under voluntary participation would not be sufficient to sustain such an association long-term. “

THE FLORIDA SENATE
APPEARANCE RECORD

Spoke

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

January 30, 2012

Meeting Date

Topic Restraint and Seclusion of disabled students in public schools

Bill Number S144

(if applicable)

Name Steve Moyer

Amendment Barcode _____

(if applicable)

Job Title Parent

Address 5805 SW 87th Way

Phone 954 868-0986

Street

Cooper City FL 33328

E-mail steve.m.moyer@gmail.com

City

State

Zip

Speaking: For Against Information

Representing Disabled students in public schools

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)

APPEARANCE RECORD

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

Spoke

1/30/2012
Meeting Date

Topic _____

Bill Number 144
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH
Street

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

Spoke

1/30/12

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

Meeting Date

Topic Restraint + Seclusion Bill Number 144
(if applicable)

Name Scott Howat Amendment Barcode _____
(if applicable)

Job Title SR Dir, Legislative Relation

Address 445 W Amelia St Phone 407-317-3208
Street

Orlando FL 32801 E-mail howats@ocps.net
City State Zip

Speaking: For Against Information

Representing Orange Co Schools

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

Soska

APPEARANCE RECORD

1/30/2012

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

Meeting Date

Topic Restraint & Seclusion Use

Bill Number 144
(if applicable)

Name Sylvia Smith

Amendment Barcode _____
(if applicable)

Job Title Director of Legislative & Public Affairs

Address 2728 Centerview Dr,

Phone 850-322-2258

Tallahassee FL 32301
Street City State Zip

E-mail sylvias@
disabilityrightsflorida
org

Speaking: For Against Information

Representing Disability Rights Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

Waive

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

1/30/2012
Meeting Date

Topic Seclusion + Restraints

Bill Number SB 144
(if applicable)

Name Jarl K Jackson

Amendment Barcode _____
(if applicable)

Job Title President - ~~Tallahassee~~ ~~Autism Support~~ Coalition, Inc

Address 110 N. Adams Street

Phone (850) 412-0141

Tallahassee FL 32301
City State Zip

E-mail jarlkjackson@yahoo.com

Speaking: For Against Information

Representing Tallahassee Autism Support Coalition, Inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

WAVK

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

1-30-12

Meeting Date

Topic Restraint and Seclusion

Bill Number SB 144
(if applicable)

Name Margaret S. Hooper

Amendment Barcode _____
(if applicable)

Job Title Public Policy Coordinator

Address 124 Merrick Drive

Phone 850-921-7263

Jallahassee FL 32301
Street City State Zip

E-mail MargaretD@FDDC.org

Speaking: For Against Information

Representing Florida Developmental Disabilities Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K – 12 Committee

BILL: CS/SB 122

INTRODUCER: Committee on Transportation and Senator Sobel

SUBJECT: Driver Improvement Schools and Education Programs for Driver’s License Applicants

DATE: January 24, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	Fav/CS
2.	Brown	deMarsh-Mathues	ED	Favorable
3.	_____	_____	CU	_____
4.	_____	_____	BC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill amends the law relating to course content offered at driver improvement schools as well as to courses offered to new driver’s license applicants.

This bill specifically requires course content on the risk of using handheld electronic communication devices while driving. The Department of Highway Safety and Motor Vehicles (DHSMV) is required to consider this course content when approving both driver improvement courses and coursework for driver’s license applicants.

This bill amends ss. 318.1451, 322.0261, and 322.095 of the Florida Statutes.

II. Present Situation:

The National Highway and Traffic Safety Administration reports the following findings regarding use of an electronic device while driving:

- Using a cell phone while driving impairs reaction time as much as a blood alcohol level of .08;

- Drivers who use handheld devices increase their risk of getting into a crash serious enough to cause injury by a factor of four;
- Forty percent of American teens say they have been passengers when the driver used a cell phone in a way that put people in danger;
- Text messaging creates a crash risk 23 times worse than driving while not distracted; and
- Sending or receiving a text takes a driver's eyes from the road for an average 4.6 seconds, which is the equivalent of driving 55 miles per hour across an entire football field without sight.¹

Currently, operating a motor vehicle while using a handheld electronic communication device does not violate Florida law.

Section 318.1451, F.S., addresses driver improvement schools. In designating the DHSMV as the entity responsible for approving and regulating courses, the law requires the DHSMV to consider courses that promote safety, driver awareness, crash avoidance and other instruction on safety.²

Section 322.0261, F.S., requires drivers either convicted of or whom have plead nolo contendere (neither admitting to nor denying guilt) to a traffic offense involving a serious crash, or repeated crashes, to complete a driver improvement course precedent to maintaining driver's license privileges. The DHSMV is required to consider course content identical to that required in s. 318.1451, F.S.³

New driver's license applicants are required to complete traffic law and substance abuse education courses approved by the DHSMV.⁴ Included in requisite course content are the physiological and psychological consequences and societal and economic costs of alcohol and drug abuse, the effects of substance abuse on driving, and related laws.

Currently, ss. 318.1451, 322.0261, and 322.095, F.S., do not require course instruction on the risks of using a handheld electronic communication device while operating a motor vehicle.

III. Effect of Proposed Changes:

In addition to mandating instruction on safety, crash avoidance, and the effect of substance abuse on driving for new and existing driver's license holders, this bill requires specific instruction on the risk of operating a handheld electronic communication device while driving. Given the research findings on the impact of this activity on safety, requiring this instruction appears consistent with the state's interest in maintaining safe roads.

¹ *Distracted Driving Facts and Stats Texting and Driving*, National Highway Traffic Safety Administration, online at: <http://distraction.gov/content/get-the-facts/facts-and-statistics.html>.

Last checked January 18, 2012.

² s. 318.1451(2)(a), F.S.

³ s. 322.0261(2) and (5), F.S.

⁴ s. 322.095(1), 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.

B. Private Sector Impact:

Twenty-two organizations provide courses that would be affected by this bill. In anticipation of this bill's passage, DHSMV has requested that all course providers update their curriculum by September 30, 2011.⁵ Providers that have not complied with DHSMV's request will likely experience a direct, but indeterminate fiscal impact due to the need to expand curricula to meet the bill requirements.

Assuming that such instruction reduces accidents, the private sector could benefit from fewer accidents, and accompanying costs related to medical and legal bills, car repair costs and lost wages.

C. Government Sector Impact:

The impact on the DHSMV appears minimal, particularly given that most of the providers are already in compliance.

Local and state law enforcement and emergency medical responders may experience a positive fiscal impact from having to attend to fewer accident scenes from incidents caused by operating cell phones, and other related equipment while driving.

VI. Technical Deficiencies:

None.

⁵ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 122*, (Sep. 6, 2011). In testimony before the Senate Committee on Transportation on December 7, 2011, Steven Fielder from DHSMV indicated that all but two of the organizations which provide course curricula in this area have already updated their course materials in anticipation of the passage of this bill.

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 Transportation on December 7, 2011:

The bill amends s. 322.0261, F.S., to include a requirement that course content include instruction on the risk of using handheld electronic communication devices while driving. This is consistent with changes made to ss. 318.1451 and 322.095, F.S., in the bill.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Sobel

596-01556-12

2012122c1

A bill to be entitled

An act relating to driver improvement schools and education programs for driver license applicants; amending ss. 318.1451, 322.0261, and 322.095, F.S.; requiring the curricula of such programs to include instruction on the risks associated with using a handheld electronic communication device while operating a motor vehicle; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(2) (a) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, awareness of the risks associated with using a handheld electronic communication device while operating a motor vehicle, and other factors or criteria to improve driver performance from a safety viewpoint.

Section 2. Subsection (5) of section 322.0261, Florida Statutes, is amended to read:

322.0261 Driver improvement course; requirement to maintain driving privileges; failure to complete; department approval of course.—

(5) In determining whether to approve a driver improvement course for the purposes of this section, the department shall

Page 1 of 2

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

596-01556-12

2012122c1

consider course content designed to promote safety, driver awareness, crash avoidance techniques, awareness of the risks associated with using a handheld electronic communication device while operating a motor vehicle, and other factors or criteria to improve driver performance from a safety viewpoint.

Section 3. Subsection (1) of section 322.095, Florida Statutes, is amended to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(1) The Department of Highway Safety and Motor Vehicles must approve traffic law and substance abuse education courses that must be completed by applicants for a Florida driver's license. The curricula for the courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, the risks associated with using a handheld electronic communication device while operating a motor vehicle, and the laws of this state relating to the operation of a motor vehicle. All instructors teaching the courses shall be certified by the department.

Section 4. This act shall take effect July 1, 2012.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

Waiver

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

11/30/12

Meeting Date

Topic Driver Improvement Schools

Bill Number 122
(if applicable)

Name Laura Cantwell

Amendment Barcode _____
(if applicable)

Job Title _____

Address 200 West College Avenue, Suite 304

Phone 577-5163

Street

Tallahassee FL 32302

E-mail lcantwell@aarp.org

City

State

Zip

Speaking: For Against Information

Representing AARP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

Waive

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

01-30-12

Meeting Date

Topic Driver Education

Bill Number SB 122
(if applicable)

Name H. Lee Moffitt

Amendment Barcode _____
(if applicable)

Job Title Legislative Counsel

Address 3225 South MacDill Avenue

Phone 813-831-1500

Street

Tampa

FL

33629

E-mail mrspeaker@aol.com

City

State

Zip

Speaking: For Against Information

Representing AAA Auto Club

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: CS/SB 1886

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

SUBJECT: School District Zero Tolerance

DATE: January 31, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	Fav/CS
2.	_____	_____	CJ	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

Under the bill, school district zero tolerance policies would be revised to prescribe reporting to a law enforcement agency any act that poses a serious threat to school safety that occurs wherever students are within the jurisdiction of the district school board. Misdemeanors and petty acts of misconduct that do not pose a serious threat to school safety would be handled within the school's disciplinary system. The bill would require school offense protocols that would serve to promote alternatives to expulsion and referrals to law enforcement agencies.

The bill requires that agreements between the district school board and local law enforcement include the role of a school resource officer (SRO) in handling and reporting incidents that pose a serious threat to school safety. The agreements would distinguish these incidents from incidents that do not pose a threat.

The bill also requires provisions for training, within existing inservice modules, for teachers and administrators on the long-term consequences of a youth arrest record and in-school resources available to address discipline infractions without involving law enforcement.

Finally, the bill requires the school principal to certify to the district school superintendent a student arrest that is based on a serious threat to school safety.

This bill amends section 1006.13 of the Florida Statutes.

II. Present Situation:

The law pertaining to school district zero tolerance policies was amended in 2009.¹ School districts are required to revise their zero-tolerance policies to:

- Define petty misconduct, as well as offenses that pose a serious threat to school safety;
- Clarify that zero-tolerance policies do not require the reporting of petty misconduct and certain misdemeanors to a law enforcement agency;
- Provide for the review of disciplinary action taken against a student pursuant to s. 1006.07, F.S.,² and
- Consider the particular circumstances surrounding the student's misbehavior in any disciplinary or prosecutorial action.

The law also addresses the difference between serious and petty acts.³ The law provides that the intent of the Legislature is to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety, and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Furthermore, zero tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances.

Current law requires that cooperative agreements between the school district and local law enforcement include specific guidelines for reporting student offenses and prohibits district policies from requiring reports to law enforcement of petty misconduct and misdemeanors, including, but not limited to, disorderly conduct, disrupting a school function, simple assault or battery, affray,⁴ theft of less than \$300, trespassing, and vandalism of less than \$1,000.⁵ Contrary to statutory provisions, the Department of Juvenile Justice (DJJ) reports that:⁶

- Misdemeanor offenses accounted for 68 percent of school-related referrals. During FY 2010-11, there were 16,377 total school related referrals received by the DJJ, with the most common referrals for misdemeanors;
- First time offenders accounted for 58 percent of the youth receiving school-related referrals during FY 2010-11;

¹ Ch. 2009-53, L.O.F., codified in s.1006.13, F.S.

² s. 1006.07(1), F.S., provides for an administrative hearing for a student who has been expelled from school. The law does not provide for this type of hearing for a student who is suspended from school.

³ s. 1006.13(1), F.S.

⁴ A public brawl or fight.

⁵ s. 1006.13(4)(c), F.S.

⁶ Perspectives on Zero Tolerance, Presentation to the Senate Pre-K-12 Committee by the Southern Poverty Law Center, October 5, 2011.

- While the majority of the school-related delinquency referrals were misdemeanors, 69 percent of these cases were ultimately dismissed, not filed, or resulted in some type of diversion services.
- While African-American youth make up approximately 22 percent of the youth aged 10-17 in Florida, in FY 2007-08 black males and females accounted for 47 percent of all school-related referrals.

In November, 2011, the DJJ released a report⁷ analyzing school data and referrals to the Department over a seven year time period. The report, in part, states that:

Numerous factors can influence whether or not a youth is arrested and referred to the Department of Juvenile Justice for delinquency in schools. Each school district in Florida maintains its own distinctive progressive response or “discipline” plan that outlines how everything from misbehavior to actual crimes should be handled. In addition, law enforcement agencies in each school district have their own policies regarding how to respond and deal with delinquency in schools. Availability and use of alternatives to arrest can have a substantial impact on the number of youth referred to the Department of Juvenile Justice.

Of the youth adjudicated during 2008-09, 71 percent of admissions to DJJ institutions were for nonviolent behavior; more than 44 percent of youth were admitted for probation violations or misdemeanors, at a cost of approximately \$66 million; and more than 1,100 children admitted had never committed a felony, costing the state as much as \$40 million annually.⁸

*Collateral Consequences of Misdemeanor Arrest*⁹

Based on a report published by the National Council of Corrections within the U.S. Department of Justice, youth are frequently unaware of the consequences of their actions within the court system; a guilty plea, for instance, may be offered to expedite the process but may be accompanied by an assortment of problems in later years, oftentimes the result of a permanent criminal record. In the past two decades, information sharing about adjudicated juveniles has become easy and encouraged, and rules surrounding youth privacy and confidentiality have loosened in the interest of public safety. Today, agencies enter into agreements to share delinquency data, school data, and family data. While information sharing is a useful tool to keep track of youth across systems, some find that the lack of discretion with which sensitive information is shared outweighs this usefulness. Furthermore, a common assumption is that individuals who are processed in the juvenile justice system have their records destroyed (expunged) when they turn 18. This is not the case. The laws governing whether a juvenile record is sealed (not accessible by the general public) or expunged vary from state to state.¹⁰ Even if a record is expunged, in reality the record may still exist.

⁷ *The Delinquency in Florida's Schools: A Seven-Year Study*, available at http://www.djj.state.fl.us/Research/School_Referrals/index.html.

⁸ Southern Poverty Law Center, *Opportunities to Strengthen Florida's Juvenile Justice System*, (September 17, 2010.) On file with the Senate Committee on Pre-K – 12 Education.

⁹ *Addressing the Collateral Consequences of Convictions for Young Offenders*, available at: <http://nicic.gov/Library/025263>

¹⁰ *Id.* at endnote 25. Sealing typically refers to placing court records in a separate repository that is not available to the public. Expungement refers to the process of destroying the court records and any history of court involvement in a particular case.

School exclusion policies may also extend into higher education in that college applications question candidates about their criminal record. In the past, applications were restricted to the question of whether one had been convicted of a crime (for which most adjudicated juveniles could respond negatively since an adjudication is technically not a crime). Many applications now also ask whether the individual has been arrested or been adjudicated delinquent. Only in an instance in which the record has been expunged would a young person be able to keep this information private.

*Civil Citations*¹¹

Florida's expansion of civil citations is evidence of the importance of community involvement and strategic guidance for these youth. Civil citation programs serve as an alternative to traditional juvenile corrections methods and instead provide consequences for the offending behavior and hold youth accountable through restitution to victims and community service. Youth under community-based civil citations are provided services that target the root causes of the delinquent behavior, such as substance abuse treatment and mental health counseling.¹² Based on a report published in 2010, civil citations (redirection) had saved the state \$51.2 million since its inception.¹³ Furthermore, youth served by redirection showed significant reductions in recidivism: the probability of an arrest was 31 percent less for high risk redirection completers; the probability of a violent felony arrest was 15 percent less for redirection completers; and the probability of admission to prison was 35 percent less for redirection completers.¹⁴ The 2011 legislation expanded the civil citation process to require these programs in all communities.¹⁵ According to Florida TaxWatch, Florida's expansion of civil citations is evidence of the importance of community involvement and strategic guidance for these youth.¹⁶

Other Successful Initiatives

In 2003, Clayton County, Georgia established a collaborative agreement called a "School Offense Protocol" to reduce misdemeanor referrals to law enforcement. In less than five years misdemeanor referrals to the court system were reduced by 59 percent.¹⁷ Since the implementation of the School Offense Protocol, the number of serious weapons in Clayton County schools is down by 70 percent and, according to SROs, the protocol has also increased students' trust in them, making it more likely that students will confide in them about genuine safety threats.¹⁸

III. Effect of Proposed Changes:

The bill would amend s. 1006.13, F.S., to encourage schools to address disruptive student behavior using practical school offense procedures rather than automatically making referrals to

¹¹ See www.floridataxwatch.org/resources/.../20110603CivilCitationOnePager.pdf.

¹² *Id.*

¹³ *Id.*

¹⁴ OPPAGA Report 10-38, *Redirection Saves \$51.2 Million and Continues to Reduce Recidivism*, (April 2010), available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

¹⁵ Chapter 2011-124, L.O.F., requires a civil citation or similar diversion program to be established at the local level.

¹⁶ See www.floridataxwatch.org/resources/.../20110603CivilCitationOnePager.pdf.

¹⁷ The School Offense Protocol concept was initiated when in 1997 police were placed in the Clayton County Georgia secondary schools and misdemeanor arrests skyrocketed. Southern Poverty Law Center, *Opportunities to Strengthen Florida's Juvenile Justice System*, (September 17, 2010.) On file with the Senate Committee on Pre-K – 12 Education.

¹⁸ *Id.*

law enforcement for misdemeanor offenses. The school offense protocols would serve to promote alternatives to expulsion and referrals to law enforcement agencies by addressing petty acts and misdemeanors at the school level.

Under the bill, school district zero tolerance policies would be revised to prescribe reporting to a law enforcement agency any act that poses a serious threat to school safety that occurs wherever students are within the jurisdiction of the district school board. Misdemeanors and petty acts of misconduct that do not pose a serious threat to school safety would be handled within the school's disciplinary system. The bill provides that school officials may not respond to petty acts of misconduct. Presumably, this applies to acts defined by the district's zero tolerance policy.

The bill requires that agreements between the district school board and local law enforcement include the role of an SRO in handling and reporting incidents that pose a serious threat to school safety, distinguishing these incidents from those that do not pose a threat. The bill deletes a requirement that agreements must include a procedure for ensuring that school personnel properly report delinquent acts and crimes. It is unclear as to whether personnel must report incidents that pose a serious threat to school safety.

The bill also establishes provisions for training, within existing inservice modules, for teachers and administrators on the long-term consequences of a youth arrest record, as well as in-school resources available to address discipline infractions without involving law enforcement.

Finally, schools are permitted, but not required, to offer behavior interventions for student offenses when a disciplinary action causes the student to miss instructional time.

The bill requires the school principal to certify to the district school superintendent when a student arrest is based on a serious threat to school safety.

The bill may reduce the number of youth misdemeanor offenses referred to law enforcement. School districts would be encouraged to respond more appropriately to student offenses not considered a threat to school safety. The bill may also serve to encourage meaningful involvement of local communities in addressing at-risk behavior of youth, relying on appropriate interventions to correct behavior rather than punitive actions.

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 may provide opportunities for appropriate interventions for at-risk youth at the local level. Some studies suggest that these alternatives to residential facilities may result in a safer state.¹⁹ The Office of Program Policy Analysis and Government Accountability (OPPAGA) noted that youth served by redirection showed significant reductions in recidivism: the probability of an arrest was 31 percent less for high risk redirection completers; the probability of a violent felony arrest was 15 percent less for redirection completers; and the probability of admission to prison was 35 percent less for redirection completers.²⁰

C. Government Sector Impact:

A reduction in referrals to law enforcement could result in substantial cost savings to the state judicial system as well as reduce the financial burden of costs associated with juvenile justice residential facilities.²¹ According to Florida TaxWatch, if Florida barred the commitment of misdemeanants to state custody, the DJJ would have reduced admissions by 1,273, or 21 percent during that period, which could have saved approximately \$30 million.²² Based on findings reported by the Center for Smart Justice,²³ the \$240 million the state spends on residential facilities each year is not making Florida safer, but instead more vulnerable. Residential facilities have higher recidivism rates than community-based alternatives, and repeated studies have proven that institutional programs make low-risk children more likely to re-offend.²⁴

VI. Technical Deficiencies:

None.

¹⁹ www.floridataxwatch.org/resources/pdf/20101201GCSTFChapter2.pdf.

²⁰ OPPAGA Report 10-38, *Redirection Saves \$51.2 Million and Continues to Reduce Recidivism*, (April 2010), available at: <http://www.oppaga.state.fl.us/ReportsYearList.aspx?yearID=22>.

²¹ One report states that more than 2,500 children were admitted to DJJ residential facilities for misdemeanors or violations of probation in FY 2008-09. *Report and Recommendations of the Florida TaxWatch Government Cost Savings Task Force on Criminal and Juvenile Justice Reform for Fiscal Year 2011-12*, Chapter 2: Criminal and Juvenile Justice Reform, (December 2010). See recommendation 21, available at: www.floridataxwatch.org/resources/pdf/20101201GCSTFChapter2.pdf.

²² *Id.*

²³ <http://www.floridataxwatch.org/centers/CSJ/index.php>

²⁴ The Center for Smart Justice reports that with an adult prison population of over 100,000 costing taxpayers \$2.4 billion annually, the state can no longer afford policy choices that have led to out of control growth without making communities any safer or offenders more accountable. The Juvenile Justice Blueprint Commission found that youth who are kept in programs for prolonged lengths of time after treatment goals are achieved often begin to deteriorate and may be more likely to re-offend once release is finally achieved. See the *Report of the Blueprint Commission: Getting Smart About Juvenile Justice*, available at: <http://www.djj.state.fl.us/blueprint/index.html>.

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 Education Pre-K – 12 Committee on January 30, 2012:

The committee substitute:

- Adds provisions for school staff training on the consequences of a youth arrest record and in-school alternatives to law enforcement intervention for minor disciplinary infractions;
- Restores current law to clarify that petty acts of misconduct and misdemeanor offenses are not to be included in district zero-tolerance policies unless such acts pose a serious threat to school safety.

B. Amendments:

None.



158794

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/01/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 37 - 70
and insert:

(1) It is the intent of the Legislature to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety, and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, school offense



158794

13 protocols, or similar programs. The Legislature finds that zero-
14 tolerance policies are not intended to be rigorously applied to
15 petty acts of misconduct ~~and misdemeanors~~, including, but not
16 limited to, minor fights or disturbances. The Legislature finds
17 that zero-tolerance policies must apply equally to all students
18 regardless of their economic status, race, or disability.

19 (2) Each district school board shall adopt a policy of zero
20 tolerance that:

21 (a) Defines criteria for reporting to a law enforcement
22 agency any act that occurs whenever or wherever students are
23 within the jurisdiction of the district school board that poses
24 a serious threat to school safety. Acts that do not pose a
25 serious threat to school safety shall be handled within the
26 school's disciplinary system.

27 (b) Defines acts that pose a serious threat to school
28 safety.

29 (c) Defines petty acts of misconduct.

30 (d) Provides that school officials shall not request a law
31 enforcement agency to respond to petty acts of misconduct. Such
32 incidents shall be handled within the school system's discipline
33 system.

34 (e) Provides, within existing inservice training modules, a
35 comprehensive training program for school administrators and
36 teachers regarding the potential negative consequences and
37 future effects of an arrest of a juvenile and of the existing
38 in-school alternatives to discipline a student for committing
39 petty acts of misconduct without involving a law enforcement
40 agency.

41 (f) ~~(d)~~ Minimizes the victimization of students, staff, or



158794

42 volunteers, including taking all steps necessary to protect the
43 victim of any violent crime from any further victimization.

44 (g)~~(e)~~ Establishes a procedure that provides each student
45 with the opportunity for a review of the disciplinary action
46 imposed pursuant to s. 1006.07.

47

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

49 And the title is amended as follows:

50

51 Delete line 16

52 and insert:

53 disciplinary system; requiring each district school
54 board to implement a training program for school
55 administrators and teachers regarding the negative
56 consequences and future effects of an arrest of a
57 juvenile and of the existing in-school alternatives to
58 discipline a student for committing petty acts of
59 misconduct without involving a law enforcement agency;
60 requiring that each district



931800

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 37 - 70
and insert:

(1) It is the intent of the Legislature to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety, and to encourage schools to use alternatives to expulsion, or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen



931800

13 court, neighborhood restorative justice, school offense
14 protocols, or similar programs. The Legislature finds that zero-
15 tolerance policies are not intended to be rigorously applied to
16 petty acts of misconduct ~~and misdemeanors~~, including, but not
17 limited to, minor fights or disturbances. The Legislature finds
18 that zero-tolerance policies must apply equally to all students
19 regardless of their economic status, race, or disability.

20 (2) Each district school board shall adopt a policy of zero
21 tolerance that:

22 (a) Defines criteria for reporting to a law enforcement
23 agency any act that occurs whenever or wherever students are
24 within the jurisdiction of the district school board that poses
25 a serious threat to school safety. Acts that do not pose a
26 serious threat to school safety shall be handled within the
27 school's disciplinary system.

28 (b) Defines acts that pose a serious threat to school
29 safety.

30 (c) Defines petty acts of misconduct.

31 (d) Provides that school officials may not request a law
32 enforcement agency to respond to petty acts of misconduct. Such
33 incidents shall be handled within the school system's discipline
34 system.

35 (e) Provides, within existing inservice training modules, a
36 comprehensive training program for school administrators and
37 teachers regarding the potential negative consequences and
38 future effects of an arrest of a juvenile and of the existing
39 in-school alternatives to discipline a student for committing
40 petty acts of misconduct without involving a law enforcement
41 agency.



931800

42 (f) Provides that schools disciplinary systems, may
43 document and include corrective training, interventions or
44 teaching of alternative behaviors specific to the offense when
45 the student is required to miss scheduled classroom instruction
46 time due to the offense and its disciplinary action.

47 (g)~~(d)~~ Minimizes the victimization of students, staff, or
48 volunteers, including taking all steps necessary to protect the
49 victim of any violent crime from any further victimization.

50 (h)~~(e)~~ Establishes a procedure that provides each student
51 with the opportunity for a review of the disciplinary action
52 imposed pursuant to s. 1006.07.

53

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

55 And the title is amended as follows:

56

57 Delete line 16

58 and insert:

59

60 disciplinary system; requiring each district school
61 board to implement a training program for school
62 administrators and teachers regarding the negative
63 consequences and future effects of an arrest of a
64 juvenile and of the existing in-school alternatives to
65 discipline a student for committing petty acts of
66 misconduct without involving a law enforcement agency;
67 requiring that each district



822074

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/01/2012	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 97 - 123
and insert:

(4) (a) Each district school board shall enter into agreements with the county sheriff's office and local police department specifying guidelines for ensuring that acts that pose a serious threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency.

(b) The agreements must prescribe: ~~include~~

1. The role of school resource officers, if applicable, in handling reported incidents that pose a serious threat to school



822074

13 safety; and⁷

14 2. The circumstances and offenses that in which school
15 officials shall ~~may~~ handle ~~incidents~~ without filing a report
16 with a law enforcement agency, ~~and a procedure for ensuring that~~
17 ~~school personnel properly report appropriate delinquent acts and~~
18 ~~crimes.~~

19 (c) Zero-tolerance policies do not require the reporting of
20 petty acts of misconduct ~~and misdemeanors~~ to a law enforcement
21 agency, including, but not limited to, disorderly conduct,
22 disrupting a school function, simple assault or battery, affray,
23 theft of less than \$300, trespassing, and vandalism of less than
24 \$1,000.

25 (d) The school principal shall ensure that all school
26 personnel are properly informed of as to their responsibilities
27 regarding crime reporting, that appropriate delinquent acts and
28 crimes are properly reported, and that actions taken in cases
29 with special circumstances are properly managed ~~taken~~ and
30 documented. In addition, the school principal shall certify to
31 the superintendent, in writing, of the arrest of a student who
32 is under the jurisdiction of the district school board for an
33 act that poses a serious threat to school safety.



839794

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 97 - 123
and insert:

(4) (a) Each district school board shall enter into agreements with the county sheriff's office and local police department specifying guidelines for ensuring that acts that pose a serious threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency.

(b) The agreements must prescribe: ~~include~~

1. The role of school resource officers, if applicable, in handling reported incidents that pose a serious threat to school



839794

13 safety; and⁷

14 2. The circumstances and offenses that ~~in which~~ school
15 officials shall ~~may~~ handle ~~incidents~~ without filing a report
16 with a law enforcement agency, ~~and a procedure for ensuring that~~
17 ~~school personnel properly report appropriate delinquent acts and~~
18 ~~crimes.~~

19 (c) Zero-tolerance policies do not require the reporting of
20 petty acts of misconduct and misdemeanors to a law enforcement
21 agency, including, but not limited to, disorderly conduct,
22 disrupting a school function, simple assault or battery, affray,
23 theft of less than \$300, trespassing, and vandalism of less than
24 \$1,000.

25 (d) The school principal shall ensure that all school
26 personnel are properly informed of ~~as to~~ their responsibilities
27 regarding crime reporting, that appropriate delinquent acts and
28 crimes are properly reported, and that actions taken in cases
29 with special circumstances are properly managed ~~taken~~ and
30 documented. In addition, the school principal shall certify to
31 the superintendent, in writing, of the arrest of a student who
32 is under the jurisdiction of the district school board for an
33 act that poses a serious threat to school safety.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37
38 Delete line 21

39 and insert:

40
41 serious threat to school safety; requiring the



839794

42 agreements to prescribe the circumstances and offenses
43 that school officials must handle without filing a
44 report with a law enforcement agency; requiring the
45 school

By Senator Wise

5-01064A-12

20121886__

1 A bill to be entitled
 2 An act relating to zero tolerance for crime and
 3 victimization in schools; amending s. 1006.13, F.S.;
 4 revising legislative intent to encourage schools to
 5 address disruptive behavior through school offense
 6 protocols; requiring that each district school board
 7 adopt a policy for reporting to a law enforcement
 8 agency acts that pose a serious threat to school
 9 safety; requiring that acts that do not pose a serious
 10 threat to school safety be handled within the school's
 11 disciplinary system; requiring that a child accused of
 12 a misdemeanor offense not be arrested and formally
 13 processed in the juvenile justice system; requiring
 14 that minor incidents be diverted from the juvenile
 15 justice system or handled within the school system's
 16 disciplinary system; requiring that each district
 17 school board enter into an agreement with the county
 18 sheriff's office and local police department which
 19 includes a role for school resource officers, if
 20 applicable, to handle reported incidents that pose a
 21 serious threat to school safety; requiring the school
 22 principal to certify, in writing, when an arrest of a
 23 student under the jurisdiction of the school board is
 24 for an incident that is a serious threat to school
 25 safety; requiring that, by a specified date and
 26 annually thereafter, each school district provide its
 27 policies related to zero tolerance for crime and
 28 victimization to the Department of Education;
 29 providing an effective date.

