

CS/SB 118 by **FT, Hays (CO-INTRODUCERS) Gaetz**; (Similar to CS/H 0037) Voluntary Contributions for Public Education Facilities
 626438 A S RCS AED, Stargel Delete L.84 - 86: 04/06 04:08 PM

SB 518 by **Gibson (CO-INTRODUCERS) Gaetz**; (Identical to H 0483) Voluntary Prekindergarten Education Program

SB 530 by **Ring**; (Similar to H 0603) Bullying and Harassment Policies in Schools

CS/SB 574 by **GO, Montford**; (Similar to CS/H 0615) Electronic Auction Services

SB 622 by **Montford (CO-INTRODUCERS) Bean**; (Similar to H 0461) Higher Education Facilities Financing

SB 874 by **Stargel**; (Similar to H 0713) Dual Enrollment Program

CS/SB 880 by **HE, Ring**; (Compare to H 0837) Student Loan Default Rates

SB 954 by **Garcia**; (Similar to H 0291) Involuntary Examinations of Minors

SB 1020 by **Simmons**; Student Transportation Funding

SB 1116 by **Abruzzo**; (Similar to CS/H 0153) Literacy Jump Start Pilot Project

SB 1262 by **Legg**; (Compare to CS/CS/H 0587) Education

CS/SB 1264 by **ED, Legg**; Digital Classrooms

CS/SB 1552 by **ED, Benacquisto**; (Compare to CS/H 0357) Student Choice

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SB 7046 by **ED**; Education

SB 7050 by **GO**; Digital Classrooms

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Senator Gaetz, Chair
Senator Montford, Vice Chair

MEETING DATE: Thursday, April 2, 2015
TIME: 9:00 —11:00 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Gaetz, Chair; Senator Montford, Vice Chair; Senators Bullard, Galvano, Legg, Ring, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 118 Finance and Tax / Hays (Similar CS/H 37)	Voluntary Contributions for Public Education Facilities; Authorizing a participating business that registers with the Department of Revenue to solicit and collect contributions from its customers for the construction and maintenance of public education facilities; providing registration requirements; requiring the department to issue a certificate and taxpayer identification number to a participating business; including voluntary contributions as a source of funding for the Public Education Capital Outlay and Debt Service Trust Fund, etc. FT 02/16/2015 FT 03/02/2015 FT 03/16/2015 Fav/CS AED 04/02/2015 Fav/CS FP	Fav/CS Yeas 7 Nays 0
2	SB 518 Gibson (Identical H 483)	Voluntary Prekindergarten Education Program; Revising provisions relating to calculation of the kindergarten readiness rate for Voluntary Prekindergarten Education Program providers and schools; requiring the administration of a preassessment and postassessment to students based upon adopted performance standards, etc. ED 03/11/2015 Favorable AED 04/02/2015 Favorable AP	Favorable Yeas 7 Nays 0
3	SB 530 Ring (Similar H 603, Compare CS/H 7057)	Bullying and Harassment Policies in Schools; Requiring school districts to revise their bullying and harassment policies at specified intervals; specifying that a school district policy require a school to implement the policy in a certain manner and integrate it with the school's bullying prevention and intervention program, etc. ED 03/18/2015 Favorable AED 04/02/2015 Favorable FP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on Education
Thursday, April 2, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 574 Governmental Oversight and Accountability / Montford (Similar CS/H 615)	Electronic Auction Services; Revising the powers and duties of the district school board to authorize the adoption of rules regarding procurement practices; authorizing a district school board's use of electronic auction services in conjunction with bid pooling for school buses and related purchases, etc. GO 03/10/2015 Fav/CS AED 04/02/2015 Favorable AP	Favorable Yeas 7 Nays 0
5	SB 622 Montford (Similar H 461)	Higher Education Facilities Financing; Expanding the definition of the term "project" as it relates to the Higher Educational Facilities Financing Act, etc. HE 03/16/2015 Favorable AED 04/02/2015 Favorable AP	Favorable Yeas 7 Nays 0
6	SB 874 Stargel (Similar H 713)	Dual Enrollment Program; Exempting dual enrollment students from paying certain fees, including technology fees; deleting the requirement that a home education secondary student be responsible for his or her own instructional materials in order to participate in the dual enrollment program; authorizing certain instructional materials to be made available free of charge to dual enrollment students in public high schools, home education programs, and private schools, etc. ED 03/18/2015 Favorable AED 04/02/2015 Favorable AP	Favorable Yeas 6 Nays 1
7	CS/SB 880 Higher Education / Ring (Compare H 837)	Student Loan Default Rates; Requiring certain institutions to maintain a federal student loan cohort default rate below a specified percentage; revising the minimum standards the Commission for Independent Education must use to evaluate an institution for licensure to include the institution's federal student loan cohort default rate; revising the minimum criteria for an independent postsecondary educational institution to apply for a license by accreditation to include a maximum percentage for the institution's federal student loan cohort default rate, etc. HE 03/23/2015 Fav/CS AED 04/02/2015 Favorable AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on Education
Thursday, April 2, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 954 Garcia (Similar H 291)	Involuntary Examinations of Minors; Requiring school health services plans to include notification requirements when a student is removed from school, school transportation, or a school-sponsored activity for involuntary examination; requiring a receiving facility to provide notice of the whereabouts of an adult or emancipated minor patient held for involuntary examination; providing conditions for delay in notification, etc. ED 03/11/2015 Favorable AED 04/02/2015 Favorable FP	Favorable Yeas 7 Nays 0
9	SB 1020 Simmons	Student Transportation Funding; Revising the membership of students that a school district reports for transportation funding purposes; revising the school transportation allocation formula used by each school district; revising the types of students eligible for transportation funds used for transportation to and from school in private passenger cars and boats, etc. ED 03/18/2015 Favorable AED 04/02/2015 Favorable AP	Favorable Yeas 7 Nays 0
10	SB 1116 Abruzzo (Similar CS/H 153)	Literacy Jump Start Pilot Project; Requiring the Office of Early Learning to establish the pilot project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills; requiring the office to select an organization to implement the pilot project; encouraging the coordination of basic health screening and immunization services in conjunction with emergent literacy instruction, etc. ED 03/11/2015 Favorable AED 04/02/2015 Favorable AP	Favorable Yeas 7 Nays 0
11	SB 1262 Legg (Compare CS/CS/H 587, S 888)	Education; Requiring the Department of Education to have an operating electronic IEP system in place for statewide use; authorizing the Commissioner of Education to issue a letter of guidance in response to a complaint against a teacher or administrator in lieu of a probable cause determination, etc. ED 03/18/2015 Favorable AED 04/02/2015 Favorable FP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education
 Thursday, April 2, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	CS/SB 1264 Education Pre-K - 12 / Legg (Compare S 7050)	Digital Classrooms; Establishing requirements for digital classrooms technology infrastructure planning by the Agency for State Technology or a contracted organization; requiring the Office of Technology and Information Services of the Department of Education to consult with the Agency for State Technology in developing the 5-year strategic plan for Florida digital classrooms; specifying conditions for a school district to maintain eligibility for Florida digital classrooms allocation funds, etc. ED 03/11/2015 Temporarily Postponed ED 03/18/2015 Fav/CS AED 04/02/2015 Temporarily Postponed AP	Temporarily Postponed
13	CS/SB 1552 Education Pre-K - 12 / Benacquisto (Compare CS/H 357, CS/CS/H 1145, CS/CS/H 7037, S 638, S 692, S 720, S 906, S 952, S 1036, S 1448, S 2508)	Student Choice; Providing the right of a parent to know the average amount of money expended for the education of his or her child; authorizing a parent to enroll his or her child in any public school that has not reached capacity in the state; providing that certain students who are deemed eligible for hospitalized program services are considered students with a disability; establishing the Florida Institute for Charter School Innovation; creating the Charter School District Pilot Program, etc. ED 03/11/2015 Workshop-Discussed ED 03/18/2015 Fav/CS AED 04/02/2015 Fav/CS AP	Fav/CS Yeas 5 Nays 2
14	SB 7046 Education Pre-K - 12 (Compare CS/S 948, CS/S 1252, S 2502, S 2508)	Education; Requiring a state research university to enter into and maintain a formal agreement with a specified organization to offer college-sponsored merit scholarship awards as a condition of designation as a preeminent state research university; authorizing a low-performing elementary school to administer the required additional hours of instruction in a summer program; revising the types and amounts of bonuses that a teacher may receive in any given school year, etc. AED 04/02/2015 Favorable AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education
Thursday, April 2, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	SB 7050 Governmental Oversight and Accountability (Compare CS/CS/S 616, CS/S 1264)	Digital Classrooms; Requiring the Agency for State Technology to establish and publish information technology architecture standards for purposes of implementing digital classrooms by a specified date; requiring the agency's annual assessment of the Department of Education to review specified issues with respect to school district digital classrooms plans and to provide planning assistance to address and reduce issues identified by the assessment, etc. AED 04/02/2015 Temporarily Postponed AP	Temporarily Postponed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 118 (456296)

INTRODUCER: Recommended by Appropriations Subcommittee on Education; Finance and Tax Committee; and Senator Hays and others

SUBJECT: Voluntary Contributions for Public Education Facilities

DATE: April 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 118 sets up a process for businesses to solicit and collect voluntary contributions for the construction and maintenance of public education facilities. Participating businesses are required to remit the contributions to the Department of Revenue for deposit into the Public Education Capital Outlay and Debt Service (PECO) Trust Fund.

The bill authorizes the Department of Revenue (DOR) to audit voluntary contribution remittances by a participating business if the DOR is auditing the business for taxes. The participating business is given 90 days to correct any deficiencies prior to the imposition of penalty and interest.

The bill authorizes participating businesses to retain 2.5 percent of voluntary contributions remitted to DOR as compensation for maintaining records, filing returns, and properly accounting for and remitting contributions.

The Revenue Estimating Conference estimates that the bill will increase PECO Trust Fund receipts by an indeterminate amount.

The bill provides an effective date of January 1, 2016.

II. Present Situation:

Voluntary Contributions for Public Education Facilities

Currently, the state does not provide a mechanism for a business to collect and remit voluntary contributions for public education facilities.

Tax Audits, Interest, and Collection Allowances for Dealers

The Department of Revenue (DOR) is charged with auditing tax dealers and conducting other enforcement activities related to the taxes that it administers.¹

When a taxpayer fails to remit taxes due, the deficiency is typically subject to interest and penalty.² Interest varies by tax, but a common interest rate is the prime rate plus four percent, which is required to be periodically calculated by the executive director of the DOR under s. 213.235, F.S. The penalty is often 10 percent per month, up to a maximum of 50 percent.³ Deficiencies remaining after 90 days can also be subject to a 10 percent administrative collection processing fee under s. 213.24, F.S.

To compensate dealers for the burden of complying with collection and remittance duties, dealers are permitted to retain a portion of certain taxes that they collect. For instance, s. 212.12(1)(a)1., F.S., authorizes sales tax dealers to retain 2.5 percent of the first \$1,200 of tax due.

III. Effect of Proposed Changes:

Section 1 creates s. 215.165, F.S., authorizing a business to solicit and collect voluntary contributions from its customers for the construction and maintenance of public education facilities. In order to participate, a business must register as a participating business with the Department of Revenue (DOR). To register, the business is required to provide certain identifying information, including the business name, physical and mailing addresses, telephone number, e-mail address, and federal employer identification number. Registration for the voluntary contributions program is separate from registration for tax purposes.

Once registered, a participating business may solicit voluntary contributions by any means, including point of sale solicitation and through monthly invoices or billing statements.

A participating business that collects voluntary contributions must file a return and remit the contributions to the DOR by the 20th day of the following calendar month. If the 20th day is a Saturday, Sunday, or legal holiday, the return and contributions are due on the next business day. Returns must include the business's identifying information, as well as the amount of voluntary contributions collected, the amount being remitted and any applicable adjustments. If no contributions are collected, no return is required. Returns may be filed and contributions may be paid by mail or electronically.

¹ Section 20.21(2)(c) and (d), F.S.

² See e.g. s. 212.12, F.S. (imposing interest and various penalties related to sales tax deficiencies).

³ Section 212.12, F.S.

If the DOR receives a return from a business that has not registered as a participating business, DOR must register the business as a participating business with the information included with the return.

If a participating business makes an error in a remittance, it may correct the error on a future filing.

The DOR must deposit the contributions into the PECO Trust Fund.

The DOR may adopt rules establishing forms and procedures for remitting voluntary contributions. New forms may be created or the required information may be included on existing returns.

The bill provides that the DOR may only audit voluntary contributions or undertake enforcement proceedings if the DOR is already auditing the participating business for another area of tax, and for purposes of audit, the only the tax-related provisions that apply to the participating business are the DOR's authority to audit, the DOR's authority to make assessments, and the duty to maintain records provisions of chapter 212 and 213, F.S.

The bill provides that if the DOR finds a deficiency in a participating business's remittance of voluntary contributions, the participating business has 90 days to pay the deficiency, after which the deficiency accrues interest as imposed under s. 213.235, F.S., as well as the penalty imposed under s. 212.12, F.S. However, the administrative collection processing fee imposed by s. 213.24, F.S., does not apply.

The bill authorizes participating businesses to retain 2.5 percent of the voluntary contributions remitted to the DOR as compensation for maintaining books and records, filing returns, and properly accounting for and remitting voluntary contributions.

Section 2 amends s. 1013.65, F.S., to include voluntary contributions remitted under s. 216.165, F.S., as a source of revenue for the PECO Trust Fund.

Section 3 authorizes the DOR to adopt emergency rules to implement the act.

Section 4 provides an effective date of January 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue or reduce the percentage of a state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference estimates that PCS/CS/SB 118 will increase PECO Trust Fund receipts by an indeterminate amount.

B. Private Sector Impact:

Participation is voluntary. Businesses that participate will be required to file returns and remit collections to the DOR.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 215.165 of the Florida Statutes.

This bill substantially amends section 1013.65 of the Florida Statutes.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Education on April 2, 2015:

The committee substitute:

- Authorizes the Department of Revenue (DOR) to conduct audits of voluntary contributions if the DOR is already auditing the participating business.
- Imposes penalty and interest on deficiencies found by the DOR if unpaid after 90 days.
- Authorizes participating businesses to retain a collection allowance of 2.5 percent of voluntary contributions remitted to the DOR.

CS by Finance and Tax on March 16, 2015:

The CS adds the following administrative provisions:

- A participating business will receive a certificate of registration specific to participation in the voluntary contributions program.
- A participating business need not file a return for a period when no contributions were collected.
- A participating business may correct an error with a prior remittance by adjusting a future return.
- If the DOR receives a return from an unregistered business, the DOR must register the business using the information on the return.
- In addition, the DOR's rulemaking authority is made discretionary and the effective date of the bill is changed to January 1, 2016.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2015	.	
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Appropriations Subcommittee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 84 - 86
and insert:

(6) The provisions of chapter 212 regarding the authority to audit and make assessments and the maintenance of books and records apply to the collection and remittance of voluntary contributions by participating businesses under this section. The provisions of chapters 212 and 213 regarding interest and penalties, estimated tax liability, and a dealer's credit for



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11 collecting taxes or fees do not apply to such collections and
12 remittances, except as provided in paragraphs (a) and (b). The
13 department may not conduct an audit of voluntary contributions
14 or undertake enforcement proceedings under this subsection
15 unless the participating business is otherwise undergoing an
16 audit for another area of tax.

17 (a) If the department engages in an audit of a
18 participating business under this subsection and finds that
19 voluntary contributions received by the participating business
20 were not remitted to the department, the department shall
21 provide written notification to the participating business of
22 the deficiency. The participating business may remit the
23 unremitted contributions to the department at any time up to 90
24 days after the department provides written notification of the
25 deficiency without incurring any penalty or interest on the
26 unremitted contributions. If the unremitted contributions are
27 not provided to the department for deposit within the 90-day
28 period, the unremitted amount is subject to the penalty imposed
29 under s. 212.12 and interest imposed under s. 213.235, beginning
30 with the 91st day and continuing until the collected amounts are
31 remitted. For purposes of this subsection, the administrative
32 collection processing fee imposed under s. 213.24 does not
33 apply.

34 (b) For the purpose of compensating participating
35 businesses for the maintenance of books and records, the filing
36 of returns, and the proper accounting and remitting of
37 contributions, participating businesses collecting voluntary
38 contributions under this section may deduct 2.5 percent of the
39 amount of voluntary contributions remitted to the department.



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

And the title is amended as follows:

Delete lines 17 - 19

and insert:

forms and procedures; providing that certain provisions of law regarding the authority to audit and make assessments and the maintenance of books and records apply to the collection and remittance of voluntary contributions; providing that certain provisions of law regarding interest and penalties, estimated tax liability, and a dealer's credit for collections do not apply to such collections and remittances; authorizing the department to conduct an audit of voluntary contributions or undertake enforcement proceedings under certain circumstances; requiring the department to provide written notification to a participating business if the department finds during an audit that voluntary contributions were not remitted; providing for the remittance of unremitted contributions without penalty or interest within a specified period; providing for penalties and interest on contributions that are not remitted within the specified period; authorizing participating businesses to deduct a specified percentage of the voluntary contributions collected to compensate themselves for certain expenses; amending s. 1013.65, F.S.; including

By the Committee on Finance and Tax; and Senators Hays and Gaetz

593-02340-15

2015118c1

A bill to be entitled

An act relating to voluntary contributions for public education facilities; creating s. 215.165, F.S.; authorizing a participating business that registers with the Department of Revenue to solicit and collect contributions from its customers for the construction and maintenance of public education facilities; providing registration requirements; requiring the department to issue a certificate and taxpayer identification number to a participating business; requiring a participating business to file a return and remit contributions to the department within a specified timeframe; requiring the department to deposit contributions into the Public Education Capital Outlay and Debt Service Trust Fund; authorizing the department to adopt rules establishing forms and procedures; providing that voluntary contributions are not subject to audit by the department; amending s. 1013.65, F.S.; including voluntary contributions as a source of funding for the Public Education Capital Outlay and Debt Service Trust Fund; authorizing the executive director of the department to adopt emergency rules; providing that such rules are effective for a specified period; providing for expiration; providing an effective date.

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

Section 1. Section 215.165, Florida Statutes, is created to

Page 1 of 4

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593-02340-15

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read:

215.165 Voluntary contributions for public education facilities.—A business that registers with the Department of Revenue as a participating business may solicit and collect voluntary contributions from its customers for the construction and maintenance of public education facilities. Such contributions may be solicited and collected through any means, including point-of-sale transactions and monthly customer invoices.

(1) To register as a participating business, the business must provide the department with its name, physical address, mailing address, telephone number, e-mail address, and federal employer identification number. Upon receipt of this information, the department shall issue to the participating business a certificate indicating that the business is registered with the department for the collection of voluntary contributions and providing a taxpayer identification number to be used by the business for returns under this section. The department may issue this certificate electronically or by United States mail.

(2) By the 20th day of each month that immediately follows a month in which voluntary contributions were collected, a participating business shall file a return with, and remit the contributions collected during the prior month to, the department. If the 20th day is a Saturday, Sunday, or legal holiday, the return and voluntary contributions are due on the next business day. A participating business may file a return that is initiated by electronic means and may remit voluntary contributions by electronic funds transfer. A return is not

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59 required for a period in which voluntary contributions were not
 60 collected. A participating business may correct an error in a
 61 prior remittance by adjusting the amount remitted on a future
 62 return.

63 (3) (a) A participating business shall provide the following
 64 information on each return:

65 1. The information required under subsection (1).

66 2. The taxpayer identification number issued by the
 67 department.

68 3. The amount of voluntary contributions collected and the
 69 amount of any adjustment to such contributions.

70 4. The amount of voluntary contributions being remitted.

71 (b) If the department receives a return from a business
 72 that has not registered as a participating business, the
 73 department shall deposit the voluntary contributions pursuant to
 74 subsection (4) and shall register the business as a
 75 participating business with the information included on the
 76 return.

77 (4) The department shall deposit voluntary contributions
 78 remitted under this section into the Public Education Capital
 79 Outlay and Debt Service Trust Fund.

80 (5) The department may adopt rules to establish forms and
 81 procedures for filing returns and remitting voluntary
 82 contributions, which may include the use of existing or new
 83 forms.

84 (6) Voluntary contributions collected and remitted by a
 85 participating business under this section are not subject to
 86 audit by the department.

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

593-02340-15

2015118c1

88 1013.65, Florida Statutes, is amended to read:

89 1013.65 Educational and ancillary plant construction funds;
 90 Public Education Capital Outlay and Debt Service Trust Fund;
 91 allocation of funds.—

92 (2) (a) The Public Education Capital Outlay and Debt Service
 93 Trust Fund shall be comprised of the following sources, which
 94 are hereby appropriated to the trust fund:

95 1. Proceeds, premiums, and accrued interest from the sale
 96 of public education bonds and that portion of the revenues
 97 accruing from the gross receipts tax as provided by s. 9(a) (2),
 98 Art. XII of the State Constitution, as amended, interest on
 99 investments, and federal interest subsidies.

100 2. General revenue funds appropriated to the fund for
 101 educational capital outlay purposes.

102 3. All capital outlay funds previously appropriated and
 103 certified forward pursuant to s. 216.301.

104 4. Deposits from voluntary contributions collected pursuant
 105 to s. 215.165.

106 Section 3. (1) The executive director of the Department of
 107 Revenue is authorized, and all conditions are deemed to be met,
 108 to adopt emergency rules pursuant to s. 120.54(4), Florida
 109 Statutes, for the purpose of implementing this act.

110 (2) Notwithstanding any other provision of law, emergency
 111 rules adopted pursuant to subsection (1) are effective for 6
 112 months after adoption and may be renewed during the pendency of
 113 procedures to adopt permanent rules addressing the subject of
 114 the emergency rules.

115 (3) This section expires July 1, 2018.

116 Section 4. This act shall take effect January 1, 2016.

W

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/2/15 Meeting Date

SB 118 Bill Number (if applicable)

Topic Voluntary Contributions for Public Education Facilities

Amendment Barcode (if applicable)

Name Brittney Burch

Job Title Director of Talent, Education and Quality of Life Policy

Address 136 S. Bronough St.

Phone (850) 521-1279

Street

Tallahassee

FL

32301

City

State

Zip

Email bburch@flchamber.com

Speaking: For Against Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 518

INTRODUCER: Senators Gibson and Gaetz

SUBJECT: Voluntary Prekindergarten Education Program

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 518 expands the formula for calculating the Voluntary Prekindergarten Education Program (VPK) readiness rate to include students' performance results on pre- and post-assessments in addition to student's performance results on the statewide kindergarten screening.

According to the Office of Early Learning (OEL), both the VPK readiness rate and VPK assessment reporting websites will need to be enhanced to accommodate the required changes to the VPK readiness rate calculation. The cost associated with these enhancements can be absorbed within existing OEL resources. Senate Bill 2500, the Fiscal Year 2015-2016 proposed General Appropriations Bill, appropriates \$2.9 million for VPK accountability standards, including the maintenance of these websites.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

Voluntary Prekindergarten Education Program

The Florida Constitution affords each 4-year-old child who resides in the state an opportunity to participate in an early childhood development and education program, which is referred to as the Voluntary Prekindergarten (VPK) Education Program.¹

The Department of Education (department) administers the VPK program at the state level and adopts procedures for:

- Approving prekindergarten director credentials, emergent literacy training courses, and specialized instructional services providers;

¹ Art. IX, s. 1(b) and (c), Fla. Const.; s. 1002.53(1) and (2), F.S.

- Implementing and determining costs associated with prekindergarten enrollment screening and standardized post-assessment;
- Administering the statewide kindergarten readiness screening;
- Calculating kindergarten readiness rates; and
- Granting requests for good cause exemptions from private providers and public schools on probation.²

The Office of Early Learning³ (OEL) adopts procedures relating to standard statewide provider contracts and the administration of the VPK program by the early learning coalitions⁴ (ELCs) and school districts.⁵ Subject to approval by the department, the OEL must adopt procedures for approving improvement plans, probation, corrective actions, and removing⁶ public schools or private providers that fail to meet the minimum performance standards from eligibility to offer the VPK program.⁷

Child Eligibility and Enrollment

A child is eligible if he or she is four years of age on or before September 1 of the school year during which he or she is enrolling and until the school year during which the child is eligible for admission or is admitted to kindergarten, whichever occurs first.⁸

A parent may enroll an eligible child in a school-year or summer prekindergarten program delivered by a public school or private provider; however, a child must not be enrolled in more than one of the programs.⁹ In order to enroll a child, each parent must submit an application to an ELC, along with the child's birth certificate or an alternative form of proof authorized by the OEL.¹⁰ Each ELC is required to provide parents with a profile of every school or provider delivering the VPK program within the county that the child is enrolling.¹¹

² Section 1002.73, F.S.

³ The Office of Early Learning is included within the Office of Independent Education and Parental Choice, which is a division within the Department of Education. s. 20.15(3)(i)1., F.S.

⁴ Early learning coalitions administer the VPK program at the county or regional level for students enrolled in a program delivered by a private provider. ss. 1002.55(1) and 1002.61(1)(b), F.S. School districts administer the VPK program at the district level for students enrolled in a program delivered by a public school. ss. 1002.61(1)(a) and 1002.63(1), F.S.

⁵ Section 1002.75(1) and (2), F.S.

⁶ If a school or provider remains on probation for 2 consecutive years and fails to meet the minimum kindergarten readiness rate adopted by the OEL, the OEL must require the school district or ELC, as applicable, to remove the school or provider from eligibility to deliver the VPK program. Section 1002.67(4)(c)3., F.S.

⁷ *Id.* at (3).

⁸ Section 1002.53(2), F.S.

⁹ *Id.* at (3). A child who has a disability may enroll in a specialized instructional services program that is appropriate for the child's needs, if the child has an individual educational plan developed by the local district school board and is eligible to participate in the VPK program. s. 1002.66, F.S.

¹⁰ Section 1002.53(4), F.S. Each ELC is required to coordinate with school districts located in the ELC's county or region for enrolling children in VPK programs delivered by public schools. *Id.*

¹¹ *Id.* at (5). A school's or provider's profile information may include its services, curriculum, instructor credentials, instructor-to-student ratio, and kindergarten readiness rate. *Id.*

Public Schools and Private Providers—Performance Standards

The OEL is responsible for developing and adopting performance standards that assess the learning growth of students enrolled in the VPK program.¹² The curriculum of public schools and private providers must be developmentally appropriate and designed to enhance student progress and prepare students for kindergarten as assessed by the statewide kindergarten screening.¹³ Since the 2012-2013 school year, each school and provider is required to implement and administer the Florida VPK Assessment¹⁴ as a pre- and post-assessment in accordance with rules adopted by the State Board of Education.¹⁵

Statewide Kindergarten Screening

The statewide kindergarten screening assesses the readiness of students for kindergarten based on performance standards adopted under the Voluntary Prekindergarten (VPK) Education Program.¹⁶ Each school district is required to administer the statewide kindergarten screening to students in kindergarten within the first 30 days of each school year.¹⁷

The Office of Early Learning (OEL) annually calculates each public school's or private provider's kindergarten readiness rate based on the percentage of students who have met all state readiness measures and student learning gains as determined by the results of the pre- and post-assessments during at least two years.¹⁸

In order to demonstrate satisfactory delivery of the VPK program, a public school or private provider must meet the minimum kindergarten readiness rate adopted by the OEL.¹⁹ An updated minimum kindergarten readiness rate may be adopted by the OEL if the VPK student performance standards are revised to align with statewide standards.²⁰

If a public school or private provider falls below the minimum kindergarten readiness rate, it must submit an improvement plan to the school district or early learning coalition (ELC), as applicable, for approval.²¹ If the school or provider fails to implement an improvement plan, its contract to deliver the VPK program will be terminated.²²

In addition to submitting an improvement plan, the public school or private provider is put on probation and required to take corrective action until it meets the minimum kindergarten

¹² Section 1002.67(1)(a), F.S.

¹³ *Id.* at (2)(a) and (b).

¹⁴ Office of Early Learning, *Florida Voluntary Prekindergarten (VPK) Assessment: An Overview* (October 2014) available at http://www.floridaearlylearning.com/sites/www/Uploads/files/Providers/VPK%20Assessment/OEL_VPK_Assessment_Overview_10-10-14_Final.pdf.

¹⁵ Section 1002.67(3), F.S. If a school district or ELC verifies that a school or provider is not administering the assessments and refuses to do so or engages in misconduct, the OEL must require the school district or ELC, as applicable, to remove the school or provider from eligibility to deliver the VPK program for 5 years. *Id.* at (4)(a) and (b).

¹⁶ Section 1002.69(1), F.S.

¹⁷ *Id.* Nonpublic schools may administer the screening to kindergarten students who were enrolled in the VPK program. *Id.*

¹⁸ *Id.* at (4) and (5).

¹⁹ *Id.* at (6).

²⁰ *Id.* and s. 1002.67(1)(b), F.S.

²¹ Section 1002.67(4), F.S.

²² *Id.*

readiness rate.²³ The school district or ELC must remove a school or provider from eligibility to deliver the VPK program and receive state funds for five years if the school or provider remains on probation for two years.²⁴ A school or provider that is placed on probation for two or more years and that fails to meet the minimum kindergarten readiness rate may submit a request for a good cause exemption to the OEL for a period of one year.²⁵

III. Effect of Proposed Changes:

The bill expands the formula for calculating the Voluntary Prekindergarten (VPK) Education Program readiness rate to include students' performance results on pre- and post-assessments in addition to student's performance results on the statewide kindergarten screening.

The bill requires that the pre- and post-assessments meet additional specific criteria for approval by the State Board of Education (board). Current law requires that the assessments "be valid, reliable, developmentally appropriate, and designed to measure student progress on [...] early literacy, numeracy, and language."²⁶ In addition to the requirements provided in current law, the bill requires that the assessments be observation-based, developed using norm samples, appropriate for English language learners and students with disabilities, available in multiple languages, and provide processes and supports for ensuring continued reliability and professional development.

Also, the bill clarifies that pre- and post-assessments must be administered by prekindergarten instructors, rather than "individuals" as stated in current law.²⁷ The term "prekindergarten instructor" is defined as a teacher or child care personnel who provides instruction to students in the VPK program.²⁸

The bill requires that pre- and post-assessments be administered to children enrolled in the VPK program during the first and last two weeks of the school-year or summer prekindergarten program. Current law does not provide a specific timeframe for administering the assessments.²⁹

The bill requires that the Office of Early Learning (OEL) annually report to the board the appropriate level of student learning growth based on data from the pre- and post-assessments for calculating the kindergarten readiness rate of each public school or private provider delivering the VPK program. Current law does not expressly require the OEL to report such data.³⁰

The bill provides an effective date of July 1, 2015.

²³ *Id.*

²⁴ *Id.*

²⁵ Section 1002.69(7), F.S.

²⁶ Section 1002.67(3)(b), F.S.

²⁷ *Id.* at (3)(c).

²⁸ Section 1002.51(6), F.S.

²⁹ *Id.*

³⁰ *Id.* at (5).

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:

According to the Office of Early Learning (OEL), both the VPK readiness rate and VPK assessment reporting websites will need to be enhanced to accommodate the required changes to the VPK readiness rate calculation. The cost associated with these enhancements can be absorbed within existing OEL resources. Senate Bill 2500, the Fiscal Year 2015-2016 proposed General Appropriations Bill, appropriates \$2.9 million for VPK accountability standards, including the maintenance of these websites.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.53, 1002.67, and 1002.69.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Gibson

9-00641-15

2015518__

1 A bill to be entitled
 2 An act relating to the Voluntary Prekindergarten
 3 Education Program; amending s. 1002.53, F.S.; revising
 4 provisions relating to calculation of the kindergarten
 5 readiness rate for Voluntary Prekindergarten Education
 6 Program providers and schools; amending s. 1002.67,
 7 F.S.; requiring the administration of a preassessment
 8 and postassessment to students based upon adopted
 9 performance standards; providing assessment
 10 requirements; requiring the assessments to be
 11 administered by certain personnel and during certain
 12 time periods; requiring the assessments to be used to
 13 calculate the kindergarten readiness rate; amending s.
 14 1002.69, F.S.; requiring the Office of Early Learning
 15 to annually report to the State Board of Education
 16 certain student growth data; providing an effective
 17 date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Paragraph (b) of subsection (5) of section
 22 1002.53, Florida Statutes, is amended to read:

23 1002.53 Voluntary Prekindergarten Education Program;
 24 eligibility and enrollment.—

25 (5) The early learning coalition shall provide each parent
 26 enrolling a child in the Voluntary Prekindergarten Education
 27 Program with a profile of every private prekindergarten provider
 28 and public school delivering the program within the county where
 29 the child is being enrolled. The profiles shall be provided to

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30 parents in a format prescribed by the Office of Early Learning.
 31 The profiles must include, at a minimum, the following
 32 information about each provider and school:

33 (b) The provider's or school's kindergarten readiness rate
 34 calculated in accordance with ss. 1002.67 and ~~s.~~ 1002.69, based
 35 upon the most recent available results of the preassessment and
 36 postassessment and the statewide kindergarten screening.

37 Section 2. Paragraph (b) of subsection (1) and subsection
 38 (3) of section 1002.67, Florida Statutes, are amended to read:
 39 1002.67 Performance standards; curricula and
 40 accountability.—

41 (1)

42 (b) The office shall periodically review and revise the
 43 performance standards for the preassessment and postassessment
 44 administered under this section and the statewide kindergarten
 45 screening administered under s. 1002.69 and align the standards
 46 to the standards established by the state board for student
 47 performance on the statewide assessments administered pursuant
 48 to s. 1008.22.

49 (3) (a) ~~Contingent upon legislative appropriation,~~ Each
 50 private prekindergarten provider and public school in the
 51 Voluntary Prekindergarten Education Program must implement an
 52 evidence-based preassessment and postassessment ~~pre- and post-~~
 53 ~~assessment~~ that has been approved by rule of the State Board of
 54 Education.

55 (b) In order to be approved, the assessments ~~assessment~~
 56 must:

57 1. Be valid, reliable, developmentally appropriate, and
 58 observation-based; ~~and~~

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59 2. Be developed using norm samples similar to Florida's
60 population of children from birth through age 5;

61 3. Be based upon the performance standards adopted by the
62 department under subsection (1) and be designed to measure
63 student progress on domains which must include, but are not
64 limited to, early literacy, numeracy, and language;—

65 4. Be appropriate for English language learners and
66 students with disabilities;

67 5. Be available in multiple languages;

68 6. Have processes for ensuring the ongoing reliability of
69 the assessments; and

70 7. Be supported by evidence-based professional development
71 programs.

72 (c) The preassessment and postassessment ~~pre- and post-~~
73 assessment must be administered by prekindergarten instructors
74 individuals meeting requirements established by rule of the
75 State Board of Education during the first and last 2 weeks of
76 the school-year prekindergarten program or summer
77 prekindergarten program.

78 (d) Each parent who enrolls his or her child in the
79 Voluntary Prekindergarten Education Program must submit the
80 child for the preassessment and postassessment.

81 (e) The preassessment and postassessment data shall be used
82 in calculating a private prekindergarten provider's and public
83 school's kindergarten readiness rate pursuant to s. 1002.69(5).

84 Section 3. Subsection (5) of section 1002.69, Florida
85 Statutes, is amended to read:

86 1002.69 Statewide kindergarten screening; kindergarten
87 readiness rates; state-approved prekindergarten enrollment

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88 screening; good cause exemption.—

89 (5) The office shall adopt procedures to annually calculate
90 each private prekindergarten provider's and public school's
91 kindergarten readiness rate, which must be expressed as the
92 percentage of the provider's or school's students who are
93 assessed as ready for kindergarten. The methodology for
94 calculating each provider's kindergarten readiness rate must
95 include student learning gains when available and the percentage
96 of students who meet all state readiness measures. The rates
97 must not include students who are not administered the statewide
98 kindergarten screening. The office shall determine learning
99 gains using a value-added measure based on growth demonstrated
100 by the results of the preassessment and postassessment, pursuant
101 to s. 1002.67, from at least 2 successive years of
102 administration of the preassessment and postassessment. The
103 office shall annually report to the State Board of Education the
104 appropriate level of growth to calculate the kindergarten
105 readiness rate of each Voluntary Prekindergarten Education
106 Program provider.

107 Section 4. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

W

4/2/15
Meeting Date

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

0518
Bill Number (if applicable)

Topic VPK

Amendment Barcode (if applicable)

Name ELYN BOGDANOFF

Job Title EXEC DIR

Address 908 S. Andrews Ave

Phone 954 767 9850

FL Land FL 33310

City State Zip

Email

Speaking: For Against Information

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

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.

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

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

4/2/2013
Meeting Date

518
Bill Number (if applicable)

Topic Visiting Postsecondary Education Program

Amendment Barcode (if applicable)

Name Aisa Ghazvinian

Job Title Executive Director AFLC

Address 1462 Mitchell Ave

Phone 850 545-7716

Tallahassee FL 32303

City State Zip

Email agazvinian@hotmail.com

Speaking: For Against Information

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

Representing Association of Early Learning Coalitions

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 530

INTRODUCER: Senator Ring

SUBJECT: Bullying and Harassment Policies in Schools

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Favorable
2.	Sikes	Elwell	AED	Favorable
3.			FP	

I. Summary:

SB 530 requires periodic revision of a school district’s anti-bullying and harassment policy, modifies the information that must be contained in the policy, and requires schools to implement the policy.