Page 1 of 8

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

5-01064A-12

20121886__

30
 31 Be It Enacted by the Legislature of the State of Florida:
 32
 33 Section 1. Section 1006.13, Florida Statutes, is amended to
 34 read:
 35 1006.13 Policy of zero tolerance for crime and
 36 victimization.—
 37 (1) It is the intent of the Legislature to promote a safe
 38 and supportive learning environment in schools, to protect
 39 students and staff from conduct that poses a serious threat to
 40 school safety, and to encourage schools to use alternatives to
 41 expulsion or referral to law enforcement agencies by addressing
 42 disruptive behavior through restitution, civil citation, teen
 43 court, neighborhood restorative justice, school offense
 44 protocols, or similar programs. The Legislature finds that zero-
 45 tolerance policies are not intended to be rigorously applied to
 46 petty acts of misconduct and misdemeanors, ~~including, but not~~
 47 ~~limited to, minor fights or disturbances~~. The Legislature finds
 48 that zero-tolerance policies must apply equally to all students
 49 regardless of their economic status, race, or disability.
 50 (2) Each district school board shall adopt a policy of zero
 51 tolerance that:
 52 (a) Defines criteria for reporting to a law enforcement
 53 agency any act that occurs whenever or wherever students are
 54 within the jurisdiction of the district school board and that
 55 poses a serious threat to school safety. Acts that do not pose a
 56 serious threat to school safety shall be handled within the
 57 school's disciplinary system.
 58 (b) Defines acts that pose a serious threat to school

Page 2 of 8

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

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59 safety.

60 (c) Defines petty acts of misconduct.

61 (d) Provides that school officials shall not request a law
 62 enforcement agency to respond to misdemeanors and petty acts of
 63 misconduct. Such incidents shall be handled within the school
 64 system's discipline system.

65 ~~(e)(d)~~ Minimizes the victimization of students, staff, or
 66 volunteers, including taking all steps necessary to protect the
 67 victim of any violent crime from any further victimization.

68 (f)(e) Establishes a procedure that provides each student
 69 with the opportunity for a review of the disciplinary action
 70 imposed pursuant to s.1006.07.

71 (3) Zero-tolerance policies must require students found to
 72 have committed one of the following offenses to be expelled,
 73 with or without continuing educational services, from the
 74 student's regular school for a period of not less than 1 full
 75 year, and to be referred to the criminal justice or juvenile
 76 justice system.

77 (a) Bringing a firearm or weapon, as defined in chapter
 78 790, to school, to any school function, or onto any school-
 79 sponsored transportation or possessing a firearm at school.

80 (b) Making a threat or false report, as defined by ss.
 81 790.162 and 790.163, respectively, involving school or school
 82 personnel's property, school transportation, or a school-
 83 sponsored activity.

84 District school boards may assign the student to a disciplinary
 85 program for the purpose of continuing educational services
 86 during the period of expulsion. District school superintendents
 87

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88 may consider the 1-year expulsion requirement on a case-by-case
 89 basis and request the district school board to modify the
 90 requirement by assigning the student to a disciplinary program
 91 or second chance school if the request for modification is in
 92 writing and it is determined to be in the best interest of the
 93 student and the school system. If a student committing any of
 94 the offenses in this subsection is a student who has a
 95 disability, the district school board shall comply with
 96 applicable State Board of Education rules.

97 (4) (a) Each district school board shall enter into
 98 agreements with the county sheriff's office and local police
 99 department specifying guidelines for ensuring that acts that
 100 pose a serious threat to school safety, whether committed by a
 101 student or adult, are reported to a law enforcement agency.

102 (b) The agreements must include the role of school resource
 103 officers, if applicable, in handling reported incidents that
 104 pose a serious threat to school safety and, circumstances in
 105 which school officials may handle all other incidents without
 106 filing a report with a law enforcement agency, ~~and a procedure~~
 107 ~~for ensuring that school personnel properly report appropriate~~
 108 ~~delinquent acts and crimes.~~

109 (c) Zero-tolerance policies do not require the reporting of
 110 petty acts of misconduct and misdemeanors to a law enforcement
 111 agency, including, but not limited to, disorderly conduct,
 112 disrupting a school function, simple assault or battery, affray,
 113 theft of less than \$300, trespassing, ~~and~~ vandalism of less than
 114 \$1,000, and other misdemeanors.

115 (d) The school principal shall ensure that all school
 116 personnel are properly informed as to their responsibilities

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 117 regarding crime reporting, that appropriate delinquent acts and
 118 crimes are properly reported, and that actions taken in cases
 119 with special circumstances are properly taken and documented. In
 120 addition, the school principal shall certify, in writing, when
 121 any arrest of a student under the jurisdiction of the school
 122 board is for an incident that is a serious threat to school
 123 safety.

124 (5) Notwithstanding any other ~~provision of~~ law, each
 125 district school board shall adopt rules providing that any
 126 student found to have committed any offense in s. 784.081(1),
 127 (2), or (3) shall be expelled or placed in an alternative school
 128 setting or other program, as appropriate. Upon being charged
 129 with the offense, the student shall be removed from the
 130 classroom immediately and placed in an alternative school
 131 setting pending disposition.

132 (6) (a) Notwithstanding any provision of law prohibiting the
 133 disclosure of the identity of a minor, whenever any student who
 134 is attending a public school is adjudicated guilty of or
 135 delinquent for, or is found to have committed, regardless of
 136 whether adjudication is withheld, or pleads guilty or nolo
 137 contendere to, a felony violation of:

- 138 1. Chapter 782, relating to homicide;
- 139 2. Chapter 784, relating to assault, battery, and culpable
 140 negligence;
- 141 3. Chapter 787, relating to kidnapping, false imprisonment,
 142 luring or enticing a child, and custody offenses;
- 143 4. Chapter 794, relating to sexual battery;
- 144 5. Chapter 800, relating to lewdness and indecent exposure;
- 145 6. Chapter 827, relating to abuse of children;

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 146 7. Section 812.13, relating to robbery;
 147 8. Section 812.131, relating to robbery by sudden
 148 snatching;
 149 9. Section 812.133, relating to carjacking; or
 150 10. Section 812.135, relating to home-invasion robbery,
 151
 152 and, before or at the time of such adjudication, withholding of
 153 adjudication, or plea, the offender was attending a school
 154 attended by the victim or a sibling of the victim of the
 155 offense, the Department of Juvenile Justice shall notify the
 156 appropriate district school board of the adjudication or plea,
 157 the requirements in this paragraph, and whether the offender is
 158 prohibited from attending that school or riding on a school bus
 159 whenever the victim or a sibling of the victim is attending the
 160 same school or riding on the same school bus, except as provided
 161 pursuant to a written disposition order under s. 985.455(2).
 162 Upon receipt of such notice, the district school board shall
 163 take appropriate action to effectuate the provisions in
 164 paragraph (b).

165 (b) Each district school board shall adopt a cooperative
 166 agreement with the Department of Juvenile Justice which
 167 establishes guidelines for ensuring that any ~~no-contact~~ ~~no~~
 168 ~~contact~~ order entered by a court is reported and enforced and
 169 that all of the necessary steps are taken to protect the victim
 170 of the offense. Any offender described in paragraph (a), who is
 171 not exempted as provided in paragraph (a), may not attend any
 172 school attended by the victim or a sibling of the victim of the
 173 offense or ride on a school bus on which the victim or a sibling
 174 of the victim is riding. The offender shall be permitted by the

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175 district school board to attend another school within the
 176 district in which the offender resides, only if the other school
 177 is not attended by the victim or sibling of the victim of the
 178 offense; or the offender may be permitted by another district
 179 school board to attend a school in that district if the offender
 180 is unable to attend any school in the district in which the
 181 offender resides.

182 (c) If the offender is unable to attend any other school in
 183 the district in which the offender resides and is prohibited
 184 from attending a school in another school district, the district
 185 school board in the school district in which the offender
 186 resides shall take every reasonable precaution to keep the
 187 offender separated from the victim while on school grounds or on
 188 school transportation. The steps to be taken by a district
 189 school board to keep the offender separated from the victim must
 190 include, but are not limited to, in-school suspension of the
 191 offender and the scheduling of classes, lunch, or other school
 192 activities of the victim and the offender so as not to coincide.

193 (d) The offender, or the parents of the offender if the
 194 offender is a juvenile, shall arrange and pay for transportation
 195 associated with or required by the offender's attending another
 196 school or that would be required as a consequence of the
 197 prohibition against riding on a school bus on which the victim
 198 or a sibling of the victim is riding. However, the offender or
 199 the parents of the offender may not be charged for existing
 200 modes of transportation that can be used by the offender at no
 201 additional cost to the district school board.

202 (7) Any disciplinary or prosecutorial action taken against
 203 a student who violates a zero-tolerance policy must be based on

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204 the particular circumstances of the student's misconduct.

205 (8) School districts are encouraged to use alternatives to
 206 expulsion or referral to law enforcement agencies unless the use
 207 of such alternatives will pose a threat to school safety. By
 208 September 1, 2013, and annually thereafter, each school district
 209 shall provide its policy related to zero tolerance to the
 210 department to ensure compliance.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/12

Meeting Date

Topic ZERO Tolerance For Crime & Victimization in Schools

Bill Number SB 1886
(if applicable)

Name JIM GARRARD

Amendment Barcode _____
(if applicable)

Job Title _____

Address 924 North Gadsden St.

Phone 850-219-3631

Street

Tallahassee FL 32303

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/12

Meeting Date

Topic Zero Tolerance

Bill Number 1886
(if applicable)

Name Keri Rayborn

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 1565
Street

Phone (850) 524-2394

Tallahassee FL 32302
City State Zip

E-mail Keri@raybornconsultants.com

Speaking: For Against Information

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/12

Meeting Date

Topic Zero tolerance

Bill Number SB 1886
(if applicable)

Name Robert Trammell

Amendment Barcode _____
(if applicable)

Job Title Gen Counsel

Address PO Box 1799

Phone 850510-7197

Tallahassee FL 32302

E-mail TrammellRobert@FtMw.com

Speaking: For Against Information
WHIVE TIME IN STATE SUPPORT

Representing FL Public Defenders

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/12

Meeting Date

Topic zero tolerance

Bill Number SB 1896
(if applicable)

Name David Utter

Amendment Barcode _____
(if applicable)

Job Title Policy & Legislative Director

Address 4770 Biscayne Blvd
Street

Phone 334/296-0727

Miami, FL 33137
City State Zip

E-mail David.utter@SPLCenter.org

Speaking: For Against Information

Representing FL Youth Initiative, SPLC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Zero Tolerance

Bill Number 1886
(if applicable)

Name Mary Marx

Amendment Barcode _____
(if applicable)

Job Title President + CEO

Address 1 W. Adams
Street

Phone (904) 253-6204

Jacksonville, FL 32082
City State Zip

E-mail mary.marx@pacecenter.org

Speaking: For Against Information

Representing PACE Center for Girls

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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



1/30/2012

Meeting Date

Topic (Zero Tolerance)

Bill Number 1886
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For ^{in part} Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 756

INTRODUCER: Senator Wise

SUBJECT: Career Education

DATE: January 23, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	Pre-meeting
2.	_____	_____	CM	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill establishes a career technical high school diploma and specifies academic requirements necessary to attain a career diploma. Under the bill, a parent or guardian must sign a document confirming his or her understanding of the diploma requirements. A student who considers the career diploma option must be advised of postsecondary admissions and state scholarship requirements. For middle school promotion, a student must complete one course in career and education planning that includes career exploration aligned to Florida’s Career Clusters.

The bill also establishes provisions for students with disabilities to earn a career high school diploma. These provisions include, in part, district modification of basic courses, grade forgiveness policies, and additional instructional time.

This bill substantially amends sections 1002.321, 1002.33, 1002.45, 1003.03, 1003.413, 1003.4156, 1003.428, 1003.438, 1003.493, 1003.4935, and 1008.22, and creates section 1003.4287 of the Florida Statutes.

II. Present Situation:

The current standard high school diploma requirement of 24 credits are as follows:¹

Sixteen core curriculum credits:

- Four credits in English, with major concentration in composition, reading for information, and literature.
- 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.² Beginning with students entering grade nine in

¹ s. 1003.428, F.S.

- 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 nine 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.
- Three credits in science, two of which must have a laboratory component. Beginning with students entering grade nine 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.³ Beginning with students entering grade nine 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, as determined by the State Board of Education.
 - Three credits in social studies as follows: one credit in United States history; one credit in world history; one-half credit in economics; and one-half credit in United States government.
 - One credit in fine or performing arts, speech and debate, or a practical arts course.
 - One credit in physical education to include integration of health.⁴
 - Eight credits in electives.

Florida students also have the option to earn a Standard Diploma with FCAT Waiver, a Special Diploma, a Certificate of Completion,⁵ or the high school equivalency diploma.⁶

III. Effect of Proposed Changes:

The bill establishes a career technical high school diploma and specifies academic requirements necessary to attain the diploma. Academic requirements for the career diploma differ from the standard high school diploma. Under the bill, the Algebra II and chemistry or physics courses must be applied courses; however applied Algebra II, chemistry, and physics courses would need to be developed and aligned to each career or technical course of study for which students are enrolled. Although current law establishes

² Beginning with students entering grade nine in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I), F.S., must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade nine in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I), F.S., must be met in order for a student to earn the required credit in geometry.

³ Beginning with students entering grade nine in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II), F.S., must be met in order for a student to earn the required credit in Biology I.

⁴ Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the ninth-grade year. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of two years in a Reserve Officer Training Corps class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan.

⁵ See www.fl DOE.org/ese/pdf/hs_options_ese.pdf.

⁶ See <http://www.fl DOE.org/faq/default.asp?Dept=203&ID=694#Q694>.

that courses required for high school graduation may be earned through applied, integrated, and combined courses, to date, no courses have been approved and included in the Course Code Directory.⁷

Under the bill, a parent or guardian must sign a document confirming his or her understanding of the diploma requirements. Furthermore, a student who considers the career diploma option must be advised of postsecondary admissions and scholarship requirements as the career diploma may compromise a student's ability to earn certain scholarships or meet entrance requirements to a state university.⁸

The bill also establishes provisions for students with disabilities to earn a career high school diploma. These provisions include, in part, district modification of basic courses, grade forgiveness policies, and additional instructional time.

Under the bill, students may earn up to a maximum of seven credits in a career or technical training program. A number of existing Career and Technical Education (CTE) programs are less than seven credits.⁹ If a student were enrolled in a particular CTE program and the program did not have seven credits, it is unclear whether the student would be required to take credits that were not within his or her CTE program to meet the required seven credits.¹⁰ Furthermore, many industry certifications currently being earned by secondary students require more than seven courses. As industry certifications are an important aspect of CTE programs, it would seem that the earning of an applicable industry certification should be a part of a career diploma requirement.

Other Provisions

The bill also establishes that the career and education planning course required by middle grades students include exploration aligned to Florida's Career Clusters. This provision is already included through Florida CHOICES, an information delivery system available at no cost to school districts.¹¹

Also, students who are required to take more than one remedial mathematics or reading course may not have sufficient time within their class schedule to accommodate all academic requirements for attainment of the career diploma.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁷ Based on telephonic communication with DOE, January 19, 2012, approval of integrated, applied, and combined courses will be delayed pending adoption of common core standards in mathematics and science.

⁸ *Florida's Guide to Public High School Graduation*, available at: www.fldoe.org/bii/studentpro/pdf/HSbrochure.pdf

⁹ DOE Agency Bill analysis for House Bill 111 (Similar to SB 756), on file with the Senate Committee on Pre-K – 12 Education.

¹⁰ *Id.*

¹¹ Currently, the DOE middle school career and education planning course competencies include a career research component organized by occupational career clusters that includes identification of career opportunities within each cluster, employment outlook, and education/training requirements. The Career and Education Planning course must include career exploration using CHOICES or a comparable cost-effective program. Florida's free career information delivery system, Florida Choices, is organized by career cluster and students are introduced to careers within clusters based on a personalized interest inventory. See s. 1003.4156 (1)(a)5., F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Section 12 of the bill references passing of the Mathematics FCAT. Due to the introduction of the end-of-course assessment for Algebra I, beginning in the 2011-12 school year, high school students are no longer required to pass the Mathematics FCAT in order to earn a standard high school diploma.

It is unclear how the end-of-course exams will be calculated into a student's grade, as some end-of-course exams will count towards 30 percent of their grade, while others are pass/fail to determine credit for the course.¹²

The career technical high school diploma references "Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course" as a graduation requirement; however, in 2010-2011, the Algebra I or equivalent credit became a requirement, and cannot be substituted by a higher-level mathematics course. The "higher-level mathematics course" referenced as part of the standard diploma requirement is not applicable to any students entering grade 9 in 2012-2013 or later.

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.

¹² DOE agency draft bill analysis, November 24, 2011, on file with the Senate Committee on Pre-K – 12 Education.

B. Amendments:

None.

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



680596

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

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

Senate Amendment (with title amendment)

Delete line 144

and insert:

the career technical high school diploma, the student and the student's parent or

Delete lines 242 - 250

and insert:

1. For each year in which a student scores at Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year which will enable



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13 the student to achieve functional literacy. Placement of Level 1
14 or Level 2 readers in either an intensive reading course or a
15 content area course in which strategies, including intensive
16 reading interventions, are delivered shall be determined by a
17 diagnosis of reading needs, including reading comprehension and
18 fluency. Reading courses shall be designed and offered
19

20 Delete line 281

21 and insert:

22 meet the graduation requirements for a career technical high
23 school diploma, using one
24

25 Delete line 377

26 and insert:

27 (4) (b) waived for the purpose of receiving a career technical
28 high school diploma, if
29

30 Delete lines 685 - 686

31 and insert:

32 and thereby to qualify for a standard diploma or a career
33 technical high school diploma upon graduation.
34

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

36 And the title is amended as follows:

37 Delete lines 10 - 26

38 and insert:

39 the career technical high school diploma track;
40 specifying the credits that must be successfully
41 completed in order to receive a career technical high



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42 school diploma; requiring an intensive reading course
43 or remediation in mathematics for a student who does
44 not meet certain academic standards; requiring at
45 least one course required for high school graduation
46 to be completed through online learning; providing
47 strategies to enable an exceptional student to meet
48 graduation requirements for a career technical high
49 school diploma; requiring district school board
50 standards for graduation and policies to assist
51 students in meeting the requirements; requiring rules
52 for test accommodations and modifications of
53 procedures for students with disabilities; providing
54 for the award of a certificate of completion to a
55 student who is unable to meet certain standards;
56 providing conditions for the waiver of assessment
57 requirements for a career technical high school

By Senator Wise

5-00158C-12

2012756__

1 A bill to be entitled
 2 An act relating to career education; amending s.
 3 1003.4156, F.S.; revising the general requirements for
 4 middle grades promotion to require that a course in
 5 career and education planning explore Florida's Career
 6 Clusters; creating s. 1003.4287, F.S.; providing
 7 requirements for a career technical high school
 8 diploma; requiring a student and the student's parent
 9 or guardian to agree in writing to the requirements of
 10 the career diploma track; specifying the credits that
 11 must be successfully completed in order to receive a
 12 career diploma; requiring an intensive reading course
 13 or remediation in mathematics for a student who does
 14 not meet certain academic standards; requiring at
 15 least one course required for high school graduation
 16 to be completed through online learning; providing
 17 strategies to enable an exceptional student to meet
 18 graduation requirements for a career diploma;
 19 requiring district school board standards for
 20 graduation and policies to assist students in meeting
 21 the requirements; requiring rules for test
 22 accommodations and modifications of procedures for
 23 students with disabilities; providing for the award of
 24 a certificate of completion to a student who is unable
 25 to meet certain standards; providing conditions for
 26 the waiver of assessment requirements for a career
 27 diploma for a student with a disability; providing
 28 that a career technical high school diploma is a
 29 standard high school diploma for purposes of federal

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

5-00158C-12

2012756__

30 and state accountability requirements; authorizing the
 31 State Board of Education to adopt rules; amending ss.
 32 1002.321, 1002.33, 1002.45, 1003.03, 1003.413,
 33 1003.428, 1003.438, 1003.493, 1003.4935, and 1008.22,
 34 F.S.; conforming provisions to changes made by the
 35 act; providing an effective date.
 36

37 WHEREAS, the Legislature finds that the state's public
 38 education system needs to respond to the workforce needs of
 39 employers by aligning career and technical education with
 40 industry standards and workforce demands, and

41 WHEREAS, career and technical education helps students
 42 experience the practical and meaningful application of any
 43 number of skills and offers individuals lifelong opportunities
 44 to learn new skills, and

45 WHEREAS, the Legislature intends to offer students the
 46 option of receiving a career technical high school diploma to
 47 meet the state's workforce demands and allow students the
 48 opportunity to continue their education or career paths, NOW,
 49 THEREFORE,

50
 51 Be It Enacted by the Legislature of the State of Florida:

52
 53 Section 1. Paragraph (a) of subsection (1) of section
 54 1003.4156, Florida Statutes, is amended to read:

55 1003.4156 General requirements for middle grades
 56 promotion.-

57 (1) Promotion from a school composed of middle grades 6, 7,
 58 and 8 requires that:

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

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59 (a) The student must successfully complete academic courses
60 as follows:

- 61 1. Three middle school or higher courses in English. These
62 courses shall emphasize literature, composition, and technical
63 text.
- 64 2. Three middle school or higher courses in mathematics.
65 Each middle school must offer at least one high school level
66 mathematics course for which students may earn high school
67 credit. Successful completion of a high school level Algebra I
68 or geometry course is not contingent upon the student's
69 performance on the end-of-course assessment required under s.
70 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
71 school year, to earn high school credit for an Algebra I course,
72 a middle school student must pass the Algebra I end-of-course
73 assessment, and beginning with the 2012-2013 school year, to
74 earn high school credit for a geometry course, a middle school
75 student must pass the geometry end-of-course assessment.
- 76 3. Three middle school or higher courses in social studies,
77 one semester of which must include the study of state and
78 federal government and civics education. Beginning with students
79 entering grade 6 in the 2012-2013 school year, one of these
80 courses must be at least a one-semester civics education course
81 that a student successfully completes in accordance with s.
82 1008.22(3)(c) and that includes the roles and responsibilities
83 of federal, state, and local governments; the structures and
84 functions of the legislative, executive, and judicial branches
85 of government; and the meaning and significance of historic
86 documents, such as the Articles of Confederation, the
87 Declaration of Independence, and the Constitution of the United

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88 States.

- 89 4. Three middle school or higher courses in science.
90 Successful completion of a high school level Biology I course is
91 not contingent upon the student's performance on the end-of-
92 course assessment required under s. 1008.22(3)(c)2.a.(II).
93 However, beginning with the 2012-2013 school year, to earn high
94 school credit for a Biology I course, a middle school student
95 must pass the Biology I end-of-course assessment.
- 96 5. One course in career and education planning to be
97 completed in 7th or 8th grade. The course may be taught by any
98 member of the instructional staff; must include career
99 exploration aligned to Florida's Career Clusters; must include
100 career exploration using Florida CHOICES or a comparable cost-
101 effective program; must include educational planning using the
102 online student advising system known as Florida Academic
103 Counseling and Tracking for Students at the Internet website
104 FACTS.org; and shall result in the completion of a personalized
105 academic and career plan. The required personalized academic and
106 career plan must inform students of high school graduation
107 requirements, high school assessment and college entrance test
108 requirements, Florida Bright Futures Scholarship Program
109 requirements, state university and Florida College System
110 institution admission requirements, and programs through which a
111 high school student can earn college credit, including Advanced
112 Placement, International Baccalaureate, Advanced International
113 Certificate of Education, dual enrollment, career academy
114 opportunities, and courses that lead to national industry
115 certification.

116

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117 A student with a disability, as defined in s. 1007.02(2), for
 118 whom the individual education plan team determines that an end-
 119 of-course assessment cannot accurately measure the student's
 120 abilities, taking into consideration all allowable
 121 accommodations, shall have the end-of-course assessment results
 122 waived for purposes of determining the student's course grade
 123 and completing the requirements for middle grades promotion.
 124 Each school must hold a parent meeting either in the evening or
 125 on a weekend to inform parents about the course curriculum and
 126 activities. Each student shall complete an electronic personal
 127 education plan that must be signed by the student; the student's
 128 instructor, guidance counselor, or academic advisor; and the
 129 student's parent. The Department of Education shall develop
 130 course frameworks and professional development materials for the
 131 career exploration and education planning course. The course may
 132 be implemented as a stand-alone course or integrated into
 133 another course or courses. The Commissioner of Education shall
 134 collect longitudinal high school course enrollment data by
 135 student ethnicity in order to analyze course-taking patterns.

136 Section 2. Section 1003.4287, Florida Statutes, is created
 137 to read:

138 1003.4287 Requirements for the career technical high school
 139 diploma.—

140 (1) Beginning with students entering grade 9 in the 2012-
 141 2013 school year, a career technical high school diploma shall
 142 be awarded to a student who successfully completes a minimum of
 143 24 credits as required under this section. In order to pursue
 144 the career diploma, the student and the student's parent or
 145 guardian must sign a form confirming that they are aware of the

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146 requirements for the career track and agree to the minimum
 147 standards for successful completion. The school personnel
 148 designated to advise the student or the school principal must
 149 also sign the form to confirm that the school and the school
 150 district are aware of the student's intent to pursue the career
 151 diploma. The form shall be a standard form prescribed by the
 152 Department of Education and used in each school district.
 153 Students must be advised of eligibility requirements for state
 154 scholarship programs and postsecondary admissions.

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

158 (a) Core curriculum credits:

159 1. Four credits in English, with major concentration in
 160 composition, reading for information, and literature.

161 2. Four credits in mathematics, one of which must be
 162 Algebra I, a series of courses equivalent to Algebra I, or a
 163 higher-level mathematics course. In addition to the Algebra I
 164 credit requirement, one of the four credits in mathematics must
 165 be geometry or a series of courses equivalent to geometry as
 166 approved by the State Board of Education. The end-of-course
 167 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be
 168 met in order for a student to earn the required credits in
 169 Algebra I and geometry. In addition to the Algebra I and
 170 geometry credit requirements, one of the four credits in
 171 mathematics must be an applied Algebra II or a series of courses
 172 equivalent to applied Algebra II as approved by the State Board
 173 of Education. The applied Algebra II course shall be aligned
 174 with the career or technical course of study in which the

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 175 student is enrolled. To the extent possible, the applied Algebra
 176 II course must be incorporated into the career or technical
 177 courses in which the student is enrolled.

178 3. Three credits in science, two of which must have a
 179 laboratory component. One of the three credits in science must
 180 be Biology I or a series of courses equivalent to Biology I as
 181 approved by the State Board of Education. The end-of-course
 182 assessment requirements under s. 1008.22(3)(c)2.a.(II) must be
 183 met in order for a student to earn the required credit in
 184 Biology I. Beginning with students entering grade 9 in the 2013-
 185 2014 school year, one of the three credits must be Biology I or
 186 a series of courses equivalent to Biology I as approved by the
 187 State Board of Education, one credit must be applied chemistry
 188 or applied physics or a series of courses equivalent to applied
 189 chemistry or applied physics as approved by the State Board of
 190 Education, and one credit must be an equally rigorous course in
 191 an applied science, as determined by the State Board of
 192 Education. The applied courses shall be aligned with the career
 193 or technical course of study in which the student is enrolled.
 194 To the extent possible, the applied courses must be incorporated
 195 into the career or technical courses in which the student is
 196 enrolled.

197 4. Three credits in social studies as follows: one credit
 198 in United States history; one credit in world history; one-half
 199 credit in economics; and one-half credit in United States
 200 government.

201 5. One-half credit in fine or performing arts, speech and
 202 debate, or a practical arts course that incorporates artistic
 203 content and techniques of creativity, interpretation, and

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 204 imagination. Eligible practical arts courses shall be identified
 205 through the Course Code Directory.

206 6. One credit in physical education to include integration
 207 of health. Participation in an interscholastic sport at the
 208 junior varsity or varsity level for two full seasons shall
 209 satisfy the one-credit requirement in physical education if the
 210 student passes a competency test on personal fitness with a
 211 score of "C" or better. The competency test on personal fitness
 212 must be developed by the Department of Education. A district
 213 school board may not require that the one credit in physical
 214 education be taken during the 9th grade year. Completion of one
 215 semester with a grade of "C" or better in a marching band class,
 216 in a physical activity class that requires participation in
 217 marching band activities as an extracurricular activity, or in a
 218 dance class shall satisfy one-half credit in physical education
 219 or one-half credit in performing arts. This credit may not be
 220 used to satisfy the personal fitness requirement or the
 221 requirement for adaptive physical education under an individual
 222 education plan (IEP) or 504 plan. Completion of 2 years in a
 223 Reserve Officer Training Corps (R.O.T.C.) class, a significant
 224 component of which is drills, shall satisfy the one-credit
 225 requirement in physical education and the one-credit requirement
 226 in performing arts. This credit may not be used to satisfy the
 227 personal fitness requirement or the requirement for adaptive
 228 physical education under an individual education plan (IEP) or
 229 504 plan.

230 (b) Up to a maximum of seven credits in a career or
 231 technical training program leading to the attainment of an
 232 industry certification included on the Industry Certified

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233 Funding List pursuant to rules adopted by the State Board of
 234 Education. The program must be in compliance with ss. 1003.491,
 235 1003.492, and 1003.493 which relate to industry-certified career
 236 education programs. A student must receive at least a "C"
 237 average in each course to earn the required credit.

238 (c) One-half credit in a career preparation or planning
 239 course. A student must receive at least a "C" average to earn
 240 the required credit.

241 (d) One credit in an elective.

242 1. For each year in which a student scores at Level 1 on
 243 FCAT Reading, the student must be enrolled in and complete an
 244 intensive reading course the following year. Placement of Level
 245 2 readers in either an intensive reading course or a content
 246 area course in which reading strategies are delivered shall be
 247 determined by diagnosis of reading needs. The department shall
 248 provide guidance on appropriate strategies for diagnosing and
 249 meeting the varying instructional needs of students reading
 250 below grade level. Reading courses shall be designed and offered
 251 pursuant to the comprehensive reading plan required by s.
 252 1011.62(9). A high school student who scores at Level 1 or Level
 253 2 on FCAT Reading but who did not score below Level 3 in the
 254 previous 3 years may be granted a 1-year exemption from the
 255 reading remediation requirement; however, the student must have
 256 an approved academic improvement plan already in place, signed
 257 by the appropriate school staff and the student's parent, for
 258 the year for which the exemption is granted.

259 2. For each year in which a student scores at Level 1 or
 260 Level 2 on FCAT Mathematics, the student must receive
 261 remediation the following year. These courses may be taught

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262 through applied, integrated, or combined courses and are subject
 263 to approval by the department for inclusion in the Course Code
 264 Directory.

265 (e) Beginning with students entering grade 9 in the 2012-
 266 2013 school year, at least one course within the 24 credits
 267 required in this subsection must be completed through online
 268 learning. However, an online course taken during grades 6
 269 through 8 fulfills this requirement. This requirement shall be
 270 met through an online course offered by the Florida Virtual
 271 School, an online course offered by the high school, or an
 272 online dual enrollment course offered pursuant to a district
 273 interinstitutional articulation agreement pursuant to s.
 274 1007.235. A student who is enrolled in a full-time or part-time
 275 virtual instruction program under s. 1002.45 meets this
 276 requirement.

277 (3) (a) A district school board may require specific courses
 278 and programs of study within the minimum credit requirements for
 279 high school graduation and shall modify basic courses, as
 280 necessary, to assure exceptional students the opportunity to
 281 meet the graduation requirements for a career diploma, using one
 282 of the following strategies:

283 1. Assignment of the exceptional student to an exceptional
 284 education class for instruction in a basic course that has the
 285 same student performance standards as those required of
 286 nonexceptional students in the district school board student
 287 progression plan; or

288 2. Assignment of the exceptional student to a basic
 289 education class for instruction that is modified to accommodate
 290 the student's exceptionality.

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291 (b) The district school board shall determine which of
 292 these strategies to employ based upon an assessment of the
 293 student's needs and shall reflect this decision in the student's
 294 individual education plan.

295 (4) Each district school board shall establish standards
 296 for graduation from its schools, which must include:

297 (a) Successful completion of the academic credit or
 298 curriculum requirements of subsections (1) and (2). For courses
 299 that require statewide, standardized end-of-course assessments
 300 under s. 1008.22(3)(c)2.d., a minimum of 30 percent of a
 301 student's course grade shall be comprised of performance on the
 302 statewide, standardized end-of-course assessment.

303 (b) Earning passing scores on the FCAT, as defined in s.
 304 1008.22(3)(c), or scores on a standardized test which are
 305 concordant with passing scores on the FCAT, as defined in s.
 306 1008.22(10).

307 (c) Completion of all other applicable requirements
 308 prescribed by the district school board pursuant to s. 1008.25.

309 (d) Achievement of a cumulative grade point average of 2.0
 310 on a 4.0 scale, or its equivalent, in the courses required by
 311 this section.

312
 313 Each district school board shall adopt policies designed to
 314 assist students in meeting the requirements of this subsection.
 315 These policies may include, but are not limited to: forgiveness
 316 policies, summer school or before or after school attendance,
 317 special counseling, volunteers or peer tutors, school-sponsored
 318 help sessions, homework hotlines, and study skills classes.
 319 Forgiveness policies for required courses shall be limited to

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320 replacing a grade of "D" or "F," or the equivalent of a grade of
 321 "D" or "F," with a grade of "C" or higher, or the equivalent of
 322 a grade of "C" or higher, earned subsequently in the same or
 323 comparable course. Forgiveness policies for elective courses
 324 shall be limited to replacing a grade of "D" or "F," or the
 325 equivalent of a grade of "D" or "F," with a grade of "C" or
 326 higher, or the equivalent of a grade of "C" or higher, earned
 327 subsequently in another course. The only exception to these
 328 forgiveness policies shall be made for a student in the middle
 329 grades who takes any high school course for high school credit
 330 and earns a grade of "C," "D," or "F" or the equivalent of a
 331 grade of "C," "D," or "F." In such case, the district
 332 forgiveness policy must allow the replacement of the grade with
 333 a grade of "C" or higher, or the equivalent of a grade of "C" or
 334 higher, earned subsequently in the same or comparable course. In
 335 all cases of grade forgiveness, only the new grade shall be used
 336 in the calculation of the student's grade point average. Any
 337 course grade not replaced according to a district school board
 338 forgiveness policy shall be included in the calculation of the
 339 cumulative grade point average required for graduation.

340 (5) The State Board of Education, after a public hearing
 341 and consideration, shall adopt rules based upon the
 342 recommendations of the Commissioner of Education for the
 343 provision of test accommodations and modifications of procedures
 344 as necessary for students with disabilities which will
 345 demonstrate the student's abilities rather than reflect the
 346 student's impaired sensory, manual, speaking, or psychological
 347 process skills.

348 (6) The public hearing and consideration required in

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349 subsection (5) shall not be construed to amend or nullify the
 350 requirements of security relating to the contents of
 351 examinations or assessment instruments and related materials or
 352 data as prescribed in s. 1008.23.

353 (7)(a) A student who meets all requirements prescribed in
 354 subsections (1), (2), (3), and (4) shall be awarded a career
 355 diploma in a form prescribed by the State Board of Education.

356 (b) A student who completes the minimum number of credits
 357 and other requirements prescribed by subsections (1), (2), and
 358 (3), but who is unable to meet the standards of paragraph
 359 (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be awarded
 360 a certificate of completion in a form prescribed by the State
 361 Board of Education. However, any student who is otherwise
 362 entitled to a certificate of completion may elect to remain in
 363 the secondary school either as a full-time student or a part-
 364 time student for up to 1 additional year and receive special
 365 instruction designed to remedy his or her identified
 366 deficiencies.

367 (8)(a) Each district school board must provide instruction
 368 to prepare students with disabilities to demonstrate proficiency
 369 in the core content knowledge and skills necessary for
 370 successful grade-to-grade progression and high school
 371 graduation.

372 (b)1. A student with a disability, as defined in s.
 373 1007.02(2), for whom the individual education plan (IEP)
 374 committee determines that the FCAT cannot accurately measure the
 375 student's abilities, taking into consideration all allowable
 376 accommodations, shall have the FCAT requirement of paragraph
 377 (4)(b) waived for the purpose of receiving a career diploma, if

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378 the student:

379 a. Completes the minimum number of credits and other
 380 requirements prescribed by subsections (1), (2), and (3).

381 b. Does not meet the requirements of paragraph (4)(b) after
 382 one opportunity in 10th grade and one opportunity in 11th grade.

383 2. A student with a disability, as defined in s.
 384 1007.02(2), for whom the IEP committee determines that an end-
 385 of-course assessment cannot accurately measure the student's
 386 abilities, taking into consideration all allowable
 387 accommodations, shall have the end-of-course assessment results
 388 waived for the purpose of determining the student's course grade
 389 and credit as required in paragraph (4)(a).

390 (9) A career technical high school diploma shall be a
 391 standard high school diploma for purposes of federal and state
 392 accountability requirements.

393 (10) The State Board of Education may adopt rules pursuant
 394 to ss. 120.536(1) and 120.54 to implement the provisions of this
 395 section and may enforce the provisions of this section pursuant
 396 to s. 1008.32.

397 Section 3. Subsection (3) of section 1002.321, Florida
 398 Statutes, is amended to read:

399 1002.321 Digital learning.—

400 (3) DIGITAL PREPARATION.—Each student must graduate from
 401 high school having taken at least one online course, as provided
 402 in s. 1003.428 or s. 1003.4287.

403 Section 4. Paragraph (a) of subsection (7) of section
 404 1002.33, Florida Statutes, is amended to read:

405 1002.33 Charter schools.—

406 (7) CHARTER.—The major issues involving the operation of a

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 407 charter school shall be considered in advance and written into
 408 the charter. The charter shall be signed by the governing board
 409 of the charter school and the sponsor, following a public
 410 hearing to ensure community input.

411 (a) The charter shall address and criteria for approval of
 412 the charter shall be based on:

413 1. The school's mission, the students to be served, and the
 414 ages and grades to be included.

415 2. The focus of the curriculum, the instructional methods
 416 to be used, any distinctive instructional techniques to be
 417 employed, and identification and acquisition of appropriate
 418 technologies needed to improve educational and administrative
 419 performance which include a means for promoting safe, ethical,
 420 and appropriate uses of technology which comply with legal and
 421 professional standards.

422 a. The charter shall ensure that reading is a primary focus
 423 of the curriculum and that resources are provided to identify
 424 and provide specialized instruction for students who are reading
 425 below grade level. The curriculum and instructional strategies
 426 for reading must be consistent with the Sunshine State Standards
 427 and grounded in scientifically based reading research.

428 b. In order to provide students with access to diverse
 429 instructional delivery models, to facilitate the integration of
 430 technology within traditional classroom instruction, and to
 431 provide students with the skills they need to compete in the
 432 21st century economy, the Legislature encourages instructional
 433 methods for blended learning courses consisting of both
 434 traditional classroom and online instructional techniques.
 435 Charter schools may implement blended learning courses which

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 436 combine traditional classroom instruction and virtual
 437 instruction. Students in a blended learning course must be full-
 438 time students of the charter school and receive the online
 439 instruction in a classroom setting at the charter school.
 440 Instructional personnel certified pursuant to s. 1012.55 who
 441 provide virtual instruction for blended learning courses may be
 442 employees of the charter school or may be under contract to
 443 provide instructional services to charter school students. At a
 444 minimum, such instructional personnel must hold an active state
 445 or school district adjunct certification under s. 1012.57 for
 446 the subject area of the blended learning course. The funding and
 447 performance accountability requirements for blended learning
 448 courses are the same as those for traditional courses.

449 3. The current incoming baseline standard of student
 450 academic achievement, the outcomes to be achieved, and the
 451 method of measurement that will be used. The criteria listed in
 452 this subparagraph shall include a detailed description of:

453 a. How the baseline student academic achievement levels and
 454 prior rates of academic progress will be established.

455 b. How these baseline rates will be compared to rates of
 456 academic progress achieved by these same students while
 457 attending the charter school.

458 c. To the extent possible, how these rates of progress will
 459 be evaluated and compared with rates of progress of other
 460 closely comparable student populations.

461
 462 The district school board is required to provide academic
 463 student performance data to charter schools for each of their
 464 students coming from the district school system, as well as

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465 rates of academic progress of comparable student populations in
466 the district school system.

467 4. The methods used to identify the educational strengths
468 and needs of students and how well educational goals and
469 performance standards are met by students attending the charter
470 school. The methods shall provide a means for the charter school
471 to ensure accountability to its constituents by analyzing
472 student performance data and by evaluating the effectiveness and
473 efficiency of its major educational programs. Students in
474 charter schools shall, at a minimum, participate in the
475 statewide assessment program created under s. 1008.22.

476 5. In secondary charter schools, a method for determining
477 that a student has satisfied the requirements for graduation in
478 s. 1003.428, s. 1003.4287, s. 1003.429, or s. 1003.43.

479 6. A method for resolving conflicts between the governing
480 board of the charter school and the sponsor.

481 7. The admissions procedures and dismissal procedures,
482 including the school's code of student conduct.

483 8. The ways by which the school will achieve a
484 racial/ethnic balance reflective of the community it serves or
485 within the racial/ethnic range of other public schools in the
486 same school district.

487 9. The financial and administrative management of the
488 school, including a reasonable demonstration of the professional
489 experience or competence of those individuals or organizations
490 applying to operate the charter school or those hired or
491 retained to perform such professional services and the
492 description of clearly delineated responsibilities and the
493 policies and practices needed to effectively manage the charter

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494 school. A description of internal audit procedures and
495 establishment of controls to ensure that financial resources are
496 properly managed must be included. Both public sector and
497 private sector professional experience shall be equally valid in
498 such a consideration.

499 10. The asset and liability projections required in the
500 application which are incorporated into the charter and shall be
501 compared with information provided in the annual report of the
502 charter school.

503 11. A description of procedures that identify various risks
504 and provide for a comprehensive approach to reduce the impact of
505 losses; plans to ensure the safety and security of students and
506 staff; plans to identify, minimize, and protect others from
507 violent or disruptive student behavior; and the manner in which
508 the school will be insured, including whether or not the school
509 will be required to have liability insurance, and, if so, the
510 terms and conditions thereof and the amounts of coverage.

511 12. The term of the charter which shall provide for
512 cancellation of the charter if insufficient progress has been
513 made in attaining the student achievement objectives of the
514 charter and if it is not likely that such objectives can be
515 achieved before expiration of the charter. The initial term of a
516 charter shall be for 4 or 5 years. In order to facilitate access
517 to long-term financial resources for charter school
518 construction, charter schools that are operated by a
519 municipality or other public entity as provided by law are
520 eligible for up to a 15-year charter, subject to approval by the
521 district school board. A charter lab school is eligible for a
522 charter for a term of up to 15 years. In addition, to facilitate

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 523 access to long-term financial resources for charter school
 524 construction, charter schools that are operated by a private,
 525 not-for-profit, s. 501(c)(3) status corporation are eligible for
 526 up to a 15-year charter, subject to approval by the district
 527 school board. Such long-term charters remain subject to annual
 528 review and may be terminated during the term of the charter, but
 529 only according to the provisions set forth in subsection (8).

530 13. The facilities to be used and their location.

531 14. The qualifications to be required of the teachers and
 532 the potential strategies used to recruit, hire, train, and
 533 retain qualified staff to achieve best value.

534 15. The governance structure of the school, including the
 535 status of the charter school as a public or private employer as
 536 required in paragraph (12)(i).

537 16. A timetable for implementing the charter which
 538 addresses the implementation of each element thereof and the
 539 date by which the charter shall be awarded in order to meet this
 540 timetable.

541 17. In the case of an existing public school that is being
 542 converted to charter status, alternative arrangements for
 543 current students who choose not to attend the charter school and
 544 for current teachers who choose not to teach in the charter
 545 school after conversion in accordance with the existing
 546 collective bargaining agreement or district school board rule in
 547 the absence of a collective bargaining agreement. However,
 548 alternative arrangements shall not be required for current
 549 teachers who choose not to teach in a charter lab school, except
 550 as authorized by the employment policies of the state university
 551 which grants the charter to the lab school.

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 552 18. Full disclosure of the identity of all relatives
 553 employed by the charter school who are related to the charter
 554 school owner, president, chairperson of the governing board of
 555 directors, superintendent, governing board member, principal,
 556 assistant principal, or any other person employed by the charter
 557 school who has equivalent decisionmaking authority. For the
 558 purpose of this subparagraph, the term "relative" means father,
 559 mother, son, daughter, brother, sister, uncle, aunt, first
 560 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 561 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 562 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 563 stepsister, half brother, or half sister.

564 19. Implementation of the activities authorized under s.
 565 1002.331 by the charter school when it satisfies the eligibility
 566 requirements for a high-performing charter school. A high-
 567 performing charter school shall notify its sponsor in writing by
 568 March 1 if it intends to increase enrollment or expand grade
 569 levels the following school year. The written notice shall
 570 specify the amount of the enrollment increase and the grade
 571 levels that will be added, as applicable.

572 Section 5. Paragraph (b) of subsection (4) of section
 573 1002.45, Florida Statutes, is amended to read:

574 1002.45 Virtual instruction programs.—

575 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
 576 provider must at minimum:

577 (b) Provide a method for determining that a student has
 578 satisfied the requirements for graduation in s. 1003.428, s.
 579 1003.4287, s. 1003.429, or s. 1003.43 if the contract is for the
 580 provision of a full-time virtual instruction program to students

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581 in grades 9 through 12.

582 Section 6. Subsection (6) of section 1003.03, Florida
583 Statutes, is amended to read:

584 1003.03 Maximum class size.—

585 (6) COURSES FOR COMPLIANCE.—Consistent with the provisions
586 in ss. 1003.01(14), ~~and~~ 1003.428, and 1003.4287, the Department
587 of Education shall identify from the Course Code Directory the
588 core-curricula courses for the purpose of satisfying the maximum
589 class size requirement in this section. The department may adopt
590 rules to implement this subsection, if necessary.

591 Section 7. Subsection (3) of section 1003.413, Florida
592 Statutes, is amended to read:

593 1003.413 Florida Secondary School Redesign Act.—

594 (3) Based on these guiding principles, district school
595 boards shall establish policies to implement the requirements of
596 ss. 1003.4156, 1003.428, 1003.4287, and 1003.493. The policies
597 must address:

598 (a) Procedures for placing and promoting students who enter
599 a Florida public school at grade 6 through grade 12 from out of
600 state or from a foreign country, including a review of the
601 student's prior academic performance.

602 (b) Alternative methods for students to demonstrate
603 competency in required courses and credits, with special support
604 for students who have been retained.

605 (c) Applied, integrated, and combined courses that provide
606 flexibility for students to enroll in courses that are creative
607 and meet individual learning styles and student needs.

608 (d) Credit recovery courses and intensive reading and
609 mathematics intervention courses based on student performance on

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610 FCAT Reading and Mathematics. These courses should be competency
611 based and offered through innovative delivery systems, including
612 computer-assisted instruction. School districts should use
613 learning gains as well as other appropriate data and provide
614 incentives to identify and reward high-performing teachers who
615 teach credit recovery and intensive intervention courses.

616 (e) Grade forgiveness policies that replace a grade of "D"
617 or "F" with a grade of "C" or higher earned subsequently in the
618 same or a comparable course.

619 (f) Summer academies for students to receive intensive
620 reading and mathematics intervention courses or competency-based
621 credit recovery courses. A student's participation in an
622 instructional or remediation program prior to or immediately
623 following entering grade 9 for the first time shall not affect
624 that student's classification as a first-time 9th grader for
625 reporting purposes.

626 (g) Strategies to support teachers' pursuit of the reading
627 endorsement and emphasize reading instruction professional
628 development for content area teachers.

629 (h) Creative and flexible scheduling designed to meet
630 student needs.

631 (i) An annual review of each high school student's
632 electronic personal education plan created pursuant to s.
633 1003.4156 and procedures for high school students who have not
634 prepared an electronic personal education plan pursuant to s.
635 1003.4156 to prepare such plan.

636 (j) Tools for parents to regularly monitor student progress
637 and communicate with teachers.

638 (k) Additional course requirements for promotion and

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 639 graduation which may be determined by each school district in
 640 the student progression plan and may include additional
 641 academic, fine and performing arts, physical education, or
 642 career and technical education courses in order to provide a
 643 complete education program pursuant to s. 1001.41(3).

644 Section 8. Subsection (1) of section 1003.428, Florida
 645 Statutes, is amended to read:

646 1003.428 General requirements for high school graduation;
 647 revised.—

648 (1) Except as otherwise authorized pursuant to s. 1003.4287
 649 or s. 1003.429, beginning with students entering grade 9 in the
 650 2007-2008 school year, graduation requires the successful
 651 completion of a minimum of 24 credits, an International
 652 Baccalaureate curriculum, or an Advanced International
 653 Certificate of Education curriculum. Students must be advised of
 654 eligibility requirements for state scholarship programs and
 655 postsecondary admissions.

656 Section 9. Section 1003.438, Florida Statutes, is amended
 657 to read:

658 1003.438 Special high school graduation requirements for
 659 certain exceptional students.—A student who has been identified,
 660 in accordance with rules established by the State Board of
 661 Education, as a student with disabilities who has an
 662 intellectual disability; an autism spectrum disorder; a language
 663 impairment; an orthopedic impairment; an other health
 664 impairment; a traumatic brain injury; an emotional or behavioral
 665 disability; a specific learning disability, including, but not
 666 limited to, dyslexia, dyscalculia, or developmental aphasia; or
 667 students who are deaf or hard of hearing or dual sensory

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 668 impaired shall not be required to meet all requirements of s.
 669 1003.43, ~~or~~ s. 1003.428, or s. 1003.4287 and shall, upon meeting
 670 all applicable requirements prescribed by the district school
 671 board pursuant to s. 1008.25, be awarded a special diploma in a
 672 form prescribed by the commissioner; however, such special
 673 graduation requirements prescribed by the district school board
 674 must include minimum graduation requirements as prescribed by
 675 the commissioner. Any such student who meets all special
 676 requirements of the district school board, but is unable to meet
 677 the appropriate special state minimum requirements, shall be
 678 awarded a special certificate of completion in a form prescribed
 679 by the commissioner. However, this section does not limit or
 680 restrict the right of an exceptional student solely to a special
 681 diploma or special certificate of completion. Any such student
 682 shall, upon proper request, be afforded the opportunity to fully
 683 meet all requirements of s. 1003.43, ~~or~~ s. 1003.428, or s.
 684 1003.4287 through the standard procedures established therein
 685 and thereby to qualify for a standard diploma or a career
 686 diploma upon graduation.

687 Section 10. Paragraph (g) of subsection (4) of section
 688 1003.493, Florida Statutes, is amended to read:

689 1003.493 Career and professional academies.—

690 (4) Each career and professional academy must:

691 (g) Deliver academic content through instruction relevant
 692 to the career, including intensive reading and mathematics
 693 intervention required by s. 1003.428 or s. 1003.4287, with an
 694 emphasis on strengthening reading for information skills.

695 Section 11. Subsection (2) of section 1003.4935, Florida
 696 Statutes, is amended to read:

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697 1003.4935 Middle school career and professional academy
698 courses.—

699 (2) Each middle school career and professional academy must
700 be aligned with at least one high school career and professional
701 academy offered in the district and maintain partnerships with
702 local business and industry and economic development boards.
703 Middle school career and professional academies must:

704 (a) Provide instruction in courses leading to careers in
705 occupations designated as high growth, high demand, and high pay
706 in the Industry Certification Funding List approved under rules
707 adopted by the State Board of Education;

708 (b) Offer career and professional academy courses that
709 integrate content from core subject areas;

710 (c) Offer courses that integrate career and professional
711 academy content with intensive reading and mathematics pursuant
712 to s. 1003.428 or s. 1003.4287;

713 (d) Coordinate with high schools to maximize opportunities
714 for middle school career and professional academy students to
715 earn high school credit;

716 (e) Provide access to virtual instruction courses provided
717 by virtual education providers legislatively authorized to
718 provide part-time instruction to middle school students. The
719 virtual instruction courses must be aligned to state curriculum
720 standards for middle school career and professional academy
721 students, with priority given to students who have required
722 course deficits;

723 (f) Provide instruction from highly skilled professionals
724 who hold industry certificates in the career area in which they
725 teach;

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726 (g) Offer externships; and

727 (h) Provide personalized student advisement that includes a
728 parent-participation component.

729 Section 12. Paragraph (c) of subsection (3) and paragraphs
730 (b) and (c) of subsection (9) of section 1008.22, Florida
731 Statutes, are amended to read:

732 1008.22 Student assessment program for public schools.—

733 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
734 design and implement a statewide program of educational
735 assessment that provides information for the improvement of the
736 operation and management of the public schools, including
737 schools operating for the purpose of providing educational
738 services to youth in Department of Juvenile Justice programs.
739 The commissioner may enter into contracts for the continued
740 administration of the assessment, testing, and evaluation
741 programs authorized and funded by the Legislature. Contracts may
742 be initiated in 1 fiscal year and continue into the next and may
743 be paid from the appropriations of either or both fiscal years.
744 The commissioner is authorized to negotiate for the sale or
745 lease of tests, scoring protocols, test scoring services, and
746 related materials developed pursuant to law. Pursuant to the
747 statewide assessment program, the commissioner shall:

748 (c) Develop and implement a student achievement testing
749 program as follows:

750 1. The Florida Comprehensive Assessment Test (FCAT)
751 measures a student's content knowledge and skills in reading,
752 writing, science, and mathematics. The content knowledge and
753 skills assessed by the FCAT must be aligned to the core
754 curricular content established in the Next Generation Sunshine

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 755 State Standards. Other content areas may be included as directed
 756 by the commissioner. Comprehensive assessments of reading and
 757 mathematics shall be administered annually in grades 3 through
 758 10 except, beginning with the 2010-2011 school year, the
 759 administration of grade 9 FCAT Mathematics shall be
 760 discontinued, and beginning with the 2011-2012 school year, the
 761 administration of grade 10 FCAT Mathematics shall be
 762 discontinued, except as required for students who have not
 763 attained minimum performance expectations for graduation as
 764 provided in paragraph (9)(c). FCAT Writing and FCAT Science
 765 shall be administered at least once at the elementary, middle,
 766 and high school levels except, beginning with the 2011-2012
 767 school year, the administration of FCAT Science at the high
 768 school level shall be discontinued.

769 2.a. End-of-course assessments for a subject shall be
 770 administered in addition to the comprehensive assessments
 771 required under subparagraph 1. End-of-course assessments must be
 772 rigorous, statewide, standardized, and developed or approved by
 773 the department. The content knowledge and skills assessed by
 774 end-of-course assessments must be aligned to the core curricular
 775 content established in the Next Generation Sunshine State
 776 Standards.

777 (I) Statewide, standardized end-of-course assessments in
 778 mathematics shall be administered according to this sub-sub-
 779 subparagraph. Beginning with the 2010-2011 school year, all
 780 students enrolled in Algebra I or an equivalent course must take
 781 the Algebra I end-of-course assessment. For students entering
 782 grade 9 during the 2010-2011 school year and who are enrolled in
 783 Algebra I or an equivalent, each student's performance on the

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 784 end-of-course assessment in Algebra I shall constitute 30
 785 percent of the student's final course grade. Beginning with
 786 students entering grade 9 in the 2011-2012 school year, a
 787 student who is enrolled in Algebra I or an equivalent must earn
 788 a passing score on the end-of-course assessment in Algebra I or
 789 attain an equivalent score as described in subsection (11) in
 790 order to earn course credit. Beginning with the 2011-2012 school
 791 year, all students enrolled in geometry or an equivalent course
 792 must take the geometry end-of-course assessment. For students
 793 entering grade 9 during the 2011-2012 school year, each
 794 student's performance on the end-of-course assessment in
 795 geometry shall constitute 30 percent of the student's final
 796 course grade. Beginning with students entering grade 9 during
 797 the 2012-2013 school year, a student must earn a passing score
 798 on the end-of-course assessment in geometry or attain an
 799 equivalent score as described in subsection (11) in order to
 800 earn course credit.

801 (II) Statewide, standardized end-of-course assessments in
 802 science shall be administered according to this sub-sub-
 803 subparagraph. Beginning with the 2011-2012 school year, all
 804 students enrolled in Biology I or an equivalent course must take
 805 the Biology I end-of-course assessment. For the 2011-2012 school
 806 year, each student's performance on the end-of-course assessment
 807 in Biology I shall constitute 30 percent of the student's final
 808 course grade. Beginning with students entering grade 9 during
 809 the 2012-2013 school year, a student must earn a passing score
 810 on the end-of-course assessment in Biology I in order to earn
 811 course credit.

812 b. During the 2012-2013 school year, an end-of-course

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 813 assessment in civics education shall be administered as a field
 814 test at the middle school level. During the 2013-2014 school
 815 year, each student's performance on the statewide, standardized
 816 end-of-course assessment in civics education shall constitute 30
 817 percent of the student's final course grade. Beginning with the
 818 2014-2015 school year, a student must earn a passing score on
 819 the end-of-course assessment in civics education in order to
 820 pass the course and be promoted from the middle grades. The
 821 school principal of a middle school shall determine, in
 822 accordance with State Board of Education rule, whether a student
 823 who transfers to the middle school and who has successfully
 824 completed a civics education course at the student's previous
 825 school must take an end-of-course assessment in civics
 826 education.

827 c. The commissioner may select one or more nationally
 828 developed comprehensive examinations, which may include, but
 829 need not be limited to, examinations for a College Board
 830 Advanced Placement course, International Baccalaureate course,
 831 or Advanced International Certificate of Education course, or
 832 industry-approved examinations to earn national industry
 833 certifications identified in the Industry Certification Funding
 834 List, pursuant to rules adopted by the State Board of Education,
 835 for use as end-of-course assessments under this paragraph, if
 836 the commissioner determines that the content knowledge and
 837 skills assessed by the examinations meet or exceed the grade
 838 level expectations for the core curricular content established
 839 for the course in the Next Generation Sunshine State Standards.
 840 The commissioner may collaborate with the American Diploma
 841 Project in the adoption or development of rigorous end-of-course

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 842 assessments that are aligned to the Next Generation Sunshine
 843 State Standards.

844 d. Contingent upon funding provided in the General
 845 Appropriations Act, including the appropriation of funds
 846 received through federal grants, the Commissioner of Education
 847 shall establish an implementation schedule for the development
 848 and administration of additional statewide, standardized end-of-
 849 course assessments in English/Language Arts II, Algebra II,
 850 chemistry, physics, earth/space science, United States history,
 851 and world history. Priority shall be given to the development of
 852 end-of-course assessments in English/Language Arts II. The
 853 Commissioner of Education shall evaluate the feasibility and
 854 effect of transitioning from the grade 9 and grade 10 FCAT
 855 Reading and high school level FCAT Writing to an end-of-course
 856 assessment in English/Language Arts II. The commissioner shall
 857 report the results of the evaluation to the President of the
 858 Senate and the Speaker of the House of Representatives no later
 859 than July 1, 2011.

860 3. The testing program shall measure student content
 861 knowledge and skills adopted by the State Board of Education as
 862 specified in paragraph (a) and measure and report student
 863 performance levels of all students assessed in reading, writing,
 864 mathematics, and science. The commissioner shall provide for the
 865 tests to be developed or obtained, as appropriate, through
 866 contracts and project agreements with private vendors, public
 867 vendors, public agencies, postsecondary educational
 868 institutions, or school districts. The commissioner shall obtain
 869 input with respect to the design and implementation of the
 870 testing program from state educators, assistive technology

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871 experts, and the public.

872 4. The testing program shall be composed of criterion-
873 referenced tests that shall, to the extent determined by the
874 commissioner, include test items that require the student to
875 produce information or perform tasks in such a way that the core
876 content knowledge and skills he or she uses can be measured.

877 5. FCAT Reading, Mathematics, and Science and all
878 statewide, standardized end-of-course assessments shall measure
879 the content knowledge and skills a student has attained on the
880 assessment by the use of scaled scores and achievement levels.
881 Achievement levels shall range from 1 through 5, with level 1
882 being the lowest achievement level, level 5 being the highest
883 achievement level, and level 3 indicating satisfactory
884 performance on an assessment. For purposes of FCAT Writing,
885 student achievement shall be scored using a scale of 1 through 6
886 and the score earned shall be used in calculating school grades.
887 A score shall be designated for each subject area tested, below
888 which score a student's performance is deemed inadequate. The
889 school districts shall provide appropriate remedial instruction
890 to students who score below these levels.

891 6. The State Board of Education shall, by rule, designate a
892 passing score for each part of the grade 10 assessment test and
893 end-of-course assessments. Any rule that has the effect of
894 raising the required passing scores may apply only to students
895 taking the assessment for the first time after the rule is
896 adopted by the State Board of Education. Except as otherwise
897 provided in this subparagraph and as provided in s.
898 1003.428(8)(b), s. 1003.4287(8)(b), or s. 1003.43(11)(b),
899 students must earn a passing score on grade 10 FCAT Reading and

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900 grade 10 FCAT Mathematics or attain concordant scores as
901 described in subsection (10) in order to qualify for a standard
902 or career technical high school diploma.

903 7. In addition to designating a passing score under
904 subparagraph 6., the State Board of Education shall also
905 designate, by rule, a score for each statewide, standardized
906 end-of-course assessment which indicates that a student is high
907 achieving and has the potential to meet college-readiness
908 standards by the time the student graduates from high school.

909 8. Participation in the testing program is mandatory for
910 all students attending public school, including students served
911 in Department of Juvenile Justice programs, except as otherwise
912 prescribed by the commissioner. A student who has not earned
913 passing scores on the grade 10 FCAT as provided in subparagraph
914 6. must participate in each retake of the assessment until the
915 student earns passing scores or achieves scores on a
916 standardized assessment which are concordant with passing scores
917 pursuant to subsection (10). If a student does not participate
918 in the statewide assessment, the district must notify the
919 student's parent and provide the parent with information
920 regarding the implications of such nonparticipation. A parent
921 must provide signed consent for a student to receive classroom
922 instructional accommodations that would not be available or
923 permitted on the statewide assessments and must acknowledge in
924 writing that he or she understands the implications of such
925 instructional accommodations. The State Board of Education shall
926 adopt rules, based upon recommendations of the commissioner, for
927 the provision of test accommodations for students in exceptional
928 education programs and for students who have limited English

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929 proficiency. Accommodations that negate the validity of a
 930 statewide assessment are not allowable in the administration of
 931 the FCAT or an end-of-course assessment. However, instructional
 932 accommodations are allowable in the classroom if included in a
 933 student's individual education plan. Students using
 934 instructional accommodations in the classroom that are not
 935 allowable as accommodations on the FCAT or an end-of-course
 936 assessment may have the FCAT or an end-of-course assessment
 937 requirement waived pursuant to the requirements of s.
 938 1003.428(8)(b), s. 1003.4287(8)(b), or s. 1003.43(11)(b).
 939 9. A student seeking an adult high school diploma must meet
 940 the same testing requirements that a regular high school student
 941 must meet.
 942 10. District school boards must provide instruction to
 943 prepare students in the core curricular content established in
 944 the Next Generation Sunshine State Standards adopted under s.
 945 1003.41, including the core content knowledge and skills
 946 necessary for successful grade-to-grade progression and high
 947 school graduation. If a student is provided with instructional
 948 accommodations in the classroom that are not allowable as
 949 accommodations in the statewide assessment program, as described
 950 in the test manuals, the district must inform the parent in
 951 writing and must provide the parent with information regarding
 952 the impact on the student's ability to meet expected performance
 953 levels in reading, writing, mathematics, and science. The
 954 commissioner shall conduct studies as necessary to verify that
 955 the required core curricular content is part of the district
 956 instructional programs.
 957 11. District school boards must provide opportunities for

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958 students to demonstrate an acceptable performance level on an
 959 alternative standardized assessment approved by the State Board
 960 of Education following enrollment in summer academies.
 961 12. The Department of Education must develop, or select,
 962 and implement a common battery of assessment tools that will be
 963 used in all juvenile justice programs in the state. These tools
 964 must accurately measure the core curricular content established
 965 in the Next Generation Sunshine State Standards.
 966 13. For students seeking a special diploma pursuant to s.
 967 1003.438, the Department of Education must develop or select and
 968 implement an alternate assessment tool that accurately measures
 969 the core curricular content established in the Next Generation
 970 Sunshine State Standards for students with disabilities under s.
 971 1003.438.
 972 14. The Commissioner of Education shall establish schedules
 973 for the administration of statewide assessments and the
 974 reporting of student test results. When establishing the
 975 schedules for the administration of statewide assessments, the
 976 commissioner shall consider the observance of religious and
 977 school holidays. The commissioner shall, by August 1 of each
 978 year, notify each school district in writing and publish on the
 979 department's Internet website the testing and reporting
 980 schedules for, at a minimum, the school year following the
 981 upcoming school year. The testing and reporting schedules shall
 982 require that:
 983 a. There is the latest possible administration of statewide
 984 assessments and the earliest possible reporting to the school
 985 districts of student test results which is feasible within
 986 available technology and specific appropriations; however, test

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987 results for the FCAT must be made available no later than the
988 week of June 8. Student results for end-of-course assessments
989 must be provided no later than 1 week after the school district
990 completes testing for each course. The commissioner may extend
991 the reporting schedule under exigent circumstances.