Specifically, the bill adds the requirements that each:

- School district revise its anti-bullying and harassment policy every three years.
- School implement the school district’s anti-bullying and harassment policy.
- School district’s anti-bullying and harassment policy:
 - Make the reporting of bullying or harassment mandatory; and
 - Include a list of bullying prevention and intervention programs authorized by the school district to provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

The bill has no fiscal impact.

The bill provides for an effective date of July 1, 2015.

II. Present Situation:

Bullying and Harassment

In 2008,¹ the Florida Legislature enacted s. 1006.147, F.S., which prohibits the bullying and harassment of any student or employee of a public K-12 educational institution:²

¹ Chapter 2008-123, L.O.F., also known as the “Jeffrey Johnston Stand Up for All Students” Act.

² Section 1006.147(2), F.S.

- During a public K-12 education program or activity.
- During a school-related or school-sponsored program or activity.
- On a public K-12 school bus.
- Through the use of:
 - Data or computer software accessed through a computer, computer system, or computer network within the scope of a public K-12 educational institution;³ or
 - Data or computer software accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim’s ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school.⁴

The terms “bullying” and “harassment” include the following behaviors or conditions:

- Bullying means systemically and chronically inflicting physical hurt or psychological distress on one or more students, including cyberbullying,⁵ and may involve:⁶
 - Teasing;
 - Social exclusion;
 - Threat;
 - Intimidation;
 - Stalking;
 - Physical violence;
 - Theft;
 - Sexual, religious, or racial harassment;
 - Public humiliation; or
 - Destruction of property.
- Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:⁷
 - Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
 - Has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
 - Has the effect of substantially disrupting the orderly operation of a school.

The law further specifies that bullying and harassment include:⁸

³ “Within the scope of a public K-12 educational institution” means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. s. 1006.147(3)(d), F.S.

⁴ The law does not require a school to staff or monitor any non-school related activity, function, or program in its efforts to prevent bullying and harassment. s. 1006.147(2)(d), F.S.

⁵ “Cyberbullying” is a form of bullying through the use of technology or other means of electronic communication, including, but not limited to, creating webpages or blogs and distributing or posting materials that perpetuate the conduct. s. 1006.147(3)(b), F.S.

⁶ *Id.* at (3)(a).

⁷ *Id.* at (3)(b).

⁸ *Id.* at (3)(f).

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment in bad faith;
- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by:
 - Incitement or coercion;
 - Accessing or providing access to a school district's computer, computer system, or computer network; or
 - Engaging in conduct substantially similar in effect to bullying or harassment.

Policy and Reporting Requirements

Each school district is required to adopt a policy prohibiting the bullying and harassment of a student or employee of a public K-12 educational institution.⁹ The school district must involve students, parents, teachers, administrators, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy.¹⁰ The policy must, at a minimum:¹¹

- Prohibit and define bullying and harassment.
- Describe the type of behavior expected from each student and employee of a public K-12 educational institution.
- Identify the consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.
- Establish procedures for:
 - Reporting and investigating acts of bullying and harassment;
 - Immediately notifying a victim's parents, the parents of the perpetrator, and all local agencies where criminal charges may be pursued;
 - Referring victims and perpetrators to counseling;
 - Including incidents of bullying or harassment in each school's safety and discipline report submitted to the Department of Education;¹² and
 - Providing instruction to students, parents, teachers, school administrator, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that leads to bullying and harassment and taking appropriate preventative action based on those observations;
 - Regularly reporting to a victim's parents the actions taken to protect the victim; and
 - Publicizing the policy, including publication in the code of student conduct and all employee handbooks.

⁹ *Id.* at (4). The policy must be in substantial compliance with the Department of Education's model policy. *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 1006.09(6), F.S. The School Environmental Safety Incident Reporting (SESIR) System is used by the Office for Safe Schools within the Florida Department of Education to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. Such data is contained in the *Statewide Report on School Safety and Discipline Data*, available at <http://www.fldoe.org/safeschools/sesir.asp> (last visited March 12, 2015).

The policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.¹³

Distribution of safe schools funds to a school district is contingent upon the school district's compliance with implementing the reporting procedures required as part of its bullying and harassment policy.¹⁴

By January 1 of each year, the Commissioner of Education must submit a report on the statewide implementation of bullying and harassment policies, including data regarding incidents of bullying and harassment and resulting consequences, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹⁵

III. Effect of Proposed Changes:

The bill requires periodic revision of a school district's anti-bullying and harassment policy, modifies the information that must be contained in the policy, and requires schools to implement the policy.

Specifically, the bill adds the requirements that each:

- School district revise its anti-bullying and harassment policy every three years.
- School implement the school district's anti-bullying and harassment policy.
- School district's anti-bullying and harassment policy:
 - Make the reporting of bullying or harassment mandatory; and
 - Include a list of bullying prevention and intervention programs authorized by the school district to provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

The bill may require a school to create a bullying prevention and intervention program by:

- Including a requirement that the school district's policy contain a list of programs authorized by the school district to provide such instruction.
- Adding a requirement that the school district's anti-bullying and harassment policy be implemented in a manner that is ongoing throughout the school year and integrated with the school's bullying prevention and intervention program.

The bill provides for an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹³ Section 1006.147(4), F.S.

¹⁴ Section 1006.09(7), F.S.

¹⁵ *Id.* at (8).

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.147 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Ring

29-00561A-15

2015530__

A bill to be entitled

An act relating to bullying and harassment policies in schools; amending s. 1006.147, F.S.; requiring school districts to revise their bullying and harassment policies at specified intervals; specifying that a school district policy require a school to implement the policy in a certain manner and integrate it with the school's bullying prevention and intervention program; requiring such a policy to include mandatory reporting procedures and a list of authorized programs that provide bullying and harassment identification, prevention, and response instruction; providing an effective date.

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

Section 1. Subsection (4) of section 1006.147, Florida Statutes, is amended to read:

1006.147 Bullying and harassment prohibited.—

(4) Each school district shall adopt and revise every 3 years a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution. Each school district's policy shall be in substantial conformity with the Department of Education's model policy. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school

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staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and revising the policy. The school district policy must require a school to implement the policy ~~be implemented~~ in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's bullying prevention and intervention program, a school's discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.

(b) A definition of bullying and a definition of harassment that include the definitions listed in this section.

(c) A description of the type of behavior expected from each student and employee of a public K-12 educational institution.

(d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.

(e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.

(f) A procedure for the mandatory reporting of an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.

(g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the

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59 investigation. The investigation of a reported act of bullying
60 or harassment is deemed to be a school-related activity and
61 begins with a report of such an act. Incidents that require a
62 reasonable investigation when reported to appropriate school
63 authorities shall include alleged incidents of bullying or
64 harassment allegedly committed against a child while the child
65 is en route to school aboard a school bus or at a school bus
66 stop.

67 (h) A process to investigate whether a reported act of
68 bullying or harassment is within the scope of the district
69 school system and, if not, a process for referral of such an act
70 to the appropriate jurisdiction. Computers without web-filtering
71 software or computers with web-filtering software that is
72 disabled shall be used when complaints of cyberbullying are
73 investigated.

74 (i) A procedure for providing immediate notification to the
75 parents of a victim of bullying or harassment and the parents of
76 the perpetrator of an act of bullying or harassment, as well as
77 notification to all local agencies where criminal charges may be
78 pursued against the perpetrator.

79 (j) A procedure to refer victims and perpetrators of
80 bullying or harassment for counseling.

81 (k) A procedure for including incidents of bullying or
82 harassment in the school's report of data concerning school
83 safety and discipline required under s. 1006.09(6). The report
84 must include each incident of bullying or harassment and the
85 resulting consequences, including discipline and referrals. The
86 report must include in a separate section each reported incident
87 of bullying or harassment that does not meet the criteria of a

Page 3 of 4

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

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88 prohibited act under this section with recommendations regarding
89 such incidents. The Department of Education shall aggregate
90 information contained in the reports.

91 (l) A list of programs authorized by the school district
92 ~~that provide procedure for providing~~ instruction to students,
93 parents, teachers, school administrators, counseling staff, and
94 school volunteers on identifying, preventing, and responding to
95 bullying or harassment, including instruction on recognizing
96 behaviors that lead to bullying and harassment and taking
97 appropriate preventive action based on those observations.

98 (m) A procedure for regularly reporting to a victim's
99 parents the actions taken to protect the victim.

100 (n) A procedure for publicizing the policy, which must
101 include its publication in the code of student conduct required
102 under s. 1006.07(2) and in all employee handbooks.

103 Section 2. This act shall take effect July 1, 2015.

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



The Florida Senate

Committee Agenda Request

SA

To: Senator Don Gaetz
Appropriations Committee on Education

Subject: Committee Agenda Request

Date: March 19, 2015

I respectfully request that **Senate Bill # 530**, relating to Bullying and Harassment Policies in Schools, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Jeremy Ring".

Senator Jeremy Ring
Florida Senate, District 29

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 574

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Montford

SUBJECT: Electronic Auction Services

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 574 authorizes district school boards to adopt rules regarding procurement practices, including the use of online procurement and electronic auction services. The term “electronic auction services” is defined. The bill also authorizes district school boards and district schools to use electronic auction services and other efficient procurement tools for specified purchases.

The bill has an indeterminate fiscal impact. Procurement through electronic auction services or other efficient procurement tools may result in costs savings for district school boards, but the extent of those potential cost savings is not known.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

Chapter 287, F.S., regulates state agency¹ procurement of personal property and services.² Agencies may use a variety of procurement methods, depending on the cost and characteristics

¹ As defined in s. 287.012(1), F.S., “agency” means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. “Agency” does not include the university and college boards of trustees or the state universities and colleges.

² Local governments are not subject to the provisions of ch. 287, F.S. Local governmental units may look to the chapter for guidance in the procurement of goods and services, but many have local policies or ordinances to address competitive solicitations.

of the needed good or service, the complexity of the procurement, and the number of available vendors. These include the following:

- "Single source contracts," which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- "Invitations to bid (ITB)," which are used when an agency determines that standard services or goods will meet needs, wide competition is available, and the vendor's experience will not greatly influence the agency's results;
- "Requests for proposals (RFP)," which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- "Invitations to negotiate (ITN)," which are used when negotiations are determined to be necessary to obtain the best value and involve a request for high complexity, customized, mission-critical services, by an agency dealing with a limited number of vendors.³

Contracts for commodities or contractual services in excess of \$35,000 must be procured utilizing a competitive solicitation process.⁴ However, specified contractual services and commodities are not subject to competitive-solicitation requirements.⁵

The chapter establishes a process by which a person may file an action protesting a decision or intended decision pertaining to contracts administered by the Department of Management Services (DMS), a water management district, or state agencies.⁶

Online Procurement of Commodities and Contractual Services

Pursuant to s. 287.057(22), F.S., DMS is required to maintain a program for online procurement of commodities and contractual services in consultation with the Chief Financial Officer (Department of Financial Services) and the Agency for State Technology (AST). DMS has authority to contract for equipment and services to develop and implement online procurement in consultation with the AST and in compliance with standards of AST.⁷ DMS is required to adopt rules for the administration of the program for online procurement.⁸ DMS may also impose and collect fees for use of the online procurement system.⁹

DMS's online procurement program is MyFloridaMarketPlace (MFMP). MFMP is used by the Division of State Purchasing for formal solicitations (ITB, RFP, and ITN) and by state agencies

³ See ss. 287.012(6) and 287.057, F.S.

⁴ Section 287.057(1), F.S., requires all projects that exceed the Category Two (\$35,000) threshold contained in s. 287.017, F.S., to be competitively bid. As defined in s. 287.012(6), F.S., "competitive solicitation" means the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement.

⁵ See s. 287.057(3)(e), F.S.

⁶ See ss. 287.042(2)(c) and 120.57(3), F.S.

⁷ Section 287.057(22)(a), F.S. Also, see s. 282.0051(4), F.S. (AST has responsibility to perform project oversight on all state agency information technology project costs of \$10 million or more that are funded in the General Appropriations Act or other law.)

⁸ Section 287.057(22)(b), F.S. See Rules 60A-1.030-1.033, F.A.C.

⁹ Section 287.057(22)(c), F.S.

for informal quotes and electronic invoicing.¹⁰ MFMP has been in operation for more than ten years.¹¹

III. Effect of Proposed Changes:

Section 1 amends s. 1001.42(12), F.S., to authorize district school boards to adopt rules regarding procurement practices, including the use of online procurement and electronic auction services. The term “electronic auction services” is defined as a competitive procurement conducted on a centralized website using third-party software, jointly managed by an approved vendor and the district school board, for the purpose of obtaining competitive prices in an auction environment.

Section 2 amends s. 1006.27(1), F.S., by authorizing district school boards to use electronic auction services or other efficient procurement tools for purchasing buses, equipment and supplies. District schools are also authorized to use electronic auction services or other efficient procurement tools for such purchases.

Section 3 provides an effective date of July 1, 2015.

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:

CS/SB 574 has an indeterminate fiscal impact on the private sector.

¹⁰ Analysis from DMS dated February 3, 2015, on file with the Committee on Governmental Oversight and Accountability.

¹¹ See http://www.dms.myflorida.com/business_operations/state_purchasing.

C. **Government Sector Impact:**

The bill has an indeterminate fiscal impact. Procurement through electronic auction services or other efficient procurement tools may result in costs savings for district school boards, but the extent of those potential cost savings is not known.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.42 and 1006.27.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

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

CS by Governmental Oversight and Accountability on March 10, 2015:

The committee substitute amends s. 1001.42(12), F.S., to revise the powers and duties of district school boards to authorize the adoption of rules regarding procurement practices, including the use of online procurement and electronic auction services. Also, the term “electronic auction services” is defined. Additionally, the committee substitute amends s. 1006.27(1), F.S., to authorize the Department of Education and district school boards to use electronic auction services and other efficient procurement tools for specified purchases.

B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Montford

585-02128-15

2015574c1

1 A bill to be entitled
2 An act relating to electronic auction services;
3 amending s. 1001.42, F.S.; revising the powers and
4 duties of the district school board to authorize the
5 adoption of rules regarding procurement practices;
6 defining the term "electronic auction services";
7 amending s. 1006.27, F.S.; authorizing a district
8 school board's use of electronic auction services in
9 conjunction with bid pooling for school buses and
10 related purchases; providing an effective date.

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

12 Section 1. Paragraph (i) of subsection (12) of section
13 1001.42, Florida Statutes, is amended to read:

14 1001.42 Powers and duties of district school board.—The
15 district school board, acting as a board, shall exercise all
16 powers and perform all duties listed below:

17 (12) FINANCE.—Take steps to assure students adequate
18 educational facilities through the financial procedure
19 authorized in chapters 1010 and 1011 and as prescribed below:

20 (i) *Contracts for materials, supplies, and services.*—
21 Contract for materials, supplies, and services needed for the
22 district school system. No contract for supplying these needs
23 shall be made with any member of the district school board, with
24 the district school superintendent, or with any business
25 organization in which any district school board member or the
26 district school superintendent has any financial interest
27 whatsoever. The district school board may adopt rules to
28
29

Page 1 of 3

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30 facilitate the efficient and effective procurement of materials,
31 supplies, and services, including the use of online procurement
32 and electronic auction services. For purposes of this paragraph,
33 the term "electronic auction services" means a competitive
34 procurement conducted on a centralized website using third-party
35 software, jointly managed by an approved vendor and the district
36 school board, for the purpose of obtaining competitive prices in
37 an auction environment.

38 Section 2. Subsection (1) of section 1006.27, Florida
39 Statutes, is amended to read:

40 1006.27 Pooling of school buses and related purchases by
41 district school boards; transportation services contracts.—

42 (1) The department shall assist district school boards in
43 securing school buses, contractual needs, equipment, and
44 supplies at as reasonable prices as possible by providing a plan
45 under which district school boards may voluntarily pool their
46 bids for such purchases. The department shall prepare bid forms
47 and specifications, obtain quotations of prices and make such
48 information available to district school boards in order to
49 facilitate this service and use electronic auction services, as
50 defined in s. 1001.42(12)(i), or other efficient procurement
51 tools. District schools may also use electronic auction services
52 or other efficient procurement tools for such purchases.

53 District school boards from time to time, as prescribed by State
54 Board of Education rule, shall furnish the department with
55 information concerning the prices paid for such items and the
56 department shall furnish to district school boards periodic
57 information concerning the lowest prices at which school buses,
58 equipment, and related supplies are available based upon

Page 2 of 3

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

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59 comparable specifications.

60 Section 3. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Appropriations Subcommittee on Education, *Vice Chair*
Appropriations
Banking and Insurance
Education Pre-K - 12
Rules

SA

SENATOR BILL MONTFORD
3rd District

March 19, 2015

Senator Don Gaetz,
Chair
Senate Committee on Education Appropriations
201 Capitol
Tallahassee, Florida 32399-1100

Dear Senator Gaetz:

I respectfully request that the following bills be scheduled for a hearing before the Senate Education Appropriations Committee:

SB 574 Electronic Auction Services
SB 622 Higher Education Facilities Financing

Your assistance and favorable consideration of my request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William "Bill" Montford
Senate District 3

WM/md

Cc: Tim Elwell, Staff Director

REPLY TO:

- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/2/15
Meeting Date

(W)
574
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Cynthia Henderson

Job Title _____

Address 108 E. Jefferson St.

Phone _____

Street
Tallahassee City FL State 32303 Zip

Email _____

Speaking: For Against Information

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

Representing Crowne

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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 622

INTRODUCER: Senators Montford and Bean

SUBJECT: Higher Education Facilities Financing

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>HE</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 622 expands the types of projects that the Higher Education Facilities Financing Authority (HEFFA) may finance for higher education colleges and universities. Specifically, the bill expands the definition of authorized projects that may be used by participating institutions to include projects such as: dining halls, research facilities, athletic facilities, healthcare facilities, utility facilities, and other structures useful for the instruction of students, conducting research, or the operation of an educational institution, including equipment and machinery.

Because it is not possible to predict how many additional facilities may be financed by the HEFFA due to the broadened definition of “project” included in this bill, the fiscal impact is indeterminate.

The bill takes effect July 1, 2015.

II. Present Situation:

Higher Educational Facilities Financing Authority

The Higher Educational Facilities Financing Authority (HEFFA) was created as a public instrumentality by the Legislature with the purpose of assisting institutions of higher education in undertaking constructing, financing, and refinancing projects. The HEFFA has numerous powers, including the ability to issue revenue bonds to finance the costs of a project for a participating institution.

Creation and Background

The HEFFA was established in 2001 in Chapter 243, Florida Statutes, as a “public body corporate and politic.”¹ The HEFFA is constituted as a “public instrumentality” and the exercise by the HEFFA of its conferred powers is “considered to be the performance of an essential public function.”² Members of the HEFFA are appointed by the Governor, subject to confirmation by the Senate.³ Chapters 119 (public records) and 286 (open meetings) apply to the HEFFA.⁴

Purpose and Powers

The purpose of the HEFFA is to assist institutions of higher education⁵ in undertaking constructing, financing, and refinancing projects.⁶ For this purpose, the HEFFA may:⁷

- Exercise general business authority.
 - Exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, F.S.
 - Have perpetual succession as a body politic and corporate and adopt bylaws for the regulation of its affairs and the conduct of its business.
 - Adopt an official seal.
 - Maintain an office at any place in the state.
 - Sue and be sued.
 - Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents as necessary.
 - Charge to and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties.
 - Contract with an entity as its agent to assist the HEFFA in screening applications of institutions of higher education for loans.
 - Do all things necessary or convenient to carry out the purposes of ss. 243.50-243.77, F.S.
- Implement financing arrangements.
 - Make and execute financing arrangements, leases, contracts, deeds, and other instruments necessary or convenient in the exercise of the powers and functions of its authority.

¹ Section 243.53(1), F.S., s. 4, Ch. 2001-79, L.O.F. The term “public body corporate and politic” is not specifically defined in state law; although, Section 1.01(8), F.S., defines “public body,” “body politic,” or “political subdivision” to include “counties, cities, town, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.” See *O’Malley v. Florida Insurance Guaranty Association*, 257 So.2d 9, 11 (Fla. 1971)(The business of a public corporation is ordinarily “stipulated by the Legislature to fill a public need without private profit to any organizers or stockholders. Their function is to promote the public welfare and often they implement government regulations within the state’s police power. In a word, they are organized for the benefit of the public.”); see *Forbes Pioneer Boat Line v. Board of Commissioners*, 82 So.2d 346, 350 (Fla. 1919)(Public corporations or public quasi-corporations and the governing bodies thereof possess only such powers as are expressly granted by statute or necessarily implied in order to carry the expressly granted powers into effect.).

² Section 243.53(1), F.S.

³ Section 245.53(2), F.S.

⁴ *Id.*

⁵ Section 243.52(6), F.S. An “institution of higher education” means “an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools which grants baccalaureate degrees; and which is not a state university or state community college.” *Id.*

⁶ Section 243.54, F.S.

⁷ *Id.*

- Mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance projects or those providing credit for that purpose.
- Engage in the sale-leaseback, lease-purchase, lease-leaseback, or other undertakings and provide for the sale of certificates of participation incident thereto.
- Issue bonds and manage loans.
 - Issue bonds; bond anticipation notes, and other obligations for any of its corporate purposes.
 - Receive and accept from any public agency loans or grants for or in aid of the construction of a project.
 - Make loans to any participating institution for the cost of the project, including a loan in anticipation of tuition revenues.
 - Make loans to a participating institution to refund outstanding obligations, mortgages, or advances issued, made, or given by the participating institution for the cost of a project.
- Manage and Delegate Project Responsibilities.
 - Determine the location and character of any project to be financed; construct, reconstruct, maintain, repair, and lease the project as lessee or lessor; enter into contract for these purposes.
 - Designate the participating institution as the agent of the HEFFA for these purposes.
- Provide Accountability and Transparency.
 - Establish rules for the use of a project, and designate a participating institution as its agent to establish rules for the use of the project undertaken by the participating institution.
 - Transfer free and clear title to the participating institution when principal and interest on revenue bonds have been paid (or adequate provision has been made to pay any bonds), all other conditions securing the bonds have been satisfied, and the lien has been released.⁸
 - Submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives at the end of each fiscal year.⁹ The report must include numerous provisions, including but not limited to expenditures, assets, liabilities, and the outstanding bond schedule.¹⁰

Authorized Projects and Costs

A “project” is defined as “a dormitory, student service facility, parking facility, administration building, academic building, or library and includes a loan in anticipation of tuition revenues by an institution of higher education....”¹¹

The HEFFA may finance “costs” to include items such as: construction and land acquisition; structures; demolition, including the cost of purchasing the lands which the buildings may be removed; machinery and equipment; working capital, reserves for principal, interest, and rebate;

⁸ Section 243.57, F.S.

⁹ Section 243.73, F.S.

¹⁰ *Id.*

¹¹ Section 243.52(3), F.S.

additions and improvements; engineering, financial, and legal services; plans and surveys; and other expenses.¹²

The participating institution may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished to or to be furnished by each project and may contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. The rates, rents, fees, and charges must be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from the project to as to provide funds sufficient with other revenues to pay the cost of maintenance, repairs, operations, and principal and interest on outstanding revenue bonds.¹³

Bonds and Tax Exempt Status

Revenue bonds issued by the HEFFA are not a debt or liability of the HEFFA, any municipality, the state, or any political subdivision thereof.¹⁴ Thus, the bonds are not secured by the full faith and credit of the state, and do not constitute an obligation, either general or special, of the state.¹⁵ However, the bonds may be secured by mortgage or the full faith and credit of a participating institution of higher education or any other lawfully pledged security of a participating institution of higher education.¹⁶

Because the operation and maintenance of a project by the HEFFA or a participating institution constitutes the performance of an essential public function, neither the HEFFA nor a participating institution is required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the HEFFA or a participating institution.¹⁷

Participating Institutions

A “participating institution” means “an institution of higher education, as defined in s. 243.52(6) that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in an permitted by ss. 243.50-243.77.”¹⁸ Thus, to become a “participating institution” an “institution of higher education” must essentially utilize the HEFFA as provided by law.

The participating institution may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished to or to be furnished by each project and may contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. The rates, rents, fees, and charges must be fixed and adjusted in respect of the aggregate

¹² Section 243.52(4), F.S. In the case of a loan in anticipation of tuition revenues, the term “cost” means “the amount of the loan in anticipation of revenues which does not exceed the amount of tuition revenues anticipated to be received by the borrowing institution of higher education in the 1-year period following the date of the loan, plus costs related to the issuance of the loan, or the amount of the bonds, the proceeds of which the fund loans and any related cost of debt service, reserve funds, and rebate associated therewith.” *Id.*

¹³ Section 243.67, F.S. Note that any holder of revenue bonds may take legal action to enforce and compel performance of all duties, including the fixing, charging, and collecting of the rates, rents, fees, and charges. Section 243.69, F.S.

¹⁴ Section 243.66, F.S.

¹⁵ Section 243.64, F.S.

¹⁶ Section 243.52(5), F.S.

¹⁷ Section 243.70, F.S.

¹⁸ Section 243.52(7), F.S.

of rates, rents, fees, and charges from the project to as to provide funds sufficient with other revenues to pay the cost of maintenance, repairs, operations, and principal and interest on outstanding revenue bonds.¹⁹

County Educational Facilities Authority

As early as 1969, the Legislature created in each county, a “public body corporate and politic” to be known as the “_____ County Educational Facilities Authority (CEFA).”²⁰ The CEFA’s were constituted as a public instrumentality and the exercise of the authority and powers conferred are deemed to be the performance of an essential public function.²¹ The purpose of the CEFA’s is to assist institutions for higher education in the construction, financing, and refinancing of projects.²² The definition of “project” for CEFA’s means:²³

- A structure suitable for use as a:
 - Dormitory or other housing facility.
 - Dining hall.
 - Student union.
 - Administration building.
 - Academic building.
 - Library.
 - Laboratory.
 - Research facility.
 - Classroom.
 - Athletic facility.
 - Health care facility.
 - Maintenance, storage or utility facility.
- Other structures or facilities related to, required or useful for the:
 - Instruction of students.
 - Conducting of research.
 - Operation of an institution of educational institution, including:
 - Parking.
 - Other facilities or structures, essential or convenient for the orderly conduct of such institution of higher education, including:
 - Equipment.
 - Machinery.
 - Other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but excluding items such as books, fuel, supplies, and other items that are customarily deemed to result in a current operating charge.
- A loan in anticipation of tuition revenues by a private institution of higher education.

¹⁹ Section 243.67, F.S. Note that any holder of revenue bonds may take legal action to enforce and compel performance of all duties, including the fixing, charging, and collecting of the rates, rents, fees, and charges. Section 243.69, F.S.

²⁰ Section 243.21(1), F.S. *Compare* the definition of “projects” for CEFA’s and the HEFFA. The CEFA’s have historically had a more extensive list of projects that may be financed.

²¹ *Id.*

²² Section 243.22, F.S.

²³ Section 243.20(5), F.S.

As previously noted, the HEFFA was created in 2001, well after creation of the CEFAs. It appears the HEFFA was created as a response to the problems experienced by the CEFAs with projects for constructions as well as operations.²⁴ Despite legislative attempts to increase authority for the CEFAs in 1999, little activity resulted and nonpublic institutions for higher education were denied loans based on tuition income to pay operational costs.²⁵

III. Effect of Proposed Changes:

The bill expands the types of projects that the Higher Education Facilities Financing Authority (HEFFA) may finance for higher education colleges and universities. Specifically, the bill expands the definition of authorized projects that may be used by participating institutions to include projects such as:

- A structure suitable for use as a:
 - Dormitory or other housing facility.
 - Dining hall.
 - Student union.
 - Administration building.
 - Academic building.
 - Library.
 - Laboratory.
 - Research facility.
 - Classroom.
 - Athletic facility.
 - Health care facility.
 - Maintenance, storage or utility facility.
- Related structures or facilities related to, required, or useful to the:
 - Instruction of students.
 - Conducting of research.
 - Operation of an institution of higher education, including:
 - Parking.
 - Other facilities or structures, essential or convenient for the orderly conduct of such institution of higher education including:
 - Equipment.
 - Machinery.
 - Other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but excluding items such as books, fuel, supplies, and other items that are customarily deemed to result in a current operating charge.

The bill takes effect July 1, 2015.

²⁴ See Staff of the Florida Senate, *Legislative Bill Analysis for CS/SB 302* (2001).

²⁵ *Id.*

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:

Because it is not possible to predict how many additional facilities may be financed by the HEFFA due to the broadened definition of “project” included in SB 622, the fiscal impact is indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 243.52 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Montford

3-00289-15

2015622__

1 A bill to be entitled
2 An act relating to higher education facilities
3 financing; amending s. 243.52, F.S.; expanding the
4 definition of the term "project" as it relates to the
5 Higher Educational Facilities Financing Act; providing
6 an effective date.

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

10 Section 1. Subsection (3) of section 243.52, Florida
11 Statutes, is amended to read:

12 243.52 Definitions.—As used in ss. 243.50-243.77, the term:

13 (3) "Project" means a structure suitable for use as a
14 dormitory or other housing facility; a dining hall; a student
15 union; an administration building or academic building; a
16 library; a laboratory; a research facility; a classroom; an
17 athletic facility; a health care facility; or a maintenance,
18 storage, or utility facility. The term also includes related
19 structures or facilities; those structures or facilities useful
20 for the instruction of students, the conducting of research, or
21 the operation of an institution of higher education, including
22 parking and other facilities or structures for the orderly
23 conduct of such institution of higher education; equipment,
24 machinery, and other similar items necessary or convenient for
25 the operation of a particular structure or facility, but not
26 items such as books, fuel, supplies, or those that are
27 customarily deemed to result in a current operating charge; and
28 dormitory, student service facility, parking facility,
29 administration building, academic building, or library and

Page 1 of 2

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3-00289-15

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30 ~~includes~~ a loan in anticipation of tuition revenues by an
31 institution of higher education, ~~as defined in subsection (6).~~
32 Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Subcommittee on Education, *Vice Chair*
Appropriations
Banking and Insurance
Education Pre-K - 12
Rules

SA

SENATOR BILL MONTFORD
3rd District

March 19, 2015

Senator Don Gaetz,
Chair
Senate Committee on Education Appropriations
201 Capitol
Tallahassee, Florida 32399-1100

Dear Senator Gaetz:

I respectfully request that the following bills be scheduled for a hearing before the Senate Education Appropriations Committee:

SB 574 Electronic Auction Services
SB 622 Higher Education Facilities Financing

Your assistance and favorable consideration of my request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William "Bill" Montford
Senate District 3

WM/md

Cc: Tim Elwell, Staff Director

REPLY TO:

- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

4-2-15

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

SB 622

Bill Number (if applicable)

Meeting Date

Topic Higher Education Facilities Financing Authority

Amendment Barcode (if applicable)

Name BOB BOYD

Job Title GENERAL COUNSEL ICUF (INDEP COLLEGE & UNIV. OF FLORIDA)

Address 660 EAST JEFFERSON ST.

Phone 850-412-0306

Street

TALLAHASSEE FL 32301

Email bboyd@ssc/lawfirm.com

City

State

Zip

Speaking: For Against Information

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

Representing ICUF - INDEPENDENT COLLEGES & UNIVERSITIES OF FLA

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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 874

INTRODUCER: Senator Stargel

SUBJECT: Dual Enrollment Program

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Favorable
2.	Sikes	Elwell	AED	Favorable
3.			AP	

I. Summary:

SB 874 modifies public and private dual enrollment articulation agreements to expand benefits for home education program and private school students and establishes August 1 as the annual deadline for submitting such agreements to the Florida Department of Education. Specifically, the bill:

- Removes the responsibility of a home education program student to provide for his or her own instructional materials and requires that instructional materials be provided free of charge to all dual enrollment students.
- Specifies dual enrollment articulation agreement provisions and requirements for agreements with private school students, similar to current law for home education program students.
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.

The bill has an indeterminate fiscal impact in terms of a loss of revenue for postsecondary institutions. The requirement for all eligible postsecondary institutions to enter into dual enrollment articulation agreements with private and home education program students, who are exempt from payment of tuition and fees, will result in a loss of revenue for the state's postsecondary institutions. However, due to the uncertainty in the number of eligible students, the potential loss of revenue is not known at this time. Postsecondary institutions may also need to increase administrative staff to implement the required dual enrollment policies, provide additional oversight over the admission and retention of dual enrollment students, and maintain additional academic records.

Dual enrollment students will be exempt from technology fees for dual enrollment courses. In 2014-2015, the average technology fee was \$5.23 per credit hour at state universities and \$3.90 per credit hour at Florida College System institutions. Home education program and private school students will also be entitled to free instructional materials for dual enrollment courses.

The bill takes effect July 1, 2015.

II. Present Situation:

Each year, more than 50,000 students participate in Florida's dual enrollment program and participation is continuing to grow.¹ Dual enrollment is an acceleration mechanism that allows a student, who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private school² or who is a home education³ student, to enroll in a postsecondary course that is creditable toward high school completion and a career certificate, an associate degree, or a baccalaureate degree.⁴ A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma must not be classified as a dual enrollment student.⁵ Eligible students are authorized to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.⁶ If, however, a student is projected to graduate from high school before the scheduled completion date for a postsecondary course, the student must not register for that course through dual enrollment.⁷

Student Eligibility Requirements

To enroll in a postsecondary course through dual enrollment, a student must demonstrate readiness to perform college-level work.⁸ To demonstrate readiness for college-credit dual enrollment courses, students must attain a 3.0 unweighted high school grade point average (GPA) and the minimum required score on a common placement test⁹ adopted by the State

¹ Florida Department of Education, *Dual Enrollment FAQs*, available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 1 of 12.

² A private school is "a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41." Section 1002.01(2), F.S. The Florida Department of Education (DOE) maintains a database of private schools that meet the specified requirements in law. Section 1002.42(2), F.S.

³ A home education program means "the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1)." Section 1002.01(1), F.S. A parent must notify the district school superintendent of the county in which the parent resides of his or her intent to establish and maintain a home education program. The notice must be in writing, signed by the parent, and must include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice must be filed in the district school superintendent's office within 30 days of the establishment of the home education program. Section 1002.41(1)(a), F.S.

⁴ Section 1007.271(1)-(2), F.S.

⁵ Section 1007.271(1), F.S.

⁶ Section 1007.271(2), F.S.

⁷ *Id.*

⁸ Section 1007.271(3), F.S.

⁹ A student may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate reading, writing, and mathematics proficiency, by meeting specified minimum test scores, to perform college-level work. Rule 61-10.0315, F.A.C.

Board of Education.¹⁰ To enroll in a career dual enrollment course, students must attain a 2.0 unweighted high school GPA.¹¹ Florida College System (FCS) institution boards of trustees may establish additional initial student eligibility requirements which must be specified in dual enrollment articulation agreements.¹² However, such requirements must not “arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.”¹³

Dual Enrollment Articulation Agreements

Dual enrollment articulation agreements (articulation agreement) are locally-developed agreements between a school district, a home education parent, or a private school and an eligible postsecondary education institution¹⁴ regarding participation in dual enrollment courses.¹⁵ The articulation agreement between each school district and public postsecondary institution are mandatory and must be submitted to the Florida Department of Education (DOE or department) annually by August 1.¹⁶ However, articulation agreements between postsecondary education institutions and private secondary schools are optional and not submitted to the department.¹⁷ In addition, articulation agreements between a home education parent and the partnering postsecondary education institution are not required to be submitted to the department.¹⁸ Consequently, DOE does not annually collect information on articulation agreements for private school and home education program students.

Currently, two of Florida’s 12 state universities and all 28 FCS institutions participate in dual enrollment.¹⁹

Tuition, Fees, and Other Costs

A student who enrolls in a postsecondary course through dual enrollment is exempt from the payment of registration, tuition, and laboratory fees.²⁰

Instructional materials assigned for dual enrollment courses must be provided to dual enrollment students from Florida public high schools free of charge.²¹ This requirement does not prohibit a FCS institution from providing instructional materials at no cost to a home education program or

¹⁰ Section 1007.271(3), F.S.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ An eligible postsecondary education institution is a state university, a Florida College System (FCS) institution, or “an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02” Sections 1007.271 and 1011.62(1)(i), F.S.

¹⁵ Section 1007.271, F.S.; Florida Department of Education, *Dual Enrollment FAQs*, available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 3 of 12.

¹⁶ Section 1007.271(21), F.S.

¹⁷ Section 1007.271(24), F.S.

¹⁸ Section 1007.271(13), F.S.

¹⁹ Email, Florida Department of Education (March 13, 2015), on file with the Committee on Education Pre-K – 12 staff; Florida Department of Education, *2014-15 Dual Enrollment Agreements*, <http://www.fldoe.org/policy/articulation/1415dual-enrollment-agreements.stml> (last visited March 13, 2015).

²⁰ Section 1007.271(2), F.S.

²¹ Section 1007.271(17), F.S.

a private school student.²² Instructional materials purchased by a district school board or a FCS institution board of trustees on behalf of dual enrollment students must be the property of the board that purchased the instructional materials.²³

III. Effect of Proposed Changes:

The bill modifies public and private dual enrollment articulation agreements to expand benefits for home education program and private school students and establishes August 1 as the annual deadline for submitting such agreements to the Florida Department of Education (DOE).

Specifically, the bill:

- Removes the responsibility of a home education program student to provide for his or her own instructional materials and requires that instructional materials be provided free of charge to all dual enrollment students.²⁴
- Specifies dual enrollment articulation agreement provisions and requirements for agreements with private school students, similar to current law for home education program students.²⁵
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.