992 b. FCAT Writing may not be administered earlier than the
993 week of March 1, and a comprehensive statewide assessment of any
994 other subject may not be administered earlier than the week of
995 April 15.

996 c. A statewide, standardized end-of-course assessment is
997 administered at the end of the course. The commissioner shall
998 select an administration period for assessments that meets the
999 intent of end-of-course assessments and provides student results
1000 prior to the end of the course. School districts shall
1001 administer tests in accordance with the schedule determined by
1002 the commissioner. For an end-of-course assessment administered
1003 at the end of the first semester, the commissioner shall
1004 determine the most appropriate testing dates based on a review
1005 of each school district's academic calendar.

1006
1007 The commissioner may, based on collaboration and input from
1008 school districts, design and implement student testing programs,
1009 for any grade level and subject area, necessary to effectively
1010 monitor educational achievement in the state, including the
1011 measurement of educational achievement of the Next Generation
1012 Sunshine State Standards for students with disabilities.
1013 Development and refinement of assessments shall include
1014 universal design principles and accessibility standards that
1015 will prevent any unintended obstacles for students with

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1016 disabilities while ensuring the validity and reliability of the
1017 test. These principles should be applicable to all technology
1018 platforms and assistive devices available for the assessments.
1019 The field testing process and psychometric analyses for the
1020 statewide assessment program must include an appropriate
1021 percentage of students with disabilities and an evaluation or
1022 determination of the effect of test items on such students.

1023 (9) APPLICABILITY OF TESTING STANDARDS.—

1024 (b) A student must attain the passing scores on the
1025 statewide assessment required for a standard or career technical
1026 high school diploma or for high school course credits under sub-
1027 sub-subparagraphs (3)(c)2.a.(I) and (II) which are in effect at
1028 the time the student enters grade 9. If a student transfers into
1029 a high school, the school principal shall determine, in
1030 accordance with State Board of Education rule, whether the
1031 student must take an end-of-course assessment in a course for
1032 which the student has credit that was earned from the previous
1033 school.

1034 (c) If the commissioner revises a statewide assessment and
1035 the revisions require the State Board of Education to modify the
1036 passing scores required for a standard or career technical high
1037 school diploma or for high school course credits under sub-sub-
1038 subparagraphs (3)(c)2.a.(I) and (II), the commissioner may, with
1039 approval of the state board, discontinue administration of the
1040 former assessment upon the graduation, based on normal student
1041 progression, of students participating in the final regular
1042 administration of the former assessment. The state board shall
1043 adopt by rule passing scores for the revised assessment which
1044 are statistically equivalent to passing scores on the

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1045 discontinued assessment for a student required under paragraph
1046 (b) to attain passing scores on the discontinued assessment.
1047 Section 13. This act shall take effect July 1, 2013.

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 Education Pre-K - 12 Committee

BILL: SB 1704

INTRODUCER: Senator Wise

SUBJECT: High School Athletics

DATE: January 24, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

This bill creates the Sunshine Independent Athletic Association (SIAA) as the governing nonprofit organization of athletics in private schools, replacing the Florida High School Athletic Association's (FHSAA) role in this capacity. Therefore, two parallel associations would operate in the area of interscholastic and intrascholastic governance.

A governing structure is provided for the SIAA through a board of governors. An appeals commission is provided, to be appointed by the Governor and Legislature, with the Commissioner of Education to serve as a nonvoting member. This bill addresses a quorum, staggered terms and selection of officers.

This bill requires specific bylaws which would regulate investigators and investigations.

Although this bill specifies SIAA membership is voluntary, if a private school does not apply, and gain admission to the SIAA, it will be precluded from interscholastic and intrascholastic sports participation.

The FHSAA is prohibited from denying competition between the FHSAA's and the SIAA's member schools, and from acting in a retributory manner in this regard. Both associations would be required to facilitate annual state competitions for each sport and level of competition that their schools offer.

Fines collected by either association are to be deposited into the Educational Enhancement Trust Fund.

Through required bylaws, students transferring from public to private schools would not be subject to a waiting period regarding sports participation, provided that full tuition is paid.

This bill substantially amends sections 1006.15 and 1006.20 of the Florida Statutes.

II. Present Situation:

The FHSAA is designated in law as the governing nonprofit organization of athletics in public schools.¹ The FHSAA also has, as its members, qualifying private schools.² FHSAA bylaws constitute the rules by which member schools and students are governed in high school athletic programs, which covers grades 6 through 12.³ Included in the organization's bylaws are eligibility requirements for member schools and their participants.⁴

Section 1006.15, F.S., imposes general eligibility requirements for participating students, based on academic thresholds and satisfactory conduct, and also addresses participation by private, charter, and home education students.

The FHSAA is organized by a 16-person board of directors, as follows:

- Four public school representatives, one elected by public school members within each of the four administrative regions;
- Four nonpublic school representatives, one elected by nonpublic school members within each of the four administrative regions;
- Three representatives appointed by the Commissioner of Education, including one from the two northernmost administrative regions and one from the two southernmost administrative regions;
- Two district school superintendents, one elected from the two northernmost administrative regions by the members of those regions and one from the two southernmost administrative regions elected by members of those regions;
- Two district school board members, one from the two northernmost administrative regions elected by the members of those regions and one from the two southernmost administrative regions elected by members of those regions; and
- The commissioner or designee from the Department of Education executive staff.

Diversity in representation is to be considered in the selective process.

A quorum of the board of directors is considered to be nine members. A president and vice president are elected by the board. Staggered terms are provided.⁵

Florida law provides for the creation of a Representative Assembly within the FHSAA, which constitutes the legislative, or lawmaking authority of the organization. The purpose of the

¹ s. 1006.20(1), F.S.

² *Id.*

³ *Id.*

⁴ s. 1006.20(2)(a), F.S.

⁵ s. 1006.20(4), F.S.

representative assembly is to consider and vote, by two-thirds majority, changes to bylaws on an annual basis.⁶

Bylaws must require member schools to adopt rules for sports which have been established by a nationally recognized sanctioning body, unless waived by the board of directors through a minimum two-thirds vote.⁷

Regarding appeals, the initial appeal is to be made to a committee on appeals, whose organization is to be established through bylaw. The initial appeal is to be made within the student's home administrative region.

The FHSAA indicates on its website that it was established in 1920 by a group of students at the University of Florida.⁸ The Florida Legislature placed the FHSAA in law in 1997.⁹ FHSAA has grown in member schools to almost 800 schools today. The FHSAA's Representative Assembly is now composed of more than 60 members, which include member school representatives, district school superintendents, and district school board members.¹⁰

Membership dues range from \$220 to \$1100 annually, contingent upon size and type of school, whether the school is a first-year member and the grades served by the school.¹¹

III. Effect of Proposed Changes:

The SIAA is established as the governing nonprofit organization of athletics in private schools, as the parallel association to the FHSAA, which would then only have as its members public schools. Creation of the SIAA would replace the need for private schools to become members of the FHSAA for the purpose of sports participation with public schools.

This bill would require bylaws which authorize students transferring from a public school to a private school during the school year to participate in sports offered by the private school if the student pays full tuition. This transfer is subject to school district approval.

This bill requires both organizations to adopt bylaws that regulate investigators, addressing such issues as requiring background checks and carrying of photo identification, times for interviews and the scope of searches. An attorney may be present during questioning.

Both organizations are also required to adopt bylaws allowing coaches of member schools to provide coaching or volunteer services outside of the school.

The bill prohibits the FHSAA from denying interscholastic competition between its members and SIAA members and from acting in a retributory or discriminatory capacity against its

⁶ s. 1006.20(5), F.S.

⁷ s. 1006.20(9), F.S.

⁸ www.fhsaa.org; Last checked January 27, 2012.

⁹ ch. 97-53, L.O.F.

¹⁰ See: <http://www.fhsaa.org/about>; Last checked January 25, 2012.

¹¹ <http://www.fhsaa.org/departments/membership>; Last checked January 25, 2012.

members who compete with SIAA members. It is unclear what is meant by the terms “retributory” and “discriminatory.”

The two associations are required to conduct annual state interscholastic competitions for each sport and level of competition that their schools offer.

Appeals must take place in the county where the appellant’s school is sited. The bill requires that appeals be expedited so that it can finish before the end of the applicable sports season, if possible.

The bill provides for the SIAA appeals commission to be made of up three members appointed by the Governor, three members appointed by the Senate President, three members appointed by the House Speaker, and the Commissioner or designee to serve as a nonvoting member. No date is provided for appointments.

This bill organizes the SIAA through a 16-member board of directors which comprise:

- Four representatives unaffiliated with schools, school systems, and school boards which geographically represent one each of the four administrative regions for public schools, to be elected by the public school members;
- Four nonpublic representatives, one from each of the four administrative regions for public schools, elected by nonpublic school members;
- Three commissioner-appointed representatives, including one from the two northernmost administrative regions and one from the two southernmost administrative regions;
- Two school headmasters, one from the two northernmost administrative regions and one from the two southernmost administrative regions, elected by the nonpublic members from those regions;
- Two nonpublic school governing board members, one from the two northernmost administrative regions and one from the two southernmost administrative regions, elected by the nonpublic members from those regions; and
- The Commissioner or designee from the DOE executive staff.

A president and vice-president are to be selected by the board. A quorum is defined as nine members. Staggered terms are provided.

The structure and terms of governance of the SIAA board of directors are nearly identical to that of the FHSAA.

This bill provides that membership in the SIAA is voluntary. However, if a private school does not apply through the SIAA, the school is excluded from participation in inter- and intrascholastic sports.

All fines collected are to be deposited into the Educational Enhancement Trust Fund. FHSAA fines are not currently paid into the fund.

No date is included regarding appointments to the SIAA board of directors. Also, as the effective date of the bill is July 1, 2012, it is unclear when private schools wishing to participate would have to join SIAA, possibly meaning that they will have to pay two sets of dues the first year.

Also, as is already provided to the FHSAA, the SIAA is given great latitude in developing its own bylaws. The two systems could potentially operate under very different sets of bylaws, guidelines and policies, which may, at minimum, be viewed as unequal.

At the other end of the continuum, in applying the changes to s. 1006.20(9), F.S., each association would be required to address in their bylaws a requirement for member schools to adopt rules for sports which have been established by a nationally recognized sanctioning body, unless waived by the board of directors through a minimum two-thirds vote.¹² In the case of the FHSAA, that national body is the National Federation of State High School Associations (NFSHSA). In the case of the SIAA, it is unclear whether the board would select the NFSHSA, another entity, or waive the requirement and substitute its own rules. If the choice is anything other than the NFSHSA, competitive sports between an FHSAA member school and an SIAA member school could be rendered untenable.

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:

It is unknown what member dues will be for private schools, including virtual schools and home education cooperatives that become members of the SIAA.

C. Government Sector Impact:

Revenue would be generated from fines collected and deposited into the Educational Enhancement Trust Fund. The fiscal impact is unknown at this time.

¹² s. 1006.20(9), F.S.

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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) of section 1006.15, Florida
Statutes, is amended to read:

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

(8) (a) The Florida High School Athletic Association (FHSAA)
and the Sunshine Independent Athletic Association (SIAA), in
cooperation with each district school board, shall facilitate a



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13 program in which a middle school or high school student who
14 attends a private school shall be eligible to participate in an
15 interscholastic or intrascholastic sport at a public high
16 school, a public middle school, or a 6-12 public school that is
17 zoned for the physical address at which the student resides if:

18 1. The private school in which the student is enrolled is
19 not a member of the FHSAA or the SIAA and does not offer an
20 interscholastic or intrascholastic athletic program or does not
21 offer a specific sport that is offered at the public school.

22 2. The private school student meets the guidelines for the
23 conduct of the program established by the FHSAA's board of
24 directors or the SIAA's board of directors and the district
25 school board. At a minimum, such guidelines shall provide:

26 a. A deadline for each sport by which the private school
27 student's parents must register with the public school in
28 writing their intent for their child to participate at that
29 school in the sport.

30 b. Requirements for a private school student to
31 participate, including, but not limited to, meeting the same
32 standards of eligibility, acceptance, behavior, educational
33 progress, and performance which apply to other students
34 participating in interscholastic or intrascholastic sports at a
35 public school or FHSAA or SIAA member private school.

36 (b) The parents of a private school student participating
37 in a public school sport under this subsection are responsible
38 for transporting their child to and from the public school at
39 which the student participates. The private school the student
40 attends, the public school at which the student participates in
41 a sport, the district school board, ~~and~~ the FHSAA, and the SIAA



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42 are exempt from civil liability arising from any injury that
43 occurs to the student during such transportation.

44 (c) For each academic year, a private school student may
45 only participate at the public school in which the student is
46 first registered under sub-subparagraph (a)2.a. or makes himself
47 or herself a candidate for an athletic team by engaging in a
48 practice or to which the student has obtained an approved
49 transfer request from the district school board at any time
50 during the school year.

51 (d) The athletic director of each participating FHSAA or
52 SIAA member public school shall maintain the student records
53 necessary for eligibility, compliance, and participation in the
54 program.

55 (e) Any non-FHSAA or non-SIAA member private school that
56 has a student who is participating ~~wishes to participate~~ in this
57 program must make all student records, including, but not
58 limited to, academic, ~~financial~~, disciplinary, and attendance
59 records, available upon request of the FHSAA or the SIAA.

60 (f) A student must apply to participate in this program
61 through the FHSAA or SIAA program application process.

62 (g) Only students who are enrolled in non-FHSAA or non-SIAA
63 member private schools consisting of 125 students or fewer are
64 eligible to participate in the program in any given academic
65 year.

66 Section 2. Subsection (1) of section 1006.165, Florida
67 Statutes, is amended to read:

68 1006.165 Automated external defibrillator; user training.—

69 (1) Each public school that is a member of the Florida High
70 School Athletic Association or the Sunshine Independent Athletic



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71 Association must have an operational automated external
72 defibrillator on the school grounds. Public and private
73 partnerships are encouraged to cover the cost associated with
74 the purchase and placement of the defibrillator and training in
75 the use of the defibrillator.

76 Section 3. Section 1006.18, Florida Statutes, is amended to
77 read:

78 1006.18 Cheerleader safety standards.—The Florida High
79 School Athletic Association and the Sunshine Independent
80 Athletic Association or successor organization shall adopt
81 statewide uniform safety standards for student cheerleaders and
82 spirit groups that participate in any school activity or
83 extracurricular student activity. The Florida High School
84 Athletic Association and the Sunshine Independent Athletic
85 Association or successor organization shall adopt the “Official
86 High School Spirit Rules,” published by the National Federation
87 of State High School Associations, as the statewide uniform
88 safety standards.

89 Section 4. Section 1006.20, Florida Statutes, is amended to
90 read:

91 1006.20 Athletics in ~~public~~ K-12 schools.—

92 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
93 School Athletic Association and the Sunshine Independent
94 Athletic Association are each ~~is~~ designated as a the governing
95 nonprofit organization of athletics in Florida public schools.
96 The Sunshine Independent Athletic Association is designated as a
97 governing nonprofit organization of athletics in private schools
98 and charter schools. If the Florida High School Athletic
99 Association or the Sunshine Independent Athletic Association



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100 fails to meet the provisions of this section, the commissioner
101 shall designate a nonprofit organization to replace that
102 organization and govern athletics with the approval of the State
103 Board of Education. The organizations are ~~organization is not to~~
104 ~~be a state~~ agencies agency as defined in s. 120.52. Each ~~The~~
105 organization shall be subject to the provisions of s. 1006.19. A
106 private school that wishes to engage in high school athletic
107 competition with a public high school may become a member of the
108 organization. The bylaws of each ~~the~~ organization must ~~are to~~ be
109 the rules by which high school athletic programs in its member
110 schools, and the students who participate in them, are governed,
111 unless otherwise specifically provided by statute. For the
112 purposes of this section, "high school" includes grades 6
113 through 12.

114 (2) ADOPTION OF BYLAWS.—

115 (a) Each ~~The~~ organization shall adopt bylaws that, unless
116 specifically provided by statute, establish eligibility
117 requirements for all students who participate in high school
118 athletic competition in its member schools. The bylaws governing
119 residence and transfer shall allow the student to be eligible in
120 the school in which he or she first enrolls each school year,
121 the school in which the student ~~or~~ makes himself or herself a
122 candidate for an athletic team by engaging in a practice before
123 ~~prior to~~ enrolling in the any member school, or the school to
124 which the student has obtained an approved transfer request from
125 the district school board at any time during the school year.
126 The bylaws shall also allow a student who transfers from a
127 public school to a private school during the school year to
128 participate in any sport offered by the private school. If it is



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129 determined that a private school has recruited a student, the
130 private school may participate in a higher competitive division
131 for the sport in which the student competes if the private
132 school pays the appropriate fine. A student's eligibility to
133 participate in competition in a school under this paragraph
134 continues as ~~The student shall be eligible in that school so~~
135 long as he or she remains enrolled in that school. Subsequent
136 eligibility shall be determined and enforced through the
137 organization's bylaws.

138 (b) Each ~~The~~ organization shall adopt bylaws that
139 specifically prohibit the recruiting of students for athletic
140 purposes. The bylaws shall prescribe penalties and an appeals
141 process for athletic recruiting violations.

142 (c) Each ~~The~~ organization shall adopt bylaws that require
143 all students participating in interscholastic athletic
144 competition or who are candidates for an interscholastic
145 athletic team to satisfactorily pass a medical evaluation each
146 year before ~~prior to~~ participating in interscholastic athletic
147 competition or engaging in any practice, tryout, workout, or
148 other physical activity associated with the student's candidacy
149 for an interscholastic athletic team. Such medical evaluation
150 may ~~can only~~ be administered only by a practitioner licensed
151 ~~under the provisions of~~ chapter 458, chapter 459, chapter 460,
152 or s. 464.012, and in good standing with the practitioner's
153 regulatory board. The bylaws shall establish requirements for
154 eliciting a student's medical history and performing the medical
155 evaluation required under this paragraph, which shall include a
156 physical assessment of the student's physical capabilities to
157 participate in interscholastic athletic competition as contained



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158 in a uniform preparticipation physical evaluation and history
159 form. The evaluation form shall incorporate the recommendations
160 of the American Heart Association for participation
161 cardiovascular screening and shall provide a place for the
162 signature of the practitioner performing the evaluation with an
163 attestation that each examination procedure listed on the form
164 was performed by the practitioner or by someone under the direct
165 supervision of the practitioner. The form shall also contain a
166 place for the practitioner to indicate if a referral to another
167 practitioner was made in lieu of completion of a certain
168 examination procedure. The form shall provide a place for the
169 practitioner to whom the student was referred to complete the
170 remaining sections and attest to that portion of the
171 examination. The preparticipation physical evaluation form shall
172 advise students to complete a cardiovascular assessment and
173 shall include information concerning alternative cardiovascular
174 evaluation and diagnostic tests. Results of such medical
175 evaluation must be provided to the school. No student shall be
176 eligible to participate in any interscholastic athletic
177 competition or engage in any practice, tryout, workout, or other
178 physical activity associated with the student's candidacy for an
179 interscholastic athletic team until the results of the medical
180 evaluation have been received and approved by the school.

181 (d) Notwithstanding the provisions of paragraph (c), a
182 student may participate in interscholastic athletic competition
183 or be a candidate for an interscholastic athletic team if the
184 parent of the student objects in writing to the student
185 undergoing a medical evaluation because such evaluation is
186 contrary to his or her religious tenets or practices. However,



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187 in such case, there shall be no liability on the part of any
188 person or entity in a position to otherwise rely on the results
189 of such medical evaluation for any damages resulting from the
190 student's injury or death arising directly from the student's
191 participation in interscholastic athletics where an undisclosed
192 medical condition that would have been revealed in the medical
193 evaluation is a proximate cause of the injury or death.

194 (e) Each organization shall adopt bylaws that regulate
195 persons who conduct investigations. Such bylaws shall include
196 provisions that require investigators to:

197 1. Undergo a background check before being hired and be
198 issued and carry a photo identification card that shows the
199 association name and logo and the person's job title.

200 2. Adhere to the following guidelines:

201 a. Interviews may be conducted only on Monday through
202 Friday between the hours of 7 a.m. and 9 p.m. and Saturday and
203 Sunday between the hours of 10 a.m. and 6 p.m.

204 b. Searches of residences or other private areas may be
205 conducted only with the written approval of the person being
206 investigated.

207 c. The parent of a person being interviewed may be present
208 at the interview.

209 d. A person of interest being interviewed may have legal
210 counsel present at an interview. However, the attorney may not
211 participate in the interview or object to a question, other than
212 to advise the person not to answer a question.

213 (f) Each organization shall adopt bylaws that allow a coach
214 employed in a school that is a member of the organization to
215 also coach or otherwise volunteer for a community, church, or



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216 other outside youth sports organization if such outside activity
217 does not conflict with his or her obligations with the employer.
218 Sanctions may not be placed on a coach or a student
219 participating in an activity authorized under this paragraph and
220 a student is eligible to participate in a school sport under the
221 direction of the coach.

222 (3) GOVERNING STRUCTURE OF EACH ~~THE~~ ORGANIZATION.—

223 (a) Each ~~The~~ organization shall operate as a representative
224 democracy in which the sovereign authority is within its member
225 schools. Except as provided in this section, each ~~the~~
226 organization shall govern its affairs through its bylaws.

227 (b) Each member school, on its annual application for
228 membership, shall name its official representative to the
229 organization. This representative must be either the school
230 principal or his or her designee. That designee must either be
231 an assistant principal or athletic director housed within that
232 same school.

233 (c) Each ~~The~~ organization's membership shall be divided
234 along existing county lines into four contiguous and compact
235 administrative regions, each containing an equal or nearly equal
236 number of member schools to ensure equitable representation on
237 the organization's board of directors, representative assembly,
238 and committee on appeals.

239 (4) BOARD OF DIRECTORS; FLORIDA HIGH SCHOOL ATHLETIC
240 ASSOCIATION.—

241 (a) The executive authority of the organization shall be
242 vested in its board of directors. Any entity that appoints
243 members to the board of directors shall examine the ethnic and
244 demographic composition of the board when selecting candidates



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245 for appointment and shall, to the greatest extent possible, make
246 appointments that reflect state demographic and population
247 trends. The board of directors shall be composed of 16 persons,
248 as follows:

249 1. Four public member school representatives, one elected
250 from among its public school representative members within each
251 of the four administrative regions.

252 2. Four nonpublic member school representatives, one
253 elected from among its nonpublic school representative members
254 within each of the four administrative regions.

255 3. Three representatives appointed by the commissioner, one
256 appointed from the two northernmost administrative regions and
257 one appointed from the two southernmost administrative regions.
258 The third representative shall be appointed to balance the board
259 for diversity or state population trends, or both.

260 4. Two district school superintendents, one elected from
261 the two northernmost administrative regions by the members in
262 those regions and one elected from the two southernmost
263 administrative regions by the members in those regions.

264 5. Two district school board members, one elected from the
265 two northernmost administrative regions by the members in those
266 regions and one elected from the two southernmost administrative
267 regions by the members in those regions.

268 6. The commissioner or his or her designee from the
269 department executive staff.

270 (b) A quorum of the board of directors shall consist of
271 nine members.

272 (c) The board of directors shall elect a president and a
273 vice president from among its members. These officers shall also



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274 serve as officers of the organization.

275 (d) Members of the board of directors shall serve terms of
276 3 years and are eligible to succeed themselves only once. A
277 member of the board of directors, other than the commissioner or
278 his or her designee, may serve a maximum of 6 consecutive years.
279 The organization's bylaws shall establish a rotation of terms to
280 ensure that a majority of the members' terms do not expire
281 concurrently.

282 (e) The authority and duties of the board of directors,
283 acting as a body and in accordance with the organization's
284 bylaws, are as follows:

285 1. To act as the incorporated organization's board of
286 directors and to fulfill its obligations as required by the
287 organization's charter and articles of incorporation.

288 2. To establish such guidelines, regulations, policies, and
289 procedures as are authorized by the bylaws.

290 3. To provide an organization commissioner, who shall have
291 the authority to waive the bylaws of the organization in order
292 to comply with statutory changes.

293 4. To levy annual dues and other fees and to set the
294 percentage of contest receipts to be collected by the
295 organization.

296 5. To approve the budget of the organization.

297 6. To organize and conduct statewide interscholastic
298 competitions, which may or may not lead to state championships,
299 and to establish the terms and conditions for these
300 competitions. The Florida High School Athletic Association may
301 not deny or discourage interscholastic competition between its
302 members and members of the Sunshine Independent Athletic



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303 Association, and may not take any retributory or discriminatory
304 action against any of its members who engage in interscholastic
305 competition with members of the Sunshine Independent Athletic
306 Association. The associations shall conduct annual state
307 interscholastic championship competitions for each sport and
308 competition level offered at their member schools.

309 7. To act as an administrative board in the interpretation
310 of, ~~and final decision on,~~ all questions and appeals arising
311 from the directing of interscholastic athletics of member
312 schools.

313 (5) REPRESENTATIVE ASSEMBLY; FLORIDA HIGH SCHOOL ATHLETIC
314 ASSOCIATION.—

315 (a) The legislative authority of the organization is vested
316 in its representative assembly.

317 (b) The representative assembly shall be composed of the
318 following:

319 1. An equal number of member school representatives from
320 each of the four administrative regions.

321 2. Four district school superintendents, one elected from
322 each of the four administrative regions by the district school
323 superintendents in their respective administrative regions.

324 3. Four district school board members, one elected from
325 each of the four administrative regions by the district school
326 board members in their respective administrative regions.

327 4. The commissioner or his or her designee from the
328 department executive staff.

329 (c) The organization's bylaws shall establish the number of
330 member school representatives to serve in the representative
331 assembly from each of the four administrative regions and shall



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332 establish the method for their selection.

333 (d) A ~~Ne~~ member of the board of directors, other than the
334 commissioner or his or her designee, may not ~~can~~ serve in the
335 representative assembly.

336 (e) The representative assembly shall elect a chairperson
337 and a vice chairperson from among its members.

338 (f) Elected members of the representative assembly shall
339 serve terms of 2 years and are eligible to succeed themselves
340 for two additional terms. An elected member, other than the
341 commissioner or his or her designee, may serve a maximum of 6
342 consecutive years in the representative assembly.

343 (g) A quorum of the representative assembly consists of one
344 more than half of its members.

345 (h) The authority of the representative assembly is limited
346 to its sole duty, which is to consider, adopt, or reject any
347 proposed amendments to the organization's bylaws.

348 (i) The representative assembly shall meet as a body
349 annually. A two-thirds majority of the votes cast by members
350 present is required for passage of any proposal.

351 (6) PUBLIC LIAISON ADVISORY COMMITTEE; FLORIDA HIGH SCHOOL
352 ATHLETIC ASSOCIATION.—

353 (a) The organization shall establish, sustain, fund, and
354 provide staff support to a public liaison advisory committee
355 composed of the following:

- 356 1. The commissioner or his or her designee.
- 357 2. A member public school principal.
- 358 3. A member private school principal.
- 359 4. A member school principal who is a member of a racial
360 minority.



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- 361 5. An active athletic director.
- 362 6. An active coach, who is employed full time by a member
363 school.
- 364 7. A student athlete.
- 365 8. A district school superintendent.
- 366 9. A district school board member.
- 367 10. A member of the Florida House of Representatives.
- 368 11. A member of the Florida Senate.
- 369 12. A parent of a high school student.
- 370 13. A member of a home education association.
- 371 14. A representative of the business community.
- 372 15. A representative of the news media.
- 373 (b) A ~~No~~ member of the board of directors, committee on
374 appeals, or representative assembly is not eligible to serve on
375 the public liaison advisory committee.
- 376 (c) The public liaison advisory committee shall elect a
377 chairperson and vice chairperson from among its members.
- 378 (d) The authority and duties of the public liaison advisory
379 committee are as follows:
- 380 1. To act as a conduit through which the general public may
381 have input into the decisionmaking process of the organization
382 and to assist the organization in the development of procedures
383 regarding the receipt of public input and disposition of
384 complaints related to high school athletic and competition
385 programs.
- 386 2. To conduct public hearings annually in each of the four
387 administrative regions during which interested parties may
388 address issues regarding the effectiveness of the rules,
389 operation, and management of the organization.



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390 3. To conduct an annual evaluation of the organization as a
391 whole and present a report of its findings, conclusion, and
392 recommendations to the board of directors, to the commissioner,
393 and to the respective education committees of the Florida Senate
394 and the Florida House of Representatives. The recommendations
395 must delineate policies and procedures that will improve the
396 implementation and oversight of high school athletic programs by
397 the organization.

398 (e) The public liaison advisory committee shall meet four
399 times annually. Additional meetings may be called by the
400 committee chairperson, the organization president, or the
401 organization commissioner.

402 (7) APPEALS.—

403 (a) Each ~~The~~ organization shall establish a procedure of
404 due process which ensures each student the opportunity to appeal
405 an unfavorable ruling with regard to his or her eligibility to
406 compete. The initial appeal shall be made to a committee on
407 appeals within the administrative region in which the student
408 lives. Each ~~The~~ organization's bylaws shall establish the
409 number, size, and composition of the committee on appeals.

410 (b) A ~~No~~ member of the board of directors is not eligible
411 to serve on the committee on appeals.

412 (c) Members of the committee on appeals shall serve terms
413 of 3 years and are eligible to succeed themselves only once. A
414 member of the committee on appeals may serve a maximum of 6
415 consecutive years. Each ~~The~~ organization's bylaws shall
416 establish a rotation of terms to ensure that a majority of the
417 members' terms do not expire concurrently.

418 (d) The authority and duties of the committee on appeals



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419 shall be to consider requests by member schools seeking
420 exceptions to bylaws and regulations, to hear undue hardship
421 eligibility cases filed by member schools on behalf of student
422 athletes, and to hear appeals filed by member schools.

423 (e) A student athlete or member school that receives an
424 unfavorable ruling from a committee on appeals shall be entitled
425 to appeal that decision to the district school board ~~of~~
426 ~~directors~~ at its next regularly scheduled meeting or called
427 meeting. The district school board ~~has~~ ~~of directors~~ ~~shall have~~
428 the authority to uphold, reverse, or amend the decision of the
429 committee on appeals. In all such cases, the decision of the
430 district school board ~~is~~ ~~of directors~~ ~~shall be~~ final.

431 (f) Each organization shall expedite the appeals process so
432 that disposition of the appeal can be made before the end of the
433 applicable sports season, if possible.

434 (g) Notwithstanding paragraph (a), the committee on appeals
435 of the Sunshine Independent Athletic Association shall be
436 composed of 10 persons as follows:

- 437 1. Three members appointed by the Governor.
- 438 2. Three members appointed by the President of the Senate.
- 439 3. Three members appointed by the Speaker of the House of
440 Representatives.
- 441 4. The commissioner or his or her designee, who shall serve
442 as a nonvoting member.

443 (8) AMENDMENT OF BYLAWS.—Each member school representative,
444 the board of directors acting as a whole or as members acting
445 individually, any advisory committee acting as a whole to be
446 established by the organization, and the ~~organization's~~
447 commissioner are empowered to propose amendments to the bylaws.



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448 Any other individual may propose an amendment by securing the
449 sponsorship of any of the aforementioned individuals or bodies.
450 All proposed amendments must be submitted directly to the
451 representative assembly for its consideration. The
452 representative assembly, while empowered to adopt, reject, or
453 revise proposed amendments, may not, in and of itself, as a body
454 be allowed to propose any amendment for its own consideration.

455 (9) RULES ADOPTION.—The bylaws of each ~~the~~ organization
456 shall require member schools to adopt rules for sports, which
457 have been established by a nationally recognized sanctioning
458 body, unless waived by at least a two-thirds vote of the board
459 of directors.

460 (10) BOARD OF DIRECTORS; SUNSHINE INDEPENDENT ATHLETIC
461 ASSOCIATION.—

462 (a) The executive authority of the organization shall be
463 vested in its board of directors. Any entity that appoints
464 members to the board of directors shall examine the ethnic and
465 demographic composition of the board when selecting candidates
466 for appointment and shall, to the extent possible, make
467 appointments that reflect state demographic and population
468 trends. The board of directors shall be composed of 16 persons,
469 as follows:

470 1. Four charter school representatives, one elected from
471 among its public school representative members within each of
472 the four administrative regions for public schools.

473 2. Four private member school representatives, one elected
474 from among its private school representative members within each
475 of the four administrative regions for public schools.

476 3. Three representatives appointed by the commissioner, one



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477 appointed from the two northernmost administrative regions, one
478 appointed from the two southernmost administrative regions, and
479 one appointed from the public schools that can balance the board
480 for diversity or state population trends, or both.

481 4. Two school headmasters, one elected from the two
482 northernmost administrative regions by the private school
483 members in those regions and one elected from the two
484 southernmost administrative regions by the private school
485 members in those regions.

486 5. Two private school governing board members, one elected
487 from the two northernmost administrative regions by the private
488 school members in those regions and one elected from the two
489 southernmost administrative regions by the private school
490 members in those regions.

491 6. The commissioner, or his or her designee from the
492 department executive staff.

493 7. The initial appointments to the board must be made by
494 October 1, 2012.

495 (b) A quorum of the board of directors shall consist of
496 nine members.

497 (c) The board of directors shall elect a president and a
498 vice president from among its members. These officers shall also
499 serve as officers of the organization.

500 (d) Members of the board of directors shall serve terms of
501 3 years and are eligible to succeed themselves only once. The
502 organization's bylaws shall establish a rotation of terms to
503 ensure that a majority of the members' terms do not expire
504 concurrently.

505 (e) The authority and duties of the board of directors,



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506 acting as a body and in accordance with the organization's
507 bylaws, are as follows:

508 1. To act as the incorporated organization's board of
509 directors and to fulfill its obligations as required by the
510 organization's charter and articles of incorporation.

511 2. To establish such guidelines, regulations, policies, and
512 procedures as are authorized by the bylaws.

513 3. To provide an organization commissioner, who may waive
514 the bylaws of the organization in order to comply with statutory
515 changes.

516 4. To levy annual dues and other fees and to set the
517 percentage of contest receipts to be collected by the
518 organization.

519 5. To approve the budget of the organization.

520 6. To organize and conduct statewide interscholastic
521 competitions.

522 7. To act as an administrative board in the interpretation
523 of all questions and appeals arising from the directing of
524 interscholastic athletics of member schools.

525 (11) MEMBERSHIP.—Notwithstanding any law to the contrary,
526 any high school in this state, including a virtual school or a
527 home-education cooperative, may become a member of the Florida
528 High School Athletic Association or the Sunshine Independent
529 Athletic Association and participate in the activities of that
530 organization. However, a public high school may not join the
531 Sunshine Independent Athletic Association, and a public charter
532 school may not join the Florida High School Athletic
533 Association.

534 (a) Membership in an association is not mandatory for any



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535 high school.

536 (b) A high school may be a member of only one organization
537 at a time. A high school may apply for membership to the other
538 organization, but may not join, and dues are not owed until the
539 current membership expires.

540 (12) FINES.—Any fines collected by either organization
541 shall be deposited as follows:

542 (a) Forty percent into the Educational Enhancement Trust
543 Fund.

544 (b) Thirty percent into the school district's education
545 foundation for the educational benefit of all students in the
546 school district.

547 (c) Thirty percent to the association that levies the fine.

548 Section 5. Paragraph (a) of subsection (7) of section
549 1012.467, Florida Statutes, is amended to read:

550 1012.467 Noninstructional contractors who are permitted
551 access to school grounds when students are present; background
552 screening requirements.—

553 (7) (a) The Department of Law Enforcement shall implement a
554 system that allows for the results of a criminal history check
555 provided to a school district to be shared with other school
556 districts through a secure Internet website or other secure
557 electronic means. The Department of Law Enforcement may adopt
558 rules under ss. 120.536(1) and 120.54 to implement this
559 paragraph. School districts must accept reciprocity of level 2
560 screenings for Florida High School Athletic Association or
561 Sunshine Independent Athletic Association officials.

562 Section 6. Paragraph (b) of subsection (2) of section
563 1012.55, Florida Statutes, is amended to read:



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564 1012.55 Positions for which certificates required.-
565 (2)
566 (b) Completion of a sports safety course shall count for 6
567 hours of required school district inservice instruction for
568 athletic coaching certification if the course is approved by the
569 Florida High School Athletic Association Board of Directors or
570 the Sunshine Independent Athletic Association Board of Directors
571 and meets the following requirements:
572 1. The course consists of at least eight modules.
573 2. The course immediately provides an individual with a
574 "merit" certificate at the time of successful completion.
575 3. The course is delivered through hands-on and online
576 teaching methods.
577 4. The course is a hands-on course taught by either a
578 state-licensed athletic trainer who holds a current certificate
579 from the Board of Certification or a member of the American
580 Academy of Orthopaedic Surgeons.
581 5. Hands-on course material is less than 120 pages.
582 6. The course covers sports safety specifically, excluding
583 coaching principles and procedures for cardiopulmonary
584 resuscitation.
585 7. The course is authored or approved by at least 10 health
586 care professionals, including doctors of medicine, doctors of
587 osteopathy, registered nurses, physical therapists, and
588 certified athletic trainers.
589 8. The course is revised and reviewed for updates at least
590 once every 30 months.
591 9. The course is available to the general public for a
592 retail price under \$50.



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593 10. Each course examination is automated and taken online
594 with a score of 80 percent or better for successful completion.
595 Section 7. This act shall take effect July 1, 2012.
596

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

598 And the title is amended as follows:

599 Delete everything before the enacting clause
600 and insert:

601 A bill to be entitled
602 An act relating to high school athletics; amending s.
603 1006.15, F.S.; expanding the eligibility of certain
604 students in private schools to participate in sports
605 programs in public schools; amending ss. 1006.165 and
606 1006.18, F.S.; requiring private schools that are
607 members of the Sunshine Independent Athletic
608 Association to comply with certain requirements for
609 having an operational automated external defibrillator
610 on school grounds and to comply with cheerleader
611 safety standards; amending s. 1006.20, F.S.;
612 designating the Sunshine Independent Athletic
613 Association as the governing nonprofit organization of
614 athletics in private schools and charter schools in
615 this state; revising provisions relating to the bylaws
616 of the Florida High School Athletic Association and
617 providing for organization, authority, and duties of
618 the Sunshine Independent Athletic Association;
619 requiring the bylaws of both associations to allow
620 certain students who transfer to a private school to
621 participate in sports offered by the school; requiring



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622 such bylaws to regulate investigators used by the
623 associations and providing restrictions on
624 investigations that are conducted; requiring such
625 bylaws to allow coaches to coach in outside youth
626 sports organizations; prohibiting the Florida High
627 School Athletic Association from denying or
628 discouraging interscholastic competition between
629 public and private schools; providing for annual
630 interscholastic competition championships between
631 public and private high schools for each sport and
632 competition level offered in public and private high
633 schools in this state; providing procedures for
634 appeals to the Sunshine Independent Athletic
635 Association; requiring that appeals to a committee on
636 appeals for the Florida High School Athletic
637 Association or the Sunshine Independent Athletic
638 Association be held in the county where the
639 appellant's school is located; requiring that an
640 appeals process be expedited, if possible; providing
641 for the composition of a committee on appeals for the
642 Sunshine Independent Athletic Association; creating a
643 board of directors of the Sunshine Independent
644 Athletic Association and providing authority and
645 duties of the board; providing for the composition of
646 the board membership; authorizing any high school in
647 this state, including a virtual school or a home-
648 education cooperative, to become a member of the
649 Florida High School Athletic Association or the
650 Sunshine Independent Athletic Association; prohibiting



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651 a public high school from joining the Sunshine
652 Independent Athletic Association; prohibiting a public
653 charter school from joining the Florida High School
654 Athletic Association; providing for the use of fines
655 collected by either association; amending s. 1012.467,
656 F.S.; requiring school districts to accept reciprocity
657 of the level 2 screening for Sunshine Independent
658 Athletic Association officials; amending s. 1012.55,
659 F.S.; adding approved sports safety courses by the
660 Sunshine Independent Athletic Association to the list
661 of required school district inservice instruction for
662 athletic coaching certification; providing an
663 effective date.



161364

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/31/2012	.	
	.	
	.	
	.	

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

1 **Senate Amendment to Amendment (521274) (with title**
2 **amendment)**

3
4 Delete lines 97 - 98
5 and insert:
6 governing nonprofit organization of athletics in private
7 schools. If the Florida High School Athletic

8
9 Delete lines 526 - 533
10 and insert:
11 any high school in this state, including a virtual school, a
12 home-education cooperative, or a charter school, may become a



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13 member of the Florida High School Athletic Association or the
14 Sunshine Independent Athletic Association and participate in the
15 activities of that organization. However, a public high school
16 other than a charter school may not join the Sunshine
17 Independent Athletic Association.

18
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete line 614

22 and insert:

23 athletics in private schools in

24

25 Delete lines 652 - 654

26 and insert:

27 Independent Athletic Association; providing for the
28 use of fines

By Senator Wise

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1 A bill to be entitled
 2 An act relating to high school athletics; amending s.
 3 1006.15, F.S.; expanding the eligibility of certain
 4 students in private schools to participate in sports
 5 programs in public schools; amending s. 1006.20, F.S.;
 6 designating the Sunshine Independent Athletic
 7 Association as the governing nonprofit organization of
 8 athletics in private schools in this state; revising
 9 provisions relating to the bylaws of the Florida High
 10 School Athletic Association and providing for
 11 organization, authority, and duties of the Sunshine
 12 Independent Athletic Association; requiring the bylaws
 13 of both associations to allow certain students who
 14 transfer to a private school to participate in sports
 15 offered by the school; requiring such bylaws to
 16 regulate investigators used by the associations and
 17 providing restrictions on investigations that are
 18 conducted; requiring such bylaws to allow coaches to
 19 coach in outside youth sports organizations;
 20 prohibiting the Florida High School Athletic
 21 Association from denying or discouraging
 22 interscholastic competition between public and private
 23 schools; providing for annual interscholastic
 24 competition championships between public and nonpublic
 25 high schools for each sport and competition level
 26 offered in public and private high schools in this
 27 state; providing procedures for appeals to the
 28 Sunshine Independent Athletic Association; requiring
 29 that appeals to a committee on appeals for the Florida

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30 High School Athletic Association or the Sunshine
 31 Independent Athletic Association be held in the county
 32 where the appellant's school is located; requiring
 33 that an appeals process be expedited, if possible;
 34 providing for the composition of a committee on
 35 appeals for the Sunshine Independent Athletic
 36 Association; creating a board of directors of the
 37 Sunshine Independent Athletic Association and
 38 providing authority and duties of the board; providing
 39 for the composition of the board membership;
 40 authorizing private schools to join the Sunshine
 41 Independent Athletic Association; providing for the
 42 use of fines collected by either association;
 43 providing an effective date.

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

47 Section 1. Subsection (8) of section 1006.15, Florida
 48 Statutes, is amended to read:

49 1006.15 Student standards for participation in
 50 interscholastic and intrascholastic extracurricular student
 51 activities; regulation.—

52 (8) (a) The Florida High School Athletic Association
 53 (FHSAA), in cooperation with each district school board, shall
 54 facilitate a program in which a middle school or high school
 55 student who attends a private school shall be eligible to
 56 participate in an interscholastic or intrascholastic sport at a
 57 public high school, a public middle school, or a 6-12 public
 58 school that is zoned for the physical address at which the

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59 student resides if:

60 1. The private school in which the student is enrolled is
61 not a member of the FHSAA and does not offer an interscholastic
62 or intrascholastic athletic program or does not offer a specific
63 sport that is offered at the public school.

64 2. The private school student meets the guidelines for the
65 conduct of the program established by the FHSAA's board of
66 directors and the district school board. At a minimum, such
67 guidelines shall provide:

68 a. A deadline for each sport by which the private school
69 student's parents must register with the public school in
70 writing their intent for their child to participate at that
71 school in the sport.

72 b. Requirements for a private school student to
73 participate, including, but not limited to, meeting the same
74 standards of eligibility, acceptance, behavior, educational
75 progress, and performance which apply to other students
76 participating in interscholastic or intrascholastic sports at a
77 public school or FHSAA member private school.

78 (b) The parents of a private school student participating
79 in a public school sport under this subsection are responsible
80 for transporting their child to and from the public school at
81 which the student participates. The private school the student
82 attends, the public school at which the student participates in
83 a sport, the district school board, and the FHSAA are exempt
84 from civil liability arising from any injury that occurs to the
85 student during such transportation.

86 (c) For each academic year, a private school student may
87 only participate at the public school in which the student is

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88 first registered under sub-subparagraph (a)2.a. or makes himself
89 or herself a candidate for an athletic team by engaging in a
90 practice.

91 (d) The athletic director of each participating FHSAA
92 member public school shall maintain the student records
93 necessary for eligibility, compliance, and participation in the
94 program.

95 (e) Any non-FHSAA member private school that has a student
96 who wishes to participate in this program must make all student
97 records, including, but not limited to, academic, financial,
98 disciplinary, and attendance records, available upon request of
99 the FHSAA.

100 (f) A student must apply to participate in this program
101 through the FHSAA program application process.

102 (g) Only students who are enrolled in non-FHSAA member
103 private schools consisting of 250 ~~425~~ students or fewer are
104 eligible to participate in the program in any given academic
105 year.

106 Section 2. Section 1006.20, Florida Statutes, is amended to
107 read:

108 1006.20 Athletics in ~~public~~ K-12 schools.—

109 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
110 School Athletic Association is designated as the governing
111 nonprofit organization of athletics in Florida public schools.
112 If the Florida High School Athletic Association fails to meet
113 the provisions of this section, the commissioner shall designate
114 a nonprofit organization to govern athletics with the approval
115 of the State Board of Education. The organization is not to be a
116 state agency as defined in s. 120.52. The Sunshine Independent

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117 Athletic Association is designated as the governing nonprofit
 118 organization of athletics in private schools in this state. The
 119 organization shall be subject to the provisions of s. 1006.19. A
 120 private school that wishes to engage in high school athletic
 121 competition with a public high school may become a member of the
 122 organization. The bylaws of each the organization shall ~~are to~~
 123 be the rules by which high school athletic programs in its
 124 member schools, and the students who participate in them, are
 125 governed, unless otherwise specifically provided by statute. For
 126 the purposes of this section, "high school" includes grades 6
 127 through 12.

(2) ADOPTION OF BYLAWS.—

129 (a) Each ~~The~~ organization shall adopt bylaws that, unless
 130 specifically provided by statute, establish eligibility
 131 requirements for all students who participate in high school
 132 athletic competition in its member schools. The bylaws governing
 133 residence and transfer shall allow the student to be eligible in
 134 the school in which he or she first enrolls each school year, or
 135 makes himself or herself a candidate for an athletic team by
 136 engaging in a practice before ~~prior to~~ enrolling in any member
 137 school. The bylaws shall also allow a student who transfers from
 138 a public school to a private school during the school year to
 139 participate in any sport offered by the private school, with the
 140 approval of the public school district, if the student pays the
 141 full tuition charged by the private school for all students. The
 142 student shall be eligible in that school so long as he or she
 143 remains enrolled in that school. Subsequent eligibility shall be
 144 determined and enforced through the organization's bylaws.

145 (b) Each ~~The~~ organization shall adopt bylaws that

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146 specifically prohibit the recruiting of students for athletic
 147 purposes. The bylaws shall prescribe penalties and an appeals
 148 process for athletic recruiting violations.

149 (c) Each ~~The~~ organization shall adopt bylaws that require
 150 all students participating in interscholastic athletic
 151 competition or who are candidates for an interscholastic
 152 athletic team to satisfactorily pass a medical evaluation each
 153 year before ~~prior to~~ participating in interscholastic athletic
 154 competition or engaging in any practice, tryout, workout, or
 155 other physical activity associated with the student's candidacy
 156 for an interscholastic athletic team. Such medical evaluation
 157 shall ~~can only~~ be administered only by a practitioner licensed
 158 under ~~the provisions of~~ chapter 458, chapter 459, chapter 460,
 159 or s. 464.012, and in good standing with the practitioner's
 160 regulatory board. The bylaws shall establish requirements for
 161 eliciting a student's medical history and performing the medical
 162 evaluation required under this paragraph, which shall include a
 163 physical assessment of the student's physical capabilities to
 164 participate in interscholastic athletic competition as contained
 165 in a uniform preparticipation physical evaluation and history
 166 form. The evaluation form shall incorporate the recommendations
 167 of the American Heart Association for participation
 168 cardiovascular screening and shall provide a place for the
 169 signature of the practitioner performing the evaluation with an
 170 attestation that each examination procedure listed on the form
 171 was performed by the practitioner or by someone under the direct
 172 supervision of the practitioner. The form shall also contain a
 173 place for the practitioner to indicate if a referral to another
 174 practitioner was made in lieu of completion of a certain

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175 examination procedure. The form shall provide a place for the
 176 practitioner to whom the student was referred to complete the
 177 remaining sections and attest to that portion of the
 178 examination. The preparticipation physical evaluation form shall
 179 advise students to complete a cardiovascular assessment and
 180 shall include information concerning alternative cardiovascular
 181 evaluation and diagnostic tests. Results of such medical
 182 evaluation must be provided to the school. No student shall be
 183 eligible to participate in any interscholastic athletic
 184 competition or engage in any practice, tryout, workout, or other
 185 physical activity associated with the student's candidacy for an
 186 interscholastic athletic team until the results of the medical
 187 evaluation have been received and approved by the school.

188 (d) Notwithstanding the provisions of paragraph (c), a
 189 student may participate in interscholastic athletic competition
 190 or be a candidate for an interscholastic athletic team if the
 191 parent of the student objects in writing to the student
 192 undergoing a medical evaluation because such evaluation is
 193 contrary to his or her religious tenets or practices. However,
 194 in such case, there shall be no liability on the part of any
 195 person or entity in a position to otherwise rely on the results
 196 of such medical evaluation for any damages resulting from the
 197 student's injury or death arising directly from the student's
 198 participation in interscholastic athletics where an undisclosed
 199 medical condition that would have been revealed in the medical
 200 evaluation is a proximate cause of the injury or death.

201 (e) Each organization shall adopt bylaws that regulate
 202 persons who conduct investigations. Such bylaws shall include
 203 provisions that require investigators to:

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204 1. Undergo a background check before being hired and be
 205 issued and carry a photo identification card that shows the
 206 association name and logo and the person's job title.
 207 2. Adhere to the following guidelines:
 208 a. Interviews may be conducted only on Monday through
 209 Friday between the hours of 7 a.m. and 7 p.m.
 210 b. Searches of lockers, residences, or other private areas
 211 may be conducted only with the written approval of the person
 212 being investigated.
 213 c. Parents or legal guardians of any person being
 214 interviewed may be present at the interview.
 215 d. Any person being interviewed may have legal counsel
 216 present at an interview. However, the attorney may not
 217 participate in the interview or object to a question, other than
 218 advising the person not to answer a question.
 219 (f) Each organization shall adopt bylaws that allow a coach
 220 employed in a school that is a member of the organization to
 221 also coach or otherwise volunteer for a community, church, or
 222 other outside youth sports organization if such outside activity
 223 does not conflict with his or her obligations with the employer.
 224 (3) GOVERNING STRUCTURE OF ~~EACH THE~~ ORGANIZATION.—
 225 (a) ~~Each The~~ organization shall operate as a representative
 226 democracy in which the sovereign authority is within its member
 227 schools. Except as provided in this section, ~~each the~~
 228 organization shall govern its affairs through its bylaws.
 229 (b) Each member school, on its annual application for
 230 membership, shall name its official representative to the
 231 organization. This representative must be either the school
 232 principal or his or her designee. That designee must either be

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233 an assistant principal or athletic director housed within that
234 same school.

235 (c) ~~Each~~ The organization's membership shall be divided
236 along existing county lines into four contiguous and compact
237 administrative regions, each containing an equal or nearly equal
238 number of member schools to ensure equitable representation on
239 the organization's board of directors, representative assembly,
240 and committee on appeals.

241 (4) BOARD OF DIRECTORS; FLORIDA HIGH SCHOOL ATHLETIC
242 ASSOCIATION.—

243 (a) The executive authority of the organization shall be
244 vested in its board of directors. Any entity that appoints
245 members to the board of directors shall examine the ethnic and
246 demographic composition of the board when selecting candidates
247 for appointment and shall, to the greatest extent possible, make
248 appointments that reflect state demographic and population
249 trends. The board of directors shall be composed of 16 persons,
250 as follows:

251 1. Four public member school representatives, one elected
252 from among its public school representative members within each
253 of the four administrative regions.

254 2. Four nonpublic member school representatives, one
255 elected from among its nonpublic school representative members
256 within each of the four administrative regions.

257 3. Three representatives appointed by the commissioner, one
258 appointed from the two northernmost administrative regions and
259 one appointed from the two southernmost administrative regions.
260 The third representative shall be appointed to balance the board
261 for diversity or state population trends, or both.

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262 4. Two district school superintendents, one elected from
263 the two northernmost administrative regions by the members in
264 those regions and one elected from the two southernmost
265 administrative regions by the members in those regions.

266 5. Two district school board members, one elected from the
267 two northernmost administrative regions by the members in those
268 regions and one elected from the two southernmost administrative
269 regions by the members in those regions.

270 6. The commissioner or his or her designee from the
271 department executive staff.

272 (b) A quorum of the board of directors shall consist of
273 nine members.

274 (c) The board of directors shall elect a president and a
275 vice president from among its members. These officers shall also
276 serve as officers of the organization.

277 (d) Members of the board of directors shall serve terms of
278 3 years and are eligible to succeed themselves only once. A
279 member of the board of directors, other than the commissioner or
280 his or her designee, may serve a maximum of 6 consecutive years.
281 The organization's bylaws shall establish a rotation of terms to
282 ensure that a majority of the members' terms do not expire
283 concurrently.

284 (e) The authority and duties of the board of directors,
285 acting as a body and in accordance with the organization's
286 bylaws, are as follows:

287 1. To act as the incorporated organization's board of
288 directors and to fulfill its obligations as required by the
289 organization's charter and articles of incorporation.

290 2. To establish such guidelines, regulations, policies, and

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291 procedures as are authorized by the bylaws.

292 3. To provide an organization commissioner, who shall have
293 the authority to waive the bylaws of the organization in order
294 to comply with statutory changes.

295 4. To levy annual dues and other fees and to set the
296 percentage of contest receipts to be collected by the
297 organization.

298 5. To approve the budget of the organization.

299 6. To organize and conduct statewide interscholastic
300 competitions, which may or may not lead to state championships,
301 and to establish the terms and conditions for these
302 competitions. The Florida High School Athletic Association may
303 not deny or discourage interscholastic competition between its
304 members and members of the Sunshine Independent Athletic
305 Association, nor may it take any retributory or discriminatory
306 action against any of its members who engage in interscholastic
307 competition with members of the Sunshine Independent Athletic
308 Association. The two associations shall conduct annual state
309 interscholastic championship competitions for each sport and
310 competition level offered at their member schools.

311 7. To act as an administrative board in the interpretation
312 of, and final decision on, all questions and appeals arising
313 from the directing of interscholastic athletics of member
314 schools.

315 (5) REPRESENTATIVE ASSEMBLY; FLORIDA HIGH SCHOOL ATHLETIC
316 ASSOCIATION.—

317 (a) The legislative authority of the organization is vested
318 in its representative assembly.

319 (b) The representative assembly shall be composed of the

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320 following:

321 1. An equal number of member school representatives from
322 each of the four administrative regions.

323 2. Four district school superintendents, one elected from
324 each of the four administrative regions by the district school
325 superintendents in their respective administrative regions.

326 3. Four district school board members, one elected from
327 each of the four administrative regions by the district school
328 board members in their respective administrative regions.

329 4. The commissioner or his or her designee from the
330 department executive staff.

331 (c) The organization's bylaws shall establish the number of
332 member school representatives to serve in the representative
333 assembly from each of the four administrative regions and shall
334 establish the method for their selection.

335 (d) No member of the board of directors other than the
336 commissioner or his or her designee can serve in the
337 representative assembly.

338 (e) The representative assembly shall elect a chairperson
339 and a vice chairperson from among its members.

340 (f) Elected members of the representative assembly shall
341 serve terms of 2 years and are eligible to succeed themselves
342 for two additional terms. An elected member, other than the
343 commissioner or his or her designee, may serve a maximum of 6
344 consecutive years in the representative assembly.

345 (g) A quorum of the representative assembly consists of one
346 more than half of its members.

347 (h) The authority of the representative assembly is limited
348 to its sole duty, which is to consider, adopt, or reject any

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349 proposed amendments to the organization's bylaws.

350 (i) The representative assembly shall meet as a body
351 annually. A two-thirds majority of the votes cast by members
352 present is required for passage of any proposal.

353 (6) PUBLIC LIAISON ADVISORY COMMITTEE; FLORIDA HIGH SCHOOL
354 ATHLETIC ASSOCIATION.-

355 (a) The organization shall establish, sustain, fund, and
356 provide staff support to a public liaison advisory committee
357 composed of the following:

- 358 1. The commissioner or his or her designee.
 - 359 2. A member public school principal.
 - 360 3. A member private school principal.
 - 361 4. A member school principal who is a member of a racial
362 minority.
 - 363 5. An active athletic director.
 - 364 6. An active coach, who is employed full time by a member
365 school.
 - 366 7. A student athlete.
 - 367 8. A district school superintendent.
 - 368 9. A district school board member.
 - 369 10. A member of the Florida House of Representatives.
 - 370 11. A member of the Florida Senate.
 - 371 12. A parent of a high school student.
 - 372 13. A member of a home education association.
 - 373 14. A representative of the business community.
 - 374 15. A representative of the news media.
- 375 (b) No member of the board of directors, committee on
376 appeals, or representative assembly is eligible to serve on the
377 public liaison advisory committee.

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378 (c) The public liaison advisory committee shall elect a
379 chairperson and vice chairperson from among its members.

380 (d) The authority and duties of the public liaison advisory
381 committee are as follows:

382 1. To act as a conduit through which the general public may
383 have input into the decisionmaking process of the organization
384 and to assist the organization in the development of procedures
385 regarding the receipt of public input and disposition of
386 complaints related to high school athletic and competition
387 programs.

388 2. To conduct public hearings annually in each of the four
389 administrative regions during which interested parties may
390 address issues regarding the effectiveness of the rules,
391 operation, and management of the organization.

392 3. To conduct an annual evaluation of the organization as a
393 whole and present a report of its findings, conclusion, and
394 recommendations to the board of directors, to the commissioner,
395 and to the respective education committees of the Florida Senate
396 and the Florida House of Representatives. The recommendations
397 must delineate policies and procedures that will improve the
398 implementation and oversight of high school athletic programs by
399 the organization.

400 (e) The public liaison advisory committee shall meet four
401 times annually. Additional meetings may be called by the
402 committee chairperson, the organization president, or the
403 organization commissioner.

404 (7) APPEALS.-

405 (a) Each ~~The~~ organization shall establish a procedure of
406 due process which ensures each student the opportunity to appeal

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407 an unfavorable ruling with regard to his or her eligibility to
 408 compete. The initial appeal shall be made to a committee on
 409 appeals within the administrative region in which the student
 410 lives. ~~Each~~ The organization's bylaws shall establish the
 411 number, size, and composition of the committee on appeals.

412 (b) No member of the board of directors is eligible to
 413 serve on the committee on appeals.

414 (c) Members of the committee on appeals shall serve terms
 415 of 3 years and are eligible to succeed themselves only once. A
 416 member of the committee on appeals may serve a maximum of 6
 417 consecutive years. ~~Each~~ The organization's bylaws shall
 418 establish a rotation of terms to ensure that a majority of the
 419 members' terms do not expire concurrently.

420 (d) The authority and duties of the committee on appeals
 421 shall be to consider requests by member schools seeking
 422 exceptions to bylaws and regulations, to hear undue hardship
 423 eligibility cases filed by member schools on behalf of student
 424 athletes, and to hear appeals filed by member schools.

425 (e) A student athlete or member school that receives an
 426 unfavorable ruling from a committee on appeals shall be entitled
 427 to appeal that decision to the board of directors at its next
 428 regularly scheduled meeting or called meeting. The board of
 429 directors shall have the authority to uphold, reverse, or amend
 430 the decision of the committee on appeals. In all such cases, the
 431 decision of the board of directors shall be final.

432 (f) Hearings on appeals shall be held in the county where
 433 the appellant's school is located.

434 (g) The organizations shall expedite the appeals process so
 435 that disposition of the appeal can be made prior to the end of

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436 the applicable sports season, if possible.

437 (h) Notwithstanding paragraph (a), the committee on appeals
 438 of the Sunshine Independent Athletic Association shall be
 439 composed of 10 persons as follows:

440 1. Three members appointed by the Governor.

441 2. Three members appointed by the President of the Senate.

442 3. Three members appointed by the Speaker of the House of
 443 Representatives.

444 4. The commissioner or his or her designee, who shall serve
 445 as a nonvoting member.

446 (8) AMENDMENT OF BYLAWS.—Each member school representative,
 447 the board of directors acting as a whole or as members acting
 448 individually, any advisory committee acting as a whole to be
 449 established by the organization, and the ~~organization's~~
 450 commissioner are empowered to propose amendments to the bylaws.
 451 Any other individual may propose an amendment by securing the
 452 sponsorship of any of the aforementioned individuals or bodies.
 453 All proposed amendments must be submitted directly to the
 454 representative assembly for its consideration. The
 455 representative assembly, while empowered to adopt, reject, or
 456 revise proposed amendments, may not, in and of itself, as a body
 457 be allowed to propose any amendment for its own consideration.

458 (9) RULES ADOPTION.—The bylaws of ~~each~~ the organization
 459 shall require member schools to adopt rules for sports, which
 460 have been established by a nationally recognized sanctioning
 461 body, unless waived by at least a two-thirds vote of the board
 462 of directors.

463 (10) BOARD OF DIRECTORS; SUNSHINE INDEPENDENT ATHLETIC
 464 ASSOCIATION.—

Page 16 of 19

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

5-00276C-12

20121704

465 (a) The executive authority of the organization shall be
 466 vested in its board of directors. Any entity that appoints
 467 members to the board of directors shall examine the ethnic and
 468 demographic composition of the board when selecting candidates
 469 for appointment and shall, to the extent possible, make
 470 appointments that reflect state domestic and population trends.
 471 The board of directors shall be composed of 16 persons, as
 472 follows:

473 1. Four representatives, not affiliated with any school,
 474 school system, or school board, one elected from among its
 475 public school representative members within each of the four
 476 administrative regions for public schools.

477 2. Four nonpublic member school representatives, one
 478 elected from among its nonpublic school representative members
 479 within each of the four administrative regions for public
 480 schools.