Dual Enrollment Articulation Agreements

The bill:

- Clarifies that public and private postsecondary institutions that are eligible to receive funding for participation in dual enrollment,²⁶ must enter into a home education articulation agreement with each home education program student seeking enrollment in dual enrollment courses.
 - Requires public and private postsecondary institutions that enter into articulation agreements with home education program students, to complete and submit the articulation agreements annually to the DOE by August 1. This provision will allow the department to compile information on locally-developed articulation agreements between home education program student and eligible postsecondary institutions.
- Requires district school boards and FCS institutions that enter into articulation agreements with state universities or eligible private postsecondary education institutions, to complete and submit the articulation agreements annually to the DOE by August 1. This provision will allow the department to compile information on locally-developed school district and FCS institution articulation agreements with eligible postsecondary institutions.
- Requires each eligible postsecondary education institution to enter into an articulation agreement with each private school student seeking to participate in dual enrollment courses that are creditable toward a career certificate, an associate degree, or a baccalaureate degree,

²² *Id.*

²³ *Id.*

²⁴ Section 1007.271(17), F.S.

²⁵ Section 1007.271(13), F.S.

²⁶ An eligible postsecondary education institution is a state university, a Florida College System (FCS) institution, or “an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02” Sections 1007.271 and 1011.62(1)(i), F.S.

in effect, aligning this provision to the articulation agreement requirements for home education program students.

- Specifies information that must be included in the articulation agreements with private school students similar to information that must be included in articulation agreements with home education program students (i.e., delineation of available courses and programs, initial and continued student eligibility requirements which must not exceed the requirements for other dual enrollment students, student responsibilities for providing transportation, and a copy of transfer guarantees developed by the DOE to inform students and parents about transferability of credits earned through dual enrollment toward elective or general education requirement).
- Requires the postsecondary education institutions to complete and submit the articulation agreements annually to the DOE by August 1.
- Requires the electronic submission system for submitting dual enrollment articulation agreements between public postsecondary education institutions and school districts to also be used for the submission of articulation agreements with home education program and private school students. This provision may streamline the process for submitting the articulation agreements with home education program and private school students which will assist with compiling relevant information.
 - Requires the DOE to review, for compliance, articulation agreements with home education program and private school students, in effect, aligning this provision with the department's oversight responsibility for articulation agreements between public postsecondary education institutions and school districts.

Tuition, Fees, and Other Costs

The bill requires instructional materials assigned for use within dual enrollment courses be provided free of charge to all dual enrollment students, which would include students in public and private schools and home education programs.

The bill takes effect July 1, 2015.

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 SB 874 dual enrollment students will be exempt from technology fees for dual enrollment courses. In 2014-2015, the average technology fee was \$5.23 per credit hour at state universities and \$3.90 per credit hour at Florida College System institutions. Home education program and private school students will also be entitled to free instructional materials for the dual enrollment course.

C. Government Sector Impact:

According to the Board of Governors (BOG), the requirement for state universities to enter into dual enrollment articulation agreements with private and home education program students, who are exempt from payment of tuition and fees, will result in a loss of revenue for the state universities. However, due to the uncertainty in the number of eligible students, the potential loss in revenues to the universities is indeterminable at this time. Universities may also need to increase administrative staff to implement the required dual enrollment policies, provide additional oversight over the admission and retention of dual enrollment students, and maintain additional academic records.²⁷

Florida College System institutions should experience a similar, yet also indeterminate, loss of revenue and need to increase administrative staff to implement the required dual enrollment policies.

The bill requires electronic submission of dual enrollment articulation agreements for home education program and private school students to the Department of Education and requires the department to review each agreement for compliance. According to the department, this will require modifications to the existing electronic submission system and additional staff to review each of these agreements at a cost of \$100,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁷Board of Governors, *2015 Legislative Bill Analysis for SB 874*, on file with Appropriations Subcommittee on Education staff.

VIII. Statutes Affected:

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

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

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

None.

B. **Amendments:**

None.

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

By Senator Stargel

15-00797-15

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1 A bill to be entitled
 2 An act relating to the dual enrollment program;
 3 amending s. 1007.271, F.S.; exempting dual enrollment
 4 students from paying certain fees, including
 5 technology fees; deleting the requirement that a home
 6 education secondary student be responsible for his or
 7 her own instructional materials in order to
 8 participate in the dual enrollment program; requiring
 9 a postsecondary institution that is eligible to
 10 participate in the dual enrollment program to enter
 11 into a home education articulation agreement;
 12 requiring the postsecondary institution to annually
 13 complete and submit the agreement to the Department of
 14 Education by a specified date; conforming provisions
 15 to changes made by the act; authorizing certain
 16 instructional materials to be made available free of
 17 charge to dual enrollment students in public high
 18 schools, home education programs, and private schools;
 19 requiring the department to review dual enrollment
 20 articulation agreements submitted for certain
 21 students, including home education students and
 22 private school students, to participate in a dual
 23 enrollment program; requiring the Commissioner of
 24 Education to notify the district school board
 25 superintendent and the president of the postsecondary
 26 institution if the dual enrollment articulation
 27 agreement does not comply with statutory requirements;
 28 requiring a district school board and a Florida
 29 College System institution to annually complete and

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30 submit to the department by a specified date a dual
 31 enrollment articulation agreement with a state
 32 university and an eligible independent college or
 33 university, as applicable; providing requirements for
 34 a private school student to participate in a dual
 35 enrollment program; requiring a postsecondary
 36 institution eligible to participate in the dual
 37 enrollment program to enter into an articulation
 38 agreement with each private school student seeking
 39 enrollment in a dual enrollment course and his or her
 40 parent; requiring the postsecondary institution to
 41 annually complete and submit the articulation
 42 agreement to the department by a specified date;
 43 providing requirements for the articulation agreement;
 44 amending ss. 1002.20 and 1011.62, F.S.; conforming
 45 provisions to changes made by the act; providing an
 46 effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:
 49

50 Section 1. Subsections (2), (10), (11), (13), (16), (17),
 51 (22), (23), and (24) of section 1007.271, Florida Statutes, are
 52 amended to read:

53 1007.271 Dual enrollment programs.—

54 (2) For the purpose of this section, an eligible secondary
 55 student is a student who is enrolled in any of grades 6 through
 56 12 in a Florida public school or in a Florida private school
 57 that is in compliance with s. 1002.42(2) and provides a
 58 secondary curriculum pursuant to s. 1003. 4282. A student

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59 ~~Students~~ who is ~~are~~ eligible for dual enrollment pursuant to
 60 this section may enroll in dual enrollment courses conducted
 61 during school hours, after school hours, and during the summer
 62 term. However, if the student is projected to graduate from high
 63 school before the scheduled completion date of a postsecondary
 64 course, the student may not register for that course through
 65 dual enrollment. The student may apply to the postsecondary
 66 institution and pay the required registration, tuition, and fees
 67 if the student meets the postsecondary institution's admissions
 68 requirements under s. 1007.263. Instructional time for dual
 69 enrollment may vary from 900 hours; however, the full-time
 70 equivalent student membership value is ~~shall be~~ subject to ~~the~~
 71 ~~provisions in~~ s. 1011.61(4). A student enrolled as a dual
 72 enrollment student is exempt from the payment of registration,
 73 tuition, technology, and laboratory fees. Applied academics for
 74 adult education instruction, developmental education, and other
 75 forms of precollegiate instruction, as well as physical
 76 education courses that focus on the physical execution of a
 77 skill, rather than the intellectual attributes of the activity,
 78 are ineligible for inclusion in the dual enrollment program.
 79 Recreation and leisure studies courses shall be evaluated
 80 individually in the same manner as physical education courses
 81 for potential inclusion in the program.

82 (10) Early admission is a form of dual enrollment through
 83 which an eligible secondary student enrolls ~~students enroll~~ in a
 84 postsecondary institution on a full-time basis in courses that
 85 are creditable toward the high school diploma and the associate
 86 or baccalaureate degree. A student must enroll in a minimum of
 87 12 college credit hours per semester or the equivalent to

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88 participate in the early admission program; however, a student
 89 may not be required to enroll in more than 15 college credit
 90 hours per semester or the equivalent. A student ~~Students~~
 91 enrolled pursuant to this subsection is ~~are~~ exempt from the
 92 payment of registration, tuition, technology, and laboratory
 93 fees.

94 (11) Career early admission is a form of career dual
 95 enrollment through which an eligible secondary student enrolls
 96 ~~students enroll~~ full time in a career center or a Florida
 97 College System institution in postsecondary programs leading to
 98 industry certifications, as listed in the Postsecondary Industry
 99 Certification Funding List pursuant to s. 1008.44, which are
 100 creditable toward the high school diploma and the certificate or
 101 associate degree. Participation in the career early admission
 102 program is limited to students who have completed a minimum of 4
 103 semesters of full-time secondary enrollment, including studies
 104 undertaken in ~~the ninth~~ grade 9. A student ~~Students~~ enrolled
 105 pursuant to this section is ~~are~~ exempt from the payment of
 106 registration, tuition, technology, and laboratory fees.

107 (13) (a) The dual enrollment program for a home education
 108 student ~~students~~ consists of the enrollment of an eligible home
 109 education secondary student in a postsecondary course creditable
 110 toward an associate degree, a career certificate, or a
 111 baccalaureate degree. To participate in the dual enrollment
 112 program, an eligible home education secondary student must:

113 1. Provide proof of enrollment in a home education program
 114 pursuant to s. 1002.41.

115 2. Be responsible for his or her own ~~instructional~~
 116 ~~materials and~~ transportation unless provided for otherwise.

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117 3. Sign a home education articulation agreement pursuant to
118 paragraph (b).

119 (b) Each postsecondary institution that is eligible to
120 participate in the dual enrollment program pursuant to s.
121 1011.62(1)(i) must ~~shall~~ enter into a home education
122 articulation agreement with each home education student seeking
123 enrollment in a dual enrollment course and the student's parent.
124 By August 1 of each year, the applicable postsecondary
125 institution shall complete and submit the home education
126 articulation agreement to the Department of Education. The home
127 education articulation agreement must ~~shall~~ include, at a
128 minimum:

129 1. A delineation of courses and programs available to a
130 dually enrolled home education student who participates in a
131 dual enrollment program ~~students~~. The postsecondary institution
132 may add, revise, or delete courses and programs ~~may be added,~~
133 revised, or deleted at any time by the postsecondary
134 institution.

135 2. The initial and continued eligibility requirements for
136 home education student participation, not to exceed those
137 required of other dual enrollment ~~dually enrolled~~ students.

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

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

142 (16) A student ~~Students~~ who meets ~~meet~~ the eligibility
143 requirements of this section and who chooses ~~choose~~ to
144 participate in dual enrollment programs is ~~are~~ exempt from the
145 payment of registration, tuition, technology, and laboratory

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146 fees.

147 (17) Instructional materials assigned for use within dual
148 enrollment courses shall be made available free of charge to
149 dual enrollment students from ~~Florida~~ public high schools in
150 this state, home education programs pursuant to s. 1002.41, and
151 private schools pursuant to subsection (2) ~~free of charge.~~ ~~This~~
152 subsection does not prohibit a Florida College System
153 institution from providing instructional materials at no cost to
154 a home education student or student from a private school.
155 Instructional materials purchased by a district school board or
156 Florida College System institution board of trustees on behalf
157 of dual enrollment students are ~~shall be~~ the property of the
158 board against which the purchase is charged.

159 (22) The Department of Education shall develop an
160 electronic submission system for dual enrollment articulation
161 agreements and shall review, for compliance, each dual
162 enrollment articulation agreement submitted pursuant to
163 subsections (13), ~~subsection~~ (21), and (24). The Commissioner of
164 Education shall notify the district school superintendent and
165 the president of the postsecondary institution that is eligible
166 to participate in the dual enrollment program pursuant to s.
167 1011.62(1)(i) ~~Florida College System institution president~~ if
168 the dual enrollment articulation agreement does not comply with
169 statutory requirements and shall submit any dual enrollment
170 articulation agreement with unresolved issues of noncompliance
171 to the State Board of Education.

172 (23) A district school board ~~boards~~ and a Florida College
173 System institution ~~institutions~~ may enter into an additional
174 dual enrollment articulation agreement ~~agreements~~ with a state

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175 ~~university universities~~ for the purposes of this section. A
 176 ~~school district districts~~ may also enter into a dual enrollment
 177 ~~articulation agreement agreements~~ with an eligible independent
 178 ~~college or university colleges and universities~~ pursuant to s.
 179 1011.62(1)(i). By August 1 of each year, the district school
 180 board and the Florida College System institution shall complete
 181 and submit the dual enrollment articulation agreement with the
 182 state university and an eligible independent college or
 183 university, as applicable, to the Department of Education.

184 (24)(a) The dual enrollment program for a private school
 185 student consists of the enrollment of an eligible private school
 186 student in a postsecondary course creditable toward an associate
 187 degree, a career certificate, or a baccalaureate degree. In
 188 addition, the private school in which the student is enrolled
 189 must award credit toward high school completion for the
 190 postsecondary course under the dual enrollment program. To
 191 participate in the dual enrollment program, an eligible private
 192 school student shall:

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

195 2. Be responsible for his or her own transportation unless
 196 provided for otherwise.

197 3. Sign a private school articulation agreement pursuant to
 198 paragraph (b).

199 (b) Each postsecondary institution that is eligible to
 200 participate in the dual enrollment program pursuant to s.
 201 1011.62(1)(i) must enter into a private school articulation
 202 agreement with each private school student seeking enrollment in
 203 a dual enrollment course and the student's parent. By August 1

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204 of each year, the applicable postsecondary institution shall
 205 complete and submit the private school articulation agreement to
 206 the Department of Education. The articulation agreement must
 207 include, at a minimum:

208 1. A delineation of courses and programs available to a
 209 private school student who participates in a dual enrollment
 210 program. The postsecondary institution may add, revise, or
 211 delete courses and programs at any time.

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

215 3. The student's responsibilities for providing his or her
 216 own transportation.

217 4. A copy of the statement on transfer guarantees developed
 218 by the Department of Education under subsection (15)
 219 ~~Postsecondary institutions may enter into dual enrollment~~
 220 ~~articulation agreements with private secondary schools pursuant~~
 221 ~~to subsection (2).~~

222 Section 2. Paragraph (d) of subsection (19) of section
 223 1002.20, Florida Statutes, is amended to read:

224 1002.20 K-12 student and parent rights.—Parents of public
 225 school students must receive accurate and timely information
 226 regarding their child's academic progress and must be informed
 227 of ways they can help their child to succeed in school. K-12
 228 students and their parents are afforded numerous statutory
 229 rights including, but not limited to, the following:

230 (19) INSTRUCTIONAL MATERIALS.—
 231 (d) *Dual enrollment students.*—Instructional materials
 232 purchased by a district school board or Florida College System

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15-00797-15 2015874__
 233 institution board of trustees on behalf of ~~public school~~ dual
 234 enrollment students shall be made available free of charge to
 235 the dual enrollment students ~~free of charge~~, in accordance with
 236 s. 1007.271(17).

237 Section 3. Paragraph (i) of subsection (1) of section
 238 1011.62, Florida Statutes, is amended to read:

239 1011.62 Funds for operation of schools.—If the annual
 240 allocation from the Florida Education Finance Program to each
 241 district for operation of schools is not determined in the
 242 annual appropriations act or the substantive bill implementing
 243 the annual appropriations act, it shall be determined as
 244 follows:

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

249 (i) *Calculation of full-time equivalent membership with*
 250 *respect to dual enrollment instruction.*—Students enrolled in
 251 dual enrollment instruction pursuant to s. 1007.271 may be
 252 included in calculations of full-time equivalent student
 253 memberships for basic programs for grades 9 through 12 by a
 254 district school board. Instructional time for dual enrollment
 255 may vary from 900 hours; however, the full-time equivalent
 256 student membership value shall be subject to the provisions in
 257 s. 1011.61(4). Dual enrollment full-time equivalent student
 258 membership shall be calculated in an amount equal to the hours
 259 of instruction that would be necessary to earn the full-time
 260 equivalent student membership for an equivalent course if it
 261 were taught in the school district. Students in dual enrollment

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 262 courses may also be calculated as the proportional shares of
 263 full-time equivalent enrollments they generate for a Florida
 264 College System institution or university conducting the dual
 265 enrollment instruction. Early admission students shall be
 266 considered dual enrollments for funding purposes. Students may
 267 be enrolled in dual enrollment instruction provided by an
 268 eligible independent college or university and may be included
 269 in calculations of full-time equivalent student memberships for
 270 basic programs for grades 9 through 12 by a district school
 271 board. However, those provisions of law which exempt dual
 272 enrollment students ~~dual enrolled~~ and early admission students
 273 from payment of instructional materials and tuition and fees,
 274 including technology, registration, and laboratory fees, do
 275 ~~shall~~ not apply to students who select the option of enrolling
 276 in an eligible independent institution. An independent college
 277 or university that ~~which~~ is located and chartered in Florida, is
 278 not for profit, is accredited by the Commission on Colleges of
 279 the Southern Association of Colleges and Schools or the
 280 Accrediting Council for Independent Colleges and Schools, and
 281 confers degrees as defined in s. 1005.02 ~~is shall be~~ eligible
 282 for inclusion in the dual enrollment or early admission program.
 283 Students enrolled in dual enrollment instruction ~~are shall be~~
 284 exempt from the payment of tuition and fees, including
 285 technology, registration, and laboratory fees. ~~A~~ ~~No~~ student
 286 enrolled in college credit mathematics or English dual
 287 enrollment instruction ~~may not shall~~ be funded as a dual
 288 enrollment unless the student has successfully completed the
 289 relevant section of the entry-level examination required
 290 pursuant to s. 1008.30.

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2015874__

291

Section 4. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Higher Education, *Chair*
Appropriations Subcommittee on Education
Fiscal Policy
Judiciary
Military and Veterans Affairs, Space, and Domestic
Security
Regulated Industries

SENATOR KELLI STARGEL
15th District

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

March 27, 2015

The Honorable Don Gaetz
Senate Appropriations Subcommittee on Education, Chair
420 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

SA

Dear Chair Gaetz:

I am respectfully requesting that SB 874, related to *Dual Enrollment Program*, be placed on the next committee agenda.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 15

Cc: Tim Elwell/ Staff Director
JoAnne Bennett/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

W

4-2-15

SR 574

Meeting Date

Bill Number (if applicable)

Topic Dual Enrollment

Amendment Barcode (if applicable)

Name Dr Howard Burke

Job Title Exec Director

Address Po Box 10009

Phone 850-422-0165

Street

Tallahassee Fl 32302

Email doyle@act.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Assoc of Christian Colleges & 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

W

4/21/15

Meeting Date

874

Bill Number (if applicable)

Topic Dual Enrollment Program

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

Address 201 W Park Ave

Phone 850 222 3803

Street

Tallahassee FL 32301

Email jherzog@fla-cathconf.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 880

INTRODUCER: Higher Education Committee and Senator Ring

SUBJECT: Student Loan Default Rates

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	Fav/CS
2.	Sikes	Elwell	AED	Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 880 utilizes federal student loan cohort default rate as an accountability measure for public and private postsecondary educational institutions. Specifically, the bill defines and applies student loan cohort default rates as a criteria affecting the licensure of certain private postsecondary educational institutions; tuition assistance award amounts for William L. Boyd, IV, Florida Resident Access Grant (FRAG) and the Access to Better Learning and Education (ABLE) Grant; and specific performance funding for Florida College System institutions and state universities.

The bill has no impact on state funds. Currently, no institutions eligible to award FRAG or ABLE awards would be impacted by this bill. A very small number of proprietary schools may lose their license under the provisions of this bill.

The bill takes effect July 1, 2015.

II. Present Situation:

The United States Department of Education (ED) annually calculates the student loan default rates. The ED releases the cohort default rates annually by September 30.¹ Defaulted federal

¹ U.S. Department of Education, Federal Student Aid, *Frequently Asked Questions*, <http://www.ifap.ed.gov/DefaultManagement/faq/FAQ.html#faq02> (last visited March 24, 2015).

student loans cost taxpayers money.² Cohort default rate sanctions and benefits provide an incentive to schools to work with their borrowers to reduce default.³ Sanctions can prevent a school with a high percentage of defaulters from continuing to participate in the William D. Ford Federal Direct Loan (Direct Loan) Program and federal Pell Grant programs.⁴

Federal Student Loan Default Rate

Federal student loans are borrowed funds that must be repaid with interest.⁵ Failure to repay a loan can result in default.⁶ For most federal student loans, an individual will default if he or she does not make a payment in more than 270 days.⁷

On October 28, 2009, ED published the regulations enacted by the Higher Education Opportunity Act of 2009 that govern the calculation of cohort default rates.⁸ An institution's cohort default rate is calculated as a percentage of borrowers in the cohort who default before the end of the second fiscal year after the fiscal year in which the borrowers entered repayment.⁹ This extends the length of time in which a student can default from two to three years.¹⁰ "A 3-year cohort default rate is the percentage of a school's borrowers who enter repayment on certain Federal Family Education Loan (FFEL) Program or Direct Loan Program loans during a particular federal fiscal year, October 1 to September 30, and default or meet other specified conditions prior to the end of the second following fiscal year."¹¹

If an institution's three most recent cohort default rates are 30 percent or higher for the 3-year calculation, the institution will lose Direct Loan and federal Pell Grant program eligibility for the remainder of the fiscal year in which the school is notified of its sanction and for the following two fiscal years, unless the institution successfully adjusts or appeals the sanctions.¹² If an institution's cohort default rate is higher than 40 percent for the 3-year cohort default rate calculation, the institution will lose Direct Loan program eligibility for the remainder of the fiscal year in which the institution is notified of its sanction and the following two fiscal years, unless the institution successfully adjusts or appeals the sanction.¹³

² U.S. Department of Education, *Cohort Default Rate Guide (Sep. 2014)*, available at <http://ifap.ed.gov/DefaultManagement/guide/attachments/CDRMasterFile.pdf>, at 61 of 217.

³ U.S. Department of Education, *Cohort Default Rate Guide (Sep. 2014)*, available at <http://ifap.ed.gov/DefaultManagement/guide/attachments/CDRMasterFile.pdf>, at 61 and 63 of 217.

⁴ *Id.*

⁵ U.S. Department of Education, Federal Student Aid, *Default Rates*, <https://studentaid.ed.gov/about/data-center/student/default> (last visited March 20, 2015); U.S. Department of Education, Federal Student Aid, *Cohort Default Rate Guide*, <http://ifap.ed.gov/DefaultManagement/CDRGuideMaster.html> (last visited March 20, 2015).

⁶ *Id.*

⁷ *Id.*

⁸ U.S. Department of Education, *Three-Year Official Cohort Default Rates for Schools*, <http://www2.ed.gov/offices/OSFAP/defaultmanagement/cdr.html> (last visited March 19, 2015).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² U.S. Department of Education, *Cohort Default Rate Guide (Sep. 2014)*, available at <http://ifap.ed.gov/DefaultManagement/guide/attachments/CDRMasterFile.pdf>, at 63 of 217.

¹³ *Id.*

The Florida Legislature provides state funds to public and certain private postsecondary educational institutions through several sources including, but not limited to, tuition assistance grants and performance funding. Current law also specifies accountability requirements that both public and private postsecondary institutions must meet.

Operation of Private Postsecondary Educational Institutions

Private postsecondary educational institutions must be licensed to operate in Florida and meet specified fair consumer practices requirements.

Licensure of Institutions

The Commission for Independent Education (CIE or commission) is responsible for developing minimum standards to evaluate institutions for licensure.¹⁴ Current law requires that the standards must, at a minimum, include the institution's name, financial stability, purpose, administrative organization, admissions and recruitment, educational programs and curricula, retention, completion, career placement, faculty, learning resources, student personnel services, physical plant and facilities, publications, and disclosure statements about the status of institutions related to professional certification and licensure.¹⁵ A postsecondary educational institution must obtain licensure from the commission to operate in the state of Florida, unless such institution is not under the commission's jurisdiction or purview.¹⁶

Institutions that are exempt from licensure by the commission include, but are not limited to, Independent Colleges and Universities of Florida (ICUF) institutions that are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program (FRAG).¹⁷ Such colleges and universities must be not for profit, located and chartered in Florida, and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) to grant baccalaureate degrees.¹⁸

Licensure by Means of Accreditation

A private postsecondary educational institution that meets the following criteria may apply for a license by means of accreditation from the commission:

- The institution has operated legally in this state for at least 5 consecutive years.
- The institution holds institutional accreditation by an accrediting agency evaluated and approved by the commission as having standards substantially equivalent to the commission's licensure standards.
- The institution has no unresolved complaints or actions in the past 12 months.
- The institution meets minimum requirements for financial responsibility as determined by the commission.
- The institution is a Florida corporation.

¹⁴ Section 1005.31(2), F.S.

¹⁵ Section 1005.31(2), F.S.

¹⁶ Sections 1005.31(1)(a) and 1005.06(1), F.S.

¹⁷ Section 1005.06(1)(c), F.S.

¹⁸ *Id.*

An institution that is granted a license by means of accreditation must comply with the standards and requirements in law.¹⁹

Fair Consumer Practices

A private postsecondary educational institution that is under the jurisdiction of the commission²⁰ or is exempt from the jurisdiction or purview of the commission must do the following:²¹

- Disclose to each prospective student specified information (e.g., a statement of the purpose of the institution, its educational programs and curricula, a description of its physical facilities, its status regarding licensure, and its fee schedule and policies). The institution must make the required written disclosures at least 1 week prior to enrollment or collection of any tuition from the prospective student.
- Use a reliable method to assess, before accepting a student into a program, the student's ability to complete successfully the course of study for which he or she has applied.
- Inform each student accurately about financial assistance and obligations for repayment of loans, describe any employment placement services provided and the limitations thereof, and refrain from misinforming the public about guaranteed placement, market availability, or salary amounts.
- Provide to prospective and enrolled students accurate program licensure information for practicing related occupations and professions in Florida.
- Ensure that all advertisements are accurate and not misleading.
- Publish and follow an equitable prorated refund policy for all students, and follow both the federal refund guidelines for students receiving federal financial assistance and the minimum refund guidelines established by commission rule.
- Follow state and federal requirements that require annual reporting of crime statistics and physical plant safety, and make such reports available to the public.
- Publish and follow procedures for handling student complaints, disciplinary actions, and appeals.

Florida Resident Access Grant Program

The Legislature, through the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program, provides tuition assistance to undergraduate students enrolled in degree programs at eligible not-for-profit, SACS-accredited private colleges or universities that are located and chartered in Florida.²² Currently, there are 32 eligible private colleges and universities.²³ FRAG

¹⁹ Section 1005.32, F.S.

²⁰ The Commission for Independent Education, established in DOE, is responsible for exercising independently all powers, duties, and functions concerning independent postsecondary educational institutions in consumer protection, program improvement, and licensure of institutions under its purview. The commission is also responsible for authorizing the granting of diplomas and degrees by independent postsecondary educational institutions under its jurisdiction. Section 1005.21(1)-(2), F.S. Independent postsecondary educational institution means "any postsecondary educational institution that operates in this state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government." Section 1005.02(11), F.S.

²¹ Section 1005.04(1), F.S.

²² Section 1009.89(1) and (3), F.S.

²³ Independent Colleges and Universities of Florida, *About Us*, <http://www.icuf.org/newdevelopment/about-icuf/> (last visited March 19, 2015). FRAG-eligible institutions are Adventist University of Health Sciences, Ave Maria University, Barry University, Beacon College, Bethune-Cookman University, Clearwater Christian College, Eckerd College, Edward Waters

is administered as a decentralized program, which means that each participating institution determines application deadlines, student eligibility, and award amounts.²⁴ Eligibility criteria and maximum award amounts are specified in law.²⁵ For the 2014-2015 fiscal year, the Legislature appropriated \$112,359,000 to support 37,453 qualified Florida resident students at \$3,000 per student for tuition assistance.²⁶

Access to Better Learning and Education Grant Program

The Access to Better Learning and Education (ABLE) Grant Program provides tuition assistance to undergraduate students enrolled in degree programs at eligible private Florida postsecondary institutions.²⁷ ABLE is administered as a decentralized program, which means that each participating institution determines application deadlines, student eligibility, and award amounts.²⁸ Eligibility criteria and award maximums are specified in law.²⁹ For the 2014-2015 fiscal year, the Legislature appropriated \$5,689,500 to support 3,793 qualified Florida resident students at \$1,500 per student for tuition assistance.³⁰

Private postsecondary educational institutions must meet the following criteria to be qualified to provide ABLE awards to eligible students:³¹

- Be for-profit college or university that is located in and chartered by the state and is accredited by SACS, or be not-for-profit college or university that has been located in Florida for 10 years or more and is accredited by SACS, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools.
- Grant baccalaureate degrees.
- Have a secular purpose.

College, Embry-Riddle Aeronautical University, Everglades University, Flagler College, Florida College, Florida Institute of Technology, Florida Memorial University, Florida Southern College, Hodges University, Jacksonville University, Keiser University, Lynn University, Nova Southeastern University, Palm Beach Atlantic University, Ringling College of Art and Design, Rollins College, Saint Leo University, Southeastern University, St. Thomas University, Stetson University, The Baptist College of Florida, University of Miami, University of Tampa, Warner University, and Webber International University. Florida Department of Education, *2014-15 Florida Resident Access Grant Program Eligible Institutions*, https://www.floridastudentfinancialaid.org/admin/SAWELIGPSI_ByProg.asp?ByProg=FRAG (last visited March 20, 2015).

²⁴ Florida Department of Education, *Annual Report to the Commissioner* (2013-14), available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 39 of 78.

²⁵ Section 1009.89(4)-(6), F.S.; Specific Appropriation 70, s. 2, ch. 2014-51, L.O.F.

²⁶ Specific Appropriation 70, s. 2, ch. 2014-51, L.O.F.

²⁷ Section 1009.891(3), F.S.; Florida Department of Education, *Annual Report to the Commissioner* (2013-14), available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 41 of 78.

²⁸ Florida Department of Education, *Annual Report to the Commissioner* (2013-14), available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 41 of 78.

²⁹ Section 1009.891(4)-(7), F.S.;

³⁰ Specific Appropriation 67, s. 2, ch. 2014-51, L.O.F.

³¹ Section 1009.891(3), F.S.; Florida Department of Education, *Annual Report to the Commissioner* (2013-14), available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 41 of 78.

Currently, 16 postsecondary educational institutions meet the established criteria and are eligible to disburse ABLÉ awards.³² The average cohort default rate of institutions receiving ABLÉ Grant is 16.27 percent. The highest rate of the 16 institutions is 23.1 percent.³³

Florida College System Program Fund

The Florida College System Program Fund is comprised of appropriations made by the Legislature for operational support of the Florida College System (FCS) institutions.³⁴ Program funds are apportioned and distributed to each FCS institution in accordance with the law and rules of the State Board of Education.³⁵ Performance funding for industry certifications for FCS institutions is contingent upon specific appropriation in the General Appropriations Act (GAA).³⁶ Currently, the average student loan cohort default rate for FCS institutions is 19.23 percent. The student loan cohort default rate for such institutions ranges between 8.8 percent and 25.5 percent.³⁷

Performance Funding for State Universities

State performance funds for the State University System must be based on indicators of system and institutional attainment of performance expectations.³⁸ The Board of Governors of the State University System of Florida (BOG) must review and rank each state university that applies for performance funding, as provided in the GAA, based on formula specified in law.³⁹ The formula specifies that 50 percent of a state university's score for performance funding must be based on the factors determined by the BOG (i.e., factors relating to increasing the probability of the employment of graduates from state universities in high-skill, high-wage, and high-demand jobs).⁴⁰

III. Effect of Proposed Changes:

The bill utilizes federal student loan cohort default rate as an accountability measure for public and private postsecondary educational institutions.

³² Florida Department of Education, *Annual Report to the Commissioner* (2013-14), available at <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>, at 41 of 78. The 16 ABLÉ-eligible institutions are AI Miami International University of Art & Design, Carlos Albizu University, Columbia College, Florida National University, Johnson & Wales University, Johnson University, National Louis University, Northwood University, Polytechnic University of Puerto Rico, South University, Springfield College, Trinity International University, Union Institute & University, Universidad Del Este, Universidad Del Turabo, and Universidad Matropolitana. Florida Department of Education, *2014-15 Access to Better Learning and Education Grant Program Eligible Institutions*, https://www.floridastudentfinancialaidsg.org/admin/SAWELIGPSI_ByProg.asp?ByProg=ABLE (last visited March 20, 2015).

³³ Email, Florida Department of Education (March 19, 2015), on file with the Committee on Higher Education staff.

³⁴ Section 1011.81(1), F.S.

³⁵ *Id.*

³⁶ Section 1011.81(2), F.S.

³⁷ Email, Florida Department of Education (March 19, 2015), on file with the Committee on Higher Education staff.

³⁸ Section 1011.905(1), F.S.

³⁹ *Id.*

⁴⁰ Section 1011.905(1)(c), F.S.

Specifically, the bill specifies the following requirements that impact public and private postsecondary educational institutions:

- Public Postsecondary Educational Institutions
 - Performance funding for industry certifications for the Florida College System (FCS) institutions must factor-in the institutions' federal student loan default rate.
 - Subject to funds provided in the General Appropriations Act, 50 percent of a state university's score for performance funding must include the university's federal student loan cohort default rate, in addition to the factors determined by the Board of Governors of the State University System of Florida, as specified in s. 1011.905, F.S. (i.e., factors relating to increasing the probability of the employment of graduates from state universities in high-skill, high-wage, and high-demand jobs).⁴¹
- Private Postsecondary Educational Institutions
 - Private postsecondary educational institutions must provide federal student loan default rate information as part of the fair consumer practices reporting requirements.
 - Private postsecondary educational institutions must maintain a federal student loan cohort default rate below 30 percent for three consecutive years or at or below 40 percent for any given year.
 - A private postsecondary educational institution that is eligible to receive the William L. Boyd, IV, Florida Resident Access Grant (FRAG) or the Access to Better Learning and Education (ABLE) Grant for incoming students will be deemed ineligible to receive such funds until the institution's federal student loan cohort default rate falls below the threshold. Additionally, the institution, if licensed by the Commission for Independent Education (CIE or commission), will lose the license to operate in Florida.

The bill requires CIE to revoke the license and deny renewal of an annual license of an institution that is under the commission's jurisdiction, if that institution's federal student loan cohort default rate exceeds the percent threshold. An institution's ineligibility to receive FRAG or ABLE funds or maintain a license will be effective for the academic year after the disclosure of the federal student loan cohort default rate in the fall semester each year. The bill deems an institution ineligible for a minimum of one academic year until the institution's federal student loan cohort default rate falls below the threshold.

Additionally, the bill requires:

- The minimum standards developed by the commission to include federal student loan cohort default rate as calculated by the United States Department of Education (ED).
- The criteria for applying for licensure by means of accreditation to also include a condition that the institution's federal student loan cohort default rate, as calculated by ED, does not exceed 30 percent.

The bill takes effect July 1, 2015.

⁴¹ Section 1011.905(1)(c), 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:

There are a very small number of private, proprietary postsecondary institutions which may have their license revoked as a result of provisions in CS/SB 880.

C. Government Sector Impact:

The bill has no fiscal impact. The performance funding for state universities authorized under s. 1011.905, F.S., was not funded in the 2014-2015 General Appropriations Act. No funds appropriated are for this performance funding pursuant to s. 1011.905, F.S., in SB 2500, the Senate's proposed General Appropriation Bill for Fiscal Year 2015-2016.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1005.04, 1005.31, 1005.32, 1011.81, and 1011.905.

IX. Additional Information:

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

CS by Higher Education on March 23, 2015:

The committee substitute maintains the original substance of SB 880 with the following modifications:

- Clarifies that a private postsecondary educational institution that is eligible to receive the William L. Boyd, IV, Florida Resident Access Grant (FRAG) or the Access to Better Learning and Education (ABLE) Grant funds will be deemed ineligible to receive such funds until the institution's federal student loan cohort default rate falls below the threshold.
- Requires the Commission for Independent Education (commission) to revoke the license and deny renewal of an annual license of an institution that is under the commission's jurisdiction, if that institution's federal student loan cohort default rate exceeds the percent threshold.
- Removes duplicative provisions from the bill regarding a private postsecondary educational institutions' ineligibility to receive FRAG or ABLE funds for incoming students.

- B. **Amendments:**

None.