481 3. Three representatives appointed by the commissioner, one
 482 appointed from the two northernmost administrative regions and
 483 one appointed from the two southernmost administrative regions.
 484 If necessary and to the extent possible, the third
 485 representative shall be appointed to balance the board for
 486 diversity or state population trends, or both, and may be
 487 appointed from any of the four administrative regions for public
 488 schools.

489 4. Two school headmasters, one elected from the two
 490 northernmost administrative regions by the nonpublic school
 491 members in those regions and one elected from the two
 492 southernmost administrative regions by the nonpublic school
 493 members in those regions.

Page 17 of 19

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

5-00276C-12

20121704

494 5. Two nonpublic school governing board members, one
 495 elected from the two northernmost administrative regions by the
 496 nonpublic school members in those regions and one elected from
 497 the two southernmost administrative regions by the nonpublic
 498 school members in those regions.

499 6. The commissioner, or his or her designee from the
 500 department executive staff.

501 (b) A quorum of the board of directors shall consist of
 502 nine members.

503 (c) The board of directors shall elect a president and a
 504 vice president from among its members. These officers shall also
 505 serve as officers of the organization.

506 (d) Eight members of the board of directors shall serve
 507 terms of 3 years and are eligible to succeed themselves for two
 508 additional consecutive terms. Eight members shall serve terms of
 509 4 years and, except for the commissioner, who may serve an
 510 unlimited number of consecutive terms, are eligible to succeed
 511 themselves for only one additional consecutive term. The
 512 organization's bylaws shall establish a rotation of terms to
 513 ensure that a majority of the members' terms do not expire
 514 concurrently.

515 (e) The authority and duties of the board of directors,
 516 acting as a body and in accordance with the organization's
 517 bylaws, are as follows:

518 1. To act as the incorporated organization's board of
 519 directors and to fulfill its obligations as required by the
 520 organization's charter and articles of incorporation.

521 2. To establish such guidelines, regulations, policies, and
 522 procedures as are authorized by the bylaws.

Page 18 of 19

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

5-00276C-12

20121704

523 3. To provide an organization commissioner, who shall have
524 the authority to waive the bylaws of the organization in order
525 to comply with statutory changes.

526 4. To levy annual dues and other fees and to set the
527 percentage of contest receipts to be collected by the
528 organization.

529 5. To approve the budget of the organization.

530 6. To organize and conduct statewide interscholastic
531 competitions.

532 7. To act as an administrative board in the interpretation
533 of, and final decision on, all questions and appeals arising
534 from the directing of interscholastic athletics of member
535 schools.

536 (11) MEMBERSHIP.—Notwithstanding any provision of law to
537 the contrary, any nonpublic high school in this state, including
538 charter schools and virtual schools, may become a member of the
539 Sunshine Independent Athletic Association and participate in the
540 activities of that organization. However, membership in the
541 association is not mandatory for any school.

542 (12) FINES.—Any fines collected by either organization
543 shall be deposited into the Educational Enhancement Trust Fund.

544 Section 3. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1 / 30 / 2012

Meeting Date

Topic _____

Bill Number 1704
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Jan 30th 2012

Meeting Date

Topic _____

Bill Number 1704
(if applicable)

Name Don Moyle

Amendment Barcode _____
(if applicable)

Job Title _____

Address 118 N. Galsden St

Phone _____

~~Street~~
TAMM
City State Zip

E-mail _____

Speaking: 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30
Meeting Date

Topic N.S. Athletics

Bill Number 1704
(if applicable)

Name Dr. John Trainor

Amendment Barcode _____
(if applicable)

Job Title President & Head of School

Address 8841 Palazzo Terrace

Phone 904-626-6042

Jacksonville, FL 32217
Street City State Zip

E-mail trainorj@bokes.org

Speaking: For Against Information

Representing Florida Council of Independent Schools

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/12
Meeting Date

Topic Sports

Bill Number 1704
(if applicable)

Name Shan Mixon

Amendment Barcode _____
(if applicable)

Job Title Consultant

Address 119 W Park
Street
Madison
City

Phone 528 4441

E-mail _____

Speaking: For Against Information

Representing Fla Assoc of School Admin.

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/12
Meeting Date

Topic SB 1704

Bill Number SB 1704
(if applicable)

Name JIM MCKENZIE

Amendment Barcode _____
(if applicable)

Job Title Vice Principal - The Rock School

Address 9818 SW 24 AVE
Street
Gainesville FL 32607
City State Zip

Phone 352 331 7625

E-mail jmckenzie@trsonline.org

Speaking: For Against Information

Representing SIAA / THE ROCK SCHOOL

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/30/12
~~1/7/12~~

Meeting Date

Topic High School Athletics

Bill Number 1704
(if applicable)

Name PAUL LAMBERT

Amendment Barcode _____
(if applicable)

Job Title _____

Address 502 North Adams Street

Phone _____

Street

Tallahassee FL 32301

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing Florida Chiropractic Asso.

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/12
Meeting Date

Topic Independent Athletics Association Bill Number SB 1704
(if applicable)

Name James Herzog Amendment Barcode _____
(if applicable)

Job Title Associate Director for Education

Address 201 W Park Ave Phone 222-3803
Street

Tallahassee FL 32303 E-mail jherzog@flacath
City State Zip conf.org

Speaking: For Against Information

Representing Florida Catholic Conference

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

01.30.12

Meeting Date

Topic INDEPENDENT ATH. ASSOC

Bill Number SB 1704
(if applicable)

Name ROGER DEARING

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE DIRECTOR

Address 1801 NW 18TH BLVD
Street

Phone 352 372 9557

GAINESVILLE FL 32606
City State Zip

E-mail rdearing@fhsaa.org

Speaking: For Against Information

Representing F.H.S.A.A.

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic FHCAA

Bill Number 1704
(if applicable)

Name William Stanton

Amendment Barcode _____
(if applicable)

Job Title Exec. Director

Address 203 S. Monroe St.

Phone 414-2578

Street
City Tallahassee State FL Zip 32301

E-mail stanton@fla.org

Speaking: For Against Information

Representing Fla. State Roads Assoc.

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic SB 1704 Bill Number SB 1704
(if applicable)

Name Tom Parlier Amendment Barcode _____
(if applicable)

Job Title Pastor

Address 901 W. Keene Rd Phone 407-322-8583
Street

Apopka Fla 32703 E-mail tpar12528@aol
City State Zip

Speaking: For Against Information

Representing West Oaks Academy

Appearing at request of Chair: Yes No ? Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/30/2017
Meeting Date

Topic High School Athletics

Bill Number 1704
(if applicable)

Name Justin Harden

Amendment Barcode _____
(if applicable)

Job Title Athletic Director at The Park School

Address 9816 SW 24th Avenue

Phone 352-331-7025

Gainesville FL 32607
City State Zip

E-mail jharden@trsonline.org

Speaking: 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic High School Athletics Bill Number 1704
Name KEE MORROW Amendment Barcode _____ (if applicable)
Job Title C.E.O Arlington Country Day School (if applicable)
Address 5725 Fort Caroline Rd Phone 904 318 2248
City Jax State Fl Zip 32277 E-mail rmacds@yahoo.com
Speaking: 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)

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 Education Pre-K - 12 Committee

BILL: SB 1852
 INTRODUCER: Senator Wise
 SUBJECT: Charter Schools
 DATE: January 26, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	Pre-meeting
2.	_____	_____	HE	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes Florida College System institutions that offer an approved teacher preparation program to operate one K-12 charter school.

District school boards must annually proportionately share the revenue generated by the millage levy with charter schools in the school district on a per-student basis or be subject to a Florida Education Finance Program recalculation to provide for this allocation to charter schools in the district. Recalculated funds are to be submitted by the district school board to its charter schools within 30 days of receipt and are only to be used for capital outlay purposes.

Federal funds issued for the benefit of charter schools and students and sent to a district school board must be distributed in full within 60 days of receipt.

High-performing charter schools would be authorized to replicate up to three new schools per year.

High-performing charter schools that are part of a system would be given greater flexibility to make changes as follows:

- Increase student enrollment once each school year by up to 15 percent more than the capacity authorized in the charter, subject to written notice to the sponsor;
- Expand grade levels within K-12 grades to add grade levels not already served if the annual enrollment increase is within allowable limits, subject to written notice to the sponsor;
- Submit a quarterly, rather than monthly, financial statement to the sponsor;

- Consolidate under a single charter the charters of multiple high-performing charter schools located in the same district by the charter schools' governing boards, irrespective of the renewal cycle; and
- Increase the charter term to up to 15 years or a 15-year charter renewal, providing that the charter is compliant with certain statutory provisions related to renewal.

This bill substantially amends sections 1002.33, 1002.331, and 1002.332 of the Florida Statutes.

II. Present Situation:

Charter Schools

Charter schools are governed in law by s. 1002.33, F.S. Charter schools are considered to be public schools.¹ Terms and conditions for charter school operation are to be agreed to by the sponsor and applicant through a written contractual agreement, which represents the charter.² Although the initial term of a charter is restricted to four or five years, to facilitate access to long-term financial construction funding, s. 1002.33(7)(a)12., F.S., authorizes charters of up to 15 years for those operated by a municipality or other public entity, or by a private not-for-profit 501(c)(3) corporation.

Various individuals and entities are authorized to file an application for a new charter school, including teachers, parents, a group of individuals, a municipality or a legal entity.³ District school boards and state universities (regarding the creation of a charter lab school) are authorized to serve as sponsors of charter schools. Sponsors review and approve or deny charter school applications, monitor progress, and ensure compliance with state education goals and participation in the education accountability system.⁴

Florida College System institutions are authorized to develop charter schools in collaboration with the school district, provided that the charter schools include an option for students to receive an associate degree upon high school graduation.⁵

The 2011 Florida Legislature established the designation of “high-performing charter schools” and “high-performing charter school systems.”⁶ A charter school is considered high-performing if it:

- Received at least two “A” grades and no school grade below “B” during each of the previous 3 school years;
- Received an unqualified opinion on each annual financial audit in the last three fiscal years for which audits are available; and
- Did not receive a financial audit that showed one or more financial emergency conditions in the last three fiscal years for which audits are available.

¹ s. 1002.33(1), F.S.

² s. 1002.33(6)(h), F.S.

³ s. 1002.33(3), F.S.

⁴ s. 1002.33(5), F.S.

⁵ s. 1002.33(5)(j), F.S.

⁶ ch. 2011-232, L.O.F.

Virtual charter schools cannot be considered for designation as a high-performing charter school.⁷

High-performing charter schools are granted certain benefits by virtue of their designation. These schools are authorized to:

- Increase student enrollment once a year by up to 15 percent more than capacity identified in the charter;
- Expand grade levels within K-12 grades to add grades if the annual enrollment increase is not exceeded;
- Submit a quarterly, rather than monthly financial statement to the sponsor;
- Consolidate charters of multiple, high-performing charter schools under a single charter;
- Receive a modification of its charter to a term of 15 years or a 15 year charter renewal, although it remains subject to annual sponsor review and termination provisions; and
- Replicate at the rate of one charter per year.⁸

Written notification, including an exact enrollment increase and specified grade levels, must be provided to a sponsor by March 1 if a high-performing charter school intends to increase enrollment or expand grade levels the following year.

High-performing charter school systems are defined as an entity that:

- Operates at least three high-performing charter schools in the state;
- Operates a system of charter schools in which at least 50 percent are high-performing and, no charter school received a school grade of “D” or “F”, except in instances where:
 - The entity took over operation of a public school with a “D” or “F” grade and in this case, the grade is not to be considered for high-performing purposes for three years; or
 - A new charter school is started that serves a student population, the majority of which is in a school zone served by a public school identified as lowest performing. In this case, the grade will not be considered if it maintains a grade that is higher than that public school within three years of establishment; and
- Has not received a financial audit showing one or more financial emergency conditions for any charter school now operated by the entity.

Upon request by an entity, the Commissioner of Education is required to provide a letter of verification that the entity is designated as a high-performing charter school system.

High-performing charter school systems are authorized to replicate schools pursuant to the same method and at the same rate prescribed for high-performing charter school replication.⁹

To date, 115 charter schools have received high-performing designation. As of August 1, 2011, districts received 47 applications from high-performing charter schools requesting replication.¹⁰

⁷ s. 1002.331(1), F.S.

⁸ s. 1002.331(2)(e) and (3)(a), F.S..

⁹ s. 1002.332(1) and (2), F.S.

District School Tax

In addition to other millage authorized for current operation, each school board may levy up to 1.5 mills more against the taxable value for school purposes for district schools, including charter schools, at the school board's discretion, to fund:

- New construction and remodeling, as included in the district's educational plant survey;
- Maintenance, renovation, and repair of existing school plants or leased facilities to correct deficiencies;
- Purchase, lease-purchase or lease of school buses or of new and replacement equipment, computer hardware;
- Payments for educational facilities and sites due under a lease-purchase agreement up to a specified cap;
- Payment of certain loans, costs required for state and federal compliance, costs of leasing relocatable educational facilities and cost of certain school buses; and
- Payment of the cost of the initial library collection at a new school.¹¹

III. Effect of Proposed Changes:

This bill authorizes Florida College System institutions that offer an approved teacher preparation program to operate one K-12 charter school. This represents an expansion of grade levels, as authority is currently limited to development of secondary charter schools.

District school boards must annually proportionately share the revenue generated by the millage levy with charter schools in the school district on a per-student basis or be subject to FEFP recalculation to provide for this allocation to charter schools in the district. Currently, district school boards have discretionary authority to share this revenue. According to the Department of Education (DOE), currently three school districts provide charter schools with these funds.¹²

Recalculated funds are to be submitted by the district school board to its charter schools within 30 days of receipt and are only to be used for capital outlay purposes.

Federal funds issued for the benefit of charter schools and students and sent to a district school board must be distributed in full within 60 days of receipt, including funds received through Title I and Title II of the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act (IDEA).

High-performing charter schools would be authorized to establish a maximum of three new charter schools annually, which is an increase from the current one new school per year authorized in law.

¹⁰ DOE Draft Bill Analysis on SB 1852 (January 19, 2012); On file with the Senate Committee on Education Pre-K – 12.

¹¹ s. 1011.71 (2), F.S.

¹² DOE Draft Bill Analysis on SB 1852 (January 19, 2012); On file with the Senate Committee on Education Pre-K – 12.

High-performing charter schools that are part of a system would be given greater flexibility to make changes as follows:

- Increase student enrollment once a school year by up to 15 percent more than the capacity authorized in the charter, subject to written notice to the sponsor;
- Expand grade levels within K-12 grades to add grade levels not already served if the annual enrollment increase is within allowable limits, subject to written notice to the sponsor;
- Submit a quarterly, rather than monthly, financial statement to the sponsor;
- Consolidate under a single charter the charters of multiple high-performing charter schools located in the same district by the charter schools' governing boards, irrespective of renewal cycle; and
- Increase the charter term to up to 15 years or a 15-year charter renewal, providing that the charter is compliant with statutory provisions regarding written notification to the sponsor and capacity determination requirements.

This is the same flexibility currently extended to high-performing charter schools irrespective of whether they are part of a system.

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:

Under the authority to increase by three new schools per year, high-performing charter schools would be able to expand more quickly. High-performing charter schools that are part of a system would also be able to increase in scope and size more quickly, and also replicate faster under these provisions.

C. **Government Sector Impact:**

District school boards would be required to equally share the revenue generated through additional millage with charter schools, based upon a set per-student formula.

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.



883798

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (6) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(6)

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all



883798

13 the following factors are shown to exist:

14 a. The proposed development would be consistent with the
15 future land use designation for the specific property and with
16 pertinent portions of the adopted local plan, as determined by
17 the local government.

18 b. The local government's capital improvements element and
19 the school board's educational facilities plan provide for
20 school facilities adequate to serve the proposed development,
21 and the local government or school board has not implemented
22 that element or the project includes a plan that demonstrates
23 that the capital facilities needed as a result of the project
24 can be reasonably provided.

25 c. The local government and school board have provided a
26 means by which the landowner will be assessed a proportionate
27 share of the cost of providing the school facilities necessary
28 to serve the proposed development.

29 2. If a local government applies school concurrency, it may
30 not deny an application for site plan, final subdivision
31 approval, or the functional equivalent for a development or
32 phase of a development authorizing residential development for
33 failure to achieve and maintain the level-of-service standard
34 for public school capacity in a local school concurrency
35 management system where adequate school facilities will be in
36 place or under actual construction within 3 years after the
37 issuance of final subdivision or site plan approval, or the
38 functional equivalent. School concurrency is satisfied if the
39 developer executes a legally binding commitment to provide
40 mitigation proportionate to the demand for public school
41 facilities to be created by actual development of the property,



42 including, but not limited to, the options described in sub-
43 subparagraph a. Options for proportionate-share mitigation of
44 impacts on public school facilities must be established in the
45 comprehensive plan and the interlocal agreement pursuant to s.
46 163.31777.

47 a. Appropriate mitigation options include the contribution
48 of land; the construction, expansion, or payment for land
49 acquisition or construction of a public school facility; the
50 construction of a charter school that complies with the
51 requirements of s. 1002.33(19) ~~1002.33(18)~~; or the creation of
52 mitigation banking based on the construction of a public school
53 facility in exchange for the right to sell capacity credits.
54 Such options must include execution by the applicant and the
55 local government of a development agreement that constitutes a
56 legally binding commitment to pay proportionate-share mitigation
57 for the additional residential units approved by the local
58 government in a development order and actually developed on the
59 property, taking into account residential density allowed on the
60 property prior to the plan amendment that increased the overall
61 residential density. The district school board must be a party
62 to such an agreement. As a condition of its entry into such a
63 development agreement, the local government may require the
64 landowner to agree to continuing renewal of the agreement upon
65 its expiration.

66 b. If the interlocal agreement and the local government
67 comprehensive plan authorize a contribution of land; the
68 construction, expansion, or payment for land acquisition; the
69 construction or expansion of a public school facility, or a
70 portion thereof; or the construction of a charter school that



883798

71 complies with the requirements of s. 1002.33(19) ~~1002.33(18)~~, as
72 proportionate-share mitigation, the local government shall
73 credit such a contribution, construction, expansion, or payment
74 toward any other impact fee or exaction imposed by local
75 ordinance for the same need, on a dollar-for-dollar basis at
76 fair market value.

77 c. Any proportionate-share mitigation must be directed by
78 the school board toward a school capacity improvement identified
79 in the 5-year school board educational facilities plan that
80 satisfies the demands created by the development in accordance
81 with a binding developer's agreement.

82 3. This paragraph does not limit the authority of a local
83 government to deny a development permit or its functional
84 equivalent pursuant to its home rule regulatory powers, except
85 as provided in this part.

86 Section 2. Paragraph (c) of subsection (9) of section
87 1002.32, Florida Statutes, is amended to read:

88 1002.32 Developmental research (laboratory) schools.-

89 (9) FUNDING.-Funding for a lab school, including a charter
90 lab school, shall be provided as follows:

91 (c) All operating funds provided under this section shall
92 be deposited in a Lab School Trust Fund and shall be expended
93 for the purposes of this section. The university assigned a lab
94 school shall be the fiscal agent for these funds, and all rules
95 of the university governing the budgeting and expenditure of
96 state funds shall apply to these funds unless otherwise provided
97 by law or rule of the State Board of Education. The university
98 board of trustees shall be the public employer of lab school
99 personnel for collective bargaining purposes for lab schools in



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100 operation prior to the 2002-2003 fiscal year. Employees of
101 charter lab schools authorized prior to June 1, 2003, but not in
102 operation prior to the 2002-2003 fiscal year shall be employees
103 of the entity holding the charter and must comply with the
104 provisions of s. 1002.33(13) ~~1002.33(12)~~.

105 Section 3. Subsection (1), paragraph (b) of subsection (5),
106 paragraph (c) of subsection (6), paragraph (a) of subsection
107 (7), paragraphs (b) and (g) of present subsection (9),
108 paragraphs (d), (e), (h), and (i) of present subsection (10),
109 present subsection (13), paragraphs (b) and (c) of present
110 subsection (15), present subsection (17), paragraph (a) of
111 present subsection (20), and present subsection (23) of section
112 1002.33, Florida Statutes, are amended, present subsections (9)
113 through (27) of that section are redesignated as subsections
114 (10) through (28), respectively, and a new subsection (9) is
115 added to that section, to read:

116 1002.33 Charter schools.—

117 (1) AUTHORIZATION.—Charter schools shall be part of the
118 state's program of public education. All charter schools in
119 Florida are public schools. A charter school may be formed by
120 creating a new school or converting an existing public school to
121 charter status. A charter school may operate a virtual charter
122 school pursuant to s. 1002.45(1)(d) to provide full-time online
123 instruction to eligible students, pursuant to s. 1002.455, in
124 kindergarten through grade 12. A charter school must amend its
125 charter or submit a new application pursuant to subsection (6)
126 to become a virtual charter school. A virtual charter school is
127 subject to the requirements of this section; however, a virtual
128 charter school is exempt from subsections (19) ~~(18)~~ and (20)



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129 ~~(19)~~, subparagraphs (21)(a)2.-5. ~~(20)(a)2.-5.~~, paragraph (21)(c)
130 ~~(20)(e)~~, and s. 1003.03. A public school may not use the term
131 charter in its name unless it has been approved under this
132 section.

133 (5) SPONSOR; DUTIES.—

134 (b) *Sponsor duties.*—

135 1.a. The sponsor shall monitor and review the charter
136 school in its progress toward the goals established in the
137 charter.

138 b. The sponsor shall monitor the revenues and expenditures
139 of the charter school and perform the duties provided in s.
140 1002.345.

141 c. The sponsor may approve a charter for a charter school
142 before the applicant has identified space, equipment, or
143 personnel, if the applicant indicates approval is necessary for
144 it to raise working funds.

145 d. The sponsor's policies and procedures and previous
146 school board decisions, which are not consistent with the
147 requirements in this section, shall not apply to a charter
148 school unless mutually agreed to by both the sponsor and the
149 charter school.

150 e. The sponsor shall ensure that the charter is innovative
151 and consistent with the state education goals established by s.
152 1000.03(5).

153 f. The sponsor shall ensure that the charter school
154 participates in the state's education accountability system. If
155 a charter school falls short of performance measures included in
156 the approved charter, the sponsor shall report such shortcomings
157 to the Department of Education.



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158 g. The sponsor is ~~shall~~ not be liable for civil damages
159 under state law for personal injury, property damage, or death
160 resulting from an act or omission of an officer, employee,
161 agent, or governing body of the charter school.

162 h. The sponsor is ~~shall~~ not be liable for civil damages
163 under state law for any employment actions taken by an officer,
164 employee, agent, or governing body of the charter school.

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

167 j. The sponsor shall not impose additional reporting
168 requirements beyond those contained in this section on a charter
169 school without providing reasonable and specific justification
170 in writing to the charter school.

171 2. Immunity for the sponsor of a charter school under
172 subparagraph 1. applies only with respect to acts or omissions
173 not under the sponsor's direct authority as described in this
174 section.

175 3. This paragraph does not waive a district school board's
176 sovereign immunity.

177 4. A Florida College System institution may work with the
178 school district or school districts in its designated service
179 area to develop charter schools that offer secondary education.
180 These charter schools must include an option for students to
181 receive an associate degree upon high school graduation. If a
182 Florida College System institution operates an approved teacher
183 preparation program under s. 1004.04 or s. 1004.85, the Florida
184 College System institution may operate no more than one charter
185 school that serves students in kindergarten through grade 12 in
186 each school district in which the Florida College System



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187 institution serves. District school boards shall cooperate with
188 and assist the Florida College System institution on the charter
189 application. Florida College System institution applications for
190 charter schools are not subject to the time deadlines outlined
191 in subsection (6) and may be approved by the district school
192 board at any time during the year. Florida College System
193 institutions may not report FTE for any students who receive FTE
194 funding through the Florida Education Finance Program.

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

197 (c)1. An applicant may appeal any denial of that
198 applicant's application or failure to act on an application to
199 the State Board of Education no later than 30 calendar days
200 after receipt of the sponsor's decision or failure to act and
201 shall notify the sponsor of its appeal. Any response of the
202 sponsor shall be submitted to the State Board of Education
203 within 30 calendar days after notification of the appeal. Upon
204 receipt of notification from the State Board of Education that a
205 charter school applicant is filing an appeal, the Commissioner
206 of Education shall convene a meeting of the Charter School
207 Appeal Commission to study and make recommendations to the State
208 Board of Education regarding its pending decision about the
209 appeal. The commission shall forward its recommendation to the
210 state board no later than 7 calendar days prior to the date on
211 which the appeal is to be heard.

212 2. The Charter School Appeal Commission may reject an
213 appeal submission for failure to comply with procedural rules
214 governing the appeals process. The rejection shall describe the
215 submission errors. The appellant shall have 15 calendar days



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216 after notice of rejection in which to resubmit an appeal that
217 meets the requirements set forth in State Board of Education
218 rule. An appeal submitted subsequent to such rejection is
219 considered timely if the original appeal was filed within 30
220 calendar days after receipt of notice of the specific reasons
221 for the sponsor's denial of the charter application.

222 3.a. The State Board of Education shall by majority vote
223 accept or reject the decision of the sponsor no later than 90
224 calendar days after an appeal is filed in accordance with State
225 Board of Education rule. The State Board of Education shall
226 remand the application to the sponsor with its written decision
227 that the sponsor approve or deny the application. The sponsor
228 shall implement the decision of the State Board of Education.
229 The decision of the State Board of Education is not subject to
230 the provisions of the Administrative Procedure Act, chapter 120.

231 b. If an appeal concerns an application submitted by a
232 high-performing charter school identified pursuant to s.
233 1002.331, the State Board of Education shall determine whether
234 the sponsor has shown, by clear and convincing evidence, that:

235 (I) The application does not materially comply with the
236 requirements in paragraph (a);

237 (II) The charter school proposed in the application does
238 not materially comply with the requirements in paragraphs
239 (10) (a) - (f) ~~(9) (a) - (f)~~;

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

243 (IV) The applicant has made a material misrepresentation or
244 false statement or concealed an essential or material fact



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245 during the application process; or

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

249

250 The State Board of Education shall approve or reject the
251 sponsor's denial of an application no later than 90 calendar
252 days after an appeal is filed in accordance with State Board of
253 Education rule. The State Board of Education shall remand the
254 application to the sponsor with its written decision that the
255 sponsor approve or deny the application. The sponsor shall
256 implement the decision of the State Board of Education. The
257 decision of the State Board of Education is not subject to the
258 Administrative Procedure Act, chapter 120.

259 (7) CHARTER.—The major issues involving the operation of a
260 charter school shall be considered in advance and written into
261 the charter. The charter shall be signed by the governing board
262 of the charter school and the sponsor, following a public
263 hearing to ensure community input.

264 (a) The charter shall address and criteria for approval of
265 the charter shall be based on:

266 1. The school's mission, the students to be served, and the
267 ages and grades to be included.

268 2. The focus of the curriculum, the instructional methods
269 to be used, any distinctive instructional techniques to be
270 employed, and identification and acquisition of appropriate
271 technologies needed to improve educational and administrative
272 performance which include a means for promoting safe, ethical,
273 and appropriate uses of technology which comply with legal and



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274 professional standards.

275 a. The charter shall ensure that reading is a primary focus
276 of the curriculum and that resources are provided to identify
277 and provide specialized instruction for students who are reading
278 below grade level. The curriculum and instructional strategies
279 for reading must be consistent with the Sunshine State Standards
280 and grounded in scientifically based reading research.

281 b. In order to provide students with access to diverse
282 instructional delivery models, to facilitate the integration of
283 technology within traditional classroom instruction, and to
284 provide students with the skills they need to compete in the
285 21st century economy, the Legislature encourages instructional
286 methods for blended learning courses consisting of both
287 traditional classroom and online instructional techniques.
288 Charter schools may implement blended learning courses that
289 ~~which~~ combine traditional classroom instruction and virtual
290 instruction. Students in a blended learning course must be full-
291 time students of the charter school and receive the online
292 instruction in a classroom setting at the charter school.
293 Instructional personnel certified pursuant to s. 1012.55 who
294 provide virtual instruction for blended learning courses may be
295 employees of the charter school or may be under contract to
296 provide instructional services to charter school students. At a
297 minimum, such instructional personnel must hold an active state
298 or school district adjunct certification under s. 1012.57 for
299 the subject area of the blended learning course. The funding and
300 performance accountability requirements for blended learning
301 courses are the same as those for traditional courses.

302 3. The current incoming baseline standard of student



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303 academic achievement, the outcomes to be achieved, and the
304 method of measurement that will be used. The criteria listed in
305 this subparagraph shall include a detailed description of:

306 a. How the baseline student academic achievement levels and
307 prior rates of academic progress will be established.

308 b. How these baseline rates will be compared to rates of
309 academic progress achieved by these same students while
310 attending the charter school.

311 c. To the extent possible, how these rates of progress will
312 be evaluated and compared with rates of progress of other
313 closely comparable student populations.

314

315 The district school board is required to provide academic
316 student performance data to charter schools for each of their
317 students coming from the district school system, as well as
318 rates of academic progress of comparable student populations in
319 the district school system. If academic student performance data
320 cannot be provided to a charter school, the district school
321 board shall provide the charter school with training and access
322 to the school district's student achievement databases.

323 4. The methods used to identify the educational strengths
324 and needs of students and how well educational goals and
325 performance standards are met by students attending the charter
326 school. The methods shall provide a means for the charter school
327 to ensure accountability to its constituents by analyzing
328 student performance data and by evaluating the effectiveness and
329 efficiency of its major educational programs. Students in
330 charter schools shall, at a minimum, participate in the
331 statewide assessment program created under s. 1008.22.



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332 5. In secondary charter schools, a method for determining
333 that a student has satisfied the requirements for graduation in
334 s. 1003.428, s. 1003.429, or s. 1003.43.

335 6. A method for resolving conflicts between the governing
336 board of the charter school and the sponsor.

337 7. The admissions procedures and dismissal procedures,
338 including the school's code of student conduct.

339 8. The ways by which the school will achieve a
340 racial/ethnic balance reflective of the community it serves or
341 within the racial/ethnic range of other public schools in the
342 same school district.

343 9. The financial and administrative management of the
344 school, including a reasonable demonstration of the professional
345 experience or competence of those individuals or organizations
346 applying to operate the charter school or those hired or
347 retained to perform such professional services and the
348 description of clearly delineated responsibilities and the
349 policies and practices needed to effectively manage the charter
350 school. A description of internal audit procedures and
351 establishment of controls to ensure that financial resources are
352 properly managed must be included. Both public sector and
353 private sector professional experience shall be equally valid in
354 such a consideration.

355 10. The asset and liability projections required in the
356 application which are incorporated into the charter and shall be
357 compared with information provided in the annual report of the
358 charter school.

359 11. A description of procedures that identify various risks
360 and provide for a comprehensive approach to reduce the impact of



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361 losses; plans to ensure the safety and security of students and
362 staff; plans to identify, minimize, and protect others from
363 violent or disruptive student behavior; and the manner in which
364 the school will be insured, including whether or not the school
365 will be required to have liability insurance, and, if so, the
366 terms and conditions thereof and the amounts of coverage.

367 12. The term of the charter, which shall provide for
368 cancellation of the charter if insufficient progress has been
369 made in attaining the student achievement objectives of the
370 charter and if it is not likely that such objectives can be
371 achieved before expiration of the charter. The initial term of a
372 charter shall be for 4 or 5 years. In order to facilitate access
373 to long-term financial resources for charter school
374 construction, charter schools that are operated by a
375 municipality or other public entity as provided by law are
376 eligible for up to a 15-year charter, subject to approval by the
377 district school board. A charter lab school is eligible for a
378 charter for a term of up to 15 years. In addition, to facilitate
379 access to long-term financial resources for charter school
380 construction, charter schools that are operated by a private,
381 not-for-profit, s. 501(c)(3) status corporation are eligible for
382 up to a 15-year charter, subject to approval by the district
383 school board. Such long-term charters remain subject to annual
384 review and may be terminated during the term of the charter, but
385 only according to the provisions set forth in subsection (8).