By the Committee on Higher Education; and Senator Ring

589-02767-15

2015880c1

1 A bill to be entitled
 2 An act relating to student loan default rates;
 3 amending s. 1005.04, F.S.; requiring certain
 4 institutions to maintain a federal student loan cohort
 5 default rate below a specified percentage; requiring
 6 the Commission for Independent Education to revoke the
 7 license of an institution whose federal student loan
 8 cohort default rate exceeds the threshold percentage;
 9 providing that an institution is ineligible to receive
 10 certain grant payments or maintain a license, and
 11 remains ineligible, until the institution's federal
 12 student loan cohort default rate falls below a
 13 specified percentage; defining such an institution's
 14 period of ineligibility; amending s. 1005.31, F.S.;
 15 revising the minimum standards the Commission for
 16 Independent Education must use to evaluate an
 17 institution for licensure to include the institution's
 18 federal student loan cohort default rate; requiring
 19 the commission to deny a renewal license for an
 20 institution whose federal student loan cohort default
 21 rate exceeds a specified percentage; amending s.
 22 1005.32, F.S.; revising the minimum criteria for an
 23 independent postsecondary educational institution to
 24 apply for a license by accreditation to include a
 25 maximum percentage for the institution's federal
 26 student loan cohort default rate; amending s. 1011.81,
 27 F.S.; requiring Florida College System institution
 28 performance funding for industry certifications to
 29 take into consideration an institution's federal

Page 1 of 7

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2015880c1

30 student loan cohort default rate; amending s.
 31 1011.905, F.S.; requiring State University System
 32 institution performance funding calculations to take
 33 into consideration an institution's federal student
 34 loan cohort default rate; providing an effective date.
 35

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

37
 38 Section 1. Section 1005.04, Florida Statutes, is amended to
 39 read:

40 1005.04 Fair consumer practices; federal student loan
 41 default rates.-

42 (1) Every institution that is under the jurisdiction of the
 43 commission or is exempt from the jurisdiction or purview of the
 44 commission pursuant to s. 1005.06(1)(c) or (f) and that either
 45 directly or indirectly solicits for enrollment any student
 46 shall:

47 (a) Disclose to each prospective student a statement of the
 48 purpose of such institution, its educational programs and
 49 curricula, a description of its physical facilities, its status
 50 regarding licensure, its fee schedule and policies regarding
 51 retaining student fees if a student withdraws, and a statement
 52 regarding the transferability of credits to and from other
 53 institutions. The institution shall make the required
 54 disclosures in writing at least 1 week prior to enrollment or
 55 collection of any tuition from the prospective student. The
 56 required disclosures may be made in the institution's current
 57 catalog;

58 (b) Use a reliable method to assess, before accepting a

Page 2 of 7

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59 student into a program, the student's ability to complete
60 successfully the course of study for which he or she has
61 applied;

62 (c) Inform each student accurately about financial
63 assistance and obligations for repayment of loans; describe any
64 employment placement services provided and the limitations
65 thereof; and refrain from promising or implying guaranteed
66 placement, market availability, or salary amounts;

67 (d) Maintain a federal student loan cohort default rate,
68 released during the fall of each academic year, below 30 percent
69 for 3 consecutive years or at or below 40 percent for any given
70 year. An institution eligible for a William L. Boyd, IV, Florida
71 Resident Access Grant pursuant to s. 1009.89 and an institution
72 eligible for an Access to Better Learning and Education Grant
73 pursuant to s. 1009.891 whose federal student loan cohort
74 default rate exceeds these rates shall be ineligible to receive
75 payments from such grants for incoming students until the
76 institution's federal student loan cohort default rate falls
77 below the threshold. The commission shall revoke the license of
78 an institution under its jurisdiction whose federal student loan
79 cohort default rate exceeds the threshold. The commission may
80 not reinstate an institution's license until the institution's
81 federal student loan cohort default rate falls below the
82 threshold. An institution's ineligibility to receive such funds
83 or maintain a license is effective for the academic year
84 following the fall disclosure of the federal student loan cohort
85 default rate. The institution will remain ineligible for a
86 minimum of 1 academic year until the institution's federal
87 student loan cohort default rate falls below the threshold;

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88 (e) Provide to prospective and enrolled students accurate
89 information regarding the relationship of its programs to state
90 licensure requirements for practicing related occupations and
91 professions in Florida;

92 ~~(f)~~ (e) Ensure that all advertisements are accurate and not
93 misleading;

94 ~~(g)~~ (f) Publish and follow an equitable prorated refund
95 policy for all students, and follow both the federal refund
96 guidelines for students receiving federal financial assistance
97 and the minimum refund guidelines set by commission rule;

98 ~~(h)~~ (g) Follow the requirements of state and federal laws
99 that require annual reporting with respect to crime statistics
100 and physical plant safety and make those reports available to
101 the public; and

102 ~~(i)~~ (h) Publish and follow procedures for handling student
103 complaints, disciplinary actions, and appeals.

104 (2) In addition, institutions that are required to be
105 licensed by the commission shall disclose to prospective
106 students that additional information regarding the institution
107 may be obtained by contacting the Commission for Independent
108 Education, ~~Department of Education, Tallahassee.~~

109 Section 2. Subsection (2) of section 1005.31, Florida
110 Statutes, is amended, and subsection (16) is added to that
111 section, to read:

112 1005.31 Licensure of institutions.—

113 (2) The commission shall develop minimum standards by which
114 to evaluate institutions for licensure. These standards must
115 include at least the institution's name, financial stability,
116 purpose, administrative organization, admissions and

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117 recruitment, educational programs and curricula, retention,
 118 completion, career placement, federal student loan cohort
 119 default rate as calculated by the United States Department of
 120 Education, faculty, learning resources, student personnel
 121 services, physical plant and facilities, publications, and
 122 disclosure statements about the status of the institution with
 123 respect to professional certification and licensure. The
 124 commission may adopt rules to ensure that institutions licensed
 125 under this section meet these standards in ways that are
 126 appropriate to achieve the stated intent of this chapter,
 127 including provisions for nontraditional or distance education
 128 programs and delivery.

129 (16) The commission shall deny a renewal of an annual
 130 license for an institution whose federal student loan cohort
 131 default rate exceeds 30 percent.

132 Section 3. Present paragraph (e) of subsection (1) of
 133 section 1005.32, Florida Statutes, is redesignated as paragraph
 134 (f), and a new paragraph (e) is added to that subsection, to
 135 read:

136 1005.32 Licensure by means of accreditation.—

137 (1) An independent postsecondary educational institution
 138 that meets the following criteria may apply for a license by
 139 means of accreditation from the commission:

140 (e) The institution's federal student loan cohort default
 141 rate, as calculated by the United States Department of
 142 Education, does not exceed 30 percent.

143 Section 4. Subsection (2) of section 1011.81, Florida
 144 Statutes, is amended to read:

145 1011.81 Florida College System Program Fund.—

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146 (2) Performance funding for industry certifications for
 147 Florida College System institutions must take into consideration
 148 an institution's federal student loan cohort default rate and is
 149 contingent upon specific appropriation in the General
 150 Appropriations Act and shall be determined as follows:

151 (a) Occupational areas for which industry certifications
 152 may be earned, as established in the General Appropriations Act,
 153 are eligible for performance funding. Priority shall be given to
 154 the occupational areas emphasized in state, national, or
 155 corporate grants provided to Florida educational institutions.

156 (b) The Chancellor of the Florida College System shall
 157 identify the industry certifications eligible for funding on the
 158 Postsecondary Industry Certification Funding List approved by
 159 the State Board of Education pursuant to s. 1008.44, based on
 160 the occupational areas specified in the General Appropriations
 161 Act.

162 (c) Each Florida College System institution shall be
 163 provided \$1,000 for each industry certification earned by a
 164 student. The maximum amount of funding appropriated for
 165 performance funding pursuant to this subsection shall be limited
 166 to \$15 million annually. If funds are insufficient to fully fund
 167 the calculated total award, such funds shall be prorated.

168 Section 5. Paragraph (c) of subsection (1) of section
 169 1011.905, Florida Statutes, is amended to read:

170 1011.905 Performance funding for state universities.—

171 (1) State performance funds for the State University System
 172 shall be based on indicators of system and institutional
 173 attainment of performance expectations. For the 2012-2013
 174 through at least the 2016-2017 fiscal year, the Board of

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175 Governors shall review and rank each state university that
176 applies for performance funding, as provided in the General
177 Appropriations Act, based on the following formula:
178 (c) Fifty percent of a state university's score shall be
179 based on:
180 1. Factors determined by the Board of Governors which
181 relate to increasing the probability that graduates who have
182 earned degrees in the programs described in paragraph (a) will
183 be employed in high-skill, high-wage, and high-demand
184 employment; and-
185 2. An institution's federal student loan cohort default
186 rate.
187 Section 6. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 954

INTRODUCER: Senator Garcia

SUBJECT: Involuntary Examinations of Minors

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 954 requires each county health department to develop, jointly with the district school board and the local school health advisory committee, a school health services plan to provide for immediate notification to a student's parent or guardian if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to the Baker Act. Each district school board and charter school governing board must develop a policy and procedures for such notification.

Specifically, the bill:

- Expands the definition of "emergency health needs" to include onsite evaluation of a student for illness or injury and release of the student to a law enforcement officer.
- Requires immediate notification by the school principal, or his or her designee, to a public school or a charter school student's parent or guardian if the student is removed from the school, school transportation, or a school-sponsored activity for an involuntary examination.
- Permits a school principal, or his or her designee, and the receiving facility to delay notification no more than 24 hours if it has been deemed to be in the student's or minor patient's best interest and after a report of known or suspected abuse, abandonment, or neglect is submitted to the Department of Children and Families' Central Abuse Hotline.
- Provides the following notification requirements for receiving facilities that hold minor patients for involuntary examination:
 - Immediate notice to the patient's parent, guardian, or guardian advocate in person or by telephone or other electronic communication.
 - Repeated and documented attempts of notification until receiving confirmation by the parent, guardian, or guardian advocate.

The bill has no fiscal impact.

The bill has an effective date of July 1, 2015.

II. Present Situation:

Involuntary Examination

In 1971, the Legislature created part I of chapter 394, F.S., the “Florida Mental Health Act,” also known as the Baker Act, to address mental health needs in the state.¹ The Baker Act is a civil commitment law that provides a process for the involuntary examination and subsequent involuntary placement (commitment) of a person for either inpatient or outpatient treatment of a mental, emotional, or behavioral disorder.²

The Department of Children and Families (DCF) administers this law through receiving facilities, which are public or private facilities that are designated by the DCF to receive and hold involuntary patients under emergency conditions for psychiatric evaluation and to provide short-term treatment.³ A patient who requires further treatment may be transported to a treatment facility.⁴ Treatment facilities designated by the DCF are state-owned, state-operated, or state-supported hospitals which provide extended treatment and hospitalization beyond what is provided in a receiving facility.⁵

A person may be taken to a receiving facility for involuntary examination if the person is believed to be mentally ill and because of that mental illness the person has refused voluntary examination or cannot determine for himself or herself whether examination is necessary; and, without care or treatment, the person is either likely to suffer from self-neglect, cause substantial harm to himself or herself, or be a danger to himself or herself or others.⁶ An involuntary examination may be initiated in one of the following ways:

- A court may enter an *ex parte* order stating a person appears to meet the criteria for involuntary examination. This order is based on sworn testimony, either written or oral.
- A law enforcement officer may take a person into custody who appears to meet the criteria for involuntary examination and transport him or her to a receiving facility for examination.
- A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she examined the person within the preceding 48 hours and the person appears to meet the criteria for involuntary examination.⁷

A receiving facility is required to give prompt notice to the patient’s guardian, guardian advocate, attorney, or representative by telephone or in person of the patient’s whereabouts, unless the patient requests that no notification be made.⁸ Efforts to provide notice must be initiated as soon as reasonably possible after the patient’s arrival and be documented in the patient’s record and must occur within 24 hours.⁹ In addition, the receiving facility must send a

¹ Section 394.451, F.S.; s. 1, ch. 71-131, L.O.F.

² Department of Children and Families, *Florida’s Baker Act: 2013 Fact Sheet* (2013), available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

³ Section 394.455(26), F.S.

⁴ Section 394.463(2)(f), F.S.

⁵ Section 394.455(32), F.S.

⁶ Section 394.463(1), F.S.

⁷ Section 394.463(2)(a), F.S.

⁸ Section 394.4599(2), F.S.

⁹ *Id.*

copy of the document initiating the examination to the Agency for Health Care Administration by the next working day.¹⁰

A person accepted by a receiving facility must receive an initial examination by a physician or clinical psychologist without unnecessary delay and may be given emergency treatment if ordered by a physician and necessary to protect the patient or others.¹¹ The examination must include:¹²

- A thorough review of any observations of the patient's recent behavior;
- A review of the document initiating the involuntary examination and the transportation form; and
- A face-to-face examination of the patient in a timely manner to determine if the patient meets criteria for release.

Within 72 hours of arriving at the receiving facility, one of the following must occur:¹³

- The patient is released, unless the person has committed a crime;
- The patient is offered the opportunity to consent to voluntary outpatient treatment and released for treatment, unless the person has committed a crime; or,
- A petition for involuntary placement must be filed with the circuit court.

The person cannot be released without the documented approval of a psychiatrist, clinical psychologist, or qualified hospital emergency department physician.¹⁴ Notice of the discharge or transfer of a patient must be given to the patient's guardian, guardian advocate, attorney, or representative; the person who executed the certificate admitting the patient to the receiving facility; and any court that ordered the evaluation.¹⁵

In 2013, there were 171,744 involuntary examinations initiated in the state.¹⁶ Law enforcement initiated almost half of the involuntary examinations (49.65 percent), followed by mental health professionals (48.39 percent), and then *ex parte* orders by judges (1.96 percent).¹⁷ Overall, the number of involuntary examinations has been increasing annually in a number that exceeds Florida population growth.¹⁸ Between 2002¹⁹ and 2013, the population of Florida increased by 15.25 percent, while the number of involuntary examinations increased by 72.14 percent.²⁰

¹⁰ Section 394.463(2)(a), F.S.

¹¹ Section 394.463(2)(f), F.S.

¹² Rule 65E-5.2801(1), F.A.C.

¹³ Section 394.463(2)(i), F.S.

¹⁴ Section 394.463(2)(f), F.S.

¹⁵ Section 394.463(3), F.S.

¹⁶ University of South Florida, de la Parte Florida Mental Health Institute, *Annual Report of Baker Act Data, Summary of 2013 Data*, 3 (May 2014), available at http://bakeract.fmhi.usf.edu/document/BA_Annual_2013_Redacted%20Final.pdf.

¹⁷ *Id.* at 4.

¹⁸ *Id.* at 3. According to the census estimates from Florida Charts, available at <http://www.floridacharts.com>, the state's population increased by 0.93 percent, while involuntary exam initiations increased by 9.15 percent (last visited March 9, 2015).

¹⁹ In 2002, the number of involuntary exam initiations were 99,772. University of South Florida, de la Parte Florida Mental Health Institute, *Annual Report of Baker Act Data, Summary of 2013 Data*, 3 (May 2014), available at http://bakeract.fmhi.usf.edu/document/BA_Annual_2013_Redacted%20Final.pdf.

²⁰ *Id.*

According to the DCF, of the approximately 150,000 involuntary examinations initiated in 2011, 18,000 were of children.²¹ Between 2002 and 2011, there was an overall increase of 50 percent in the number of involuntary examinations and a 35 percent increase in examinations of children.²²

School Health Services Program

The “School Health Services Act,” sets forth requirements related to school health.²³ The Department of Health (DOH), in cooperation with the Department of Education, supervises the school health services program and conducts periodic program reviews.²⁴ However, implementation of program requirements occurs at the local level with the input of the local school health advisory committee.²⁵ A nonpublic school may request to participate in the school health services program.²⁶

Each county health department must develop, jointly with the local school board and the school advisory committee, a school health services plan that includes, at a minimum, a plan for the delivery of school health services; accountability and outcome indicators; strategies for assessing and blending financial resources (both public and private); and establishment of a data system.²⁷ The plan must contain provisions addressing a wide range of services and health issues, including meeting emergency health needs in each school.²⁸ The plan does not specifically address parental notification of a student who is transported for involuntary examination.²⁹

The plan must be reviewed and updated annually and approved biennially by the school district superintendent, chair of the school board, county health department medical director or administrator, and the DOH district administrator.³⁰

Student and Parental Rights and Educational Choices

Parents of public school students must receive accurate and timely information regarding their children’s academic progress and the ways in which they can help their children succeed in

²¹ Department of Children and Families, *Florida’s Baker Act: 2013 Fact Sheet* (2013), available at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/docs/Baker%20Act%20Overview%202013.pdf>.

²² *Id.*

²³ Section 381.0056, F.S.

²⁴ *Id.* at (3).

²⁵ *Id.* at (4). The advisory committee must, at a minimum, represent the eight components of Coordinated School Health as defined by the Centers for Disease Control. These include: health education; healthy school nutrition; physical education; school health services, guidance, counseling, and social service; healthy school environment; staff wellness; and family and community support. (Florida Department of Health, *Coordinated School Health*, <http://www.floridahealth.gov/healthy-people-and-families/childrens-health/school-health/coordinated-school-health/index.html> (last visited March 9, 2015).

²⁶ *Id.* at (5).

²⁷ Rule 64F-6.002(1), F.A.C.

²⁸ Section 381.0056(4)(a), F.S. “Emergency health needs” means onsite management and aid for illness or injury pending the student’s return to the classroom or release to a parent, guardian, designated friend, or designated health care provider. *Id.* at (2)(a).

²⁹ The plan is required to contain provisions for consulting with a parent or guardian when a student’s health may need a diagnosis or treatment by the family physician, dentist, or other specialist. s. 381.0056(4)(a)15., F.S.

³⁰ Rule 64F-6.002(3), F.A.C.

school.³¹ The section assembles and restates rights afforded K-12 students and their parents in various locations throughout the Florida Statutes.³²

Child Protection

A child protective investigation begins with a report by any person to the Department of Children and Families' (DCF) Center Abuse Hotline.³³ The state is required to maintain 24/7 capacity for receiving reports of maltreatment.³⁴ The reports are sent out to child protective investigators across the state to investigate. In cases where the child appears to be in immediate danger, the family is a flight risk or the child may be unavailable, or other circumstances warrant, the investigation must be initiated immediately, regardless of the day or time. In all other cases, the investigation must be initiated within 24 hours.³⁵ Under certain circumstances, a child may be taken from the home and put into protective custody.³⁶ If a child is taken into custody, the DCF must immediately notify the child's parent or legal custodian of such action, provide him or her with a summary of the procedures in dependency cases, and notify him or her of the right to obtain his or her own attorney.³⁷

III. Effect of Proposed Changes:

The bill requires each county health department to develop, jointly with the district school board and the local school health advisory committee, a school health services plan to provide for immediate notification to a student's parent or guardian if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to the Baker Act. Each district school board and charter school governing board must develop policy and procedures for such notification.

The bill adds a requirement under the School Health Services Act that if a public school student or charter school student is transported to a receiving facility for involuntary examination, his or her parents must be immediately notified by the school principal or his or her designee. Notification may be delayed up to 24 hours if the school deems it in the best interests of the student and the school has submitted a report to the Department of Children and Families' (DCF) Central Abuse Hotline based on knowledge or suspicion of abuse, abandonment, or neglect.

The bill specifies the notification requirements pursuant to the Baker Act relating to the whereabouts of an emancipated minor patient. Specifically, the bill requires that a receiving facility notify a minor patient's parent, guardian, or guardian advocate, in person or by telephone or other form of electronic communication, immediately after the patient's arrival at the facility. However, if the facility has submitted a report to the DCF Central Abuse Hotline based on knowledge or suspicion of abuse, abandonment, or neglect, notification may be delayed for no more than 24 hours after the patient's arrival.

³¹ Section 1002.20, F.S.

³² *Id.*

³³ Section 39.201, F.S. Every person has a duty to report a suspicion of abuse, abandonment, or neglect. *Id.*

³⁴ *Id.* at (5)

³⁵ *Id.*

³⁶ Section 39.401, F.S.

³⁷ Section 39.402(3), F.S.

If the facility cannot immediately locate the patient's parent, guardian, or guardian advocate, it must make repeated and documented notifications, until receiving confirmation that notice has been received, the patient is released, or a petition for involuntary placement is filed with the court. The receiving facility may seek assistance from law enforcement if notification is not made within the first 24 hours after the patient's arrival.

The bill has an effective date of July 1, 2015.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.0056, 394.4599, 1002.20, and 1002.33.

For the purpose of incorporating the amendments, this bill reenacts the following sections of the Florida Statutes: 154.503, 381.0057, 381.0059, 381.00593, 409.91211, 409.9122, 1006.062, 394.4625, 394.4655, 394.467, 394.4685, 394.469, and 1002.345.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Garcia

38-00656-15

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1 A bill to be entitled
 2 An act relating to involuntary examinations of minors;
 3 amending s. 381.0056, F.S.; revising the definition of
 4 the term "emergency health needs"; requiring school
 5 health services plans to include notification
 6 requirements when a student is removed from school,
 7 school transportation, or a school-sponsored activity
 8 for involuntary examination; amending s. 394.4599,
 9 F.S.; requiring a receiving facility to provide notice
 10 of the whereabouts of an adult or emancipated minor
 11 patient held for involuntary examination; providing
 12 conditions for delay in notification; requiring
 13 documentation of contact attempts; amending ss.
 14 1002.20 and 1002.33, F.S.; requiring public school or
 15 charter school principals or their designees to
 16 provide notice of the whereabouts of a student removed
 17 from school, school transportation, or a school-
 18 sponsored activity for involuntary examination;
 19 providing conditions for delay in notification;
 20 requiring district school boards and charter school
 21 governing boards to develop notification policies and
 22 procedures; reenacting ss. 154.503(2)(e), 381.0057(6),
 23 381.0059(1)-(4), 381.00593(2), 409.91211(3)(z),
 24 409.9122(2)(a), and 1006.062(6), to incorporate the
 25 amendments made to s. 381.0056, F.S., in references
 26 thereto; reenacting ss. 394.4625(4), 394.4655(2)(a)
 27 and (7)(d), 394.467(2) and (7)(b), 394.4685(1)(a) and
 28 (b), and 394.469(2), F.S., to incorporate the
 29 amendments made to s. 394.4599, F.S., in references

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30 thereto; reenacting s. 1002.345(1)(a), F.S., to
 31 incorporate the amendments made to s. 1002.33, F.S.,
 32 in a reference thereto; providing an effective date.
 33

34 Be It Enacted by the Legislature of the State of Florida:
 35

36 Section 1. Subsection (2) and paragraph (a) of subsection
 37 (4) of section 381.0056, Florida Statutes, are amended to read:
 38 381.0056 School health services program.—

39 (2) As used in this section, the term:

40 (a) "Emergency health needs" means onsite evaluation,
 41 management, and aid for illness or injury pending the student's
 42 return to the classroom or release to a parent, guardian,
 43 designated friend, law enforcement officer, or designated health
 44 care provider.

45 (b) "Entity" or "health care entity" means a unit of local
 46 government or a political subdivision of the state; a hospital
 47 licensed under chapter 395; a health maintenance organization
 48 certified under chapter 641; a health insurer authorized under
 49 the Florida Insurance Code; a community health center; a migrant
 50 health center; a federally qualified health center; an
 51 organization that meets the requirements for nonprofit status
 52 under s. 501(c)(3) of the Internal Revenue Code; a private
 53 industry or business; or a philanthropic foundation that agrees
 54 to participate in a public-private partnership with a county
 55 health department, local school district, or school in the
 56 delivery of school health services, and agrees to the terms and
 57 conditions for the delivery of such services as required by this
 58 section and as documented in the local school health services

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59 plan.

60 (c) "Invasive screening" means any screening procedure in
61 which the skin or any body orifice is penetrated.

62 (d) "Physical examination" means a thorough evaluation of
63 the health status of an individual.

64 (e) "School health services plan" means the document that
65 describes the services to be provided, the responsibility for
66 provision of the services, the anticipated expenditures to
67 provide the services, and evidence of cooperative planning by
68 local school districts and county health departments.

69 (f) "Screening" means presumptive identification of unknown
70 or unrecognized diseases or defects by the application of tests
71 that can be given with ease and rapidity to apparently healthy
72 persons.

73 (4)(a) Each county health department shall develop, jointly
74 with the district school board and the local school health
75 advisory committee, a school health services plan. ~~and~~ The plan
76 must include, at a minimum, provisions for:

- 77 1. Health appraisal. ~~and~~
- 78 2. Records review. ~~and~~
- 79 3. Nurse assessment. ~~and~~
- 80 4. Nutrition assessment. ~~and~~
- 81 5. A preventive dental program. ~~and~~
- 82 6. Vision screening. ~~and~~
- 83 7. Hearing screening. ~~and~~
- 84 8. Scoliosis screening. ~~and~~
- 85 9. Growth and development screening. ~~and~~
- 86 10. Health counseling. ~~and~~
- 87 11. Referral and followup of suspected or confirmed health

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88 problems by the local county health department. ~~and~~

89 12. Meeting emergency health needs in each school. ~~and~~

90 13. County health department personnel to assist school
91 personnel in health education curriculum development. ~~and~~

92 14. Referral of students to appropriate health treatment,
93 in cooperation with the private health community whenever
94 possible. ~~and~~

95 15. Consultation with a student's parent or guardian
96 regarding the need for health attention by the family physician,
97 dentist, or other specialist when definitive diagnosis or
98 treatment is indicated. ~~and~~

99 16. Maintenance of records on incidents of health problems,
100 corrective measures taken, and such other information as may be
101 needed to plan and evaluate health programs; except, however,
102 that provisions in the plan for maintenance of health records of
103 individual students must be in accordance with s. 1002.22. ~~and~~

104 17. Health information which will be provided by the school
105 health nurses, when necessary, regarding the placement of
106 students in exceptional student programs and the reevaluation at
107 periodic intervals of students placed in such programs. ~~and~~

108 18. Notification to the local nonpublic schools of the
109 school health services program and the opportunity for
110 representatives of the local nonpublic schools to participate in
111 the development of the cooperative health services plan.

112 19. Immediate notification to a student's parent or
113 guardian if the student is removed from school, school
114 transportation, or a school-sponsored activity and taken to a
115 receiving facility for an involuntary examination pursuant to s.
116 394.463, including the requirements established under ss.

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117 1002.20(3) and 1002.33(9).

118 Section 2. Present paragraphs (c) through (e) of subsection
119 (2) of section 394.4599, Florida Statutes, are redesignated as
120 paragraphs (d) through (f), respectively, paragraph (b) of that
121 subsection is amended, and a new paragraph (c) is added to that
122 subsection, to read:

123 394.4599 Notice.—

124 (2) INVOLUNTARY PATIENTS.—

125 (b) A receiving facility shall give prompt notice of the
126 whereabouts of an adult or emancipated minor a patient who is
127 being held involuntarily held for examination, in person or by
128 telephonic or other form of electronic communication, by
129 telephone or in person within 24 hours after the patient's
130 arrival at the facility, unless the patient requests that no
131 notification be made. Contact attempts shall be documented in
132 the patient's clinical record and shall begin as soon as
133 reasonably possible after the patient's arrival. Notice that a
134 patient is being admitted as an involuntary patient shall be
135 given to the Florida local advocacy council no later than the
136 next working day after the patient is admitted.

137 (c)1. A receiving facility shall give notice of the
138 whereabouts of a minor patient who is being held involuntarily
139 for examination pursuant to s. 394.463 to the patient's parent,
140 guardian, or guardian advocate, in person or by telephonic or
141 other form of electronic communication, immediately after the
142 patient's arrival at the facility. The facility may delay
143 notification for no more than 24 hours after the patient's
144 arrival if the facility has submitted a report to the central
145 abuse hotline, pursuant to s. 39.201, based upon knowledge or

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146 suspicion of abuse, abandonment, or neglect and deems delay in
147 notification to be in the minor's best interest.

148 2. The receiving facility shall attempt to notify the minor
149 patient's parent, guardian, or guardian advocate until the
150 receiving facility receives confirmation from the parent,
151 guardian, or guardian advocate, either verbally, by telephonic
152 or other form of electronic communication, or by recorded
153 message, that notification has been received. Attempts to notify
154 the parent, guardian, or guardian advocate must be repeated at
155 least once every hour during the first 12 hours after the
156 patient's arrival and once every 24 hours thereafter and must
157 continue until such confirmation is received, until the patient
158 is released at the end of the 72-hour examination period, or
159 until a petition for involuntary placement is filed with the
160 court pursuant to s. 394.463(2)(i). A receiving facility may
161 seek assistance from law enforcement if notification is not made
162 within the first 24 hours after the patient's arrival. The
163 receiving facility must document notification attempts in the
164 patient's clinical record.

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

167 1002.20 K-12 student and parent rights.—Parents of public
168 school students must receive accurate and timely information
169 regarding their child's academic progress and must be informed
170 of ways they can help their child to succeed in school. K-12
171 students and their parents are afforded numerous statutory
172 rights including, but not limited to, the following:

173 (3) HEALTH ISSUES.—

174 (1) Notification of involuntary examinations.—The public

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175 school principal or the principal's designee shall immediately
 176 notify the parent of a student who is removed from school,
 177 school transportation, or a school-sponsored activity and taken
 178 to a receiving facility for an involuntary examination pursuant
 179 to s. 394.463. The principal or the principal's designee may
 180 delay notification for no more than 24 hours after the student
 181 is removed from school if the principal or designee deems the
 182 delay to be in the student's best interest and if a report has
 183 been submitted to the central abuse hotline, pursuant to s.
 184 39.201, based upon knowledge or suspicion of abuse, abandonment,
 185 or neglect. Each district school board shall develop a policy
 186 and procedures for notification under this paragraph.

187 Section 4. Paragraph (q) is added to subsection (9) of
 188 section 1002.33, Florida Statutes, to read:

189 1002.33 Charter schools.—

190 (9) CHARTER SCHOOL REQUIREMENTS.—

191 (q) The charter school principal or the principal's
 192 designee shall immediately notify the parent of a student who is
 193 removed from school, school transportation, or a school-
 194 sponsored activity and taken to a receiving facility for an
 195 involuntary examination pursuant to s. 394.463. The principal or
 196 the principal's designee may delay notification for no more than
 197 24 hours after the student is removed from school if the
 198 principal or designee deems the delay to be in the student's
 199 best interest and if a report has been submitted to the central
 200 abuse hotline, pursuant to s. 39.201, based upon knowledge or
 201 suspicion of abuse, abandonment, or neglect. Each charter school
 202 governing board shall develop a policy and procedures for
 203 notification under this paragraph.

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204 Section 5. Paragraph (e) of subsection (2) of s. 154.503,
 205 subsection (6) of s. 381.0057, subsections (1) through (4) of s.
 206 381.0059, subsection (2) of s. 381.00593, paragraph (z) of
 207 subsection (3) of s. 409.91211, paragraph (a) of subsection (2)
 208 of s. 409.9122, and subsection (6) of s. 1006.062, Florida
 209 Statutes, are reenacted for the purpose of incorporating the
 210 amendments made by this act to s. 381.0056, Florida Statutes, in
 211 references thereto.

212 Section 6. Subsection (4) of s. 394.4625, paragraph (a) of
 213 subsection (2) and paragraph (d) of subsection (7) of s.
 214 394.4655, subsection (2) and paragraph (b) of subsection (7) of
 215 s. 394.467, paragraphs (a) and (b) of subsection (1) of s.
 216 394.4685, and subsection (2) of s. 394.469, Florida Statutes,
 217 are reenacted for the purpose of incorporating the amendments
 218 made by this act to s. 394.4599, Florida Statutes, in references
 219 thereto.

220 Section 7. Paragraph (a) of subsection (1) of s. 1002.345,
 221 Florida Statutes, is reenacted for the purpose of incorporating
 222 the amendments made by this act to s. 1002.33, Florida Statutes,
 223 in a reference thereto.

224 Section 8. This act shall take effect July 1, 2015.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1020

INTRODUCER: Senator Simmons

SUBJECT: Student Transportation Funding

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1020 clarifies and delineates the eligibility criteria for determining student membership and the formula for calculating the annual student transportation funding allocation for each school district. The bill is technical and rewrites, but does not substantively revise, the eligibility for state student transportation funding.

The bill realigns s. 1011.68, F.S.,¹ with current practice and the criteria for existing, eligible student membership categories to include definitions and conditions that are prescribed in Department of Education rules and policies for transportation reporting and funding.²

The bill has no fiscal impact on state student transportation funding and will have no effect on a school district's student transportation allocation.

The bill provides for an effective date of July 1, 2015.

II. Present Situation:

Public K-12 Student Transportation

District school boards are required to provide transportation services for some students, and may provide additional transportation services. District school boards must use buses for regular transportation, but may use other motor vehicles in limited circumstances.

¹ Department of Education, Division of Finance and Operations, 2015 Agency Legislative Bill Analysis, received March 17, 2015 (on file with the Senate Committee on Education Pre-K – 12).

² Rules 6A-1.0451, 6A-3.001, 6A-3.0171, and 6A-6.03026, F.A.C.; see also, Florida Department of Education, *Student Transportation General Instructions* (2014-2015) available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf>.

Duties & Discretion of District School Boards to Provide Transportation

Each district school board, after considering recommendations from the district school superintendent, is required to provide transportation for students to public schools or school-related activities that the students are required or expected to attend.³ Specifically, a district school board must provide:⁴

- Transportation for each student in prekindergarten disability programs⁵ and in kindergarten through grade 12 membership to a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities that are not otherwise available and to transport students whose homes are more than a reasonable walking distance⁶ from the nearest appropriate school.
- Transportation for public elementary school students in membership whose grade level does not exceed grade 6, if such students are subjected to hazardous walking conditions while en route to or from school.⁷
- Necessary transportation to pregnant students or student parents, and the children of those students, when the district school board operates a teenage parent program (TAP).⁸

However, a district school board has the discretion, if it determines practical, to provide transportation for:⁹

- Public school students in membership in grades 7 through 12, if such students are subject to hazardous walking conditions while en route to or from school.
- Public school migrant, exceptional, nursery, and other public school students in membership below kindergarten; kindergarten through grade 12 students in membership in a public school; and adult students in membership in adult career, basic, and high school graduation programs in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available.
- Transportation disadvantaged¹⁰ and for other school-age children.¹¹
- Other persons to events or activities in which the school district has agreed to participate or cosponsor.

³ Sections 1001.42(10) and 1006.21(2), F.S.

⁴ Section 1006.21(3), F.S. A district school board must also provide transportation to a student who utilizes the public-school option in the McKay Scholarship Program and selects a public school consistent with the district's school choice plan. s. 1002.39(5)(a)3., F.S.

⁵ *Id.* (e.g., the Voluntary Prekindergarten Education Program or School Readiness Program)

⁶ Defined by the State Board of Education in Rule 6A-3.001(3), F.A.C., as 2 miles between the home and school.

⁷ The district school board *may* provide transportation to students enrolled in grades 7 through 12 who are subjected to hazardous walking conditions. s. 1006.21(3)(b), F.S.

⁸ Section 1003.54(2), F.S.

⁹ Section 1006.21(3)(c), (d), (f), and (g) and (4), F.S. A district school board may provide transportation for charter schools. s. 1002.33(20)(c), F.S.

¹⁰ "Transportation disadvantaged" means "persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk [...]" s. 427.011(1), F.S.,

¹¹ Each district school board may enter into agreements with: counties or municipalities in the school district or any state agency identified to assist the transportation disadvantaged; regional workforce boards for providing transportation services to welfare transition program participants; or nonprofit corporations and civic association and groups to use schools buses to transport school-age children for activities (e.g., the Girl Scouts, 4-H Clubs, or the Y.M.C.A.). s. 1006.261(1), F.S.

- Welfare transition program participants.¹²

Motor Vehicles Used for Student Transportation

District school boards must use school buses¹³ for regular transportation, which is the scheduled, routine transportation of students¹⁴ to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location.¹⁵

However, district school boards may use motor vehicles, other than school buses, if transportation is provided:¹⁶

- For physically handicapped or isolated students.
- For students who attend a specialized educational program.
- Through a public transit system.
- For trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions.

Student Transportation Funding

The Legislature annually allocates funds to each school district for transportation to public school programs of students in membership in kindergarten through grade 12, and in migrant and exceptional student programs below kindergarten based on eligibility criteria and the calculation of the transportation funding allocation.¹⁷

Eligible Student Membership

Each school district must determine and report the membership¹⁸ count of students who are transported for the following reasons:¹⁹

- Lives 2 miles or more from school.
- Has a disability or is enrolled in TAP.
- Enrolled in a state prekindergarten program.²⁰

¹² A welfare transition participant is an individual who is receiving temporary cash assistance. s. 414.0252(9), F.S.

¹³ “School bus” means a “motor vehicle regularly used for the transportation of prekindergarten disability program and kindergarten through grade 12 students of the public schools to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any district school board [...]” s. 1006.25(1), F.S.

¹⁴ “Students” means “[...] students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12.” s. 1006.22(1)(a), F.S.

¹⁵ Section 1006.22(1)(a), F.S.

¹⁶ Section 1006.22(1) and (2), F.S., (*e.g.*, a passenger car or multipurpose passenger vehicle or truck designed to transport fewer than 10 students or, a privately owned motor vehicle in limited circumstances).

¹⁷ Section 1011.68, F.S. This annual allocation includes charter schools. *Id.*

¹⁸ “Membership” means “any prekindergarten through grade 12 student enrolled in school during the survey week who is assigned to a bus, passenger car, multipurpose passenger vehicle, general purpose transportation (city bus or train) or privately owned motor vehicle or boat (for isolated or disabled students). See the Florida Department of Education’s *Student Transportation General Instructions* (2014-2015) available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf>.

¹⁹ Section 1011.68(1), F.S.

²⁰ For purposes of student transportation funding, prekindergarten programs serving students with disabilities and receiving funding through the Individuals with Disabilities Education Act or serving children of a parent enrolled in a Teenage Parent Program. Rule 6A-6.03026, F.A.C. A student enrolled in the Voluntary Prekindergarten Education Program may not be reported for transportation funding. s. 1002.71(9), F.S. See also, the Florida Department of Education’s *Student*

- Is a career education student²¹ or a dual enrollment student,²² or a student with a disability, who is transported from one school center²³ to another to participate in an instructional program or service.
- Has a disability and is transported from one designation to another in the state, one of which is a school center, and whose IEP identifies the need for the instructional program or service and transportation provided by the school district.
- Is an elementary school student who is enrolled in kindergarten through grade 6 and is subjected to hazardous walking conditions en route to or from school.²⁴ State Board of Education rules must, when appropriate, provide for the determination of membership for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected.²⁵
- Is a pregnant student, a student parent, or the child of a student parent.

Funding Allocation

The total allocation of funds for each district is calculated annually using the following formula:

$T = B + EX$. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by an average per student cost for transportation as determined by the Legislature. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.²⁶

Transportation General Instructions (2014-2015) available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf>.