386 13. The facilities to be used and their location.

387 14. The qualifications to be required of the teachers and
388 the potential strategies used to recruit, hire, train, and
389 retain qualified staff to achieve best value.



390 15. The governance structure of the school, including the
391 status of the charter school as a public or private employer as
392 required in paragraph (13)(i) ~~(12)(i)~~.

393 16. A timetable for implementing the charter which
394 addresses the implementation of each element thereof and the
395 date by which the charter shall be awarded in order to meet this
396 timetable.

397 17. In the case of an existing public school that is being
398 converted to charter status, alternative arrangements for
399 current students who choose not to attend the charter school and
400 for current teachers who choose not to teach in the charter
401 school after conversion in accordance with the existing
402 collective bargaining agreement or district school board rule in
403 the absence of a collective bargaining agreement. However,
404 alternative arrangements are ~~shall~~ not ~~be~~ required for current
405 teachers who choose not to teach in a charter lab school, except
406 as authorized by the employment policies of the state university
407 that ~~which~~ grants the charter to the lab school.

408 18. Full disclosure of the identity of all relatives
409 employed by the charter school who are related to the charter
410 school owner, president, chairperson of the governing board of
411 directors, superintendent, governing board member, principal,
412 assistant principal, or any other person employed by the charter
413 school who has equivalent decisionmaking authority. For the
414 purpose of this subparagraph, the term "relative" means father,
415 mother, son, daughter, brother, sister, uncle, aunt, first
416 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
417 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
418 stepfather, stepmother, stepson, stepdaughter, stepbrother,



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419 stepsister, half brother, or half sister.

420 19. Implementation of the activities authorized under s.
421 1002.331 or s. 1002.332 by the charter school when it satisfies
422 the eligibility requirements for a high-performing charter
423 school. A high-performing charter school shall notify its
424 sponsor in writing by March 1 if it intends to increase
425 enrollment or expand grade levels the following school year. The
426 written notice shall specify the amount of the enrollment
427 increase and the grade levels that will be added, as applicable.

428 (9) FORMAL GRIEVANCES; MEDIATION.—A charter school or
429 sponsor may file a formal grievance with the Department of
430 Education and request mediation if the charter school or sponsor
431 is unable to resolve any outstanding issues between the charter
432 school and the sponsor. Upon the filing of such formal grievance
433 and request for mediation, any activities associated with the
434 closing of a charter school shall cease until a resolution is
435 reached, unless the charter is terminated pursuant to paragraph
436 (8) (d) .

437 (10) ~~(9)~~ CHARTER SCHOOL REQUIREMENTS.—

438 (b) A charter school shall admit students as provided in
439 subsection (11) ~~(10)~~.

440 (g) In order to provide financial information that is
441 comparable to that reported for other public schools, charter
442 schools are to maintain all financial records that constitute
443 their accounting system:

444 1. In accordance with the accounts and codes prescribed in
445 the most recent issuance of the publication titled "Financial
446 and Program Cost Accounting and Reporting for Florida Schools";
447 or



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448 2. At the discretion of the charter school's governing
449 board, a charter school may elect to follow generally accepted
450 accounting standards for not-for-profit organizations, but must
451 reformat this information for reporting according to this
452 paragraph.

453
454 Charter schools shall provide annual financial report and
455 program cost report information in the state-required formats
456 for inclusion in district reporting in compliance with s.
457 1011.60(1). Charter schools that are operated by a municipality
458 or are a component unit of a parent nonprofit organization may
459 use the accounting system of the municipality or the parent but
460 must reformat this information for reporting according to this
461 paragraph. A charter school shall provide a monthly financial
462 statement to the sponsor unless the charter school is designated
463 as a high-performing charter school pursuant to s. 1002.331 or
464 s. 1002.332, in which case the high-performing charter school
465 may provide a quarterly financial statement. The financial
466 statement required under this paragraph shall be in a form
467 prescribed by the Department of Education.

468 ~~(11)-(10)~~ ELIGIBLE STUDENTS.—

469 (d) A charter school may give enrollment preference to the
470 following student populations:

471 1. Students who are siblings of a student enrolled in the
472 charter school.

473 2. Students who are the children of a member of the
474 governing board of the charter school.

475 3. Students who are the children of an employee of the
476 charter school.



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- 477 4. Students who are the children of:
- 478 a. An employee of the business partner of a charter school-
- 479 in-the-workplace established under paragraph (16) (b) ~~(15) (b)~~ or
- 480 a resident of the municipality in which such charter school is
- 481 located; or
- 482 b. A resident of a municipality that operates a charter
- 483 school-in-a-municipality pursuant to paragraph (16) (c) ~~(15) (e)~~.
- 484 5. Students who have successfully completed a voluntary
- 485 prekindergarten education program under ss. 1002.51-1002.79
- 486 provided by the charter school or the charter school's governing
- 487 board during the previous year.
- 488 6. Students who are the children of an active duty member
- 489 of any branch of the United States Armed Forces.
- 490 (e) A charter school may limit the enrollment process only
- 491 to target the following student populations:
- 492 1. Students within specific age groups or grade levels.
- 493 2. Students considered at risk of dropping out of school or
- 494 academic failure. Such students shall include exceptional
- 495 education students.
- 496 3. Students enrolling in a charter school-in-the-workplace
- 497 or charter school-in-a-municipality established pursuant to
- 498 subsection (16) ~~(15)~~.
- 499 4. Students residing within a reasonable distance of the
- 500 charter school, as described in paragraph (21) (c) ~~(20) (e)~~. Such
- 501 students shall be subject to a random lottery and to the
- 502 racial/ethnic balance provisions described in subparagraph
- 503 (7) (a)8. or any federal provisions that require a school to
- 504 achieve a racial/ethnic balance reflective of the community it
- 505 serves or within the racial/ethnic range of other public schools



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506 in the same school district.

507 5. Students who meet reasonable academic, artistic, or
508 other eligibility standards established by the charter school
509 and included in the charter school application and charter or,
510 in the case of existing charter schools, standards that are
511 consistent with the school's mission and purpose. Such standards
512 shall be in accordance with current state law and practice in
513 public schools and may not discriminate against otherwise
514 qualified individuals.

515 6. Students articulating from one charter school to another
516 pursuant to an articulation agreement between the charter
517 schools that has been approved by the sponsor.

518 7. Students living in a development in which a business
519 entity provides the school facility and related property having
520 an appraised value of at least \$10 million to be used as a
521 charter school for the development. Students living in the
522 development shall be entitled to 50 percent of the student
523 stations in the charter school. The students who are eligible
524 for enrollment are subject to a random lottery, the
525 racial/ethnic balance provisions, or any federal provisions, as
526 described in subparagraph 4. The remainder of the student
527 stations shall be filled in accordance with subparagraph 4.

528 (h) The capacity of the charter school shall be determined
529 annually by the governing board, in conjunction with the
530 sponsor, of the charter school in consideration of the factors
531 identified in this subsection unless the charter school is
532 designated as a high-performing charter school pursuant to s.
533 1002.331 or s. 1002.332. A sponsor may not require a charter
534 school to waive the provisions of s. 1002.331 or s. 1002.332 or



535 require a student enrollment cap that prohibits a high-
536 performing charter school from increasing enrollment in
537 accordance with s. 1002.331(2) or s. 1002.332(2)(c) as a
538 condition of approval or renewal of a charter.

539 (i) The capacity of a high-performing charter school
540 identified pursuant to s. 1002.331 or s. 1002.332 shall be
541 determined annually by the governing board of the charter
542 school. The governing board shall notify the sponsor of any
543 increase in enrollment by March 1 of the school year preceding
544 the increase.

545 (14)-(13) CHARTER SCHOOL COOPERATIVES.—Charter schools may
546 enter into cooperative agreements to form charter school
547 cooperative organizations that may provide the following
548 services: charter school planning and development, direct
549 instructional services, and contracts with charter school
550 governing boards to provide personnel administrative services,
551 payroll services, human resource management, evaluation and
552 assessment services, teacher preparation, and professional
553 development. A charter school cooperative organization that
554 includes high-performing charter schools, a consortium of
555 charter schools, or individual charter schools may submit a
556 professional development plan on behalf of its member schools to
557 the State Board of Education for the purpose of meeting
558 continuing education requirements.

559 (16)-(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-
560 IN-A-MUNICIPALITY.—

561 (b) A charter school-in-the-workplace may be established
562 when a business partner provides the school facility to be used;
563 enrolls students based upon a random lottery that involves all



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564 of the children of employees of that business or corporation who
565 are seeking enrollment, as provided for in subsection (11) ~~(10)~~;
566 and enrolls students according to the racial/ethnic balance
567 provisions described in subparagraph (7) (a)8. Any portion of a
568 facility used for a public charter school shall be exempt from
569 ad valorem taxes, as provided for in s. 1013.54, for the
570 duration of its use as a public school.

571 (c) A charter school-in-a-municipality designation may be
572 granted to a municipality that possesses a charter; enrolls
573 students based upon a random lottery that involves all of the
574 children of the residents of that municipality who are seeking
575 enrollment, as provided for in subsection (11) ~~(10)~~; and enrolls
576 students according to the racial/ethnic balance provisions
577 described in subparagraph (7) (a)8. When a municipality has
578 submitted charter applications for the establishment of a
579 charter school feeder pattern, consisting of elementary, middle,
580 and senior high schools, and each individual charter application
581 is approved by the district school board, such schools shall
582 then be designated as one charter school for all purposes listed
583 pursuant to this section. Any portion of the land and facility
584 used for a public charter school shall be exempt from ad valorem
585 taxes, as provided for in s. 1013.54, for the duration of its
586 use as a public school.

587 (18) ~~(17)~~ FUNDING.—Students enrolled in a charter school,
588 regardless of the sponsorship, shall be funded as if they are in
589 a basic program or a special program, the same as students
590 enrolled in other public schools in the school district. Funding
591 for a charter lab school shall be as provided in s. 1002.32.

592 (a) Each charter school shall report its student enrollment



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593 to the sponsor as required in s. 1011.62, and in accordance with
594 the definitions in s. 1011.61. The sponsor shall include each
595 charter school's enrollment in the district's report of student
596 enrollment. All charter schools submitting student record
597 information required by the Department of Education shall comply
598 with the Department of Education's guidelines for electronic
599 data formats for such data, and all districts shall accept
600 electronic data that complies with the Department of Education's
601 electronic format.

602 (b) The basis for the agreement for funding students
603 enrolled in a charter school shall be the sum of the school
604 district's operating funds from the Florida Education Finance
605 Program as provided in s. 1011.62 and the General Appropriations
606 Act, including gross state and local funds, discretionary
607 lottery funds, and funds from the school district's current
608 operating discretionary millage levy; divided by total funded
609 weighted full-time equivalent students in the school district;
610 multiplied by the weighted full-time equivalent students for the
611 charter school. Charter schools whose students or programs meet
612 the eligibility criteria in law shall be entitled to their
613 proportionate share of categorical program funds included in the
614 total funds available in the Florida Education Finance Program
615 by the Legislature, including transportation. Total funding for
616 each charter school shall be recalculated during the year to
617 reflect the revised calculations under the Florida Education
618 Finance Program by the state and the actual weighted full-time
619 equivalent students reported by the charter school during the
620 full-time equivalent student survey periods designated by the
621 Commissioner of Education.



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622 (c) Each district school board may annually proportionately
623 share the revenue generated by the millage levy pursuant to s.
624 1011.71(2) with charter schools in the school district on a per-
625 student basis. If a district school board does not
626 proportionately share the revenue generated by the millage levy
627 pursuant to s. 1011.71(2), the Florida Education Finance Program
628 allocation for that school district shall be recalculated so
629 that each charter school in the school district receives, on a
630 per-student basis, the same amount of funds that it would have
631 received if the district school board shared the millage levy
632 revenue with charter schools on a per-student, pro rata basis.
633 The school district shall, within 30 days after receipt,
634 distribute the recalculated funds to each charter school in the
635 district. Charter schools may use these recalculated funds only
636 for capital outlay purposes.

637 (d)~~(e)~~ If the district school board is providing programs
638 or services to students funded by federal funds, any eligible
639 students enrolled in charter schools in the school district
640 shall be provided federal funds for the same level of service
641 provided students in the schools operated by the district school
642 board. All federal funds received by a district school board for
643 the benefit of charter schools, charter school students, or
644 charter school students as public school students in the school
645 district, including, but not limited to, Title I, Title II, and
646 IDEA funds, shall be paid in total to charter schools within 60
647 days after receipt by the district school board. Pursuant to
648 provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall
649 receive all federal funding for which the school is otherwise
650 eligible, including Title I funding, not later than 5 months



651 after the charter school first opens and within 5 months after
652 any subsequent expansion of enrollment.

653 (e)~~(d)~~ Charter schools shall be included by the Department
654 of Education and the district school board in requests for
655 federal stimulus funds in the same manner as district school
656 board-operated public schools, including Title I and IDEA funds
657 and shall be entitled to receive such funds. Charter schools are
658 eligible to participate in federal competitive grants that are
659 available as part of the federal stimulus funds.

660 (f)~~(e)~~ District school boards shall make timely and
661 efficient payment and reimbursement to charter schools,
662 including processing paperwork required to access special state
663 and federal funding for which they may be eligible. The district
664 school board may distribute funds to a charter school for up to
665 3 months based on the projected full-time equivalent student
666 membership of the charter school. Thereafter, the results of
667 full-time equivalent student membership surveys shall be used in
668 adjusting the amount of funds distributed monthly to the charter
669 school for the remainder of the fiscal year. The payment shall
670 be issued no later than 10 working days after the district
671 school board receives a distribution of state or federal funds.
672 If a warrant for payment is not issued within 10 working days
673 after receipt of funding by the district school board, the
674 school district shall pay to the charter school, in addition to
675 the amount of the scheduled disbursement, interest at a rate of
676 1 percent per month calculated on a daily basis on the unpaid
677 balance from the expiration of the 10 working days until such
678 time as the warrant is issued.

679 (g)~~(f)~~ Funding for a virtual charter school shall be as



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680 provided in s. 1002.45(7).

681 ~~(21)~~(20) SERVICES.—

682 (a)1. A sponsor shall provide certain administrative and
683 educational services to charter schools. These services shall
684 include contract management services; full-time equivalent and
685 data reporting services; exceptional student education
686 administration services; services related to eligibility and
687 reporting duties required to ensure that school lunch services
688 under the federal lunch program, consistent with the needs of
689 the charter school, are provided by the school district at the
690 request of the charter school, that any funds due to the charter
691 school under the federal lunch program be paid to the charter
692 school as soon as the charter school begins serving food under
693 the federal lunch program, and that the charter school is paid
694 at the same time and in the same manner under the federal lunch
695 program as other public schools serviced by the sponsor or the
696 school district; test administration services, including payment
697 of the costs of state-required or district-required student
698 assessments; processing of teacher certificate data services;
699 and information services, including equal access to student
700 information systems that are used by public schools in the
701 district in which the charter school is located. Student
702 performance data for each student in a charter school,
703 including, but not limited to, FCAT scores, standardized test
704 scores, previous public school student report cards, and student
705 performance measures, shall be provided by the sponsor to a
706 charter school in the same manner provided to other public
707 schools in the district.

708 2. A total administrative fee for the provision of such



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709 services shall be calculated based upon up to 5 percent of the
710 available funds defined in paragraph (18) (b) ~~(17) (b)~~ for all
711 students. However, a sponsor may only withhold up to a 5-percent
712 administrative fee for enrollment for up to and including 250
713 students. For charter schools with a population of 251 or more
714 students, the difference between the total administrative fee
715 calculation and the amount of the administrative fee withheld
716 may only be used for capital outlay purposes specified in s.
717 1013.62(2).

718 3. For high-performing charter schools, as defined in ch.
719 2011-232, a sponsor may withhold a total administrative fee of
720 up to 2 percent for enrollment up to and including 250 students
721 per school.

722 4. In addition, a sponsor may withhold only up to a 5-
723 percent administrative fee for enrollment for up to and
724 including 500 students within a system of charter schools which
725 meets all of the following:

726 a. Includes both conversion charter schools and
727 nonconversion charter schools;

728 b. Has all schools located in the same county;

729 c. Has a total enrollment exceeding the total enrollment of
730 at least one school district in the state;

731 d. Has the same governing board; and

732 e. Does not contract with a for-profit service provider for
733 management of school operations.

734 5. The difference between the total administrative fee
735 calculation and the amount of the administrative fee withheld
736 pursuant to subparagraph 4. may be used for instructional and
737 administrative purposes as well as for capital outlay purposes



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738 specified in s. 1013.62(2).

739 6. For a high-performing charter school system that also
740 meets the requirements in subparagraph 4., a sponsor may
741 withhold a 2-percent administrative fee for enrollments up to
742 and including 500 students per system.

743 7. Sponsors shall not charge charter schools any additional
744 fees or surcharges for administrative and educational services
745 in addition to the maximum 5-percent administrative fee withheld
746 pursuant to this paragraph.

747 8. The sponsor of a virtual charter school may withhold a
748 fee of up to 5 percent. The funds shall be used to cover the
749 cost of services provided under subparagraph 1. and for the
750 school district's local instructional improvement system
751 pursuant to s. 1006.281 or other technological tools that are
752 required to access electronic and digital instructional
753 materials.

754 (24)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
755 receipt of the annual report required by paragraph (10) (k)
756 ~~(9) (k)~~, the Department of Education shall provide to the State
757 Board of Education, the Commissioner of Education, the Governor,
758 the President of the Senate, and the Speaker of the House of
759 Representatives an analysis and comparison of the overall
760 performance of charter school students, to include all students
761 whose scores are counted as part of the statewide assessment
762 program, versus comparable public school students in the
763 district as determined by the statewide assessment program
764 currently administered in the school district, and other
765 assessments administered pursuant to s. 1008.22(3).

766 Section 4. Paragraph (c) of subsection (1), paragraph (c)



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767 of subsection (2), and paragraph (b) of subsection (3) of
768 section 1002.331, Florida Statutes, are amended to read:

769 1002.331 High-performing charter schools.—

770 (1) A charter school is a high-performing charter school if
771 it:

772 (c) Did not receive a financial audit that revealed one or
773 more of the financial emergency conditions set forth in s.
774 218.503(1) in the most recent 3 fiscal years for which such
775 audits are available. However, this requirement is deemed met
776 ~~for a charter school in the workplace~~ if there is a finding in
777 an audit that the school has the monetary resources available to
778 cover any reported deficiency or that the deficiency does not
779 result in a deteriorating financial condition pursuant to s.
780 1002.345(1) (a) 3.

781
782 A virtual charter school established under s. 1002.33 is not
783 eligible for designation as a high-performing charter school.

784 (2) A high-performing charter school is authorized to:

785 (c) Submit a quarterly, rather than a monthly, financial
786 statement to the sponsor pursuant to s. 1002.33(10)(g)
787 ~~1002.33(9)(g)~~.

788
789 A high-performing charter school shall notify its sponsor in
790 writing by March 1 if it intends to increase enrollment or
791 expand grade levels the following school year. The written
792 notice shall specify the amount of the enrollment increase and
793 the grade levels that will be added, as applicable.

794 (3)

795 (b) A high-performing charter school may not establish more



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796 than three ~~one~~ charter schools ~~school~~ within the state under
797 paragraph (a) in any year. A subsequent application to establish
798 a charter school under paragraph (a) may not be submitted unless
799 each charter school established in this manner achieves high-
800 performing charter school status.

801 Section 5. Paragraph (c) is added to subsection (2) of
802 section 1002.332, Florida Statutes, to read:

803 1002.332 High-performing charter school system.—

804 (2)

805 (c) A high-performing charter school that is part of a
806 high-performing charter school system may:

807 1. Increase its student enrollment once per school year by
808 up to 15 percent more than the capacity identified in the
809 charter.

810 2. Expand grade levels within kindergarten through grade 12
811 to add grade levels not already served if any annual enrollment
812 increase resulting from grade level expansion is within the
813 limit established in subparagraph 1.

814 3. Submit a quarterly, rather than a monthly, financial
815 statement to the sponsor pursuant to s. 1002.33(10)(g).

816 4. Consolidate under a single charter the charters of
817 multiple high-performing charter schools operated in the same
818 school district by the charter schools' governing boards,
819 regardless of the renewal cycle.

820 5. Receive a modification of its charter to a term of 15
821 years or a 15-year charter renewal. The charter may be modified
822 or renewed for a shorter term at the option of the high-
823 performing charter school. The charter must be consistent with
824 s. 1002.33(7)(a)19. and (11)(h) and (i), is subject to annual



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825 review by the sponsor, and may be terminated during its term
826 pursuant to s. 1002.33(8).

827
828 A high-performing charter school that is part of a high-
829 performing charter school system shall notify its sponsor in
830 writing by March 1 if it intends to increase enrollment or
831 expand grade levels the following school year. The written
832 notice shall specify the amount of the enrollment increase and
833 the grade levels that will be added, as applicable.

834 Section 6. Paragraph (c) of subsection (10) and subsection
835 (13) of section 1002.34, Florida Statutes, are amended to read:

836 1002.34 Charter technical career centers.—

837 (10) EXEMPTION FROM STATUTES.—

838 (c) A center must comply with the antidiscrimination
839 provisions in s. 1000.05 and the provisions in s. 1002.33(25)
840 ~~1002.33(24)~~ which relate to the employment of relatives.

841 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
842 of a center may decide matters relating to the operation of the
843 school, including budgeting, curriculum, and operating
844 procedures, subject to the center's charter. The board of
845 directors is responsible for performing the duties provided in
846 s. 1002.345, including monitoring the corrective action plan.
847 The board of directors must comply with s. 1002.33(27)
848 ~~1002.33(26)~~.

849 Section 7. Paragraphs (a) and (d) of subsection (1) and
850 paragraph (b) of subsection (2) of section 1002.345, Florida
851 Statutes, are amended to read:

852 1002.345 Determination of deteriorating financial
853 conditions and financial emergencies for charter schools and



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854 charter technical career centers.—This section applies to
855 charter schools operating pursuant to s. 1002.33 and to charter
856 technical career centers operating pursuant to s. 1002.34.

857 (1) EXPEDITED REVIEW; REQUIREMENTS.—

858 (a) A charter school or a charter technical career center
859 is subject to an expedited review by the sponsor if one of the
860 following occurs:

861 1. Failure to provide for an audit required by s. 218.39.

862 2. Failure to comply with reporting requirements pursuant
863 to s. 1002.33(10) ~~1002.33(9)~~ or s. 1002.34(11)(f) or (14).

864 3. A deteriorating financial condition identified through
865 an annual audit pursuant to s. 218.39(5) or a monthly financial
866 statement pursuant to s. 1002.33(10)(g) ~~1002.33(9)(g)~~ or s.
867 1002.34(11)(f). “Deteriorating financial condition” means a
868 circumstance that significantly impairs the ability of a charter
869 school or a charter technical career center to generate enough
870 revenues to meet its expenditures without causing the occurrence
871 of a condition described in s. 218.503(1).

872 4. Notification pursuant to s. 218.503(2) that one or more
873 of the conditions specified in s. 218.503(1) have occurred or
874 will occur if action is not taken to assist the charter school
875 or charter technical career center.

876 (d) The governing board shall include the corrective action
877 plan and the status of its implementation in the annual progress
878 report to the sponsor which is required pursuant to s.
879 1002.33(10)(k) ~~1002.33(9)(k)~~ or s. 1002.34(14).

880 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—

881 (b) The governing board shall include the financial
882 recovery plan and the status of its implementation in the annual



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883 progress report to the sponsor which is required under s.
884 1002.33(10)(k) ~~1002.33(9)(k)~~ or s. 1002.34(14).

885 Section 8. Section 1011.68, Florida Statutes, is amended to
886 read:

887 1011.68 Funds for student transportation.—The annual
888 allocation to each district for transportation to public school
889 programs, including charter schools as provided in s.

890 1002.33(18)(b) ~~1002.33(17)(b)~~, of students in membership in
891 kindergarten through grade 12 and in migrant and exceptional
892 student programs below kindergarten shall be determined as
893 follows:

894 (1) Subject to the rules of the State Board of Education,
895 each district shall determine the membership of students who are
896 transported:

897 (a) By reason of living 2 miles or more from school.

898 (b) By reason of being students with disabilities or
899 enrolled in a teenage parent program, regardless of distance to
900 school.

901 (c) By reason of being in a state prekindergarten program,
902 regardless of distance from school.

903 (d) By reason of being career, dual enrollment, or students
904 with disabilities transported from one school center to another
905 to participate in an instructional program or service; or
906 students with disabilities, transported from one designation to
907 another in the state, provided one designation is a school
908 center and provided the student's individual educational plan
909 (IEP) identifies the need for the instructional program or
910 service and transportation to be provided by the school
911 district. A "school center" is defined as a public school



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912 center, Florida College System institution, state university, or
913 other facility rented, leased, or owned and operated by the
914 school district or another public agency. A "dual enrollment
915 student" is defined as a public school student in membership in
916 both a public secondary school program and a Florida College
917 System institution or a state university program under a written
918 agreement to partially fulfill ss. 1003.435 and 1007.23 and
919 earning full-time equivalent membership under s. 1011.62(1)(i).

920 (e) With respect to elementary school students whose grade
921 level does not exceed grade 6, by reason of being subjected to
922 hazardous walking conditions en route to or from school as
923 provided in s. 1006.23. Such rules shall, when appropriate,
924 provide for the determination of membership under this paragraph
925 for less than 1 year to accommodate the needs of students who
926 require transportation only until such hazardous conditions are
927 corrected.

928 (f) By reason of being a pregnant student or student
929 parent, and the child of a student parent as provided in s.
930 1003.54, regardless of distance from school.

931 (2) The allocation for each district shall be calculated
932 annually in accordance with the following formula:

933

934 $T = B + EX$. The elements of this formula are defined as follows:
935 T is the total dollar allocation for transportation. B is the
936 base transportation dollar allocation prorated by an adjusted
937 student membership count. The adjusted membership count shall be
938 derived from a multiplicative index function in which the base
939 student membership is adjusted by multiplying it by index
940 numbers that individually account for the impact of the price



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941 level index, average bus occupancy, and the extent of rural
942 population in the district. EX is the base transportation dollar
943 allocation for disabled students prorated by an adjusted
944 disabled student membership count. The base transportation
945 dollar allocation for disabled students is the total state base
946 disabled student membership count weighted for increased costs
947 associated with transporting disabled students and multiplying
948 it by an average per student cost for transportation as
949 determined by the Legislature. The adjusted disabled student
950 membership count shall be derived from a multiplicative index
951 function in which the weighted base disabled student membership
952 is adjusted by multiplying it by index numbers that individually
953 account for the impact of the price level index, average bus
954 occupancy, and the extent of rural population in the district.
955 Each adjustment factor shall be designed to affect the base
956 allocation by no more or less than 10 percent.

957 (3) The total allocation to each district for
958 transportation of students shall be the sum of the amounts
959 determined in subsection (2). If the funds appropriated for the
960 purpose of implementing this section are not sufficient to pay
961 the base transportation allocation and the base transportation
962 allocation for disabled students, the Department of Education
963 shall prorate the available funds on a percentage basis. If the
964 funds appropriated for the purpose of implementing this section
965 exceed the sum of the base transportation allocation and the
966 base transportation allocation for disabled students, the base
967 transportation allocation for disabled students shall be limited
968 to the amount calculated in subsection (2), and the remaining
969 balance shall be added to the base transportation allocation.



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970 (4) No district shall use funds to purchase transportation
971 equipment and supplies at prices which exceed those determined
972 by the department to be the lowest which can be obtained, as
973 prescribed in s. 1006.27(1).

974 (5) Funds allocated or apportioned for the payment of
975 student transportation services may be used to pay for
976 transportation of students to and from school on local general
977 purpose transportation systems. Student transportation funds may
978 also be used to pay for transportation of students to and from
979 school in private passenger cars and boats when the
980 transportation is for isolated students, or students with
981 disabilities as defined by rule. Subject to the rules of the
982 State Board of Education, each school district shall determine
983 and report the number of assigned students using general purpose
984 transportation private passenger cars and boats. The allocation
985 per student must be equal to the allocation per student riding a
986 school bus.

987 (6) Notwithstanding other provisions of this section, in no
988 case shall any student or students be counted for transportation
989 funding more than once per day. This provision includes counting
990 students for funding pursuant to trips in school buses,
991 passenger cars, or boats or general purpose transportation.

992 Section 9. Paragraph (b) of subsection (2) of section
993 1012.32, Florida Statutes, is amended to read:

994 1012.32 Qualifications of personnel.-

995 (2)

996 (b) Instructional and noninstructional personnel who are
997 hired or contracted to fill positions in any charter school and
998 members of the governing board of any charter school, in



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999 compliance with s. 1002.33(13)(g) ~~1002.33(12)(g)~~, must, upon
1000 employment, engagement of services, or appointment, undergo
1001 background screening as required under s. 1012.465 or s.
1002 1012.56, whichever is applicable, by filing with the district
1003 school board for the school district in which the charter school
1004 is located a complete set of fingerprints taken by an authorized
1005 law enforcement agency or an employee of the school or school
1006 district who is trained to take fingerprints.

1007
1008 Fingerprints shall be submitted to the Department of Law
1009 Enforcement for statewide criminal and juvenile records checks
1010 and to the Federal Bureau of Investigation for federal criminal
1011 records checks. A person subject to this subsection who is found
1012 ineligible for employment under s. 1012.315, or otherwise found
1013 through background screening to have been convicted of any crime
1014 involving moral turpitude as defined by rule of the State Board
1015 of Education, shall not be employed, engaged to provide
1016 services, or serve in any position that requires direct contact
1017 with students. Probationary persons subject to this subsection
1018 terminated because of their criminal record have the right to
1019 appeal such decisions. The cost of the background screening may
1020 be borne by the district school board, the charter school, the
1021 employee, the contractor, or a person subject to this
1022 subsection.

1023 Section 10. Paragraphs (a) and (e) of subsection (1) and
1024 subsection (2) of section 1013.62, Florida Statutes, are amended
1025 to read:

1026 1013.62 Charter schools capital outlay funding.-

1027 (1) In each year in which funds are appropriated for



1028 charter school capital outlay purposes, the Commissioner of
1029 Education shall allocate the funds among eligible charter
1030 schools.

1031 (a) To be eligible for a funding allocation, a charter
1032 school must:

1033 1.a. Have been in operation for 3 or more years;

1034 b. Be governed by a governing board established in the
1035 state for 3 or more years which operates both charter schools
1036 and conversion charter schools within the state;

1037 c. Be an expanded feeder chain of a charter school within
1038 the same school district that is currently receiving charter
1039 school capital outlay funds;

1040 d. Have been accredited by the Commission on Schools of the
1041 Southern Association of Colleges and Schools; or

1042 e. Serve students in facilities that are provided by a
1043 business partner for a charter school-in-the-workplace pursuant
1044 to s. 1002.33(16)(b) ~~1002.33(15)(b)~~.

1045 2. Have financial stability for future operation as a
1046 charter school.

1047 3. Have satisfactory student achievement based on state
1048 accountability standards applicable to the charter school.

1049 4. Have received final approval from its sponsor pursuant
1050 to s. 1002.33 for operation during that fiscal year.

1051 5. Serve students in facilities that are not provided by
1052 the charter school's sponsor.

1053 (e) Unless otherwise provided in the General Appropriations
1054 Act, the funding allocation for each eligible charter school is
1055 determined by multiplying the school's projected student
1056 enrollment by one-fifteenth of the cost-per-student station



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1057 specified in s. 1013.64(6)(b) for an elementary, middle, or high
1058 school, as appropriate. If the funds appropriated are not
1059 sufficient, the commissioner shall prorate the available funds
1060 among eligible charter schools. However, a charter school or
1061 charter lab school may not receive state charter school capital
1062 outlay funds greater than the one-fifteenth cost per student
1063 station formula if the charter school's combination of state
1064 charter school capital outlay funds, capital outlay funds
1065 calculated through the reduction in the administrative fee
1066 provided in s. 1002.33(21) ~~1002.33(20)~~, and capital outlay funds
1067 allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth
1068 cost per student station formula.