²¹ “Career education” relates to instruction through courses designed to introduce students to various occupations and job-preparatory instruction. s. 1003.01(4), F.S.

²² A “dual enrollment student” is a full-time equivalent public school student enrolled in a public secondary school program and a Florida College System institution or state university program. s. 1011.68(1)(d), F.S.

²³ “School center” is defined as a “public school center, Florida College System institution, state university, or other facility rented, leased, or owned and operated by the school district or another public agency.” *Id.*

²⁴ Section 1011.68(1)(e), F.S. The criteria for identifying hazardous walking conditions are specified in s. 1006.23(4), F.S.

²⁵ Section 1011.68(1)(e), F.S.

²⁶ Section 1011.68(2), F.S.

The funds are available for the following limited purposes:²⁷

- For transporting students to and from school using:
 - Local general purpose transportation systems;
 - Private passenger cars or boats when the transportation is for isolated students or students with disabilities;²⁸ and
- Purchasing transportation equipment and supplies.²⁹

III. Effect of Proposed Changes:

The bill substantively clarifies and delineates the eligibility criteria for determining student membership for the annual allocation to each school district for transportation to public school programs and the formula for calculating the allocation of transportation funds.

Student Membership Eligibility

The bill realigns s. 1011.68, F.S.,³⁰ with the existing criteria for eligible student membership categories to include definitions and conditions that are prescribed in Department of Education rules and policies for transportation reporting and funding.³¹

Specifically, the bill removes students in membership in migrant prekindergarten programs, who are funded through a separate funding stream, and clarifies definitions for other existing, eligible student membership categories to be:

- A student who lives 2 miles or more from school.
- A student enrolled in a prekindergarten program for students with disabilities, which generates full-time equivalent student membership.
- A student who is pregnant, a student parent, or the child of a student parent.
- A student with a disability whose individual educational plan (IEP) identifies a need for one or more of the following services:
 - Medical equipment, which includes wheelchairs, crutches, walkers, canes, tracheotomy equipment, and positioning or unique seating devices.
 - A special transportation environment as prescribed by a physician (*e.g.*, tinted windows, a dust-controlled atmosphere, or temperature control).
 - An attendant, aide, or monitor.
 - A shortened school day.
 - Transportation to a school center located in another school district.

²⁷ *Id.* at (4) and (5).

²⁸ The use of private passenger cars or boats may be authorized for students with disabilities or students living in isolated areas who require specialized transportation services because transportation by school bus would be impractical or is unavailable. Rules 6A-1.0451(5) and 6A-3.0171(11), F.A.C.

²⁹ The prices of the equipment and supplies may not exceed the lowest prices as determined by the Department of Education. ss. 1006.27(1) and 1011.68(4), F.S.

³⁰ Department of Education, Division of Finance and Operations, 2015 Agency Legislative Bill Analysis, received March 17, 2015 (on file with the Senate Committee on Education Pre-K – 12).

³¹ Rules 6A-1.0451, 6A-3.001, 6A-3.0171, and 6A-6.03026, F.A.C.; *see also*, Florida Department of Education, *Student Transportation General Instructions* (2014-2015) available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf>.

- A student who is enrolled during the 180-day school year in a career education course or dual enrollment course in a Florida College System institution or a state university and transported from one school center to another.
- An elementary school student whose grade level does not exceed grade 6 and who is subjected to hazardous walking conditions en route to or from school as provided by law or State Board of Education rule. The bill removes the requirement for the rule to limit the determination to less than 1 year.
- A student with a disability whose IEP specifies the need for an extended school year (education during the summer) that requires transportation as a related service.
- A student who generates full-time equivalent membership during the summer through participation in a nonresidential Department of Juvenile Justice education program.

Motor Vehicles for Student Transportation

The bill codifies and spells out the criteria for the eligibility category of students who may be transported to and from school using private passenger cars or boats by:

- Defining an isolated student as one who lives in a sparsely populated area when compared to other population areas within the district, or in a location that a school bus cannot traverse the road or route necessary to pick up the student.
- Adding a student who is in the custody of the Department of Children and Families.
- Adding a student who lacks a fixed, regular, and adequate nighttime residence, or whose primary nighttime residence is a public or private shelter designed to provide temporary residence or whose primary nighttime residence is a public or private place designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Funding Formula

The bill clarifies that the funding formula requires that the membership count of students with disabilities be calculated first to determine the transportation dollar allocation for such students, and that any remaining funds, prorated by an adjusted student membership count, constitute the base transportation dollar allocation.

The bill reenacts s. 1011.622, F.S., to incorporate additional school district reporting requirements.

The bill provides for an effective date of July 1, 2015.

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:

SB 1020 has no fiscal impact. The bill codifies, clarifies, and delineates existing, eligible student membership categories as prescribed by current law, Department of Education rule and current practice for transportation reporting and funding.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1011.68 of the Florida Statutes.

The bill reenacts section 1011.622 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Simmons

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A bill to be entitled

An act relating to student transportation funding; amending s. 1011.68, F.S.; revising the membership of students that a school district reports for transportation funding purposes; revising the school transportation allocation formula used by each school district; revising the types of students eligible for transportation funds used for transportation to and from school in private passenger cars and boats; reenacting s. 1011.622, F.S., to incorporate the amendment made to s. 1011.68, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 1011.68, Florida Statutes, is amended to read:

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

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

(a) By reason of being a student who lives ~~living~~ 2 miles or more from school.

(b) By reason of being a student enrolled in a

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prekindergarten program for students with disabilities ~~or~~ enrolled in a teenage parent program, which generates full-time equivalent student membership under s. 1011.61, regardless of distance to school.

(c) By reason of being a student who is pregnant, a student parent, or the child of a student parent as provided in s. 1003.54 in a state prekindergarten program, regardless of distance from school.

(d) By reason of being a student with a disability, regardless of distance to school, whose individual educational plan (IEP) identifies the need for one or more of the following services:

1. Medical equipment, which includes wheelchairs, crutches, walkers, canes, tracheotomy equipment, and positioning or unique seating devices.

2. A special transportation environment in accordance with a physician's prescription. Such an environment may include, but is not limited to, tinted windows, a dust-controlled atmosphere, or temperature control.

3. An attendant, aide, or monitor.

4. A shortened school day.

5. Transportation to a school center located in an out-of-district school system. The term "school center" means a public school center, Florida College System institution, state university, or other facility rented, leased, or owned and operated by the school district or another public agency ~~By reason of being career, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students~~

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59 ~~with disabilities, transported from one designation to another~~
 60 ~~in the state, provided one designation is a school center and~~
 61 ~~provided the student's individual educational plan (IEP)~~
 62 ~~identifies the need for the instructional program or service and~~
 63 ~~transportation to be provided by the school district.~~

64 (e) By reason of being a student who is enrolled during the
 65 180-day school year in a career education course or a dual
 66 enrollment course in a Florida College System institution or a
 67 State University System institution pursuant to s. 1007.271 and
 68 who is transported from one school center to another. The term A
 69 "school center" means is defined as a public school center,
 70 Florida College System institution, state university, or other
 71 facility rented, leased, or owned and operated by the school
 72 district or another public agency. A "dual enrollment student"
 73 is defined as a public school student in membership in both a
 74 public secondary school program and a Florida College System
 75 institution or a state university program under a written
 76 agreement to partially fulfill ss. 1003.435 and 1007.23 and
 77 earning full-time equivalent membership under s. 1011.62(1)(i).

78 ~~(f)(e) By reason of being an~~ With respect to elementary
 79 school student students whose grade level does not exceed grade
 80 6 who is, by reason of being subjected to hazardous walking
 81 conditions en route to or from school as provided in s. 1006.23
 82 and by rule of the State Board of Education. Such rule rules
 83 shall, when appropriate, provide for the determination of
 84 membership under this paragraph for less than 1 year to
 85 accommodate the needs of students who require transportation
 86 only until such hazardous conditions are corrected.

87 ~~(f) By reason of being a pregnant student or student~~

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88 ~~parent, and the child of a student parent as provided in s.~~
 89 ~~1003.54, regardless of distance from school.~~

90 (g) By reason of being a student with a disability whose
 91 IEP specifies the need for an extended school year education,
 92 with transportation as a related service, during the summer.

93 (h) By reason of being a student who generates full-time
 94 equivalent student membership during the summer under s. 1011.61
 95 through participation in a nonresidential Department of Juvenile
 96 Justice education program pursuant to s. 1003.52.

97 (2) A school district may report only students who generate
 98 full-time equivalent membership during the summer under s.
 99 1011.61 for student transportation funding during the summer,
 100 unless a student meets the requirements of paragraph (1)(g).

101 (3) Students who are enrolled in the Florida School for the
 102 Deaf and the Blind as authorized in s. 1002.36 are funded
 103 through a specific appropriation in the General Appropriations
 104 Act for the Florida School for the Deaf and the Blind and are
 105 not eligible for student transportation funding under this
 106 section.

107 ~~(4)(2)~~ The allocation for each district shall be calculated
 108 annually in accordance with the following formula:

109

110 $T = B + EX + B$. The elements of this formula are defined as
 111 follows:

112 (a) T is the total dollar allocation for transportation.
 113 (b) EX is the transportation dollar allocation for students
 114 with disabilities whom the school district reports under
 115 paragraph (1)(d). The transportation dollar allocation for
 116 students with disabilities is the students with disabilities

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117 membership count reported in paragraph (1)(d), weighted for
 118 increased costs associated with transporting students with
 119 disabilities, and multiplying that number by an average per
 120 student cost for transportation as determined by the Legislature
 121 ~~B is the base transportation dollar allocation prorated by an~~
 122 ~~adjusted student membership count.~~ The adjusted students with
 123 disabilities membership count shall be derived from a
 124 multiplicative index function in which the base student
 125 membership is adjusted by multiplying it by index numbers that
 126 individually account for the impact of the price level index,
 127 average bus occupancy, and the extent of rural population in the
 128 district. Each adjustment factor shall be designed to affect the
 129 base allocation by no more or less than 10 percent.

130 (c) B EX is the base transportation dollar allocation and
 131 represents the remaining funds after calculating the
 132 transportation dollar allocation for students with disabilities
 133 prorated by an adjusted student membership count for disabled
 134 students prorated by an adjusted disabled student membership
 135 count. The base transportation dollar allocation for disabled
 136 students is the total state base disabled student membership
 137 count weighted for increased costs associated with transporting
 138 disabled students and multiplying it by an average per student
 139 cost for transportation as determined by the Legislature. The
 140 adjusted ~~disabled student~~ membership count shall be derived from
 141 a multiplicative index function in which the weighted base
 142 disabled student membership count reported in subsection (1) is
 143 adjusted by multiplying it by index numbers that individually
 144 account for the impact of the price level index, average bus
 145 occupancy, and the extent of rural population in the district.

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146 Each adjustment factor shall be designed to affect the base
 147 allocation by no more or less than 10 percent.
 148 ~~(3) The total allocation to each district for~~
 149 ~~transportation of students shall be the sum of the amounts~~
 150 ~~determined in subsection (2). If the funds appropriated for the~~
 151 ~~purpose of implementing this section are not sufficient to pay~~
 152 ~~the base transportation allocation and the base transportation~~
 153 ~~allocation for disabled students, the Department of Education~~
 154 ~~shall prorate the available funds on a percentage basis. If the~~
 155 ~~funds appropriated for the purpose of implementing this section~~
 156 ~~exceed the sum of the base transportation allocation and the~~
 157 ~~base transportation allocation for disabled students, the base~~
 158 ~~transportation allocation for disabled students shall be limited~~
 159 ~~to the amount calculated in subsection (2), and the remaining~~
 160 ~~balance shall be added to the base transportation allocation.~~
 161 ~~(5)(4) A~~ No district may not ~~shall~~ use funds to purchase
 162 transportation equipment and supplies at prices which exceed
 163 those determined by the department to be the lowest which can be
 164 obtained, as prescribed in s. 1006.27(1).
 165 ~~(6)(a)(5)~~ Funds allocated or apportioned for the payment of
 166 student transportation services may be used to pay for
 167 transportation of students to and from school on local general
 168 purpose transportation systems.
 169 ~~(b)~~ Student transportation funds may ~~also~~ be used to pay
 170 for transportation of students to and from school in private
 171 passenger cars and boats when the transportation is for:
 172 1. An isolated student who lives in a sparsely populated
 173 area when compared to other population areas within the
 174 district, or in a location for which a school bus cannot

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175 traverse the road or route necessary to pick up the student;
176 2. A student with a disability as authorized by rule;
177 3. A student who is in the custody of the Department of
178 Children and Families; and
179 4. A student who lacks a fixed, regular, and adequate
180 nighttime residence, or whose primary nighttime residence is a
181 public or private shelter designed to provide temporary
182 residence or whose primary nighttime residence is a public or
183 private place not designed for, or ordinarily used as, a regular
184 sleeping accommodation for human beings isolated students, or
185 students with disabilities as defined by rule. Subject to the
186 rules of the State Board of Education, each school district
187 shall determine and report the number of assigned students using
188 general purpose transportation private passenger cars and boats.
189 The allocation per student must be equal to the allocation per
190 student riding a school bus.
191 (c) The allocation per student for general purpose
192 transportation, private passenger cars, and boats is equal to
193 the allocation per student riding a school bus.
194 (7)(6) Notwithstanding other provisions of this section, in
195 no case shall any student or students be counted for
196 transportation funding more than once per day. This provision
197 includes counting students for funding pursuant to trips in
198 school buses, passenger cars, or boats or general purpose
199 transportation.
200 Section 2. Section 1011.622, Florida Statutes, is reenacted
201 for the purpose of incorporating the amendment made by this act
202 to s. 1011.68, Florida Statutes, in a reference thereto.
203 Section 3. This act shall take effect July 1, 2015.



The Florida Senate

Committee Agenda Request

SA

To: Senator Don Gaetz, Chair
Appropriations Subcommittee on Education

Subject: Committee Agenda Request

Date: March 19, 2015

I respectfully request that **Senate Bill 1020**, relating to Student Transportation Funding, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "David Simmons".

Senator David Simmons
Florida Senate, District 10

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1116

INTRODUCER: Senator Abruzzo

SUBJECT: Literacy Jump Start Pilot Project

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

The bill requires the Office of Early Learning (OEL) to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children. OEL must select an organization to administer the pilot project and one or more municipalities to participate in the project. Both the organization and the municipalities must be located in St. Lucie County.

The Department of Education estimates an annual minimum cost of \$54,560 per facility for the Literacy Jump Start Pilot Project. Senate Bill 2500, the Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill, does not include an appropriation for the Literacy Jump Start Pilot Project.

The bill takes effect on July 1, 2015.

II. Present Situation:

The Office of Early Learning (OEL), which is within the Office of Independent Education and Parental Choice and accountable to the Commissioner of Education, administers the Voluntary Prekindergarten Education (VPK) Program and the School Readiness program at the state level.¹ The Florida Department of Children and Families (DCF) Office of Child Care Regulation regulates child care providers who have early learning programs because DCF is the agency responsible for the state's child care provider licensing program.² Both programs are administered at the county or regional level by early learning coalitions (ELC).³

¹ Section 1001.213, F.S.

² See ss. 402.301-402.319, F.S.; Parts V and VI, ch. 1002, F.S.

³ Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximums permitted by law. Section 1002.83(1), F.S.; see Florida's Office of Early Learning, *Coalitions*, <http://www.floridaearlylearning.com/coalitions.aspx> (last visited March 9, 2015).

Voluntary Prekindergarten Education Program

The VPK program is available to each child residing in the state who is four years old on or before September 1 of the school year, and the program remains available to the child until the child is eligible for admission to public school kindergarten or is admitted to kindergarten, whichever occurs sooner.⁴ Parents may choose either a school-year or summer program offered by a public school or private prekindergarten provider, or a specialized instructional service program for a child with disabilities who is eligible for such a program.⁵ A parent enrolling a child in the VPK program must complete and submit an application to the early learning coalition (ELC),⁶ not the individual program provider, which oversees the program.⁷

The VPK program may be offered by either a private prekindergarten provider or a public school. Local oversight of individual VPK program providers is split with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.⁸

Children enrolled in the VPK Program receive instruction in emergent literacy and mathematics skills necessary for kindergarten readiness.⁹ Among other things, Florida law requires OEL to adopt child performance standards and minimum standards for emergent literacy training courses for prekindergarten instructors. The performance standards and emergent literacy training courses must encompass oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.¹⁰

School Readiness Program

The School Readiness program provides subsidized child care services and early childhood education for children of low-income families, children in protective services who are at risk of abuse, neglect, or abandonment, and children with disabilities.¹¹ The School Readiness program is a state-federal partnership between the OEL and the Office of Child Care of the United States Department of Health and Human Services.¹² The School Readiness program receives funding from a mixture of state and federal sources, including the federal Child Care and Development

⁴ Section 1002.53, F.S.

⁵ Section 1002.53(3), F.S. To be eligible for a specialized instructional services program, a child must be evaluated and determined to be eligible, have a current individual educational plan developed by the local school board, and be eligible under s. 1002.66, F.S., for the program. Section 1002.53(3)(d), F.S.

⁶ An “early learning coalition” or “coalition” is described in s. 1002.83, F.S. Section 1002.51(4), F.S. Throughout the 67 counties, there are to be 31 or fewer early learning coalitions to provide access to enhancement services at the local level. Each coalition must consist of 15-30 members and have members who meet specific requirements described in statute. *See* s. 1002.83, F.S.

⁷ Section 1002.53(4), F.S.

⁸ *See* ss. 1002.53(6), 1002.55(1), 1002.61(1), and 1002.63(1), F.S.

⁹ Section 1002.67(1)(a), F.S.

¹⁰ Sections 1002.59(1) and 1002.67(1), F.S.

¹¹ Section 1002.87, F.S.; *see* s. 1002.81(1), F.S. (defining what it means to be an “at-risk child”).

¹² 42 U.S.C ss. 618, 9858-9858q; 45 C.F.R. ss. 98, 99; Part VI, ch. 1002, F.S.; U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, available at http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf.

Fund (CCDF) block grant, the federal Temporary Assistance for Needy Families block grant, and general revenue and other state funds.¹³ The program is administered by ELCs.¹⁴

Additional publicly funded early learning programs for low-income, at-risk children offered in Florida include Head Start,¹⁵ Early Head Start¹⁶, Migrant and Seasonal Head Start¹⁷, and Home Instruction for Parents of Preschool Youngers¹⁸.

III. Effect of Proposed Changes:

The bill requires the Office of Early Learning (OEL) to establish a 5-year Literacy Jump Start Pilot Project in St. Lucie County to provide emergent literacy instruction to low-income, at-risk children. OEL must select an organization to administer the pilot project and one or more municipalities to participate in the project. Both the organization and the municipalities must be located in St. Lucie County.

The local organization selected by the OEL must be a not-for-profit corporation, qualified as charitable under s. 501(c) (3) of the Internal Revenue Code, which provides training to parents to assist their children with success in school.¹⁹ The bill identifies the Parent Academy of St. Lucie County as an example of a qualifying organization to implement the project.²⁰

Emergent literacy instruction must be delivered in a subsidized housing unit located within an eligible municipality to facilitate parent and child access to services. The organization may coordinate with the St. Lucie County Health Department to provide basic health screening and immunization in conjunction with emergent literacy instruction. This collaboration is likely to provide a means of community outreach for the purpose of improving the availability and effective delivery of emergent literacy²¹ instruction.

The OEL requires all child care personnel serving children in the pilot project to meet a minimum standard of having good moral character as determined by the requirement of level 2 employment screening.²² These requirements apply to owners, operators, employees, and volunteers working in a child care facility.²³ The organization must certify in writing to OEL its compliance with screening requirements before OEL issues state funds for the pilot project. Additionally, state funds may not be spent on screening and instructors must complete an OEL-approved emergent literacy training course.

¹³ Specific Appropriations 78A and 79, s. 2, ch. 2013-40, L.O.F.; *see also* U.S. Department of Health and Human Services, *Office of Child Care Fact Sheet*, available at http://www.acf.hhs.gov/sites/default/files/assets/FS_OCC_0.pdf.

¹⁴ Sections 1002.83-1002.85, F.S. There are currently 31 ELCs, which is the maximum permitted by law. Section 1002.83(1), F.S.; *see* Florida's Office of Early Learning, *Early Learning Coalition Directory* (March 9, 2015), available at <http://www.floridaearlylearning.com/coalitions.aspx>.

¹⁵ 42 U.S.C. s. 9831 et. seq.

¹⁶ 42 U.S.C. s. 9840a.

¹⁷ *See e.g.*, 42 U.S.C. s. 9832(17).

¹⁸ Specific Appropriations 87, s. 2, ch. 2014-51, L.O.F.

¹⁹ Section 501(c)(3) of the Internal Revenue Code.

²⁰ Parent Academy of St. Lucie County, <http://www.parentacademyslc.org/> (last visited March 9, 2015).

²¹ The term "emergent literacy" means a variety of early behaviors and skills associated with successful reading and writing development.

²² Section 402.305(2), F.S.

²³ *See* s. 402.302(3), F.S. (definition of child care personnel).

In order to participate in the pilot project a child must meet the following criteria:

- Two or three years of age;
- Eligible for a federally subsidized child care program; and
- Be a member of a family that is economically disadvantaged²⁴ and reside in locally or federally subsidized housing.

The Literacy Jump Start Pilot Project differs from traditional VPK programs in that it allows low-income, at-risk 2-3 year old children to participate in the pilot project. The eligibility criteria for the Literacy Jump Start Pilot Project varies from the School Readiness Program and may likely allow for the participation of additional children.

The organization must submit an annual accountability report to the Office of Early Learning, the Early Learning Coalition of St. Lucie County, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Among other things, the report must document:

- Expenditures of state funds and other sources of funding received for emergent literacy instruction;
- Municipalities selected and names of officers identified for participation;
- The number of children receiving emergent literacy instruction in each municipality;
- Data regarding health screening and immunization services provided to children; and

The bill requires the OEL to allocate funds for the implementation of the pilot project.

The bill takes effect on July 1, 2015.

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.

²⁴ For purposes of SB 1116, “economically disadvantaged” means having a family income that does not exceed 150 percent of the federal poverty level.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under SB 116, the Department of Education estimates an annual minimum cost of \$54,560 per facility for the Literacy Jump Start Pilot Project.²⁵ Senate Bill 2500, the Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill, does not include an appropriation for the Literacy Jump Start Pilot Project. The Legislature appropriated \$110,000 to fund the pilot project for the 2013-2014 fiscal year and \$200,000 for the pilot project for the 2014-2015 fiscal year. Both appropriations were vetoed by the Governor.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section of law.

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

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

None.

B. Amendments:

None.

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

²⁵ Florida Department of Education, *2015 Agency Legislative Bill Analysis* for SB 1116 (February 24, 2015).

By Senator Abruzzo

25-01141A-15

20151116__

A bill to be entitled

An act relating to the Literacy Jump Start Pilot Project; requiring the Office of Early Learning to establish the pilot project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills; requiring the office to select an organization to implement the pilot project; requiring the office to oversee implementation of the pilot project; defining the term "emergent literacy"; providing eligibility requirements for participation; requiring background screening for child care personnel; requiring emergent literacy training for instructors; encouraging the coordination of basic health screening and immunization services in conjunction with emergent literacy instruction; requiring annual submission of an accountability report; requiring the office to allocate funds for the pilot project; providing an effective date.

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

Section 1. (1) The Office of Early Learning shall establish the 5-year Literacy Jump Start Pilot Project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills.

(a) The Office of Early Learning shall consult with local organizations within St. Lucie County and identify an organization to implement the pilot project. The office shall also consult with the Early Learning Coalition of St. Lucie

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County to select municipalities within St. Lucie County eligible for participation in the pilot project. A municipality is eligible for participation if locally or federally subsidized housing is located within the municipality. The office shall oversee the implementation of the pilot project.

(b) The Office of Early Learning shall select a local organization that is a not-for-profit corporation, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, that provides training to parents to assist their children with success in school, such as the Parent Academy of St. Lucie County or another similarly qualified local organization, to implement the pilot project. The office may select a faith-based organization; however, funds provided for the purpose of implementing the pilot project may be used for only those purposes expressly provided in this section and may not be used for the purpose of religious indoctrination.

(2) The organization selected by the Office of Early Learning must use funds provided for the pilot project only to provide emergent literacy instruction to children. In order to provide easy access for participating children and families, the instruction must be provided in a subsidized housing unit located within an eligible municipality selected by the office.

(3) As used in this section, the term "emergent literacy" means a variety of early behaviors and skills associated with successful reading and writing development.

(4) A child is eligible to receive emergent literacy instruction provided through the pilot project only if the child is:

(a) Two or three years of age;

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59 (b) Eligible for a federally subsidized child care program;
60 and

61 (c) A member of a family that is economically disadvantaged
62 and resides in locally or federally subsidized housing. For
63 purposes of this paragraph, the term "economically
64 disadvantaged" means having a family income that does not exceed
65 150 percent of the federal poverty level.

66 (5) The organization selected by the Office of Early
67 Learning must require all child care personnel, as defined in s.
68 402.302(3), Florida Statutes, to meet the background screening
69 requirements of s. 402.305, Florida Statutes, before
70 participating in the pilot project. The organization may not use
71 state funds to implement the pilot project to pay for background
72 screening. The organization must certify in writing to the
73 office that individuals required to be screened under this
74 subsection have complied with the background screening
75 requirements of this subsection before the office may issue the
76 organization any state funds to implement the pilot project.

77 (6) An instructor in the pilot project must successfully
78 complete an emergent literacy training course, approved by the
79 Office of Early Learning, before providing emergent literacy
80 instruction under this section.

81 (7) The organization is encouraged to coordinate with the
82 St. Lucie County Health Department in providing basic health
83 screening and immunization services for children participating
84 in the pilot project in conjunction with emergent literacy
85 instruction. The organization is further encouraged to engage in
86 community outreach efforts to local community service
87 organizations for the purpose of improving the availability and

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88 effective delivery of emergent literacy instruction.

89 (8) By December 31 of each year that the organization
90 provides emergent literacy instruction, the organization shall
91 submit an accountability report to the Office of Early Learning,
92 the Early Learning Coalition of St. Lucie County, the Governor,
93 the President of the Senate, and the Speaker of the House of
94 Representatives. The accountability report must include, at a
95 minimum, the following information:

96 (a) The manner in which all state funds received by the
97 organization are used to implement the pilot project, separated
98 by type of expenditure and measured in exact dollar amounts.

99 (b) Other sources of funding received by the organization
100 for purposes of providing emergent literacy instruction.

101 (c) The municipalities selected by the Office of Early
102 Learning for participation in the pilot project.

103 (d) The identities of the organization's officers.

104 (e) The number of children receiving emergent literacy
105 instruction in each municipality.

106 (f) Information and data relating to coordinated health
107 screening and immunization services provided in conjunction with
108 the emergent literacy instruction, if any.

109 (9) The Office of Early Learning shall allocate funds for
110 implementation of the pilot project pursuant to this section.
111 Expenditures of state funds pursuant to this section must be
112 verified by affidavit and submitted to the office in a procedure
113 and format determined by the office.

114 Section 2. This act shall take effect July 1, 2015.

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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)

W

4/2/15

Meeting Date

1116

Bill Number (if applicable)

Topic Jump Start

Amendment Barcode (if applicable)

Name Ellyn Bogdanoff

Job Title Exec Dir

Address 908 S. Andrews Ave

Phone 954 767 9850

Street FT LAUD

City FL State FL Zip 33316

Email

Speaking: For Against Information

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

Representing FLORIDA ASSN for Child Care Mgt

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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1262

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Graf</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1262 deletes obsolete deadlines and streamlines communication and reporting of information by the Florida Department of Education (DOE) and the Commission for Independent Education (commission). Specifically, the bill:

- Provides clarification regarding the use of an individual education plan (IEP) by requiring that the IEP and the electronic IEP system developed by the DOE be available for statewide use and deletes an obsolete, July 1, 2007, deadline.
- Deletes the obsolete, December 31, 2013, deadline for reporting of student data by the commission to the department.
- Streamlines the Commissioner of Education's authority in personnel discipline proceedings regarding certified Florida educators.

The bill has no fiscal impact.

The bill takes effect July 1, 2015.

II. Present Situation:

Individual Education Plans

Federal law requires states to make a free appropriate public education available to all children with disabilities residing in the state between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school.¹ As the state educational agency, the Florida Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs

¹ 20 U.S.C. s. 1400 et. seq., *as amended* by Pub. L. No. 108-446; 34 C.F.R. s. 300.17.

administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.²

For each eligible child with a disability served by a school district, or other state agency that provides special education and related services directly, by contract, or through other arrangements, an individual educational plan (IEP) or individual family support plan must be developed, reviewed, and revised.³ In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child, as well as special factors.⁴

States receiving Individuals with Disabilities Education (IDEA) funds must comply with detailed procedural requirements, including identifying, evaluating, and making placements for students with disabilities and for developing an individualized education program for each student.⁵ States must also provide students with disabilities and their parents with certain procedural safeguards, including: notice of any proposal or refusal to change the student's identification, evaluation, or educational placement; the opportunity to present a complaint and to have an impartial due process hearing; and the right to keep the student in his or her current educational placement pending administrative or judicial review proceedings.⁶ A student with a disability and his or her parents also have the right to bring a civil action in state court, if they are aggrieved by the decision of the state administrative hearing officer relating to a due process hearing or alternative placement.⁷

Commission for Independent Education

The Commission for Independent Education (CIE or commission), established in DOE, consists of seven members who are residents of this state.⁸ The Governor appoints the members of the commission who are subject to confirmation by the Senate.⁹ CIE is responsible for independently exercising all powers, duties, and functions concerning independent postsecondary educational institutions¹⁰ in consumer protection, program improvement, and licensure of institutions under its purview.¹¹ The commission is also responsible for authorizing the granting of diplomas and degrees by independent postsecondary educational institutions under its jurisdiction.¹² The DOE

² 34 C.F.R. s. 300.149.

³ Rule 6A-6.03028(3), F.A.C.

⁴ 20 U.S.C. s. 1414(d)(3)(A) and (B).

⁵ 20 U.S.C. § 1412. See <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C12%2C>. (last visited March 15, 2013.)

⁶ 20 U.S.C. § 1415 (b), (c), (d), (e),(f), and (j). There is an exception to keeping a student in his or her current placement if it involves an alternative educational setting.

⁷ 20 U.S.C. § 1415(i)(2)

⁸ Section 1005.21(1)-(2), F.S.

⁹ Section 1005.21(2), F.S.; Florida Department of Education, *Commission Members*, <http://www.fldoe.org/policy/cie/commission-members.stml> (last visited March 12, 2015).

¹⁰ Independent postsecondary educational institution means "any postsecondary educational institution that operates in this state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government." Section 1005.02(11), F.S.

¹¹ Section 1005.21(1)-(2), F.S.

¹² Section 1005.21(1), F.S.

serves as the administrative agent of the commission by providing services, including payroll, procurement, and legal counsel.¹³

Personnel Discipline

DOE must investigate expeditiously any legally sufficient complaint that may result in the revocation or suspension of a certificate or any other appropriate penalty specified in law.¹⁴ The DOE must prioritize investigation of a legally sufficient complaint that “involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student” over other pending complaints.¹⁵ DOE may contract with the Department of Business and Professional Regulation for conducting the investigations.¹⁶ The DOE general counsel and staff must review the findings of such investigations and advise the Commissioner of Education (commissioner) regarding probable cause or lack thereof.¹⁷ Unless the complaint involves a felony or crime of moral turpitude, the commissioner may enter into a deferred prosecution agreement with a certified educator in lieu of finding probable cause. The commissioner must dismiss a complaint if probable cause does not exist to commence prosecution.¹⁸

III. Effect of Proposed Changes:

The bill deletes obsolete deadlines and streamlines communication and reporting of information by the Florida Department of Education (DOE) and the Commission for Independent Education (CIE or commission).

Individual Education Plans

The bill provides clarification regarding the use of an individual education plan (IEP) by requiring that the IEP and the electronic IEP system developed by the DOE be available for statewide use and deletes an obsolete deadline. Current law requires the IEP and the electronic IEP system be available for potential statewide use no later than July 1, 2007.¹⁹

Commission for Independent Education

The bill deletes an obsolete deadline for reporting of student data (e.g., retention rates, transfer rates, completion rates, graduation rates, and employment and earnings) by the commission to the DOE. Specifically, the bill deletes December 31, 2013 as the deadline for submitting student data for 2012-2013 academic year but maintains October 1 as the annual deadline for reporting such data.

Personnel Discipline

The bill modifies the Commissioner of Education’s authority to enter into a deferred prosecution

¹³ *Id.*

¹⁴ Section 1012.796(1), F.S.

¹⁵ Section 1012.796(1)(b), F.S.

¹⁶ Section 1012.796(2), F.S.

¹⁷ Section 1012.796(3), F.S.

¹⁸ *Id.*

¹⁹ Section 1003.576, F.S.

agreement with a certified educator, who is investigated, in lieu of finding probable cause by authorizing the commissioner to also issue to the educator, a letter of guidance in lieu of a finding of probable cause. Current law authorizes the commissioner to enter into a deferred prosecution agreement with a certified educator in lieu of finding probable cause.²⁰

The bill takes effect July 1, 2015.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.576, 1005.22, and 1012.796.

²⁰ Section 1012.796(3), F.S.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Legg

17-00964A-15

20151262__

A bill to be entitled

An act relating to education; amending s. 1003.576, F.S.; requiring the Department of Education to have an operating electronic IEP system in place for statewide use; amending s. 1005.22, F.S.; requiring the Commission for Independent Education to report certain data to the department annually by a certain date regarding institutions licensed by the commission; amending s. 1012.796, F.S.; authorizing the Commissioner of Education to issue a letter of guidance in response to a complaint against a teacher or administrator in lieu of a probable cause determination; providing an effective date.

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

Section 1. Section 1003.576, Florida Statutes, is amended to read:

1003.576 Individual education plans for exceptional students.—The Department of Education must develop and have an operating electronic IEP system in place for ~~potential~~ statewide use ~~no later than July 1, 2007~~. The statewide system shall be developed collaboratively with school districts and must include input from school districts currently developing or operating electronic IEP systems.

Section 2. Paragraph (i) of subsection (1) of section 1005.22, Florida Statutes, is amended to read:

1005.22 Powers and duties of commission.—

(1) The commission shall:

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20151262__

(i) Serve as a central agency for collecting and distributing current information regarding institutions licensed by the commission. The commission shall annually collect, and all institutions licensed by the commission shall annually report, student-level data from the prior year for each student who receives state funds, in a format prescribed by the Department of Education. At a minimum, data from the prior year must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates. By October 1 of each year ~~December 31, 2013~~, the commission shall report the data for the ~~2012-2013~~ academic year to the Department of Education. ~~By October 1 of each year thereafter, the commission shall report the data to the department.~~

Section 3. Subsection (3) of section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(3) The department staff shall advise the commissioner concerning the findings of the investigation. The department general counsel or members of that staff shall review the investigation and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of finding probable cause if, in his or her judgment, such agreements are in the best interests of the department, the certificateholder, and the public. Such

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17-00964A-15

20151262__

59 deferred prosecution agreements shall become effective when
60 filed with the clerk of the Education Practices Commission.
61 However, a deferred prosecution agreement ~~may shall~~ not be
62 entered into if there is probable cause to believe that a felony
63 or an act of moral turpitude, as defined by rule of the State
64 Board of Education, has occurred. Upon finding no probable
65 cause, the commissioner shall dismiss the complaint. In lieu of
66 a finding of probable cause, the commissioner may also issue a
67 letter of guidance to the educator.

68 Section 4. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1264

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

SUBJECT: Digital Classrooms

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1264 provides a mechanism for comparing the status of digital readiness of school districts and public schools, which is independently verified, based on technology infrastructure standards and targets identified by the Agency for State Technology (AST or agency) or a professional organization that the agency contracts with (contracted organization). The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE) in consultation with the agency.

Specifically, the bill requires the AST, or a contracted organization, to consult with the DOE to identify technology infrastructure standards and targets for the implementation of digital classrooms in Florida. The bill also specifies certain requirements for the agency, contracted organization, DOE, school districts, and charter schools to successfully implement state and local digital classrooms plans to improve student performance outcomes.

The bill has an estimated cost of \$11.5 million. This cost is derived primarily from the staff augmentation that AST, or the contracted organization, will require to identify technology infrastructure standards and targets; fulfill assessment and audit responsibilities necessary to perform retrospective analyses and provide prospective guidance; and report on the technology infrastructure status of all school districts and public schools in the state. Neither the bill nor SB 2500, the Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill, appropriate funding for the requirements specified in the bill.

The bill takes effect July 1, 2015.

II. Present Situation:

Florida Digital Classrooms Allocation

In 2014, the Legislature elevated policy and funding for technology-enhanced classroom teaching and learning by creating the Florida digital classrooms allocation (allocation) to support efforts and strategies of school districts and public schools in integrating technology into classroom instruction to improve student performance outcomes.¹ In response to the 2014 legislation that created the allocation,² the Department of Education (DOE or department) adopted a Strategic Technology Plan establishing the general parameters for digital classrooms which are used by the by the district school boards to adopt their district digital classrooms plan.³ For the 2014-2015 fiscal year, the Legislature appropriated \$40 million to school districts to support digital classrooms.⁴ A minimum of \$250,000 was provided to each school district and the remaining balance was allocated based on each district's share of the state's total unweighted student enrollment.⁵

State Digital Classrooms Plan

The Office of Technology and Information Services, within DOE, is responsible for developing a 5-year strategic plan (state plan) that must:⁶

- Describe how technology will be integrated into classroom teaching and learning to improve student performance outcomes and prepare students to be digital learners.
- Establish minimum technology requirements that include specifications for hardware, software, devices, networking, security, and bandwidth capacity and guidelines for the ratio of students per device.
- Establish minimum requirements for professional development opportunities and training to assist district instructional personnel staff with integrating technology into classroom teaching.
- Identify the types of digital tools and resources that can assist district instructional personnel and staff in management, assessment, and monitoring of student learning and performance.