1069 (2) A charter school's governing body may use charter
1070 school capital outlay funds for the following purposes:

1071 (a) Purchase of real property.

1072 (b) Construction of school facilities.

1073 (c) Purchase, lease-purchase, or lease of permanent or
1074 relocatable school facilities.

1075 (d) Purchase of vehicles to transport students to and from
1076 the charter school.

1077 (e) Renovation, repair, and maintenance of school
1078 facilities that the charter school owns or is purchasing through
1079 a lease-purchase or long-term lease of 5 years or longer.

1080 (f) Effective July 1, 2008, purchase, lease-purchase, or
1081 lease of new and replacement equipment, and enterprise resource
1082 software applications that are classified as capital assets in
1083 accordance with definitions of the Governmental Accounting
1084 Standards Board, have a useful life of at least 5 years, and are
1085 used to support schoolwide administration or state-mandated



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1086 reporting requirements.

1087 (g) Payment of the cost of premiums for property and
1088 casualty insurance necessary to insure the school facilities.

1089 (h) Purchase, lease-purchase, or lease of driver's
1090 education vehicles; motor vehicles used for the maintenance or
1091 operation of plants and equipment; security vehicles; or
1092 vehicles used in storing or distributing materials and
1093 equipment.

1094

1095 Conversion charter schools may use capital outlay funds received
1096 through the reduction in the administrative fee provided in s.
1097 1002.33(21) ~~1002.33(20)~~ for renovation, repair, and maintenance
1098 of school facilities that are owned by the sponsor.

1099 Section 11. This act shall take effect July 1, 2012.

1100

1101 ===== T I T L E A M E N D M E N T =====

1102 And the title is amended as follows:

1103 Delete everything before the enacting clause
1104 and insert:

1105

1106 A bill to be entitled
1107 An act relating to charter schools; amending ss.
1108 163.3180 and 1002.32, F.S.; conforming cross-
1109 references to conform to changes made by the act;
1110 amending s. 1002.33, F.S.; providing that a sponsor's
1111 policies and procedures and previous school board
1112 decisions do not apply to a charter school under
1113 certain circumstances; clarifying provisions that
1114 prohibit a sponsor from imposing additional reporting
requirements on a charter school; providing that a



1115 Florida College System institution may operate no more
1116 than one charter school that serves students in
1117 kindergarten through grade 12 in each school district
1118 in which the institution serves, if the institution
1119 operates an approved teacher preparation program;
1120 requiring that a district school board provide a
1121 charter school with training and access to a school
1122 district's student achievement databases, if academic
1123 student performance data cannot be provided;
1124 conforming provisions to changes made by the act
1125 relating to authorized activities of a high-performing
1126 charter school that is part of a high-performing
1127 charter school system; authorizing a charter school or
1128 sponsor to file a formal grievance with the Department
1129 of Education and to request mediation if the charter
1130 school or sponsor is unable to resolve any outstanding
1131 issues between the charter school and sponsor;
1132 requiring that any activities associated with the
1133 closing of a charter school cease, upon the filing of
1134 such formal grievance and request for mediation, until
1135 a resolution is reached, unless terminated under
1136 certain circumstances; authorizing a charter school
1137 cooperative organization to submit a professional
1138 development plan on behalf of its member schools to
1139 the State Board of Education for the purpose of
1140 meeting continuing education requirements; authorizing
1141 each district school board to share revenue generated
1142 by its capital outlay millage levy with charter
1143 schools on a per-student, pro rata basis; providing



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1144 for recalculation of a school district's Florida
1145 Education Finance Program allocation if the millage
1146 levy revenue is not shared; providing for distribution
1147 of recalculated funds; requiring payment to charter
1148 schools of certain federal funds received by a
1149 district school board; amending s. 1002.331, F.S.;
1150 revising requirements for designation as a high-
1151 performing charter school; conforming a cross-
1152 reference; revising the restriction on the
1153 establishment of new charter schools that replicate a
1154 high-performing charter school's educational program;
1155 amending s. 1002.332, F.S.; authorizing a high-
1156 performing charter school that is part of a high-
1157 performing charter school system to increase student
1158 enrollment, expand grade levels, submit quarterly
1159 financial statements, consolidate charters, and modify
1160 charter terms; amending ss. 1002.34, 1002.345,
1161 1011.68, 1012.32, and 1013.62, F.S.; conforming cross-
1162 references; providing an effective date.

By Senator Wise

5-01409-12

20121852__

1 A bill to be entitled
 2 An act relating to charter schools; amending s.
 3 1002.33, F.S.; providing that a community college may
 4 operate no more than one charter school that serves
 5 students in kindergarten through grade 12, if the
 6 community college operates an approved teacher
 7 preparation program; conforming provisions to changes
 8 made by the act relating to authorized activities of a
 9 high-performing charter school that is part of a high-
 10 performing charter school system; authorizing each
 11 district school board to share revenue generated by
 12 its capital outlay millage levy with charter schools
 13 on a per-student, pro rata basis; providing for
 14 recalculation of a school district's Florida Education
 15 Finance Program allocation if the millage levy revenue
 16 is not shared; providing for distribution of
 17 recalculated funds; requiring payment to charter
 18 schools of certain federal funds received by a
 19 district school board; amending s. 1002.331, F.S.;
 20 revising requirements for designation as a high-
 21 performing charter school; revising the restriction on
 22 the establishment of new charter schools that
 23 replicate a high-performing charter school's
 24 educational program; amending s. 1002.332, F.S.;
 25 authorizing a high-performing charter school that is
 26 part of a high-performing charter school system to
 27 increase student enrollment, expand grade levels,
 28 submit quarterly financial statements, consolidate
 29 charters, and modify charter terms; providing an

Page 1 of 16

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

5-01409-12

20121852__

30 effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Paragraph (b) of subsection (5), paragraph (a)
 35 of subsection (7), paragraph (g) of subsection (9), paragraphs
 36 (h) and (i) of subsection (10), and subsection (17) of section
 37 1002.33, Florida Statutes, are amended to read:
 38 1002.33 Charter schools.—
 39 (5) SPONSOR; DUTIES.—
 40 (b) *Sponsor duties*.—
 41 1.a. The sponsor shall monitor and review the charter
 42 school in its progress toward the goals established in the
 43 charter.
 44 b. The sponsor shall monitor the revenues and expenditures
 45 of the charter school and perform the duties provided in s.
 46 1002.345.
 47 c. The sponsor may approve a charter for a charter school
 48 before the applicant has identified space, equipment, or
 49 personnel, if the applicant indicates approval is necessary for
 50 it to raise working funds.
 51 d. The sponsor's policies shall not apply to a charter
 52 school unless mutually agreed to by both the sponsor and the
 53 charter school.
 54 e. The sponsor shall ensure that the charter is innovative
 55 and consistent with the state education goals established by s.
 56 1000.03(5).
 57 f. The sponsor shall ensure that the charter school
 58 participates in the state's education accountability system. If

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

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59 a charter school falls short of performance measures included in
60 the approved charter, the sponsor shall report such shortcomings
61 to the Department of Education.

62 g. The sponsor ~~is shall~~ not be liable for civil damages
63 under state law for personal injury, property damage, or death
64 resulting from an act or omission of an officer, employee,
65 agent, or governing body of the charter school.

66 h. The sponsor ~~is shall~~ not be liable for civil damages
67 under state law for any employment actions taken by an officer,
68 employee, agent, or governing body of the charter school.

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

71 j. The sponsor may ~~shall~~ not impose additional reporting
72 requirements on a charter school without providing reasonable
73 and specific justification in writing to the charter school.

74 2. Immunity for the sponsor of a charter school under
75 subparagraph 1. applies only with respect to acts or omissions
76 not under the sponsor's direct authority as described in this
77 section.

78 3. This paragraph does not waive a district school board's
79 sovereign immunity.

80 4. A Florida College System institution may work with the
81 school district or school districts in its designated service
82 area to develop charter schools that offer secondary education.
83 These charter schools must include an option for students to
84 receive an associate degree upon high school graduation. If a
85 community college operates an approved teacher preparation
86 program under s. 1004.04 or s. 1004.85, the community college
87 may operate no more than one charter school that serves students

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88 in kindergarten through grade 12. District school boards shall
89 cooperate with and assist the Florida College System institution
90 on the charter application. Florida College System institution
91 applications for charter schools are not subject to the time
92 deadlines outlined in subsection (6) and may be approved by the
93 district school board at any time during the year. Florida
94 College System institutions may not report FTE for any students
95 who receive FTE funding through the Florida Education Finance
96 Program.

97 (7) CHARTER.—The major issues involving the operation of a
98 charter school shall be considered in advance and written into
99 the charter. The charter shall be signed by the governing board
100 of the charter school and the sponsor, following a public
101 hearing to ensure community input.

102 (a) The charter shall address and criteria for approval of
103 the charter shall be based on:

104 1. The school's mission, the students to be served, and the
105 ages and grades to be included.

106 2. The focus of the curriculum, the instructional methods
107 to be used, any distinctive instructional techniques to be
108 employed, and identification and acquisition of appropriate
109 technologies needed to improve educational and administrative
110 performance which include a means for promoting safe, ethical,
111 and appropriate uses of technology which comply with legal and
112 professional standards.

113 a. The charter shall ensure that reading is a primary focus
114 of the curriculum and that resources are provided to identify
115 and provide specialized instruction for students who are reading
116 below grade level. The curriculum and instructional strategies

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117 for reading must be consistent with the Sunshine State Standards
118 and grounded in scientifically based reading research.

119 b. In order to provide students with access to diverse
120 instructional delivery models, to facilitate the integration of
121 technology within traditional classroom instruction, and to
122 provide students with the skills they need to compete in the
123 21st century economy, the Legislature encourages instructional
124 methods for blended learning courses consisting of both
125 traditional classroom and online instructional techniques.
126 Charter schools may implement blended learning courses that
127 ~~which~~ combine traditional classroom instruction and virtual
128 instruction. Students in a blended learning course must be full-
129 time students of the charter school and receive the online
130 instruction in a classroom setting at the charter school.
131 Instructional personnel certified pursuant to s. 1012.55 who
132 provide virtual instruction for blended learning courses may be
133 employees of the charter school or may be under contract to
134 provide instructional services to charter school students. At a
135 minimum, such instructional personnel must hold an active state
136 or school district adjunct certification under s. 1012.57 for
137 the subject area of the blended learning course. The funding and
138 performance accountability requirements for blended learning
139 courses are the same as those for traditional courses.

140 3. The current incoming baseline standard of student
141 academic achievement, the outcomes to be achieved, and the
142 method of measurement that will be used. The criteria listed in
143 this subparagraph shall include a detailed description of:

144 a. How the baseline student academic achievement levels and
145 prior rates of academic progress will be established.

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146 b. How these baseline rates will be compared to rates of
147 academic progress achieved by these same students while
148 attending the charter school.

149 c. To the extent possible, how these rates of progress will
150 be evaluated and compared with rates of progress of other
151 closely comparable student populations.

152
153 The district school board is required to provide academic
154 student performance data to charter schools for each of their
155 students coming from the district school system, as well as
156 rates of academic progress of comparable student populations in
157 the district school system.

158 4. The methods used to identify the educational strengths
159 and needs of students and how well educational goals and
160 performance standards are met by students attending the charter
161 school. The methods shall provide a means for the charter school
162 to ensure accountability to its constituents by analyzing
163 student performance data and by evaluating the effectiveness and
164 efficiency of its major educational programs. Students in
165 charter schools shall, at a minimum, participate in the
166 statewide assessment program created under s. 1008.22.

167 5. In secondary charter schools, a method for determining
168 that a student has satisfied the requirements for graduation in
169 s. 1003.428, s. 1003.429, or s. 1003.43.

170 6. A method for resolving conflicts between the governing
171 board of the charter school and the sponsor.

172 7. The admissions procedures and dismissal procedures,
173 including the school's code of student conduct.

174 8. The ways by which the school will achieve a

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175 racial/ethnic balance reflective of the community it serves or
176 within the racial/ethnic range of other public schools in the
177 same school district.

178 9. The financial and administrative management of the
179 school, including a reasonable demonstration of the professional
180 experience or competence of those individuals or organizations
181 applying to operate the charter school or those hired or
182 retained to perform such professional services and the
183 description of clearly delineated responsibilities and the
184 policies and practices needed to effectively manage the charter
185 school. A description of internal audit procedures and
186 establishment of controls to ensure that financial resources are
187 properly managed must be included. Both public sector and
188 private sector professional experience shall be equally valid in
189 such a consideration.

190 10. The asset and liability projections required in the
191 application which are incorporated into the charter and shall be
192 compared with information provided in the annual report of the
193 charter school.

194 11. A description of procedures that identify various risks
195 and provide for a comprehensive approach to reduce the impact of
196 losses; plans to ensure the safety and security of students and
197 staff; plans to identify, minimize, and protect others from
198 violent or disruptive student behavior; and the manner in which
199 the school will be insured, including whether or not the school
200 will be required to have liability insurance, and, if so, the
201 terms and conditions thereof and the amounts of coverage.

202 12. The term of the charter, which shall provide for
203 cancellation of the charter if insufficient progress has been

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204 made in attaining the student achievement objectives of the
205 charter and if it is not likely that such objectives can be
206 achieved before expiration of the charter. The initial term of a
207 charter shall be for 4 or 5 years. In order to facilitate access
208 to long-term financial resources for charter school
209 construction, charter schools that are operated by a
210 municipality or other public entity as provided by law are
211 eligible for up to a 15-year charter, subject to approval by the
212 district school board. A charter lab school is eligible for a
213 charter for a term of up to 15 years. In addition, to facilitate
214 access to long-term financial resources for charter school
215 construction, charter schools that are operated by a private,
216 not-for-profit, s. 501(c)(3) status corporation are eligible for
217 up to a 15-year charter, subject to approval by the district
218 school board. Such long-term charters remain subject to annual
219 review and may be terminated during the term of the charter, but
220 only according to the provisions set forth in subsection (8).

221 13. The facilities to be used and their location.

222 14. The qualifications to be required of the teachers and
223 the potential strategies used to recruit, hire, train, and
224 retain qualified staff to achieve best value.

225 15. The governance structure of the school, including the
226 status of the charter school as a public or private employer as
227 required in paragraph (12)(i).

228 16. A timetable for implementing the charter which
229 addresses the implementation of each element thereof and the
230 date by which the charter shall be awarded in order to meet this
231 timetable.

232 17. In the case of an existing public school that is being

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 233 converted to charter status, alternative arrangements for
 234 current students who choose not to attend the charter school and
 235 for current teachers who choose not to teach in the charter
 236 school after conversion in accordance with the existing
 237 collective bargaining agreement or district school board rule in
 238 the absence of a collective bargaining agreement. However,
 239 alternative arrangements are ~~shall~~ not be required for current
 240 teachers who choose not to teach in a charter lab school, except
 241 as authorized by the employment policies of the state university
 242 that ~~which~~ grants the charter to the lab school.

243 18. Full disclosure of the identity of all relatives
 244 employed by the charter school who are related to the charter
 245 school owner, president, chairperson of the governing board of
 246 directors, superintendent, governing board member, principal,
 247 assistant principal, or any other person employed by the charter
 248 school who has equivalent decisionmaking authority. For the
 249 purpose of this subparagraph, the term "relative" means father,
 250 mother, son, daughter, brother, sister, uncle, aunt, first
 251 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 252 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 253 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 254 stepsister, half brother, or half sister.

255 19. Implementation of the activities authorized under s.
 256 1002.331 or ~~s. 1002.332~~ by the charter school when it satisfies
 257 the eligibility requirements for a high-performing charter
 258 school. A high-performing charter school shall notify its
 259 sponsor in writing by March 1 if it intends to increase
 260 enrollment or expand grade levels the following school year. The
 261 written notice shall specify the amount of the enrollment

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 262 increase and the grade levels that will be added, as applicable.

263 (9) CHARTER SCHOOL REQUIREMENTS.—

264 (g) In order to provide financial information that is
 265 comparable to that reported for other public schools, charter
 266 schools are to maintain all financial records that constitute
 267 their accounting system:

268 1. In accordance with the accounts and codes prescribed in
 269 the most recent issuance of the publication titled "Financial
 270 and Program Cost Accounting and Reporting for Florida Schools";
 271 or

272 2. At the discretion of the charter school's governing
 273 board, a charter school may elect to follow generally accepted
 274 accounting standards for not-for-profit organizations, but must
 275 reformat this information for reporting according to this
 276 paragraph.

277 Charter schools shall provide annual financial report and
 278 program cost report information in the state-required formats
 279 for inclusion in district reporting in compliance with s.
 280 1011.60(1). Charter schools that are operated by a municipality
 281 or are a component unit of a parent nonprofit organization may
 282 use the accounting system of the municipality or the parent but
 283 must reformat this information for reporting according to this
 284 paragraph. A charter school shall provide a monthly financial
 285 statement to the sponsor unless the charter school is designated
 286 as a high-performing charter school pursuant to s. 1002.331 or
 287 s. 1002.332, in which case the high-performing charter school
 288 may provide a quarterly financial statement. The financial
 289 statement required under this paragraph shall be in a form

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291 prescribed by the Department of Education.

292 (10) ELIGIBLE STUDENTS.—

293 (h) The capacity of the charter school shall be determined
294 annually by the governing board, in conjunction with the
295 sponsor, of the charter school in consideration of the factors
296 identified in this subsection unless the charter school is
297 designated as a high-performing charter school pursuant to s.
298 1002.331 or s. 1002.332. A sponsor may not require a charter
299 school to waive the provisions of s. 1002.331 or s. 1002.332 or
300 require a student enrollment cap that prohibits a high-
301 performing charter school from increasing enrollment in
302 accordance with s. 1002.331(2) or s. 1002.332(2)(c) as a
303 condition of approval or renewal of a charter.

304 (i) The capacity of a high-performing charter school
305 identified pursuant to s. 1002.331 or s. 1002.332 shall be
306 determined annually by the governing board of the charter
307 school. The governing board shall notify the sponsor of any
308 increase in enrollment by March 1 of the school year preceding
309 the increase.

310 (17) FUNDING.—Students enrolled in a charter school,
311 regardless of the sponsorship, shall be funded as if they are in
312 a basic program or a special program, the same as students
313 enrolled in other public schools in the school district. Funding
314 for a charter lab school shall be as provided in s. 1002.32.

315 (a) Each charter school shall report its student enrollment
316 to the sponsor as required in s. 1011.62, and in accordance with
317 the definitions in s. 1011.61. The sponsor shall include each
318 charter school's enrollment in the district's report of student
319 enrollment. All charter schools submitting student record

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320 information required by the Department of Education shall comply
321 with the Department of Education's guidelines for electronic
322 data formats for such data, and all districts shall accept
323 electronic data that complies with the Department of Education's
324 electronic format.

325 (b) The basis for the agreement for funding students
326 enrolled in a charter school shall be the sum of the school
327 district's operating funds from the Florida Education Finance
328 Program as provided in s. 1011.62 and the General Appropriations
329 Act, including gross state and local funds, discretionary
330 lottery funds, and funds from the school district's current
331 operating discretionary millage levy; divided by total funded
332 weighted full-time equivalent students in the school district;
333 multiplied by the weighted full-time equivalent students for the
334 charter school. Charter schools whose students or programs meet
335 the eligibility criteria in law shall be entitled to their
336 proportionate share of categorical program funds included in the
337 total funds available in the Florida Education Finance Program
338 by the Legislature, including transportation. Total funding for
339 each charter school shall be recalculated during the year to
340 reflect the revised calculations under the Florida Education
341 Finance Program by the state and the actual weighted full-time
342 equivalent students reported by the charter school during the
343 full-time equivalent student survey periods designated by the
344 Commissioner of Education.

345 (c) Each district school board may annually proportionately
346 share the revenue generated by the millage levy pursuant to s.
347 1011.71(2) with charter schools in the school district on a per-
348 student basis. If a district school board does not

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 349 proportionately share the revenue generated by the millage levy
 350 pursuant to s. 1011.71(2), the Florida Education Finance Program
 351 allocation for that school district shall be recalculated so
 352 that each charter school in the school district receives, on a
 353 per-student basis, the same amount of funds that it would have
 354 received if the district school board shared the millage levy
 355 revenue with charter schools on a per-student, pro rata basis.
 356 The school district shall, within 30 days after receipt,
 357 distribute the recalculated funds to each charter school in the
 358 district. Charter schools may use these recalculated funds only
 359 for capital outlay purposes.

(d)(e) If the district school board is providing programs
 361 or services to students funded by federal funds, any eligible
 362 students enrolled in charter schools in the school district
 363 shall be provided federal funds for the same level of service
 364 provided students in the schools operated by the district school
 365 board. All federal funds received by a district school board for
 366 the benefit of charter schools, charter school students, or
 367 charter school students as public school students in the school
 368 district, including, but not limited to, Title I, Title II, and
 369 IDEA funds, shall be paid in total to charter schools within 60
 370 days after receipt by the district school board. Pursuant to
 371 provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall
 372 receive all federal funding for which the school is otherwise
 373 eligible, including Title I funding, not later than 5 months
 374 after the charter school first opens and within 5 months after
 375 any subsequent expansion of enrollment.

(e)(d) Charter schools shall be included by the Department
 376 of Education and the district school board in requests for
 377

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 378 federal stimulus funds in the same manner as district school
 379 board-operated public schools, including Title I and IDEA funds
 380 and shall be entitled to receive such funds. Charter schools are
 381 eligible to participate in federal competitive grants that are
 382 available as part of the federal stimulus funds.

(f)(e) District school boards shall make timely and
 384 efficient payment and reimbursement to charter schools,
 385 including processing paperwork required to access special state
 386 and federal funding for which they may be eligible. The district
 387 school board may distribute funds to a charter school for up to
 388 3 months based on the projected full-time equivalent student
 389 membership of the charter school. Thereafter, the results of
 390 full-time equivalent student membership surveys shall be used in
 391 adjusting the amount of funds distributed monthly to the charter
 392 school for the remainder of the fiscal year. The payment shall
 393 be issued no later than 10 working days after the district
 394 school board receives a distribution of state or federal funds.
 395 If a warrant for payment is not issued within 10 working days
 396 after receipt of funding by the district school board, the
 397 school district shall pay to the charter school, in addition to
 398 the amount of the scheduled disbursement, interest at a rate of
 399 1 percent per month calculated on a daily basis on the unpaid
 400 balance from the expiration of the 10 working days until such
 401 time as the warrant is issued.

(g)(f) Funding for a virtual charter school shall be as
 403 provided in s. 1002.45(7).

404 Section 2. Paragraph (c) of subsection (1) and paragraph
 405 (b) of subsection (3) of section 1002.331, Florida Statutes, are
 406 amended to read:

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407 1002.331 High-performing charter schools.-
 408 (1) A charter school is a high-performing charter school if
 409 it:
 410 (c) Did not receive a financial audit that revealed one or
 411 more of the financial emergency conditions set forth in s.
 412 218.503(1) in the most recent 3 fiscal years for which such
 413 audits are available. However, this requirement is deemed met
 414 ~~for a charter school in the workplace~~ if there is a finding in
 415 an audit that the school has the monetary resources available to
 416 cover any reported deficiency or that the deficiency does not
 417 result in a deteriorating financial condition pursuant to s.
 418 1002.345(1) (a)3.
 419
 420 A virtual charter school established under s. 1002.33 is not
 421 eligible for designation as a high-performing charter school.
 422 (3)
 423 (b) A high-performing charter school may not establish more
 424 than three ~~one~~ charter schools ~~school~~ within the state under
 425 paragraph (a) in any year. A subsequent application to establish
 426 a charter school under paragraph (a) may not be submitted unless
 427 each charter school established in this manner achieves high-
 428 performing charter school status.
 429 Section 3. Paragraph (c) is added to subsection (2) of
 430 section 1002.332, Florida Statutes, to read:
 431 1002.332 High-performing charter school system.-
 432 (2)
 433 (c) A high-performing charter school that is part of a
 434 high-performing charter school system may:
 435 1. Increase its student enrollment once per school year by

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436 up to 15 percent more than the capacity identified in the
 437 charter.
 438 2. Expand grade levels within kindergarten through grade 12
 439 to add grade levels not already served if any annual enrollment
 440 increase resulting from grade level expansion is within the
 441 limit established in subparagraph 1.
 442 3. Submit a quarterly, rather than a monthly, financial
 443 statement to the sponsor pursuant to s. 1002.33(9)(g).
 444 4. Consolidate under a single charter the charters of
 445 multiple high-performing charter schools operated in the same
 446 school district by the charter schools' governing boards,
 447 regardless of the renewal cycle.
 448 5. Receive a modification of its charter to a term of 15
 449 years or a 15-year charter renewal. The charter may be modified
 450 or renewed for a shorter term at the option of the high-
 451 performing charter school. The charter must be consistent with
 452 s. 1002.33(7) (a)19. and (10) (h) and (i), is subject to annual
 453 review by the sponsor, and may be terminated during its term
 454 pursuant to s. 1002.33(8).
 455
 456 A high-performing charter school that is part of a high-
 457 performing charter school system shall notify its sponsor in
 458 writing by March 1 if it intends to increase enrollment or
 459 expand grade levels the following school year. The written
 460 notice shall specify the amount of the enrollment increase and
 461 the grade levels that will be added, as applicable.
 462 Section 4. This act shall take effect July 1, 2012.

<http://cms.bsu.edu/Academics/CollegesandDepartments/Teachers/Schools/Charter/CharterFunding.aspx>

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

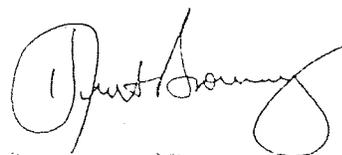
Melody (Mel) Jurado

is duly appointed

**Director,
Office of Early Learning**

for a term beginning on the
First day of October, A.D., 2011,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Ninth day of November, A.D., 2011*


Secretary of State

State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2011 OCT 28 PM 4:00
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 28, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have amended the following appointment under the provisions of 20.15 Florida Statutes:

Dr. Melody Jurado
5406 East Riverhills Drive
Temple Terrace, Florida 33617

as Director of the Office of Early Learning, subject to confirmation by the Senate. This appointment is effective October 1, 2011, for a term ending at the Pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/ne

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

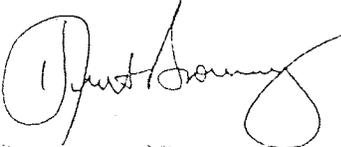
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Secretary of State

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GOVERNOR

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Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/ne

Sally Bradshaw

Sally Bradshaw has an extensive career in federal and state government and the political arena.

Most recently, Bradshaw served as an advisor to Governor Haley Barbour and his political action committee. She served as a senior advisor to the Republican Party of Florida during the 2010 general election cycle. During the 2008 Presidential race, she served as a senior advisor to Governor Mitt Romney's Presidential campaign, responsible for overseeing Florida primary operations.



Bradshaw served as Governor Jeb Bush's Chief of Staff from January of 1999 through January of 2001. In that position she directed the day-to-day operations of the Governor's office. She was also the director of the Bush transition effort. She served as senior Campaign Advisor to the Bush-Brogan 2002 re-election campaign, and she managed Bush's 1998 gubernatorial bid, a position she also held in 1994.

She has served as a public relations consultant to Core Message, a public affairs and grassroots firm in Tallahassee; she has also served as a business development consultant to Design Farm, a full-service marketing and consulting firm, also in Tallahassee.

A native of Greenville, Mississippi, Bradshaw has lived in Florida since 1991, holding a variety of political positions including Political Director of the Republican Party of Florida, Executive Director of the 1992 Florida Bush-Quayle campaign, and Staff Director for the House of Representatives Republican Office. She has also served as Executive Director of the Foundation for Florida's Future, a non-profit grassroots public policy institute.

Before moving to Florida, Bradshaw worked at the White House, where she was an Associate Director of Political Affairs for President George H.W. Bush from 1989-1991. She served as a regional field coordinator for the Bush for President Campaign in 1988. She attended Vanderbilt University and obtained a Bachelor of Arts degree from George Washington University.

Bradshaw is a past appointee to the Florida State Board of Education, and a previous Chairman of the School Board of Trustees, Holy Comforter Episcopal School. She recently served as a member of the Head of School Search Committee at Holy Comforter. She is also a former Director of Capital Health Plan, Tallahassee.

Bradshaw and her husband Paul and their four children attend Faith Presbyterian Church where she has served as a member of the Faith Preschool board of directors. She currently serves as a member of the church Session.

A.K. Desai

Dr. A.K. Desai obtained his medical degree from Government Medical College, India. He achieved his Masters Degree in Administrative Medicine while attending the George Washington University in Washington, D.C. He is certified by the American Boards of Internal Medicine, Geriatrics, and Quality Assurance. He currently resides in St. Petersburg, Florida and is married to Seema Desai and they have three



children, Priyanka, Parth and Crystal. Dr. Desai's interests include reading, education, foreign policy and politics.

Dr. Desai is the President, CEO and Chairman of Universal Health Care.

In the past, Dr. Desai has served as Chief of Staff and Chairman of the Board of Trustees at Northside Hospital and Heart Institute as well as St. Petersburg General Hospital in St. Petersburg, Florida. He has served on numerous committees of various Hospitals and Health Plans throughout the Tampa Bay area.

Dr. Desai was the Chairman of the Council for Education Policy, Research and Improvement (CEPRI) for the state of Florida and was appointed to this position by Governor Jeb Bush.

Currently, Dr. Desai serves as Commissioner and Chairman of Health Committee, White House Commission on Asian American, Pacific Islander advising the President on issues effecting Asian Americans.

Barbara S. Feingold

Barbara S. Feingold is Vice President and Director of MCNA Health Care Holdings LLC, one of the largest providers of Medicaid, CHIP, and commercial dental insurance in the United States with headquarters in Fort Lauderdale. She also serves on the Board of Directors of MCNA Dental Insurance Company and has served in various executive capacities with Dentaland Dental Centers, a specialty care multigroup practice with a general dental component operating since the 1970's with a significant emphasis on pediatric dental care.



As a former speech and language pathologist in Broward County, Ms. Feingold has firsthand experience working in the Florida educational system. The foundation for her commitment to education is based on her extended work with underserved, disabled, and mentally challenged students. Early intervention and community involvement are critical to a successful educational environment, and Ms. Feingold has been an outspoken advocate for children. Her passion for the wellbeing and education of Florida's children is exemplified through her volunteerism, philanthropy and fundraising efforts.

During her tenure as President of the Michael-Ann Russell Jewish Community Center in Miami-Dade, Ms. Feingold was instrumental in creating an infant day care center and remediation programs for school age children. Presently, she is a Vice-President of the Levis Jewish Community Center in Boca Raton where she has helped develop a specialized program for children with special needs.

At MCNA and Dentaland, Ms. Feingold has fostered a corporate culture of community involvement for over thirty-five years through her dedicated service to a variety of Florida non profit organizations. She has raised millions of dollars annually for those in need, with an emphasis on children and seniors. Ms. Feingold is a past board member of the Greater Miami Jewish Federation where she was the recipient of numerous awards including the Stanley C. Myers Presidents Leadership Award. She is currently a board member of the Ruth Rales Jewish Family Service and the Jewish Federation of South Palm Beach County where she also serves as Vice Chair of Women's Philanthropy.

Florida is home to many diverse populations, and Ms. Feingold strives to ensure that all children are given the opportunity to learn. She is committed to cultural competency and serves as a regional board member of the Anti Defamation League and was honored by the Simon Weisenthal Center.

Ms. Feingold received her B.S. with honors in Speech Pathology from Montclair State University. She worked in the Newark, New Jersey and Broward County, Florida school systems as a speech and language pathologist for elementary and middle school age children. She resides in Delray Beach with her husband, Dr. Jeffrey Feingold, and are the proud parents of three children, all graduates of Florida schools.