DOE must update the state plan annually by January 1st.⁷

¹ Section 1011.62(12)(a), F.S.

² Sections 5 and 27, ch. 2014-56, L.O.F.

³ Florida Department of Education, *FDOE Digital Classrooms Plan*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.shtml> (last visited March 6, 2015); see ss. 1001.20(4) and 1011.62(12)(b), F.S. The Department of Education (DOE) has provided to school districts, technical assistance memo and guidance document regarding digital classrooms. Florida Department of Education, *Digital Classrooms Plan (DCP) and Allocation*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.shtml> (last visited March 9, 2015).

⁴ Specific Appropriation 96, s. 2, ch. 2014-51, LO.F.

⁵ *Id.*

⁶ Section 1001.20(4)(a)1., F.S.

⁷ Section 1001.20(4)(a)1., F.S.

Technology Integration Matrix

To assist with integrating technology into curriculum, DOE has prepared a Technology Integration Matrix (TIM)⁸ for teachers to use technology to enhance learning by:⁹

- Providing a framework for defining and evaluating technology integration;
- Setting a clear vision for effective teaching with technology;
- Giving teachers and administrators a common language for setting goals; and
- Helping target professional development resources effectively.

District Digital Classrooms Plan

The 2014 legislation required each district school board to adopt a district digital classrooms plan (DCP) that meets the unique needs of students, schools, and personnel and submit the district DCP to DOE for approval.¹⁰ By permitting the customization of district digital classrooms plan to meet local needs, the legislation promoted local control of targeted and purposeful technology enhancements in Florida's classrooms. At a minimum, the district DCPs must be updated annually to include the following:¹¹

- Measurable student performance outcomes, including the outcomes for students with disabilities.
- Digital learning and technology infrastructure purchases and operational activities including, but not limited to, connectivity, broadband access, wireless capacity, internet speed, and data security, all of which must meet or exceed the minimum requirements and protocols established by the department.
- Professional development purchases and operational activities including, but not limited to, using technology in the classroom and improving digital literacy and competency.
- Digital tool purchases and operational activities including, but not limited to, competency-based credentials that measure and demonstrate digital competency and certifications; third-party assessments that demonstrate acquired knowledge and use of digital applications; and devices that meet or exceed the minimum requirements and protocols established by the department.
- Online assessment-related purchases and operational activities including, but not limited to, expanding the capacity to administer assessments and compatibility with minimum assessment requirements and protocols established by the department.

Each district superintendent must certify to the Commissioner of Education (commissioner) that “the district school board has approved a comprehensive district digital classrooms plan that

⁸ Florida Department of Education, *Presentation to the Florida Senate Appropriations Subcommittee on Education* (March 4, 2015), available at http://www.flsenate.gov/PublishedContent/Committees/2014-2016/AED/MeetingRecords/MeetingPacket_2873.pdf, at 115 of 120.

⁹ Florida Department of Education, *The Technology Integration Matrix*, <http://fcit.usf.edu/matrix/index.php> (last visited March 10, 2015). The five interdependent characteristics of meaningful learning environments are: active, constructive, goal directed (i.e., reflective), authentic, and collaborative. The five levels of technology integration (i.e., entry, adoption, adaptation, infusion, and transformation) with each of the five characteristics of meaningful learning environments. Together, the five levels of technology integration and the five characteristics of meaningful learning environments create a matrix of 25 cells to set a clear vision for effective teaching with technology. Florida Department of Education, *The Technology Integration Matrix* (March 9, 2015), available at <http://fcit.usf.edu/matrix/matrix.php>.

¹⁰ Section 1011.62(12)(b), F.S.

¹¹ *Id.*

supports the fidelity of implementation of the Florida digital classrooms allocation.”¹² In addition, each district’s DCP must include a formal verification of the district superintendent’s approval of the DCP for each charter school in the district.¹³ DOE must approve the DCPs before distributing the allocation funds to the school districts.¹⁴

For the 2014-2015 school year, the deadline for submitting district DCPs was October 1, 2014.¹⁵ All 67 district school boards have submitted their district DCP and DOE has approved all district DCPs.¹⁶ For the 2015-2016 school year and each year thereafter, the district school boards must submit their district DCPs annually by March 1.¹⁷

In addition to submitting DCPs, beginning in the 2015-2016 fiscal year, each district school board must report to the department its use of allocation funds and student performance outcomes.¹⁸ The department may contract with an independent third-party entity to conduct an annual independent verification of the district’s use of allocation funds in accordance with the district’s DCP.¹⁹ If an independent third-party verification is not conducted, the Auditor General must, during scheduled operational audits of school districts, verify compliance of the use of allocation funds in accordance with the district’s DCP.²⁰

Annually, by October 1, beginning in the 2015-2016 fiscal year, the commissioner must provide to the Governor, President of the Senate, and Speaker of the House of Representatives, a summary of each district’s use of funds, student performance outcomes, and progress toward meeting statutory requirements and timelines.²¹

III. Effect of Proposed Changes:

The bill provides a mechanism for assessing and comparing the status of digital readiness of school districts and public schools based on technology infrastructure standards and targets identified by the Agency for State Technology (AST or agency) or a professional organization that the agency contracts with (contracted organization). The digital readiness of school districts must be assessed using a digital readiness scorecard and uniform definitions of technology infrastructure components established by the Department of Education (DOE or department) in consultation with the agency.

Specifically, the bill requires the AST, or a contracted organization, to consult with the department to identify technology infrastructure standards and targets for the implementation of digital classrooms in Florida. This provision will likely facilitate a collaboration between AST, the agency that establishes the standards for the most efficient use of state’s information

¹² Section 1011.62(12)(c), F.S.

¹³ Section 1011.62(12)(b)5(c), F.S.

¹⁴ *Id.*

¹⁵ Section 1011.62(12)(b), F.S.

¹⁶ Florida Department of Education, *Approved Districts’ Digital Classroom Plans*, <http://www.fldoe.org/about-us/division-of-technology-info-services/dcp.shtml> (last visited March 6, 2015).

¹⁷ Section 1011.62(12)(b), F.S.

¹⁸ Section 1011.62(12)(e), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

technology resources,²² and DOE, the department that is familiar with public schools' instructional needs. The bill also specifies certain requirements for the agency, contracted organization, DOE, school districts, and charter schools to successfully implement state and local digital classrooms plans to improve student performance outcomes.

Requirements for the Agency for State Technology

The AST was established in 2014 by the Legislature to oversee the state's essential technology projects and is responsible for establishing standards and processes for information technology (IT).²³ The agency is responsible for establishing technology architecture standards to provide the most efficient use of the state's IT resources which must include, but not be limited to, performance measurements and metrics that objectively reflect the status of an IT project based on a defined and documented scope, cost, and schedule.²⁴

In addition to identifying the technology infrastructure standards and targets, the bill requires AST, or a contracted organization, to:

- Perform retrospective analyses of DOE's 5-year strategic plan for establishing Florida digital classrooms and the districts' and charter schools' digital classrooms plans for the 2014-2015 and 2015-2016 school years to determine the status of technology infrastructure and digital readiness of school districts. The retrospective analyses will likely provide the state with an independent assessment of the districts' and schools' technology infrastructure and digital readiness status and needs. Currently, technology readiness data are self-reported by the school districts. In addition, the retrospective analyses will likely assist with identifying gaps in technology infrastructure relative to the identified standards and targets. The bill requires school districts to be assessed using a digital readiness scorecard to provide a mechanism for comparing the status of school districts' digital readiness.
- Provide prospective planning guidance and technical assistance to the department, school districts, and public schools regarding identified gaps in technology infrastructure and recommended improvements to meet the standards and targets identified by AST or a contracted organization. The guidance and technical assistance will likely help DOE, school districts, and public schools to make strategic and purposeful investments in technology infrastructure.
- Submit a report annually, by October 1, to the Governor, President of the Senate, and Speaker of the House of Representatives, summarizing the status of technology infrastructure and recommending strategies for improving cost efficiencies and maximizing the state's and school districts' investments in technology to establish digital classrooms. The annual report, which AST must provide to the Commissioner of Education (commissioner) by September 1 of each year, will likely help to inform the state about the school districts' and public schools' technology infrastructure status and progress toward meeting the technology

²² Section 282.0051(2), F.S. The Agency for State Technology is responsible for developing and publishing "information technology policy for the management of the state's information technology resources." Section 282.0051(1), F.S.

²³ Section 10, ch. 2014-221, L.O.F.; Agency for State Technology, *About Us*, <http://www.ast.myflorida.com/about.asp> (lasted visited March 9, 2015) Information technology means "equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form." Section 282.0041, F.S.

²⁴ Section 282.0051(2)-(3), F.S.

infrastructure standards and targets that are identified by AST or a contracted organization in consultation with DOE. Additionally, the recommendations regarding cost efficiencies may help inform strategic budgetary investments in technology infrastructure.

Requirements for the Department of Education

The bill specifies requirements for DOE regarding incorporating the identified technology infrastructure standards and targets in the department's 5-year strategic plan (state plan), establishing uniform definitions of technology infrastructure components, creating a digital readiness scorecard, and providing access to statewide procurement service agreements:

- DOE must include the identified technology infrastructure standards and targets in the state plan for successful implementation of digital classrooms to improve student performance outcomes. In addition to the components that must be included in the state plan, which are specified in law,²⁵ the bill clarifies that the state plan must also identify minimum technology infrastructure requirements in consultation with AST. The minimum technology infrastructure requirements will likely help the school districts and public schools strategically plan for technology investments and allocate funds purposefully.
- DOE must coordinate with AST to facilitate school districts' access to statewide procurement service agreements. Access to competitively procured service agreements may result in cost savings and efficiencies for the school districts.
- DOE must consult with AST to establish uniform definitions of technology infrastructure components which must be incorporated into the state plan. The uniform definitions must also be used by charter schools that seek Florida digital classrooms allocation funds and by each district school board in the technology information submitted annually to DOE. Uniform definitions will allow for comparability of technology infrastructure components across school districts to assess the status of districts' digital readiness.
- DOE must consult with AST to create a digital readiness scorecard to compare the digital readiness of school districts within the state. The scorecard must use the uniform definitions and identified technology infrastructure standards and targets identified by the department in consultation with AST. At a minimum, the scorecard must include the student-to-device ratio, the percentage of schools within each district that meet bandwidth standards, the percentage of classrooms within each district that must meet wireless standards, the refresh rate of devices, network capacity, information storage capacity, and information security services.

Requirements for School Districts

Beginning in the 2016-2017 school year, each school district must undergo retrospective and prospective analyses and annual independent verification of its use of Florida digital classrooms allocation funds (digital classrooms funds) for the district to be eligible to receive digital classrooms funds. An independent assessment of the districts' use of digital classrooms funds will likely help inform the state about school districts' technology needs and investments to improve student performance outcomes. Access to such information will also likely assist the state with budgetary decisions concerning school districts' and public schools' preparedness to integrate technology into classroom teaching and learning and administer computer-based assessments.

²⁵ Section 1001.20(4)(a)1., F.S.

Requirements for Submitting Digital Classrooms Plans

The bill also makes modifications to the format and deadline for submitting digital classrooms plans:

- DOE must develop a streamlined format for charter schools to use for submitting their digital classrooms plan. This process may result in creating a precise accountability measurement tool matching the charter school's mission, program, goals, students served, methods of assessment and ways to measure success of charter schools.²⁶
- The commissioner must implement an online, web-based portal for school districts and charter schools to submit their digital classrooms plan. The online submission system may result in a cost-effective method for the school districts to timely report their digital classrooms plan information to the department.
- District school boards must submit their digital classrooms plan annually to DOE by September 1, instead of the March 1 deadline which is the current statutory deadline. The September 1 deadline will likely assist the districts with budgetary planning by taking into consideration allocation funds appropriated for the next school year.

Finally, the bill clarifies that the annual report the commissioner must provide to the Governor, President of the Senate, and Speaker of the House of Representatives, by October 1 of each year, include a summary of each district's:

- Student performance goals and outcomes; and
- Use of funds in support of such goals and outcomes.

The clarification emphasizes that improving student performance outcomes should be the goal that drives technology integration in classroom teaching and learning.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁶ Florida Department of Education, *General Information* (March 9, 2015), available at <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml>.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to information provided by the AST, the requirements specified in CS/SB 1264 will cost an estimated \$11.5 million. This cost is derived primarily from the staff augmentation that AST, or the contracted organization, will require to identify technology infrastructure standards and targets; fulfill assessment and audit responsibilities necessary to perform retrospective analyses and provide prospective guidance; and report on the technology infrastructure status of all school districts and public schools in the state. Neither the bill nor SB 2500, the Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill, appropriate funding for the requirements specified in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.20 and 1011.62.

This bill creates section 282.0052 of the Florida Statutes.

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

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

CS by Education Pre-K – 12 on March 18, 2015:

The committee substitute maintains the original substance of SB 1264 with the following modifications:

- Requires the Department of Education's technology office to consult with the Agency for State Technology (AST) to:

- Establish uniform definitions of technology infrastructure components. The uniform definitions must be incorporated into the state and local digital classrooms plans and technology resources inventory.
- Create a digital readiness scorecard to compare school districts' digital readiness and include specified information in the scorecard.
- Modifies a requirement in the bill that requires AST, or an independent organization that the agency contracts with, to perform retrospective analyses of the state and local digital classrooms plans by clarifying that the retrospective analyses must also include an assessment of the digital readiness of school districts using the digital readiness scorecard.

B. Amendments:

None.

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

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1 A bill to be entitled
 2 An act relating to digital classrooms; creating s.
 3 282.0052, F.S.; establishing requirements for digital
 4 classrooms technology infrastructure planning by the
 5 Agency for State Technology or a contracted
 6 organization; requiring the agency or contracted
 7 organization to annually submit a report to the
 8 Governor and the Legislature; prescribing report
 9 requirements; requiring the agency to annually update
 10 the Commissioner of Education on the status of
 11 technology infrastructure; amending s. 1001.20, F.S.;
 12 requiring the Office of Technology and Information
 13 Services of the Department of Education to consult
 14 with the Agency for State Technology in developing the
 15 5-year strategic plan for Florida digital classrooms;
 16 removing an obsolete date; revising requirements for
 17 the 5-year strategic plan; expanding the list of
 18 responsibilities of the Office of Technology and
 19 Information Services; amending s. 1011.62, F.S.;
 20 revising the date by which district school boards must
 21 annually submit a digital classrooms plan to the
 22 Department of Education; requiring a charter school to
 23 submit the school's digital classrooms plan to the
 24 applicable school district; specifying required format
 25 for the plan; specifying conditions for a school
 26 district to maintain eligibility for Florida digital
 27 classrooms allocation funds; requiring the
 28 Commissioner of Education to implement an online
 29 portal for electronic submission of digital classrooms

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30 plans by a specified date; requiring a charter school
 31 to annually report to the department regarding the use
 32 of specified funds; revising requirements for the
 33 commissioner's annual report to the Governor and the
 34 Legislature regarding the digital classrooms plan;
 35 providing an effective date.
 36

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

38
 39 Section 1. Section 282.0052, Florida Statutes, is created
 40 to read:

41 282.0052 Digital classrooms technology infrastructure
 42 planning.—

43 (1) The Agency for State Technology, or an independent
 44 third-party professional organization that the agency contracts
 45 with, shall:

46 (a) Consult with the Department of Education to identify
 47 technology infrastructure standards and targets for the
 48 successful implementation of digital classrooms, pursuant to s.
 49 1011.62(12), in public schools within the state beginning in the
 50 2016-2017 school year.

51 (b) Perform retrospective analyses of the state 5-year
 52 strategic plan developed pursuant to s. 1001.20 and school
 53 district digital classrooms plan adopted pursuant to s.
 54 1011.62(12) for the 2014-2015 and 2015-2016 school years to
 55 determine the status of technology infrastructure and digital
 56 readiness of school districts relative to the standards and
 57 targets identified under paragraph (a). The digital readiness of
 58 school districts must be assessed using the digital readiness

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59 scorecard established under s. 1001.20(4) (a).

60 (c) Provide prospective planning guidance and technical
 61 assistance to the Department of Education, school districts, and
 62 public schools regarding identified gaps in technology
 63 infrastructure and recommended improvements to meet the
 64 standards and targets identified under paragraph (a).

65 (d) Summarize and report, by October 1 of each year, to the
 66 Governor, the President of the Senate, and the Speaker of the
 67 House of Representatives:

68 1. The status of technology infrastructure of school
 69 districts and public schools within the state.

70 2. Recommendations for improving cost efficiencies and
 71 maximizing investments in technology by the state and school
 72 districts to establish digital classrooms.

73 (2) The Agency for State Technology must provide the status
 74 of technology infrastructure information to the Commissioner of
 75 Education by September 1 of each year.

76 Section 2. Paragraph (a) of subsection (4) of section
 77 1001.20, Florida Statutes, is amended to read:

78 1001.20 Department under direction of state board.—

79 (4) The Department of Education shall establish the
 80 following offices within the Office of the Commissioner of
 81 Education which shall coordinate their activities with all other
 82 divisions and offices:

83 (a) *Office of Technology and Information Services.*—

84 1. Responsible for developing a 5-year strategic plan, in
 85 consultation with the Agency for State Technology, to establish
 86 technology infrastructure standards and targets for the
 87 successful implementation of digital classrooms to improve

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88 student performance outcomes under s. 1011.62(12) ~~for~~
 89 establishing Florida digital classrooms by October 1, 2014, and
 90 annually updating the plan by January 1 each year thereafter.
 91 The Florida digital classrooms plan shall be provided to each
 92 school district and published on the department's website. The
 93 plan must:

94 a. Describe how technology will be integrated into
 95 classroom teaching and learning to assist the state in improving
 96 student performance outcomes and enable all students in Florida
 97 to be digital learners with access to digital tools and
 98 resources.

99 b. Identify minimum technology infrastructure requirements,
 100 which ~~that~~ include specifications for hardware, software,
 101 devices, networking, security, and bandwidth capacity and
 102 guidelines for the ratio of students per device. The Office of
 103 Technology and Information Services shall consult with the
 104 Agency for State Technology in identifying minimum technology
 105 infrastructure requirements.

106 c. Establish minimum requirements for professional
 107 development opportunities and training to assist district
 108 instructional personnel and staff with the integration of
 109 technology into classroom teaching.

110 d. Identify the types of digital tools and resources that
 111 can assist district instructional personnel and staff in the
 112 management, assessment, and monitoring of student learning and
 113 performance.

114 2. Responsible for making budget recommendations to the
 115 commissioner, providing data collection and management for the
 116 system, assisting school districts in securing Internet access

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117 and telecommunications services, including those eligible for
118 funding under the Schools and Libraries Program of the federal
119 Universal Service Fund, and coordinating services with other
120 state, local, and private agencies.

121 3. Responsible for coordinating with the Agency for State
122 Technology to facilitate school districts' access to statewide
123 procurement service agreements.

124 4. Responsible for consulting with the Agency for State
125 Technology to establish uniform definitions of technology
126 infrastructure components which must be incorporated into the
127 department's 5-year strategic plan. The uniform definitions must
128 be incorporated by each charter school that seeks Florida
129 digital classrooms allocation funds and by each district school
130 board in technology information annually submitted to the
131 department which includes, but is not limited to, digital
132 classroom plans and technology resources inventory.

133 5. Responsible for consulting with the Agency for State
134 Technology to create a digital readiness scorecard to compare
135 the digital readiness of school districts within the state. The
136 scorecard must use the uniform definitions identified under this
137 section and technology infrastructure standards and targets
138 identified under s. 282.0052(1)(a). At a minimum, the scorecard
139 must include the student-to-device ratio, the percentage of
140 schools within each district that meet bandwidth standards, the
141 percentage of classrooms within each district that meet wireless
142 standards, the refresh rate of devices, network capacity,
143 information storage capacity, and information security services.

144 Section 3. Paragraphs (b) through (e) of subsection (12) of
145 section 1011.62, Florida Statutes, are amended to read:

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146 1011.62 Funds for operation of schools.—If the annual
147 allocation from the Florida Education Finance Program to each
148 district for operation of schools is not determined in the
149 annual appropriations act or the substantive bill implementing
150 the annual appropriations act, it shall be determined as
151 follows:

152 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

153 (b) Each district school board shall adopt a district
154 digital classrooms plan that meets the unique needs of students,
155 schools, and personnel and submit the plan for approval to the
156 Department of Education. In addition, each district school board
157 must, at a minimum, seek input from the district's
158 instructional, curriculum, and information technology staff to
159 develop the district digital classrooms plan. The district's
160 plan must be within the general parameters established in the
161 Florida digital classrooms plan pursuant to s. 1001.20. In
162 addition, if the district participates in federal technology
163 initiatives and grant programs, the district digital classrooms
164 plan must include a plan for meeting requirements of such
165 initiatives and grant programs. Funds allocated under this
166 subsection must be used to support implementation of district
167 digital classrooms plans. By September ~~October 1, 2014,~~ and by
168 ~~March 1~~ of each year thereafter, on a date determined by the
169 department, each district school board shall submit to the
170 department, in a format prescribed by the department, a digital
171 classrooms plan. At a minimum, such plan must include, and be
172 annually updated to reflect, the following:

173 1. Measurable student performance outcomes. Outcomes
174 related to student performance, including outcomes for students

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175 with disabilities, must be tied to the efforts and strategies to
 176 improve outcomes related to student performance by integrating
 177 technology in classroom teaching and learning. Results of the
 178 outcomes shall be reported at least annually for the current
 179 school year and subsequent 3 years and be accompanied by an
 180 independent evaluation and validation of the reported results.

181 2. Digital learning and technology infrastructure purchases
 182 and operational activities. Such purchases and activities must
 183 be tied to the measurable outcomes under subparagraph 1.,
 184 including, but not limited to, connectivity, broadband access,
 185 wireless capacity, Internet speed, and data security, all of
 186 which must meet or exceed minimum requirements and protocols
 187 established by the department. For each year that the district
 188 uses funds for infrastructure, a third-party, independent
 189 evaluation of the district's technology inventory and
 190 infrastructure needs must accompany the district's plan.

191 3. Professional development purchases and operational
 192 activities. Such purchases and activities must be tied to the
 193 measurable outcomes under subparagraph 1., including, but not
 194 limited to, using technology in the classroom and improving
 195 digital literacy and competency.

196 4. Digital tool purchases and operational activities. Such
 197 purchases and activities must be tied to the measurable outcomes
 198 under subparagraph 1., including, but not limited to,
 199 competency-based credentials that measure and demonstrate
 200 digital competency and certifications; third-party assessments
 201 that demonstrate acquired knowledge and use of digital
 202 applications; and devices that meet or exceed minimum
 203 requirements and protocols established by the department.

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204 5. Online assessment-related purchases and operational
 205 activities. Such purchases and activities must be tied to the
 206 measurable outcomes under subparagraph 1., including, but not
 207 limited to, expanding the capacity to administer assessments and
 208 compatibility with minimum assessment protocols and requirements
 209 established by the department.

210 (c) The Legislature shall annually provide in the General
 211 Appropriations Act the FEFP allocation for implementation of the
 212 Florida digital classrooms plan to be calculated in an amount up
 213 to 1 percent of the base student allocation multiplied by the
 214 total K-12 full-time equivalent student enrollment included in
 215 the FEFP calculations for the legislative appropriation or as
 216 provided in the General Appropriations Act. Each school district
 217 shall be provided a minimum of \$250,000, with the remaining
 218 balance of the allocation to be distributed based on each
 219 district's proportion of the total K-12 full-time equivalent
 220 student enrollment. Distribution of funds for the Florida
 221 digital classrooms allocation shall begin following submittal of
 222 each district's digital classrooms plan, which must include
 223 formal verification of the superintendent's approval of the
 224 digital classrooms plan of each charter school in the district,
 225 and approval of the plan by the department. A charter school
 226 shall submit the school's digital classrooms plan, in a
 227 streamlined format prescribed by the department, to the
 228 applicable school district. Prior to the distribution of the
 229 Florida digital classrooms allocation funds, each district
 230 school superintendent shall certify to the Commissioner of
 231 Education that the district school board has approved a
 232 comprehensive district digital classrooms plan that supports the

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233 fidelity of implementation of the Florida digital classrooms
 234 allocation. District allocations shall be recalculated during
 235 the fiscal year consistent with the periodic recalculation of
 236 the FEFP. School districts shall provide a proportionate share
 237 of the digital classrooms allocation to each charter school in
 238 the district, as required for categorical programs in s.
 239 1002.33(17)(b). A school district may use a competitive process
 240 to distribute funds for the Florida digital classrooms
 241 allocation to the schools within the school district. Beginning
 242 in the 2016-2017 school year, to be eligible to receive Florida
 243 digital classrooms allocation funds, a school district must
 244 undergo retrospective and prospective analyses pursuant to s.
 245 282.0052 and an annual independent verification of its use of
 246 Florida digital classrooms allocation funds pursuant to
 247 paragraph (e).

248 (d) To facilitate the implementation of the district
 249 digital classrooms plans and charter school digital classrooms
 250 plans, the commissioner shall support statewide, coordinated
 251 partnerships and efforts of this state's education practitioners
 252 in the field, including, but not limited to, superintendents,
 253 principals, and teachers, to identify and share best practices,
 254 corrective actions, and other identified needs. By August 1,
 255 2016, the commissioner shall implement an online, web-based
 256 portal for school districts and charter schools to submit their
 257 digital classrooms plan.

258 (e) Beginning in the 2015-2016 fiscal year and each year
 259 thereafter, each district school board and charter school shall
 260 report to the department its use of funds provided through the
 261 Florida digital classrooms allocation and student performance

581-02517-15 20151264c1

262 outcomes in accordance with the district's digital classrooms
 263 plan. The department may contract with an independent third-
 264 party entity to conduct an annual independent verification of
 265 the district's use of Florida digital classrooms allocation
 266 funds in accordance with the district's digital classrooms plan.
 267 In the event an independent third-party verification is not
 268 conducted, the Auditor General shall, during scheduled
 269 operational audits of the school districts, verify compliance of
 270 the use of Florida digital classrooms allocation funds in
 271 accordance with the district's digital classrooms plan. No later
 272 than October 1 of each year, beginning in the 2015-2016 fiscal
 273 year, the commissioner shall provide to the Governor, the
 274 President of the Senate, and the Speaker of the House of
 275 Representatives a summary of each district's student performance
 276 goals and outcomes, use of funds, in support of such ~~student~~
 277 performance goals and outcomes, and progress toward meeting
 278 statutory requirements and timelines.

279 Section 4. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 1552 (137566)

INTRODUCER: Appropriations Subcommittee on Education; Education Pre-K - 12 Committee; and Senator Benacquisto

SUBJECT: Student Choice

DATE: April 2, 2015

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1552 requires the disclosure of financial information to parents regarding costs associated with the education of their children, expands K-12 public school choice enrollment options, and modifies charter school requirements and options.

Specifically, the bill:

- Requires school districts to provide parents with the total expenditures on a per FTE basis, as reported in the school district's annual financial report..
- Expands the scope of controlled open enrollment public school choice options available to parents:
 - Authorizes school and classroom choice options beyond school district boundaries, provided the receiving district or school has not reached capacity and the parent provides transportation.
 - Allows a student to transfer to another classroom teacher, in specified circumstances.
 - Creates options for students to receive customized instruction while receiving health care services in children's hospitals.
- Specifies charter school requirements and options:
 - Modifies charter school requirements related to application processes, contract renewal and termination, operations, performance and fiscal accountability, student reporting, and governing board conflict of interest disclosure and reporting.

- Authorizes the replication of high performing charter school in the attendance zone of a school in need of intervention, to meet capacity needs, or to meet district identified innovative choice options.
- Creates the Principal Autonomy Pilot Program Initiative authorizing the State Board of Education to enter into a performance contract with district school boards to provide principals of participating schools with increased autonomy and authority.
- Creates the Florida Institute for Charter School Innovation at the Florida State University to provide technical assistance to charter school applicants and improve charter school accountability, quality, and innovation.

The bill establishes the Florida Institute for Charter School Innovation, which does not have funds appropriated in SB 2500, the Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill. The bill has other requirements which may increase administrative costs for school districts. The fiscal impact of these administrative costs should be minimal and absorbed within existing resources.

The bill takes effect July 1, 2015.

II. Present Situation:

There is a range of information and school choice options available to parents, from academic progress information, multiple school choice options, and notifications about and limits to certain types of teachers that may be assigned a student.¹ Charter schools are public schools of choice available to serve the unique needs of students.²

Educational Transparency

Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed about ways that the parents can help their child to succeed in school.³

For purposes of exceptional student education (ESE), district school boards must provide parents, at the initial individual education plan (IEP) team meeting, the amount of state appropriations that the school district receives for each of the five ESE support levels for a full-time student.⁴

Controlled Open Enrollment Public School Choice Options

Parents of public school students may seek school choice options such as controlled open enrollment, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, Advanced International Certificate of Education, credit by examination or demonstration of competency, the School for

¹ Section 1002.20(6), F.S.

² Section 1002.33, F.S.

³ Section 1002.20, F.S.

⁴ Section 1003.57(1)(j), F.S.

Deaf and the Blind, the Florida Virtual School, and the public school options for the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.⁵

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that gives school districts the option of making student school assignments using a parent's indicated preferential public school choice as a significant factor.⁶

Each district school board offering the controlled open enrollment must to adopt by rule a controlled open enrollment plan (plan) and post the plan on the district's website.⁷ The plan must:⁸

- Adhere to federal desegregation requirements.
- Include an application process required to participate in controlled open enrollment that allows parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.

Notification and Ability to Change Teachers

Each district school board must adopt and implement a plan to assist teachers who teach out-of-field and prioritize professional development activities for such teachers.⁹ If a teacher is assigned a class that is outside the field in which the teacher is certified or has demonstrated sufficient subject matter expertise, parents of all students in that class must be notified, in writing, of such assignment.¹⁰

Public school students are prohibited from being taught by a classroom teacher who received a performance evaluation rating of "needs improvement" or "unsatisfactory" if the student was taught by a classroom teacher that received a performance rating of "needs improvement" or "unsatisfactory" in the previous school year.¹¹

⁵ Section 1002.20(6), F.S.

⁶ Section 1002.31(1), F.S.; Implementation of the plan by a district school board is optional. Section 1002.31(2), F.S.

⁷ Section 1002.31(3), F.S.

⁸ Section 1002.31(3), F.S.

⁹ Section 1012.42(1), F.S. The district school board must require the teacher to participate in a certification or staff development program that is designed to provide the teacher with the necessary competencies to perform assigned duties. *Id.*

¹⁰ Section 1012.42(2), F.S.

¹¹ Section 1012.2315(6), F.S. For elementary school students, this probation applies to any subject, while the prohibition for middle school and high school students are limited to teachers who receive the performance evaluations in the same subject area. *Id.* A parent may provide written consent to exempt extracurricular courses from this prohibition. *Id.*

Charter Schools

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor, which is typically a school district.¹² Charter schools are exempt from many laws and regulations applicable to traditional public schools to encourage the use of innovative learning methods.¹³ One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”¹⁴ The terms and conditions for the operation of the school are set forth in a performance contract or “charter.”¹⁵

Florida law tasks sponsors with authorizing new charter schools and providing continuing oversight of each charter school in the school district.¹⁶ The law establishes several processes designed to enable the sponsor to perform these roles, including:

- Authority to review and approve or deny charter school applications.¹⁷
- Authority to enforce the terms and conditions of the charter agreement.¹⁸
- Annual reporting of student achievement and financial information by each charter school to the sponsor.¹⁹
- Sponsor monitoring of annual financial audits²⁰ and monthly financial statements submitted by charter schools in the school district.²¹
- Interventions for remedying unsatisfactory academic performance and financial instability.²²
- Authority to close charter schools for academic or financial failure; poor management; violations of law; or child health, safety, and welfare violations.²³

The law establishes an application process for establishing a new charter school.²⁴ An applicant must submit a charter school application to the sponsor.²⁵ The sponsor must review and approve or deny the application.²⁶ The law requires sponsors and applicants to use a standard charter school application and application evaluation instrument.²⁷ The standard application is designed to enable the sponsor to evaluate the applicant’s educational plan, organizational plan, financial viability, and business plan.²⁸

¹² Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.

¹³ Section 1002.33(2)(b)3, and (16), F.S.

¹⁴ Section 1002.33(2)(a)1, F.S.

¹⁵ Section 1002.33(6)(h), F.S.

¹⁶ Section 1002.33(6), F.S.

¹⁷ Section 1002.33(6), F.S.

¹⁸ Section 1002.33(6)(h) and (7), F.S.

¹⁹ Section 1002.33(9)(k), F.S.

²⁰ Sections 218.39(1)(e) and (f), 1002.33(9)(j)1. and 2., F.S.

²¹ Section 1002.33(9)(g), F.S.

²² Section 1002.33(9)(n), F.S.

²³ Section 1002.33(8), F.S.

²⁴ Section 1002.33(6)(a), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

Charter school sponsors evaluate a variety of factors when considering an application to open a charter school.²⁹ The standard application requires the applicant to:³⁰

- List each proposed member of the charter school’s governing board and his or her background and qualifications.
- Indicate whether the governing board will contract with a management company, summarize the company’s history operating charter schools, and list other charter schools managed by the company along with student achievement and financial performance data of such schools.

Among other oversight processes, charter schools must submit monthly financial statements for review by the sponsor.³¹ If a financial statement reveals a deteriorating financial condition, the sponsor and charter school governing board must develop a corrective action plan.³² The sponsor may choose to terminate or not renew the charter school’s charter if financial deficiencies noted in the corrective action plan are not corrected within one year or if the school exhibits one or more financial emergency conditions for two consecutive years.³³

High-Performing Charter Schools

A charter school is a high-performing charter school if it:³⁴

- Received at least two school grades of “A” and no school grade below “B,” during each of the previous three school years.
- Received an unqualified opinion on each annual financial audit in the most recent three fiscal years for which such audits are available.
- Did not receive a financial audit that revealed one or more of the financial emergency conditions in the most recent three fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition.

A high-performing charter school is authorized to:³⁵

- Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established its contract.
- Submit a quarterly, rather than a monthly, financial statement to the sponsor.
- Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools’ governing board regardless of the renewal cycle.

²⁹ Section 1002.33(6)(a), (7), (8), (9), F.S.

³⁰ *Id.*

³¹ Sections 1002.33(9)(g)3, and 1002.345(1)(b)-(f), F.S.; rule 6A-10081, F.A.C. A high-performing charter school may submit quarterly rather than monthly financial statements. Section 1002.331(2)(c), F.S.

³² *Id.*

³³ Section 1002.345(5), F.S.

³⁴ Section 1002.331(1), F.S.

³⁵ Section 1002.331(2), F.S.

- Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school.

A virtual charter school is not eligible for designation as a high-performing charter school, nor may a high-performing charter school be replicated as a virtual charter school.³⁶

High Performing Charter School Systems

A high-performing charter school system means an entity³⁷ that:³⁸

- Operated at least three high-performing charter schools in the state during each of the previous three school years.
- Operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools pursuant to s. 1002.331, F.S., and no charter school earned a school grade of “D” or “F” in any of the previous three school years, regardless of whether the entity currently operates the charter school.³⁹
- Did not receive a financial audit that revealed one or more emergency conditions set forth in s. 218.503(1), F.S., for any charter school assumed or established by the entity in the most recent three fiscal years for which such audits are available.⁴⁰

A high performing charter school system may replicate its high-performing charter schools pursuant to s. 1002.331(3), F.S.⁴¹

III. Effect of Proposed Changes:

The bill requires the disclosure of financial information to parents regarding costs associated with the education of their children, expands K-12 controlled open enrollment public school choice options, and modifies charter school requirements and options.

Educational Transparency

The bill requires a school district to provide a fiscal transparency notification in the parent guide that contains, at a minimum, the total expenditures on a per FTE basis, as reported in the school district’s annual financial report.

Controlled Open Enrollment Public School Choice Options

The bill expands controlled open enrollment school choice options to authorize a parent to choose to enroll his or her child in and transport his or her child to any public school that has not

³⁶ Sections 1002.331(1)(c) and (6), F.S.

³⁷ Entity means a municipality or other public entity that is authorized by law to operate a charter school; a private, nonprofit corporation with tax-exempt status under s. 501(c)(3) of the Internal Revenue Code; or a private, for-profit education management corporation. Section 1002.332(1)(a), F.S.

³⁸ Section 1002.332(1)(b), F.S.

³⁹ Limited exceptions exist, such as if the entity assumed operating a charter school with a school grade of “F.” Section 1002.332(1)(b).

⁴⁰ Section 218.503(1), F.S., relates to a determination of a financial emergency for charter schools, among other entities.

⁴¹ Section 1002.332(2)(b), F.S.

reached capacity, including charter schools, in the school district or state. The controlled open enrollment process retains the current lottery procedure for determining student assignment, but adds a preference process for dependent children of active duty military personnel in districts with a military base.

The bill defines capacity to be as determined by the school district. When determining the capacity of each school in the district, the school district must incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs.

The bill requires each district school board to establish a transfer process for a parent to request his or child be transferred to another classroom teacher, if the receiving teacher has unfilled classroom capacity. An explanation of the transfer process must be made available in the student handbook or a similar publication.

The bill allows a parent that receives notification that his or her student is being taught by an out of field classroom teacher to request that the child be transferred to another classroom teacher. The school district must grant the request, if an in-field teacher has available space.

Students Receiving Hospitalized Program Services

The bill enables customized instruction for students receiving hospitalized program services in children's hospitals. The bill requires a student who is receiving hospitalized program services to receive the following considerations:

- A public school student in prekindergarten through grade 12 who is deemed eligible for hospitalized program services is considered a student with a disability, and provides for:
 - Adherence to the student's individual education plan (IEP) requirements, if applicable, but upon request of the student's parent, the IEP may be modified to accommodate the student's use of hospitalized program services in a children's hospital.
 - Modification of the student's IEP to reduce the course load to core courses,⁴² and allow the student to receive instruction beyond the normal school hours, school day, or school year of the school district.
 - Exemption from physical education classes or instruction based on the IEP or orders from the student's medical doctor.
- A student admitted to a children's hospital for hospitalized program services must continue to receive education instruction, including being provided with
 - Access to certified teacher from the district or the Florida Virtual School.
 - Adequate educational space for the student.

Charter Schools

The bill modifies charter school requirements related to application processes, contract renewal and termination, operations, performance and fiscal accountability, student reporting, governing board conflict of interest disclosure and reporting, and high performing charter school replication. The bill creates a Principal Autonomy Pilot Program Initiative, and the Florida Institute for Charter School Innovation at the Florida State University.

⁴² Section 1002.20(19)(a), F.S.

Charter School Applications and Contracts

The bill modifies charter school accountability provisions to require:

- Each charter school to disclose in the application the name of each applicant, governing board member, and proposed management company, if any; the name and sponsor of any charter school currently or previously operated by such parties; and the academic and financial history of such charter schools.
- A sponsor to consider the past history in deciding to approve or deny the application.
- A charter school governing board to be independent of any management company.
- A charter school to submit quarterly financial statements for the first year of operation and include a full accounting of the costs of operation and sources of income that will enable the sponsor to begin monitoring the school's financial health earlier in time.
- A charter school to prepare and submit a plan with the specific actions the school will take if the school's financial statement indicates that the school is not financially viable.
- Background screening⁴³ for a person, or an officer of an entity who submits a charter school application. A person may not receive approval of a charter application until the person's screening is completed and the results have been submitted to the sponsor.
- A charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility no later than 30 calendar days before the first day of school.
- A sponsor to automatically renew a high-performing charter contract for the same terms and length of the current term if the charter school governing board and sponsor have not executed the renewal before the term of the charter agreement is scheduled to expire.
- The charter school's reading curriculum be specified in the charter contract to be eligible to receive the research-based reading instruction allocation.

Charter Termination or Nonrenewal

The bill clarifies that a charter school that is closed voluntarily by the operator is subject to the dissolution requirements of a school whose charter is not renewed or is terminated. Specifically, the bill requires the governing board of a charter school that closes voluntarily to notify the sponsor and DOE in writing within seven calendar days of its decision to cease operations. The notice must state the reasons for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and the reversion of public funds specified in law.

Charter School Performance Accountability

The bill delays a charter school's termination if the school earns two consecutive grades of "F" until all school grade appeals are final, unless an exception applies. The sponsor must notify in writing the charter school's governing board, the charter school principal, and the department when a charter is terminated. The bill specifies that procedures regarding reversion of public funds and property purchased with public funds apply to "double F" terminations, as well as, voluntary closures.

⁴³ A background check similar to an instructional or noninstructional personnel hired or contracted to fill positions. Section 1012.32, F.S.

Student Reporting

The bill aligns charter school and district reporting requirements regarding student suspensions and withdrawals, including the involuntary withdrawal of a student.

Charter School Governing Board Independence

The bill establishes that an individual may not serve as a member of a governing board of a charter school or charter school cooperative organization if he or she or an immediate family member receives a pension or any compensation from the charter school, or if the individual's partner is an owner or principal with an entity or independent contractor with whom the charter school does business or contracts, for professional services, goods, or facilities. Members of the governing board of a charter school may not be appointed, removed, or replaced by an entity or component unit of an entity, with which the charter school has entered into any contract.

High Performing Charter Schools

The bill removes the restriction on replication of high performing charter schools in the attendance zone of a school in need of intervention or to meet district identified innovative choice options.

Principal Autonomy Pilot Program Initiative

The bill creates a program within the Department of Education to provide the principal of a participating school with increased autonomy and authority to operate his or her school in a way that produces significant improvements in student achievement and school management while complying with constitutional requirements. The State Board of Education may, upon approval of a charter proposal, enter into a performance contract with up to six district school boards to establish such districts as charter school districts.

Professional Development

The principal at each school must complete the professional development offered through the William Cecil Golden Professional Development Program for School Leaders.⁴⁴ This training must be completed before a school may participate in the Principal Autonomy Pilot Program Initiative.

Terms of Charter and Reporting

The state board authorizes a charter school district's charter for a period of 3 years commencing with the award of the charter which may be renewed upon action of the state board. The charter school district must submit an annual report to the state board and the state board will annually report on the implementation of the Principal Autonomy Pilot Program Initiative. After completion of the program's first 3-year term, the Commissioner of Education will submit to the President of the Senate, and the Speaker of the House of Representatives, by December 1, a full evaluation of the effectiveness of the program.

⁴⁴ Section 1013.21, F.S.

Florida Institute for Charter School Innovation

The bill establishes the Florida Institute for Charter School Innovation at Florida State University in order to:

- Advance charter school accountability, quality, and innovation;
- Provide support and technical assistance to charter school applicants;
- Connect aspiring teachers to opportunities to experience teaching in schools of choice; and
- To conduct research and develop and promote best practices for charter school authorization, financing, management, operations, and instructional practices.

The institute is responsible for providing technical assistance and support to charter school applicants with innovative charter school concepts. In effect, an applicant would be supported by the institute by acquiring the financial and operational knowledge and skills needed to operate a charter school.

The bill requires the President of Florida State University to appoint a director for the institute to be responsible for the management, development, and executing of the Institute's mission. The institute must submit a written report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Among other things, the report must include research findings, expenditures of state funds, and recommendations for improving the institute's ability to fulfill its mission and changes to statewide charter school policy. The bill requires the institute to provide an annual financial audit conducted by an independent certified public accountant to the Auditor General, the Board of Governors of the State University System, and the State Board of Education.

The bill takes effect July 1, 2015.

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:

PCS/CS/SB1552 establishes the Florida Institute for Charter School Innovation, which does not have funds appropriated in SB 2500, the Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill. The bill has other requirements which may increase administrative costs for school districts. The fiscal impact of these administrative costs should be minimal and absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1002.31, 1002.33, 1002.331, 1002.332, 1002.451, 1006.15, 1011.61, 1011.69, 1012.28, 1012.42, 1012.986, and 1013.62.

The bill creates the following sections of the Florida Statutes: 1003.3101, 1003.5711, 1004.6491, and 1011.6202.

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

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

Recommended CS/CS by Appropriations Subcommittee on Education on April 2, 2015:

The committee substitute:

- Includes options under the Florida Personal Learning Scholarship Accounts Program as a private educational choice available to parents of public school students.
- Clarifies that school districts must provide in the parent guide the total expenditures from the district's annual financial report on a per FTE basis, rather than estimated allocation per student based on grade level and level of support.
- Returns to current statutory language regarding "controlled open enrollment," rather than "public school parental choice."
- Replaces the first-come, first-served provision for student assignment in schools of choice with a lottery and preference process for dependent children of active duty military personnel in districts with a military base.

- Removes the provision allowing an entity that successfully operates a system of charter schools outside the state to apply to the State Board of Education for status as a high-performing charter school system.
- Removes authorization for a charter schools operate double sessions, that when combined, provide the equivalent of 810 hours of instruction.
- Renames the Charter School District Pilot Program as the Principal Autonomy Pilot Program Initiative.

CS by Education Pre-K-12 on March 18, 2015:

The committee substitute retains the following provisions of SB 1552:

- Authorizes parents to choose to enroll and transport child to any school in the district or state that has not reached capacity.
- Authorizes parents to request different classroom teachers.
- Requires districts to notify parents of the cost of a child's education.

The committee substitute adds the following language related to public school choice options to SB 1552.

- Enables customized instruction for students receiving hospitalized program services in children's hospitals.

The committee substitute adds the following language related to charter schools to SB 1552:

- Specifies charter school requirements related to the following areas:
 - Changes the definition of "capacity" for purposes of the public school parental choice policy from a school in which the capital outlay FTE enrollment exceeds 95 percent of the space and occupant design capacity to allow the school district to determine capacity based on the district's educational facilities plan and long-term work programs.
 - Requires applications to contain names and historical performance of charter schools, and documentation of adequate financial resources, which may constitute grounds for denial.
 - Allows renewing charter schools to have a 15-year term, by removing the limitation in current law that limits such terms to purposes of facilitating access to long-term financial resources.
 - Requires background checks, documentation of adequate financial resources, and moves up deadline to obtain a certificate of occupancy from 15 to 30 days.
 - Requires monthly financial statements during first year.
 - Prohibits districts from delaying payments of local funds to charter schools.
 - Requires sponsor to review monthly or quarterly financial statements to identify deteriorating financial conditions.
 - Requires a charter school governing board to be independent of a management company by prohibiting board members from being appointed, replaced, or fired by any entity that contracts with the charter school.
 - Requires charter schools and traditional public schools to be subject to the same reporting requirements when students withdraw from the school.

- Allows the approval of a charter school's reading curriculum to deem the charter school eligible for the reading allocation.
- Updates capital outlay requirements to replace undefined language (financial stability) with statutorily defined language (financial emergency).
- Allows alternative charter schools to have double-sessions if providing the equivalent of 810 hours and approved by the district school board in the charter agreement.
- Prohibits a sponsor from requiring a charter school to implement any curriculum adopted by the district school board.
- Clarifies that notice and dissolution requirement in current law apply if charter school voluntarily closes, and adds additional notice requirements.
- Requires a high-performing charter school whose contract expires during renewal negotiations to automatically renew the contract according to the same terms, conditions, and length as the expiring charter.
- Delays automatic termination of a double-F charter school until after all school grade appeals are final.
- Expands replication of high performing charter schools in certain instances, and allows out-of-state entities to apply for status as a high-performing charter school system.
 - Removes the restriction on replication of high performing charter schools in the attendance zone of a school in need of intervention or to meet district identified innovative choice options.
 - Authorizes an entity that successfully operates a system of charter schools to apply to the State Board of Education for status as a high-performing charter school system.
- Authorizes the State Board of Education create the Charter School District Pilot Program and enter into performance contracts with 6 district school boards to provide principals of participating schools with increased autonomy and authority.
- Establishes a charter institute at Florida State University to conduct research to inform policy and practice, provide technical assistance to charter applicants, and partner with state-approved teacher preparation programs.

B. Amendments:

None.



813860

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/06/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Bullard) recommended the following:

Senate Amendment

Between lines 297 and 298
insert:

10. Demonstrates that the school will meet a specific instructional need or a need for additional educational facilities, as defined in s. 1013.01, which the local school district does not provide or is unable to provide to students within that district.



791146

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/06/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1100 - 1122.

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

And the title is amended as follows:

Delete lines 76 - 82

and insert:

the act;



445608

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/06/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1214 - 1255.

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

And the title is amended as follows:

Delete lines 103 - 110

and insert:

district to enter in an agreement;



517528

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/06/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Bullard) recommended the following:

Senate Amendment (with title amendment)

Between lines 1784 and 1785

insert:

Section 19. Florida Institute for Public School Innovation.—

(1) There is established the Florida Institute for Public School Innovation within the Florida Agricultural and Mechanical University. The purpose of the institute is to advance public school accountability, quality, and innovation; provide support



517528

11 and technical assistance to public schools; connect aspiring
12 teachers to opportunities to experience teaching in public
13 schools; and conduct research and develop and promote best
14 practices for public school financing, management, operations,
15 and instructional practices.

16 (2) The institute shall:

17 (a) Conduct research to inform both policy and practice
18 related to public school accountability, financing, management,
19 operations, and instructional practices.

20 (b) Partner with state-approved teacher preparation
21 programs in this state to provide opportunities for aspiring
22 teachers to experience teaching in public schools.

23 (c) Provide technical assistance and support to public
24 schools with innovative educational concepts.

25 (3) The President of Florida Agricultural and Mechanical
26 University shall appoint a director of the institute. The
27 director is responsible for overall management of the institute
28 and for developing and executing the work of the institute
29 consistent with this section. The director may engage
30 individuals in other state universities with accredited colleges
31 of education to participate in the institute.

32 (4) By each October 1, the institute shall provide a
33 written report to the Governor, the President of the Senate, and
34 the Speaker of the House of Representatives which outlines its
35 activities in the preceding year, reports significant research
36 findings, details expenditures of state funds, and provides
37 specific recommendations for improving the institute's ability
38 to fulfil its mission and for changes to statewide public school
39 policy.



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40 (5) Within 180 days after completion of the institute's
41 fiscal year, the institute shall provide to the Auditor General,
42 the Board of Governors of the State University System, and the
43 State Board of Education a report on the results of an annual
44 financial audit conducted by an independent certified public
45 accountant in accordance with s. 11.45.

46
47 ===== T I T L E A M E N D M E N T =====

48 And the title is amended as follows:

49 Delete line 145

50 and insert:

51 charter schools and public schools; establishing the
52 Florida Institute for Public School Innovation;
53 specifying requirements for the institute; requiring
54 an annual report to the Governor and the Legislature;
55 requiring a report on the institute's annual financial
56 audit to the Auditor General, the Board of Governors
57 of the State University System, and the State Board of
58 Education; providing an



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (b) of subsection (6) and subsection (16) of section 1002.20, Florida Statutes, are amended to read:

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



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11 of ways they can help their child to succeed in school. K-12
12 students and their parents are afforded numerous statutory
13 rights including, but not limited to, the following:

14 (6) EDUCATIONAL CHOICE.—

15 (a) *Public school choices.*—Parents of public school
16 students may seek whatever public school choice options that are
17 applicable and available to students in their school districts.
18 These options may include controlled open enrollment, single-
19 gender programs, lab schools, virtual instruction programs,
20 charter schools, charter technical career centers, magnet
21 schools, alternative schools, special programs, auditory-oral
22 education programs, advanced placement, dual enrollment,
23 International Baccalaureate, International General Certificate
24 of Secondary Education (pre-AICE), Advanced International
25 Certificate of Education, CAPE digital tools, CAPE industry
26 certifications, collegiate high school programs, early
27 admissions, credit by examination or demonstration of
28 competency, the New World School of the Arts, the Florida School
29 for the Deaf and the Blind, and the Florida Virtual School.
30 These options may also include the public educational school
31 choice options of the Opportunity Scholarship Program and the
32 McKay Scholarships for Students with Disabilities Program.

33 (b) *Private educational school choices.*—Parents of public
34 school students may seek private educational school choice
35 options under certain programs.

36 1. Under the McKay Scholarships for Students with
37 Disabilities Program, the parent of a public school student with
38 a disability may request and receive a McKay Scholarship for the
39 student to attend a private school in accordance with s.



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40 1002.39.

41 2. Under the Florida Tax Credit Scholarship Program, the
42 parent of a student who qualifies for free or reduced-price
43 school lunch or who is currently placed, or during the previous
44 state fiscal year was placed, in foster care as defined in s.
45 39.01 may seek a scholarship from an eligible nonprofit
46 scholarship-funding organization in accordance with s. 1002.395.

47 3. Under the Florida Personal Learning Scholarship Accounts
48 Program, the parent of a student with a qualifying disability
49 may apply for a personal learning scholarship to be used for
50 educational purposes pursuant to s. 1002.385.

51 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
52 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
53 have the right ~~are entitled~~ to an easy-to-read report card about
54 the school's grade designation or, if applicable under s.
55 1008.341, the school's improvement rating, and the school's
56 accountability report, including the school financial report as
57 required under s. 1010.215 and the school district's annual
58 financial report, including the expenditures on a per FTE basis
59 for the following fund types: general funds, special revenue
60 funds, debt service funds, and capital project fund. Fiduciary
61 funds, enterprise funds, and internal service funds may not be
62 included. At minimum, the total expenditures on a per FTE basis,
63 as reported in the school district's annual financial report,
64 must be included in the parent guide.

65 Section 2. Section 1002.31, Florida Statutes, is amended to
66 read:

67 1002.31 Controlled open enrollment; Public school parental
68 choice.—



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69 (1) As used in this section, "controlled open enrollment"
70 means a public education delivery system that allows school
71 districts to make student school assignments using parents'
72 indicated preferential school choice as a significant factor.

73 (2) As part of a district's controlled open enrollment, and
74 in addition to the existing choice programs provided in s.
75 1002.20(6)(a), each district school board shall allow a parent
76 to enroll his or her child in and transport his or her child to
77 any public school that has not reached capacity in the district.
78 However, a district may provide transportation to students at
79 the district's discretion. For purposes of continuity of
80 educational choice, the student shall remain at the school
81 chosen by the parent until the student completes the highest
82 grade level at the school ~~may offer controlled open enrollment~~
83 ~~within the public schools which is in addition to the existing~~
84 ~~choice programs such as virtual instruction programs, magnet~~
85 ~~schools, alternative schools, special programs, advanced~~
86 ~~placement, and dual enrollment.~~

87 (3) Each district school board ~~offering controlled open~~
88 ~~enrollment shall adopt by rule and post on its website the~~
89 ~~process required to participate in controlled open enrollment.~~
90 The process a controlled open enrollment plan which must:

91 (a) Adhere to federal desegregation requirements.

92 ~~(b) Include an application process required to participate~~
93 ~~in controlled open enrollment that allows parents to declare~~
94 ~~school preferences, including placement of siblings within the~~
95 ~~same school.~~

96 (b)(e) Provide a lottery procedure to determine student
97 assignment and establish an appeals process for hardship cases.



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98 (c)~~(d)~~ Afford parents of students in multiple session
99 schools preferred access to controlled open enrollment.

100 (d)~~(e)~~ Maintain socioeconomic, demographic, and racial
101 balance.

102 (e)~~(f)~~ Address the availability of transportation.

103 (f) Maintain existing academic eligibility criteria for
104 schools of choice, pursuant to s. 1002.20(6)(a).

105 (g) Identify schools that have not reached capacity, as
106 determined by the school district. When determining capacity of
107 each school in the district, the school district shall
108 incorporate the specifications, plans, elements, and commitments
109 contained in the school district educational facilities plan and
110 the long-term work programs required under s. 1013.35 in its
111 determination.

112 (h) For any county with a military base, create a
113 preference process for dependent children of active duty
114 military personnel.

115 (4) In accordance with the reporting requirements of s.
116 1011.62, each district school board shall annually report the
117 number of students exercising public school choice, by type of
118 choice attending the various types of public schools of choice
119 in the district, in accordance with including schools such as
120 virtual instruction programs, magnet schools, and public charter
121 schools, according to rules adopted by the State Board of
122 Education.

123 (5) A parent may enroll his or her child in and transport
124 his or her child to any public school that has not reached
125 capacity in any school district in the state. The school
126 district shall accept the student, pursuant to that district's



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127 controlled open enrollment participation process, and report the
128 student for purposes of the school district's funding pursuant
129 to the Florida Education Finance Program. For purposes of
130 continuity of educational choice, the student shall remain at
131 the school chosen by the parent until the student completes the
132 highest grade level at the school ~~For a school or program that~~
133 ~~is a public school of choice under this section, the calculation~~
134 ~~for compliance with maximum class size pursuant to s. 1003.03 is~~
135 ~~the average number of students at the school level.~~

136 (6) Each district school board shall establish a transfer
137 process for a parent to request that his or her child be
138 transferred to another classroom teacher. This subsection does
139 not give a parent the right to choose a specific classroom
140 teacher. A school must grant or deny the transfer within 2 weeks
141 after receiving the request. If a request for transfer is
142 denied, the school shall notify the parent and specify the
143 reasons for the denial. An explanation of the transfer process
144 must be made available in the parent guide or a similar
145 publication.

146 Section 3. Paragraphs (a), (b), and (c) of subsection (6),
147 paragraphs (a), (b), and (d) of subsection (7), paragraphs (e),
148 (f), and (g) of subsection (8), paragraphs (g), (n), and (p) of
149 subsection (9), paragraph (a) of subsection (10), paragraphs (b)
150 and (e) of subsection (17), subsection (21), and paragraph (c)
151 of subsection (26) of section 1002.33, Florida Statutes, are
152 amended, paragraphs (h) and (i) are added to subsection (8) of
153 that section, a new subsection (27) is added to that section,
154 and present subsections (27) and (28) are redesignated as
155 subsections (28) and (29), respectively, to read:



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156 1002.33 Charter schools.—

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

159 (a) A person or entity wishing to open a charter school
160 shall prepare and submit an application on a model application
161 form prepared by the Department of Education which:

162 1. Demonstrates how the school will use the guiding
163 principles and meet the statutorily defined purpose of a charter
164 school.

165 2. Provides a detailed curriculum plan that illustrates how
166 students will be provided services to attain the Sunshine State
167 Standards.

168 3. Contains goals and objectives for improving student
169 learning and measuring that improvement. These goals and
170 objectives must indicate how much academic improvement students
171 are expected to show each year, how success will be evaluated,
172 and the specific results to be attained through instruction.

173 4. Describes the reading curriculum and differentiated
174 strategies that will be used for students reading at grade level
175 or higher and a separate curriculum and strategies for students
176 who are reading below grade level. A sponsor shall deny an
177 application ~~a charter~~ if the school does not propose a reading
178 curriculum that is consistent with effective teaching strategies
179 that are grounded in scientifically based reading research, but
180 the sponsor may not require the school to implement any
181 curriculum adopted by the school district.

182 5. Contains an annual financial plan for each year
183 requested by the charter for operation of the school for up to 5
184 years. This plan must contain anticipated fund balances based on



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

188 6. Discloses the name of each applicant, governing board
189 member, and proposed management company or cooperative, if any;
190 the name and sponsor of any charter school currently operated or
191 previously operated by such parties; and the academic and
192 financial history of such charter schools, which the sponsor
193 shall consider in deciding to approve or deny the application.

194 7. Documents that the governing board is independent of any
195 management company or cooperative and may, at its sole
196 discretion, terminate a contract with the management company or
197 cooperative at any time.

198 ~~8.6.~~ Contains additional information a sponsor may require,
199 which shall be attached as an addendum to the charter school
200 application described in this paragraph.

201 ~~9.7.~~ For the establishment of a virtual charter school,
202 documents that the applicant has contracted with a provider of
203 virtual instruction services pursuant to s. 1002.45(1)(d).

204 (b) A sponsor shall receive and review all applications for
205 a charter school using an evaluation instrument developed by the
206 Department of Education. A sponsor shall receive and consider
207 charter school applications received on or before August 1 of
208 each calendar year for charter schools to be opened at the
209 beginning of the school district's next school year, or to be
210 opened at a time agreed to by the applicant and the sponsor. A
211 sponsor may not refuse to receive a charter school application
212 submitted before August 1 and may receive an application
213 submitted later than August 1 if it chooses. In order to



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214 facilitate greater collaboration in the application process, an
215 applicant may submit a draft charter school application on or
216 before May 1 with an application fee of \$500. If a draft
217 application is timely submitted, the sponsor shall review and
218 provide feedback as to material deficiencies in the application
219 by July 1. The applicant shall then have until August 1 to
220 resubmit a revised and final application. The sponsor may
221 approve the draft application. Except as provided for a draft
222 application, a sponsor may not charge an applicant for a charter
223 any fee for the processing or consideration of an application,
224 and a sponsor may not base its consideration or approval of a
225 final application upon the promise of future payment of any
226 kind. Before approving or denying any final application, the
227 sponsor shall allow the applicant, upon receipt of written
228 notification, at least 7 calendar days to make technical or
229 nonsubstantive corrections and clarifications, including, but
230 not limited to, corrections of grammatical, typographical, and
231 like errors or missing signatures, if such errors are identified
232 by the sponsor as cause to deny the final application.

233 1. In order to facilitate an accurate budget projection
234 process, a sponsor shall be held harmless for FTE students who
235 are not included in the FTE projection due to approval of
236 charter school applications after the FTE projection deadline.
237 In a further effort to facilitate an accurate budget projection,
238 within 15 calendar days after receipt of a charter school
239 application, a sponsor shall report to the Department of
240 Education the name of the applicant entity, the proposed charter
241 school location, and its projected FTE.

242 2. In order to ensure fiscal responsibility, an application



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243 for a charter school shall include a full accounting of expected
244 assets, a projection of expected sources and amounts of income,
245 including income derived from projected student enrollments and
246 from community support, and an expense projection that includes
247 full accounting of the costs of operation, including start-up
248 costs. To ensure continued financial responsibility, a charter
249 school shall submit quarterly financial statements for the first
250 year of operation which include a full accounting of the costs
251 of operation and sources of income. If a school's financial
252 statement indicates that the school is not financially viable,
253 the school must also prepare and submit a plan that describes
254 specific actions the school will take to become viable.

255 3.a. A sponsor shall by a majority vote approve or deny an
256 application no later than 60 calendar days after the application
257 is received, unless the sponsor and the applicant mutually agree
258 in writing to temporarily postpone the vote to a specific date,
259 at which time the sponsor shall by a majority vote approve or
260 deny the application. If the sponsor fails to act on the
261 application, an applicant may appeal to the State Board of
262 Education as provided in paragraph (c). If an application is
263 denied, the sponsor shall, within 10 calendar days after such
264 denial, articulate in writing the specific reasons, based upon
265 good cause, supporting its denial of the charter application and
266 shall provide the letter of denial and supporting documentation
267 to the applicant and to the Department of Education.

268 b. An application submitted by a high-performing charter
269 school identified pursuant to s. 1002.331 may be denied by the
270 sponsor only if the sponsor demonstrates by clear and convincing
271 evidence that:



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272 (I) The application does not materially comply with the
273 requirements in paragraph (a);

274 (II) The charter school proposed in the application does
275 not materially comply with the requirements in paragraphs
276 (9) (a)-(f);

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

280 (IV) The applicant has made a material misrepresentation or
281 false statement or concealed an essential or material fact
282 during the application process; or

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

286

287 Material noncompliance is a failure to follow requirements or a
288 violation of prohibitions applicable to charter school
289 applications, which failure is quantitatively or qualitatively
290 significant either individually or when aggregated with other
291 noncompliance. An applicant is considered to be replicating a
292 high-performing charter school if the proposed school is
293 substantially similar to at least one of the applicant's high-
294 performing charter schools and the organization or individuals
295 involved in the establishment and operation of the proposed
296 school are significantly involved in the operation of replicated
297 schools.

298 c. If the sponsor denies an application submitted by a
299 high-performing charter school, the sponsor must, within 10
300 calendar days after such denial, state in writing the specific



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301 reasons, based upon the criteria in sub-subparagraph b.,
302 supporting its denial of the application and must provide the
303 letter of denial and supporting documentation to the applicant
304 and to the Department of Education. The applicant may appeal the
305 sponsor's denial of the application ~~directly~~ to the State Board
306 of Education pursuant to paragraph (c) and must provide the
307 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b.~~

308 4. For budget projection purposes, the sponsor shall report
309 to the Department of Education the approval or denial of a
310 charter application within 10 calendar days after such approval
311 or denial. In the event of approval, the report to the
312 Department of Education shall include the final projected FTE
313 for the approved charter school.

314 5. Upon approval of a charter application, the initial
315 startup shall commence with the beginning of the public school
316 calendar for the district in which the charter is granted unless
317 the sponsor allows a waiver of this subparagraph for good cause.

318 6. A person, or an officer of an entity, who submits an
319 application pursuant to this subsection must undergo background
320 screening in the same manner as instructional and
321 noninstructional personnel hired or contracted to fill positions
322 in a charter school or as members of the governing board of a
323 charter school undergo background screening under s. 1012.32.
324 Notwithstanding any other provision of this subsection, a person
325 may not receive approval of a charter application until the
326 person's screening is completed and the results have been
327 submitted to, and reviewed by, the sponsor.

328 (c)1. An applicant may appeal any denial of that
329 applicant's application or failure to act on an application to



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330 the State Board of Education within ~~no later than~~ 30 calendar
331 days after receipt of the sponsor's decision or failure to act
332 and shall notify the sponsor of its appeal. Any response of the
333 sponsor shall be submitted to the State Board of Education
334 within 30 calendar days after notification of the appeal. Upon
335 receipt of notification from the State Board of Education that a
336 charter school applicant is filing an appeal, the Commissioner
337 of Education shall convene a meeting of the Charter School
338 Appeal Commission to study and make recommendations to the State
339 Board of Education regarding its pending decision about the
340 appeal. The commission shall forward its recommendation to the
341 state board at least 7 calendar days before the date on which
342 the appeal is to be heard. An appeal regarding the denial of an
343 application submitted by a high-performing charter school
344 pursuant to s. 1002.331 shall be conducted by the State Board of
345 Education in accordance with this paragraph, except that the
346 commission shall not convene to make recommendations regarding
347 the appeal. However, the Commissioner of Education shall review
348 the appeal and make a recommendation to the state board.

349 2. The Charter School Appeal Commission or, in the case of
350 an appeal regarding an application submitted by a high-
351 performing charter school, the State Board of Education may
352 reject an appeal submission for failure to comply with
353 procedural rules governing the appeals process. The rejection
354 shall describe the submission errors. The appellant shall have
355 15 calendar days after notice of rejection in which to resubmit
356 an appeal that meets the requirements set forth in State Board
357 of Education rule. An appeal submitted subsequent to such
358 rejection is considered timely if the original appeal was filed



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359 within 30 calendar days after receipt of notice of the specific
360 reasons for the sponsor's denial of the ~~charter~~ application.

361 3.a. The State Board of Education shall by majority vote
362 accept or reject the decision of the sponsor no later than 90
363 calendar days after an appeal is filed in accordance with State
364 Board of Education rule. The State Board of Education shall
365 remand the application to the sponsor with its written decision
366 that the sponsor approve or deny the application. The sponsor
367 shall implement the decision of the State Board of Education.
368 The decision of the State Board of Education is not subject to
369 the provisions of the Administrative Procedure Act, chapter 120.

370 b. If an appeal concerns an application submitted by a
371 high-performing charter school identified pursuant to s.
372 1002.331, the State Board of Education shall determine whether
373 the sponsor's denial of the application complies with the
374 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
375 ~~clear and convincing evidence, that:~~

376 ~~(I) The application does not materially comply with the~~
377 ~~requirements in paragraph (a);~~

378 ~~(II) The charter school proposed in the application does~~
379 ~~not materially comply with the requirements in paragraphs~~
380 ~~(9)(a)-(f);~~

381 ~~(III) The proposed charter school's educational program~~
382 ~~does not substantially replicate that of the applicant or one of~~
383 ~~the applicant's high-performing charter schools;~~

384 ~~(IV) The applicant has made a material misrepresentation or~~
385 ~~false statement or concealed an essential or material fact~~
386 ~~during the application process; or~~

387 ~~(V) The proposed charter school's educational program and~~



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388 ~~financial management practices do not materially comply with the~~
389 ~~requirements of this section.~~

390

391 The State Board of Education shall approve or reject the
392 sponsor's denial of an application no later than 90 calendar
393 days after an appeal is filed in accordance with State Board of
394 Education rule. The State Board of Education shall remand the
395 application to the sponsor with its written decision that the
396 sponsor approve or deny the application. The sponsor shall
397 implement the decision of the State Board of Education. The
398 decision of the State Board of Education is not subject to the
399 Administrative Procedure Act, chapter 120.

400 (7) CHARTER.—The major issues involving the operation of a
401 charter school shall be considered in advance and written into
402 the charter. The charter shall be signed by the governing board
403 of the charter school and the sponsor, following a public
404 hearing to ensure community input.

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

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

409 2. The focus of the curriculum, the instructional methods
410 to be used, any distinctive instructional techniques to be
411 employed, and identification and acquisition of appropriate
412 technologies needed to improve educational and administrative
413 performance which include a means for promoting safe, ethical,
414 and appropriate uses of technology which comply with legal and
415 professional standards.

416 a. The charter shall ensure that reading is a primary focus



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417 of the curriculum and that resources are provided to identify
418 and provide specialized instruction for students who are reading
419 below grade level. The curriculum and instructional strategies
420 for reading must be consistent with the Next Generation Sunshine
421 State Standards and grounded in scientifically based reading
422 research. For purposes of determining eligibility for the
423 research-based reading instruction allocation, the reading
424 curriculum and instructional strategies specified in the charter
425 satisfy the research-based reading plan requirement under s.
426 1011.62(9).

427 b. In order to provide students with access to diverse
428 instructional delivery models, to facilitate the integration of
429 technology within traditional classroom instruction, and to
430 provide students with the skills they need to compete in the
431 21st century economy, the Legislature encourages instructional
432 methods for blended learning courses consisting of both
433 traditional classroom and online instructional techniques.
434 Charter schools may implement blended learning courses which
435 combine traditional classroom instruction and virtual
436 instruction. Students in a blended learning course must be full-
437 time students of the charter school and receive the online
438 instruction in a classroom setting at the charter school.
439 Instructional personnel certified pursuant to s. 1012.55 who
440 provide virtual instruction for blended learning courses may be
441 employees of the charter school or may be under contract to
442 provide instructional services to charter school students. At a
443 minimum, such instructional personnel must hold an active state
444 or school district adjunct certification under s. 1012.57 for
445 the subject area of the blended learning course. The funding and



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446 performance accountability requirements for blended learning
447 courses are the same as those for traditional courses.

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

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

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

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

460

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

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



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475 5. In secondary charter schools, a method for determining
476 that a student has satisfied the requirements for graduation in
477 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

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

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

486 9. The financial and administrative management of the
487 school, including a reasonable demonstration of the professional
488 experience or competence of those individuals or organizations
489 applying to operate the charter school or those hired or
490 retained to perform such professional services and the
491 description of clearly delineated responsibilities and the
492 policies and practices needed to effectively manage the charter
493 school. A description of internal audit procedures and
494 establishment of controls to ensure that financial resources are
495 properly managed must be included. Both public sector and
496 private sector professional experience shall be equally valid in
497 such a consideration. The charter must document that the
498 governing board is independent of any management company or
499 cooperative and may, at its sole discretion, terminate the
500 contract with the management company or cooperative at any time.

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



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504 charter school.

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

513 12. The term of the charter which shall provide for
514 cancellation of the charter if insufficient progress has been
515 made in attaining the student achievement objectives of the
516 charter and if it is not likely that such objectives can be
517 achieved before expiration of the charter. The initial term of
518 the a charter is either shall be for 4 years or 5 years. In
519 ~~order to facilitate access to long-term financial resources for~~
520 ~~charter school construction,~~ Charter schools that are operated
521 by a municipality or other public entity, as provided by law, or
522 a private, not-for-profit corporation granted 501(c)(3) status
523 by the Internal Revenue Service are eligible for up to a 15-year
524 charter, subject to approval by the district school board. A
525 charter lab school is also eligible for a charter for a term of
526 up to 15 years. ~~In addition, to facilitate access to long-term~~
527 ~~financial resources for charter school construction,~~ charter
528 ~~schools that are operated by a private, not-for-profit, s.~~
529 ~~501(c)(3) status corporation are eligible for up to a 15-year~~
530 ~~charter, subject to approval by the district school board.~~ Such
531 long-term charters remain subject to annual review and may be
532 terminated during the term of the charter, but only according to



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533 ~~the provisions set forth in~~ subsection (8) or paragraph (9)(n).

534 13. Termination or nonrenewal of the charter pursuant to
535 subsection (8) or paragraph (9)(n).

536 14.13. The facilities to be used and their location. The
537 sponsor shall ~~may not~~ require a charter school to have a
538 certificate of occupancy or a temporary certificate of occupancy
539 for such a facility no later than 30 ~~earlier than 15~~ calendar
540 days before the first day of school.

541 15.14. The qualifications to be required of the teachers
542 and the potential strategies used to recruit, hire, train, and
543 retain qualified staff to achieve best value.

544 16.15. The governance structure of the school, including
545 the status of the charter school as a public or private employer
546 as required in paragraph (12)(i).

547 17.16. A timetable for implementing the charter which
548 addresses the implementation of each element thereof and the
549 date by which the charter shall be awarded in order to meet this
550 timetable.

551 18.17. In the case of an existing public school that is
552 being converted to charter status, alternative arrangements for
553 current students who choose not to attend the charter school and
554 for current teachers who choose not to teach in the charter
555 school after conversion in accordance with the existing
556 collective bargaining agreement or district school board rule in
557 the absence of a collective bargaining agreement. However,
558 alternative arrangements shall not be required for current
559 teachers who choose not to teach in a charter lab school, except
560 as authorized by the employment policies of the state university
561 which grants the charter to the lab school.



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562 ~~19.18.~~ Full disclosure of the identity of all relatives
563 employed by the charter school who are related to the charter
564 school owner, president, chairperson of the governing board of
565 directors, superintendent, governing board member, principal,
566 assistant principal, or any other person employed by the charter
567 school who has equivalent decisionmaking authority. For the
568 purpose of this subparagraph, the term "relative" means father,
569 mother, son, daughter, brother, sister, uncle, aunt, first
570 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
571 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
572 stepfather, stepmother, stepson, stepdaughter, stepbrother,
573 stepsister, half brother, or half sister.

574 ~~20.19.~~ Implementation of the activities authorized under s.
575 1002.331 by the charter school when it satisfies the eligibility
576 requirements for a high-performing charter school. A high-
577 performing charter school shall notify its sponsor in writing by
578 March 1 if it intends to increase enrollment or expand grade
579 levels the following school year. The written notice shall
580 specify the amount of the enrollment increase and the grade
581 levels that will be added, as applicable.

582 (b)1. A charter may be renewed provided that a program
583 review demonstrates that the criteria in paragraph (a) have been
584 successfully accomplished and that none of the grounds for
585 nonrenewal established by paragraph (8) (a) has been documented.
586 ~~In order to facilitate long term financing for charter school~~
587 ~~construction,~~ Charter schools operating for a minimum of 3 years
588 and demonstrating exemplary academic programming and fiscal
589 management are eligible for a 15-year charter renewal. Such
590 long-term charter is subject to annual review and may be



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591 terminated during the term of the charter.

592 2. The 15-year charter renewal that may be granted pursuant
593 to subparagraph 1. shall be granted to a charter school that has
594 received a school grade of "A" or "B" pursuant to s. 1008.34 in
595 3 of the past 4 years and is not in a state of financial
596 emergency or deficit position as defined by this section. Such
597 long-term charter is subject to annual review and may be
598 terminated during the term of the charter pursuant to subsection
599 (8).

600 ~~(d)1. Each charter school's governing board must appoint a~~
601 ~~representative to facilitate parental involvement, provide~~
602 ~~access to information, assist parents and others with questions~~
603 ~~and concerns, and resolve disputes. The representative must~~
604 ~~reside in the school district in which the charter school is~~
605 ~~located and may be a governing board member, charter school~~
606 ~~employee, or individual contracted to represent the governing~~
607 ~~board. If the governing board oversees multiple charter schools~~
608 ~~in the same school district, the governing board must appoint a~~
609 ~~separate individual representative for each charter school in~~
610 ~~the district. The representative's contact information must be~~
611 ~~provided annually in writing to parents and posted prominently~~
612 ~~on the charter school's website if a website is maintained by~~
613 ~~the school. The sponsor may not require that governing board~~
614 ~~members reside in the school district in which the charter~~
615 ~~school is located if the charter school complies with this~~
616 ~~paragraph.~~

617 ~~2. Each charter school's governing board must hold at least~~
618 ~~two public meetings per school year in the school district. The~~
619 ~~meetings must be noticed, open, and accessible to the public,~~



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620 ~~and attendees must be provided an opportunity to receive~~
621 ~~information and provide input regarding the charter school's~~
622 ~~operations. The appointed representative and charter school~~
623 ~~principal or director, or his or her equivalent, must be~~
624 ~~physically present at each meeting.~~

625 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.-

626 (e) When a charter is not renewed or is terminated or when
627 a charter school is closed voluntarily by the operator, the
628 school shall be dissolved under the provisions of law under
629 which the school was organized, and any unencumbered public
630 funds, except for capital outlay funds and federal charter
631 school program grant funds, from the charter school shall revert
632 to the sponsor. Capital outlay funds provided pursuant to s.
633 1013.62 and federal charter school program grant funds that are
634 unencumbered shall revert to the department to be redistributed
635 among eligible charter schools. In the event a charter school is
636 dissolved or is otherwise terminated, all district school board
637 property and improvements, furnishings, and equipment purchased
638 with public funds shall automatically revert to full ownership
639 by the district school board, subject to complete satisfaction
640 of any lawful liens or encumbrances. Any unencumbered public
641 funds from the charter school, district school board property
642 and improvements, furnishings, and equipment purchased with
643 public funds, or financial or other records pertaining to the
644 charter school, in the possession of any person, entity, or
645 holding company, other than the charter school, shall be held in
646 trust upon the district school board's request, until any appeal
647 status is resolved.

648 (f) If a charter is not renewed or is terminated or a



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649 charter school is closed voluntarily by the operator, the
650 charter school is responsible for all debts of the charter
651 school. The district may not assume the debt from any contract
652 made between the governing body of the school and a third party,
653 except for a debt that is previously detailed and agreed upon in
654 writing by both the district and the governing body of the
655 school and that may not reasonably be assumed to have been
656 satisfied by the district.

657 (g) If a charter is not renewed or is terminated, a student
658 who attended the school may apply to, and shall be enrolled in,
659 another public school. Normal application deadlines shall be
660 disregarded under such circumstances.

661 (h) The governing board of a charter school that closes
662 voluntarily shall notify the sponsor and the department in
663 writing within 7 calendar days of its decision to cease
664 operations. The notice must state the reasons for the closure
665 and acknowledge that the governing board agrees to follow the
666 procedures for dissolution and reversion of public funds
667 specified in this subsection and paragraph (9) (o).

668 (i) For a high-performing charter school that is having the
669 charter agreement renewed, the charter contract, as that
670 contract exists on the day the term of the contract is to
671 terminate, must be automatically renewed for the length of the
672 current term if the charter school governing board and sponsor
673 have not executed the renewal before the term of the charter
674 agreement is scheduled to expire.

675 (9) CHARTER SCHOOL REQUIREMENTS.—

676 (g)1. In order to provide financial information that is
677 comparable to that reported for other public schools, charter



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678 schools are to maintain all financial records that constitute
679 their accounting system:

680 a. In accordance with the accounts and codes prescribed in
681 the most recent issuance of the publication titled "Financial
682 and Program Cost Accounting and Reporting for Florida Schools";
683 or

684 b. At the discretion of the charter school's governing
685 board, a charter school may elect to follow generally accepted
686 accounting standards for not-for-profit organizations, but must
687 reformat this information for reporting according to this
688 paragraph.

689 2. Charter schools shall provide annual financial report
690 and program cost report information in the state-required
691 formats for inclusion in district reporting in compliance with
692 s. 1011.60(1). Charter schools that are operated by a
693 municipality or are a component unit of a parent nonprofit
694 organization may use the accounting system of the municipality
695 or the parent but must reformat this information for reporting
696 according to this paragraph.

697 3. A charter school shall, upon execution of the contract,
698 provide the sponsor with a concise, uniform, monthly financial
699 statement summary sheet that contains a balance sheet and a
700 statement of revenue, expenditures, and changes in fund balance.
701 The balance sheet and the statement of revenue, expenditures,
702 and changes in fund balance shall be in the governmental funds
703 format prescribed by the Governmental Accounting Standards
704 Board. A high-performing charter school pursuant to s. 1002.331
705 may provide a quarterly financial statement in the same format
706 and requirements as the uniform monthly financial statement



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707 summary sheet. The sponsor shall review each monthly financial
708 statement, to identify the existence of any conditions
709 identified in s. 1002.345(1)(a).

710 4. A charter school shall maintain and provide financial
711 information as required in this paragraph. The financial
712 statement required in subparagraph 3. must be in a form
713 prescribed by the Department of Education.

714 (n)1. The director and a representative of the governing
715 board of a charter school that has earned a grade of "D" or "F"
716 pursuant to s. 1008.34 shall appear before the sponsor to
717 present information concerning each contract component having
718 noted deficiencies. The director and a representative of the
719 governing board shall submit to the sponsor for approval a
720 school improvement plan to raise student performance. Upon
721 approval by the sponsor, the charter school shall begin
722 implementation of the school improvement plan. The department
723 shall offer technical assistance and training to the charter
724 school and its governing board and establish guidelines for
725 developing, submitting, and approving such plans.

726 2.a. If a charter school earns three consecutive grades of
727 "D," two consecutive grades of "D" followed by a grade of "F,"
728 or two nonconsecutive grades of "F" within a 3-year period, the
729 charter school governing board shall choose one of the following
730 corrective actions:

731 (I) Contract for educational services to be provided
732 directly to students, instructional personnel, and school
733 administrators, as prescribed in state board rule;

734 (II) Contract with an outside entity that has a
735 demonstrated record of effectiveness to operate the school;



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736 (III) Reorganize the school under a new director or
737 principal who is authorized to hire new staff; or
738 (IV) Voluntarily close the charter school.
739 b. The charter school must implement the corrective action
740 in the school year following receipt of a third consecutive
741 grade of "D," a grade of "F" following two consecutive grades of
742 "D," or a second nonconsecutive grade of "F" within a 3-year
743 period.
744 c. The sponsor may annually waive a corrective action if it
745 determines that the charter school is likely to improve a letter
746 grade if additional time is provided to implement the
747 intervention and support strategies prescribed by the school
748 improvement plan. Notwithstanding this sub-subparagraph, a
749 charter school that earns a second consecutive grade of "F" is
750 subject to subparagraph 4.
751 d. A charter school is no longer required to implement a
752 corrective action if it improves by at least one letter grade.
753 However, the charter school must continue to implement
754 strategies identified in the school improvement plan. The
755 sponsor must annually review implementation of the school
756 improvement plan to monitor the school's continued improvement
757 pursuant to subparagraph 5.
758 e. A charter school implementing a corrective action that
759 does not improve by at least one letter grade after 2 full
760 school years of implementing the corrective action must select a
761 different corrective action. Implementation of the new
762 corrective action must begin in the school year following the
763 implementation period of the existing corrective action, unless
764 the sponsor determines that the charter school is likely to



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765 improve a letter grade if additional time is provided to
766 implement the existing corrective action. Notwithstanding this
767 sub-subparagraph, a charter school that earns a second
768 consecutive grade of "F" while implementing a corrective action
769 is subject to subparagraph 4.

770 3. A charter school with a grade of "D" or "F" that
771 improves by at least one letter grade must continue to implement
772 the strategies identified in the school improvement plan. The
773 sponsor must annually review implementation of the school
774 improvement plan to monitor the school's continued improvement
775 pursuant to subparagraph 5.

776 4. A charter school's charter is automatically terminated
777 if the school earns two consecutive grades of "F" after all
778 school grade appeals are final ~~The sponsor shall terminate a~~
779 ~~charter if the charter school earns two consecutive grades of~~
780 ~~"F" unless:~~

781 a. The charter school is established to turn around the
782 performance of a district public school pursuant to s.
783 1008.33(4)(b)3. Such charter schools shall be governed by s.
784 1008.33;

785 b. The charter school serves a student population the
786 majority of which resides in a school zone served by a district
787 public school that earned a grade of "F" in the year before the
788 charter school opened and the charter school earns at least a
789 grade of "D" in its third year of operation. The exception
790 provided under this sub-subparagraph does not apply to a charter
791 school in its fourth year of operation and thereafter; or

792 c. The state board grants the charter school a waiver of
793 termination. The charter school must request the waiver within



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794 15 days after the department's official release of school
795 grades. The state board may waive termination if the charter
796 school demonstrates that the Learning Gains of its students on
797 statewide assessments are comparable to or better than the
798 Learning Gains of similarly situated students enrolled in nearby
799 district public schools. The waiver is valid for 1 year and may
800 only be granted once. Charter schools that have been in
801 operation for more than 5 years are not eligible for a waiver
802 under this sub-subparagraph.

803

804 The sponsor shall notify in writing the charter school's
805 governing board, the charter school principal, and the
806 department when a charter is terminated under this subparagraph.
807 A charter terminated under this subparagraph is governed by the
808 requirements of paragraphs (8) (e)-(g) and paragraph (o) of this
809 subsection.

810 5. The director and a representative of the governing board
811 of a graded charter school that has implemented a school
812 improvement plan under this paragraph shall appear before the
813 sponsor at least once a year to present information regarding
814 the progress of intervention and support strategies implemented
815 by the school pursuant to the school improvement plan and
816 corrective actions, if applicable. The sponsor shall communicate
817 at the meeting, and in writing to the director, the services
818 provided to the school to help the school address its
819 deficiencies.

820 6. Notwithstanding any provision of this paragraph except
821 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
822 at any time pursuant to subsection (8).



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823 (p) 1. Each charter school shall maintain a website that
824 enables the public to obtain information regarding the school;
825 the school's academic performance; the names of the governing
826 board members; the programs at the school; any management
827 companies, cooperatives, service providers, or education
828 management corporations associated with the school; the school's
829 annual budget and its annual independent fiscal audit; the
830 school's grade pursuant to s. 1008.34; and, on a quarterly
831 basis, the minutes of governing board meetings.

832 2. Each charter school's governing board shall appoint a
833 representative to facilitate parental involvement, provide
834 access to information, assist parents and others with questions
835 and concerns, and resolve disputes. The representative must
836 reside in the school district in which the charter school is
837 located and may be a governing board member, charter school
838 employee, or individual contracted to represent the governing
839 board. If the governing board oversees multiple charter schools
840 in the same school district, the governing board must appoint a
841 separate individual representative for each charter school in
842 the district. The representative's contact information must be
843 provided annually, in writing, to parents and posted prominently
844 on the charter school's website. The sponsor may not require
845 that governing board members reside in the school district in
846 which the charter school is located if the charter school
847 complies with this paragraph.

848 3. Each charter school's governing board must hold at least
849 two public meetings per school year in the school district where
850 the charter school is located. The meetings must be noticed,
851 open, and accessible to the public, and attendees must be



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852 provided an opportunity to receive information and provide input
853 regarding the charter school's operations. The appointed
854 representative and charter school principal or director, or his
855 or her equivalent, must be physically present at each meeting.

856 (10) ELIGIBLE STUDENTS.—

857 (a) A charter school shall be open to any student covered
858 in an interdistrict agreement or residing in the school district
859 in which the charter school is located; however, in the case of
860 a charter lab school, the charter lab school shall be open to
861 any student eligible to attend the lab school as provided in s.
862 1002.32 or who resides in the school district in which the
863 charter lab school is located. Any eligible student shall be
864 allowed interdistrict transfer to attend a charter school when
865 based on good cause. Good cause shall include, but is not
866 limited to, geographic proximity to a charter school in a
867 neighboring school district. A charter school that has not
868 reached capacity, as provided in s. 1002.31(3)(g), may be open
869 to any student in the state.

870 (17) FUNDING.—Students enrolled in a charter school,
871 regardless of the sponsorship, shall be funded as if they are in
872 a basic program or a special program, the same as students
873 enrolled in other public schools in the school district. Funding
874 for a charter lab school shall be as provided in s. 1002.32.

875 (b) The basis for the agreement for funding students
876 enrolled in a charter school shall be the sum of the school
877 district's operating funds from the Florida Education Finance
878 Program as provided in s. 1011.62 and the General Appropriations
879 Act, including gross state and local funds, discretionary
880 lottery funds, and funds from the school district's current



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881 operating discretionary millage levy; divided by total funded
882 weighted full-time equivalent students in the school district;
883 multiplied by the weighted full-time equivalent students for the
884 charter school. Charter schools whose students or programs meet
885 the eligibility criteria in law are entitled to their
886 proportionate share of categorical program funds included in the
887 total funds available in the Florida Education Finance Program
888 by the Legislature, including transportation, the research-based
889 reading allocation, and the Florida digital classrooms
890 allocation. Total funding for each charter school shall be
891 recalculated during the year to reflect the revised calculations
892 under the Florida Education Finance Program by the state and the
893 actual weighted full-time equivalent students reported by the
894 charter school during the full-time equivalent student survey
895 periods designated by the Commissioner of Education.

896 (e) District school boards shall make timely and efficient
897 payment and reimbursement to charter schools, including
898 processing paperwork required to access special state and
899 federal funding for which they may be eligible. The district
900 school board may distribute funds to a charter school for up to
901 3 months based on the projected full-time equivalent student
902 membership of the charter school. Thereafter, the results of
903 full-time equivalent student membership surveys shall be used in
904 adjusting the amount of funds distributed monthly to the charter
905 school for the remainder of the fiscal year. The payment shall
906 be issued no later than 10 working days after the district
907 school board receives a distribution of state or federal funds.
908 If a warrant for payment is not issued within 10 working days
909 after receipt of funding by the district school board, the



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910 school district shall pay to the charter school, in addition to
911 the amount of the scheduled disbursement, interest at a rate of
912 1 percent per month calculated on a daily basis on the unpaid
913 balance from the expiration of the 10 working days until such
914 time as the warrant is issued. The district school board may not
915 delay payment to a charter school of any portion of the funds
916 provided in paragraph (b) based on the timing of receipt of
917 local funds by the district school board.

918 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

919 (a) The Department of Education shall provide information
920 to the public, directly and through sponsors, on how to form and
921 operate a charter school and how to enroll in a charter school
922 once it is created. This information shall include a standard
923 ~~model~~ application form, standard charter contract, standard
924 application evaluation instrument, and standard charter renewal
925 contract, which shall include the information specified in
926 subsection (7) and shall be developed by consulting and
927 negotiating with both school districts and charter schools
928 before implementation. The charter and charter renewal contracts
929 shall be used by charter school sponsors.

930 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

931 (c) An employee of the charter school, or his or her
932 spouse, or an employee of a management company, cooperative, or
933 charter management organization, or his or her spouse, may not
934 be a member of the governing board of the charter school.

935 (27) CONFLICTS OF INTEREST AND ETHICS.—An individual may
936 not serve as a member of a governing board of a charter school,
937 an education management corporation, or charter school
938 cooperative organization if he or she or an immediate family



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939 member receives a pension or any compensation from the charter
940 school, or if the individual's partner is an owner or principal
941 with an entity or independent contractor with whom the charter
942 school does business or contracts, directly or indirectly, for
943 professional services, goods, or facilities. An individual may
944 not serve as a governing board member if an immediate family
945 member is an employee of the school. Members of the governing
946 board of a charter school may not be appointed, removed, or
947 replaced by an entity or component unit of an entity, which the
948 charter school has entered into any contract with.

949 Section 4. Paragraph (e) of subsection (2), paragraph (b)
950 of subsection (3), and subsection (5) of section 1002.331,
951 Florida Statutes, are amended to read:

952 1002.331 High-performing charter schools.—

953 (2) A high-performing charter school is authorized to:

954 (e) Receive a modification of its charter to a term of 15
955 years or a 15-year charter renewal. The charter may be modified
956 or renewed for a shorter term at the option of the high-
957 performing charter school. The charter must be consistent with
958 s. 1002.33(7)(a)20. ~~s. 1002.33(7)(a)19.~~ and (10)(h) and (i), is
959 subject to annual review by the sponsor, and may be terminated
960 during its term pursuant to s. 1002.33(8).

961
962 A high-performing charter school shall notify its sponsor in
963 writing by March 1 if it intends to increase enrollment or
964 expand grade levels the following school year. The written
965 notice shall specify the amount of the enrollment increase and
966 the grade levels that will be added, as applicable. If a charter
967 school notifies the sponsor of its intent to expand, the sponsor



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968 shall modify the charter within 90 days to include the new
969 enrollment maximum and may not make any other changes. The
970 sponsor may deny a request to increase the enrollment of a high-
971 performing charter school if the commissioner has declassified
972 the charter school as high-performing. If a high-performing
973 charter school requests to consolidate multiple charters, the
974 sponsor shall have 40 days after receipt of that request to
975 provide an initial draft charter to the charter school. The
976 sponsor and charter school shall have 50 days thereafter to
977 negotiate and notice the charter contract for final approval by
978 the sponsor.

979 (3)

980 (b) A high-performing charter school may not establish more
981 than one charter school within the state under paragraph (a) in
982 any year. A subsequent application to establish a charter school
983 under paragraph (a) may not be submitted unless each charter
984 school established in this manner achieves high-performing
985 charter school status. The limits set forth in this paragraph do
986 not apply to charter schools established by a high-performing
987 charter school in the attendance zone of a school identified as
988 in need of intervention and support pursuant to s. 1008.33(3)(b)
989 or to meet needs for innovative choice options identified by the
990 district school board.

991 (5) The Commissioner of Education, upon request by a
992 charter school, shall verify that the charter school meets the
993 criteria in subsection (1) and provide a letter to the charter
994 school and the sponsor stating that the charter school is a
995 high-performing charter school pursuant to this section. The
996 commissioner shall annually determine whether a high-performing



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997 charter school under subsection (1) continues to meet the
998 criteria in that subsection. Such high-performing charter school
999 shall maintain its high-performing status unless the
1000 commissioner determines that the charter school no longer meets
1001 the criteria in subsection (1), at which time the commissioner
1002 shall send a letter to the charter school and its sponsor
1003 providing notification that the charter school has been
1004 declassified of its declassification as a high-performing
1005 charter school.

1006 Section 5. Present subsection (2) of section 1002.332,
1007 Florida Statutes, is redesignated as subsection (3), and a new
1008 subsection (2) is added to that section, to read:

1009 1002.332 High-performing charter school system.-

1010 (2) An entity that successfully operates a system of
1011 charter schools outside the state may apply to the State Board
1012 of Education for status as a high-performing charter school
1013 system. The state board shall adopt rules prescribing a process
1014 for determining whether the entity meets the requirements of
1015 this subsection by reviewing student demographic and performance
1016 data and fiscal accountability of all schools operated by the
1017 entity. To the extent practicable, the state board shall develop
1018 a rubric for the approval of such entities which aligns with the
1019 priorities of the federal Charter Schools Program Grants for
1020 Replication and Expansion of High-Quality Charter Schools in the
1021 Federal Register, Volume 76, No. 133. An entity classified as a
1022 high-performing charter school system pursuant to this
1023 subsection may submit an application in the same manner as
1024 specified in s. 1002.331(3) to establish and operate a new
1025 charter school in this state. For the first 3 school years of



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1026 operation, each charter school established by such an entity
1027 shall receive a reduction in administrative fees as authorized
1028 under s. 1002.33(20) (a)3.

1029 Section 6. Paragraph (c) of subsection (1) of section
1030 1002.451, Florida Statutes, is amended to read:

1031 1002.451 District innovation school of technology program.-

1032 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.-

1033 (c) An innovation school of technology must be open to any
1034 student covered in an interdistrict agreement or residing in the
1035 school district in which the innovation school of technology is
1036 located. An innovation school of technology shall enroll an
1037 eligible student who submits a timely application if the number
1038 of applications does not exceed the capacity of a program,
1039 class, grade level, or building. If the number of applications
1040 exceeds capacity, all applicants shall have an equal chance of
1041 being admitted through a public random selection process.
1042 However, a district may give enrollment preference to students
1043 who identify the innovation school of technology as the
1044 student's preferred choice pursuant to the district's public
1045 school parental choice ~~controlled open enrollment~~ plan.

1046 Section 7. Section 1003.3101, Florida Statutes, is created
1047 to read:

1048 1003.3101 Additional school choice options.-Each district
1049 school board shall establish a transfer process for a parent to
1050 request his or her child be transferred to another classroom
1051 teacher. A school must grant or deny the transfer within 2 weeks
1052 after receiving a request. If a request for transfer is denied,
1053 the school shall notify the parent and specify the reasons for a
1054 denial. An explanation of the transfer process must be made



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1055 available in the student handbook or a similar publication.

1056 Section 8. Section 1003.5711, Florida Statutes, is created
1057 to read:

1058 1003.5711 Instruction for students receiving hospitalized
1059 program services.-

1060 (1) A public school student in prekindergarten through
1061 grade 12 who is deemed eligible for hospitalized program
1062 services in this state is considered a student with a
1063 disability.

1064 (a) If the student has an individual education plan (IEP),
1065 the IEP must be followed, but upon request of the student's
1066 parent, the IEP may be modified to accommodate the student's use
1067 of hospitalized program services in a children's hospital
1068 pursuant to this section.

1069 (b) The student's IEP may be modified to reduce the
1070 student's course load to core courses identified in s.
1071 1002.20(19)(a). The student may be excused or exempted from
1072 physical education classes or instruction based on the IEP or
1073 orders from the student's medical doctor. The student's IEP may
1074 allow the student to receive instruction beyond the normal
1075 school hours, school day, or school year of the school district.

1076 (2) A student who is admitted to a children's hospital for
1077 hospitalized program services must continue to receive
1078 educational instruction.

1079 (a) If a student is expected to be absent from school and
1080 admitted to the children's hospital for hospitalized program
1081 services for at least 10 consecutive days, no later than the
1082 fifth day of the student's hospital stay, the school district in
1083 which the student is or was most recently enrolled may choose to



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1084 provide a certified teacher to the children's hospital to
1085 provide instruction to the student. If that school district
1086 declines to provide a certified teacher, the school district in
1087 which the children's hospital is located must provide a
1088 certified teacher to provide the student with instruction or
1089 must partner with the Florida Virtual School or an approved
1090 provider as defined in s. 1002.45 for instructional services as
1091 authorized in this section. Such school district shall also
1092 provide the student's instructional materials and other
1093 necessary educational support and services identified in the
1094 IEP.

1095 (b) A student in prekindergarten through grade 6 shall be
1096 taught in person by the certified teacher. A student in grades 7
1097 through 12 shall be taught in person by the certified teacher,
1098 or the student may choose to utilize instruction from the
1099 Florida Virtual School. If the Florida Virtual School is used by
1100 any student, at least one certified teacher from the Florida
1101 Virtual School must be present at the hospital to assist with
1102 online learning.

1103 (3) If a school district other than the one in which the
1104 student was previously enrolled provides the hospitalized
1105 program services, the Department of Education must transfer the
1106 funds from the school district in which the student was
1107 previously enrolled to the school district in which the
1108 children's hospital providing hospitalized program services is
1109 located. This transfer shall occur no later than each subsequent
1110 quarterly FEFP payment.

1111 (4) The children's hospital providing the hospitalized
1112 program services is responsible for providing adequate



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1113 educational space for each student, but is not required to
1114 comply with chapter 1013. The hospital and applicable school
1115 district must enter into an agreement to implement this section.
1116 The agreement may be student-specific or address all students as
1117 necessary.

1118 (5) The intent of this section is to supplement existing
1119 laws, rules, and regulations concerning hospitalized students
1120 that use hospitalized program services at a children's hospital.

1121 Section 9. Section 1004.6491, Florida Statutes, is created
1122 to read:

1123 1004.6491 Florida Institute for Charter School Innovation.-

1124 (1) There is established the Florida Institute for Charter
1125 School Innovation within the Florida State University. The
1126 purpose of the institute is to advance charter school
1127 accountability, quality, and innovation; provide support and
1128 technical assistance to charter school applicants; connect
1129 aspiring teachers to opportunities to experience teaching in
1130 schools of choice; and conduct research and develop and promote
1131 best practices for charter school authorization, financing,
1132 management, operations, and instructional practices.

1133 (2) The institute shall:

1134 (a) Conduct research to inform both policy and practice
1135 related to charter school accountability, financing, management,
1136 operations, and instructional practices.

1137 (b) Partner with state-approved teacher preparation
1138 programs in this state to provide opportunities for aspiring
1139 teachers to experience teaching in schools of choice.

1140 (c) Provide technical assistance and support to charter
1141 school applicants with innovative charter school concepts.



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1142 (3) The President of the Florida State University shall
1143 appoint a director of the institute. The director is responsible
1144 for overall management of the institute and for developing and
1145 executing the work of the institute consistent with this
1146 section. The director may engage individuals in other state
1147 universities with accredited colleges of education to
1148 participate in the institute.

1149 (4) By each October 1, the institute shall provide a
1150 written report to the Governor, the President of the Senate, and
1151 the Speaker of the House of Representatives which outlines its
1152 activities in the preceding year, reports significant research
1153 findings, details expenditures of state funds, and provides
1154 specific recommendations for improving the institute's ability
1155 to fulfil its mission and for changes to statewide charter
1156 school policy.

1157 (5) Within 180 days after completion of the institute's
1158 fiscal year, the institute shall provide to the Auditor General,
1159 the Board of Governors of the State University System, and the
1160 State Board of Education a report on the results of an annual
1161 financial audit conducted by an independent certified public
1162 accountant in accordance with s. 11.45.

1163 Section 10. Subsection (1) of section 1011.61, Florida
1164 Statutes, is amended to read:

1165 1011.61 Definitions.—Notwithstanding the provisions of s.
1166 1000.21, the following terms are defined as follows for the
1167 purposes of the Florida Education Finance Program:

1168 (1) A "full-time equivalent student" in each program of the
1169 district is defined in terms of full-time students and part-time
1170 students as follows:



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1171 (a) A "full-time student" is one student on the membership
1172 roll of one school program or a combination of school programs
1173 listed in s. 1011.62(1)(c) for the school year or the equivalent
1174 for:

1175 1. Instruction in a standard school, comprising not less
1176 than 900 net hours for a student in or at the grade level of 4
1177 through 12, or not less than 720 net hours for a student in or
1178 at the grade level of kindergarten through grade 3 or in an
1179 authorized prekindergarten exceptional program;

1180 2. Instruction in a ~~double-session school or a school~~
1181 utilizing an experimental school calendar approved by the
1182 Department of Education, comprising not less than the equivalent
1183 of 810 net hours in grades 4 through 12 or not less than 630 net
1184 hours in kindergarten through grade 3; or

1185 3. Instruction comprising the appropriate number of net
1186 hours set forth in subparagraph 1. or subparagraph 2. for
1187 students who, within the past year, have moved with their
1188 parents for the purpose of engaging in the farm labor or fish
1189 industries, if a plan furnishing such an extended school day or
1190 week, or a combination thereof, has been approved by the
1191 commissioner. Such plan may be approved to accommodate the needs
1192 of migrant students only or may serve all students in schools
1193 having a high percentage of migrant students. The plan described
1194 in this subparagraph is optional for any school district and is
1195 not mandated by the state.

1196 (b) A "part-time student" is a student on the active
1197 membership roll of a school program or combination of school
1198 programs listed in s. 1011.62(1)(c) who is less than a full-time
1199 student.



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1200 (c)1. A "full-time equivalent student" is:
1201 a. A full-time student in any one of the programs listed in
1202 s. 1011.62(1)(c); or
1203 b. A combination of full-time or part-time students in any
1204 one of the programs listed in s. 1011.62(1)(c) which is the
1205 equivalent of one full-time student based on the following
1206 calculations:
1207 (I) A full-time student in a combination of programs listed
1208 in s. 1011.62(1)(c) shall be a fraction of a full-time
1209 equivalent membership in each special program equal to the
1210 number of net hours per school year for which he or she is a
1211 member, divided by the appropriate number of hours set forth in
1212 subparagraph (a)1. or subparagraph (a)2. The difference between
1213 that fraction or sum of fractions and the maximum value as set
1214 forth in subsection (4) for each full-time student is presumed
1215 to be the balance of the student's time not spent in a special
1216 program and shall be recorded as time in the appropriate basic
1217 program.
1218 (II) A prekindergarten student with a disability shall meet
1219 the requirements specified for kindergarten students.
1220 (III) A full-time equivalent student for students in
1221 kindergarten through grade 12 in a full-time virtual instruction
1222 program under s. 1002.45 or a virtual charter school under s.
1223 1002.33 shall consist of six full-credit completions or the
1224 prescribed level of content that counts toward promotion to the
1225 next grade in programs listed in s. 1011.62(1)(c). Credit
1226 completions may be a combination of full-credit courses or half-
1227 credit courses. Beginning in the 2016-2017 fiscal year, the
1228 reported full-time equivalent students and associated funding of



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1229 students enrolled in courses requiring passage of an end-of-
1230 course assessment under s. 1003.4282 to earn a standard high
1231 school diploma shall be adjusted if the student does not pass
1232 the end-of-course assessment. However, no adjustment shall be
1233 made for a student who enrolls in a segmented remedial course
1234 delivered online.

1235 (IV) A full-time equivalent student for students in
1236 kindergarten through grade 12 in a part-time virtual instruction
1237 program under s. 1002.45 shall consist of six full-credit
1238 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1239 Credit completions may be a combination of full-credit courses
1240 or half-credit courses. Beginning in the 2016-2017 fiscal year,
1241 the reported full-time equivalent students and associated
1242 funding of students enrolled in courses requiring passage of an
1243 end-of-course assessment under s. 1003.4282 to earn a standard
1244 high school diploma shall be adjusted if the student does not
1245 pass the end-of-course assessment. However, no adjustment shall
1246 be made for a student who enrolls in a segmented remedial course
1247 delivered online.

1248 (V) A Florida Virtual School full-time equivalent student
1249 shall consist of six full-credit completions or the prescribed
1250 level of content that counts toward promotion to the next grade
1251 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1252 participating in kindergarten through grade 12 part-time virtual
1253 instruction and the programs listed in s. 1011.62(1)(c) for
1254 students participating in kindergarten through grade 12 full-
1255 time virtual instruction. Credit completions may be a
1256 combination of full-credit courses or half-credit courses.
1257 Beginning in the 2016-2017 fiscal year, the reported full-time



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1258 equivalent students and associated funding of students enrolled
1259 in courses requiring passage of an end-of-course assessment
1260 under s. 1003.4282 to earn a standard high school diploma shall
1261 be adjusted if the student does not pass the end-of-course
1262 assessment. However, no adjustment shall be made for a student
1263 who enrolls in a segmented remedial course delivered online.

1264 (VI) Each successfully completed full-credit course earned
1265 through an online course delivered by a district other than the
1266 one in which the student resides shall be calculated as 1/6 FTE.

1267 (VII) A full-time equivalent student for courses requiring
1268 passage of a statewide, standardized end-of-course assessment
1269 under s. 1003.4282 to earn a standard high school diploma shall
1270 be defined and reported based on the number of instructional
1271 hours as provided in this subsection until the 2016-2017 fiscal
1272 year. Beginning in the 2016-2017 fiscal year, the FTE for the
1273 course shall be assessment-based and shall be equal to 1/6 FTE.
1274 The reported FTE shall be adjusted if the student does not pass
1275 the end-of-course assessment. However, no adjustment shall be
1276 made for a student who enrolls in a segmented remedial course
1277 delivered online.

1278 (VIII) For students enrolled in a school district as a
1279 full-time student, the district may report 1/6 FTE for each
1280 student who passes a statewide, standardized end-of-course
1281 assessment without being enrolled in the corresponding course.

1282 2. A student in membership in a program scheduled for more
1283 or less than 180 school days or the equivalent on an hourly
1284 basis as specified by rules of the State Board of Education is a
1285 fraction of a full-time equivalent membership equal to the
1286 number of instructional hours in membership divided by the



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1287 appropriate number of hours set forth in subparagraph (a)1.;
1288 however, for the purposes of this subparagraph, membership in
1289 programs scheduled for more than 180 days is limited to students
1290 enrolled in:

1291 a. Juvenile justice education programs.

1292 b. The Florida Virtual School.

1293 c. Virtual instruction programs and virtual charter schools
1294 for the purpose of course completion and credit recovery
1295 pursuant to ss. 1002.45 and 1003.498. Course completion applies
1296 only to a student who is reported during the second or third
1297 membership surveys and who does not complete a virtual education
1298 course by the end of the regular school year. The course must be
1299 completed no later than the deadline for amending the final
1300 student enrollment survey for that year. Credit recovery applies
1301 only to a student who has unsuccessfully completed a traditional
1302 or virtual education course during the regular school year and
1303 must re-take the course in order to be eligible to graduate with
1304 the student's class.

1305

1306 The full-time equivalent student enrollment calculated under
1307 this subsection is subject to the requirements in subsection
1308 (4).

1309

1310 The department shall determine and implement an equitable method
1311 of equivalent funding for experimental schools and for schools
1312 operating under emergency conditions, which schools have been
1313 approved by the department to operate for less than the minimum
1314 school day.

1315 Section 11. Section 1011.6202, Florida Statutes, is created



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1316 to read:

1317 1011.6202 Principal Autonomy Pilot Program Initiative.—The
1318 Principal Autonomy Pilot Program Initiative is created within
1319 the Department of Education. The purpose of the pilot program is
1320 to provide the principal of a participating school with
1321 increased autonomy and authority to operate his or her school in
1322 a way that produces significant improvements in student
1323 achievement and school management while complying with
1324 constitutional requirements. The State Board of Education may,
1325 upon approval of a principal autonomy proposal, enter into a
1326 performance contract with up to six district school boards for
1327 participation in the program.

1328 (1) PARTICIPATING SCHOOL DISTRICTS.—A Florida school
1329 district may submit to the state board for approval a principal
1330 autonomy proposal that exchanges statutory and rule exemptions
1331 for an agreement to meet performance goals established in the
1332 proposal. If approved by the state board, the school district
1333 shall be eligible to participate in the program for 3 years. At
1334 the end of the 3 years, the performance of all participating
1335 schools in the school district shall be evaluated.

1336 (2) PRINCIPAL AUTONOMY PROPOSAL.—

1337 (a) To participate in the program, a school district must:

1338 1. Identify three middle or high schools whose principals
1339 will have fiscal and administrative autonomy.

1340 2. Describe the current financial and administrative
1341 management of each participating school; identify the areas in
1342 which each school principal will have increased fiscal and
1343 administrative autonomy, including the authority and
1344 responsibilities provided in s. 1012.28(8); and identify the



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1345 areas in which each participating school will continue to follow
1346 district school board fiscal and administrative policies.

1347 3. Explain the methods used to identify the educational
1348 strengths and needs of the participating school's students and
1349 identify how student achievement can be improved.

1350 4. Establish performance goals for student achievement, as
1351 defined in s. 1008.34(1), and explain how the increased autonomy
1352 of principals will help participating schools improve student
1353 achievement and school management.

1354 5. Provide each participating school's mission and a
1355 description of its student population.

1356 (b) The state board shall establish criteria, which must
1357 include the criteria listed in paragraph (a), for the approval
1358 of a principal autonomy proposal.

1359 (c) A school district must submit its principal autonomy
1360 proposal to the state board for approval by December 1 in order
1361 to begin participation in the subsequent school year. By
1362 February 28 of the school year in which the proposal is
1363 submitted, the state board shall notify the district school
1364 board in writing whether the proposal is approved.

1365 (3) EXEMPTION FROM LAWS.—

1366 (a) With the exception of those laws listed in paragraph
1367 (b), a participating school district is exempt from the
1368 provisions of chapters 1000-1013 and rules of the state board
1369 which implement those exempt provisions.

1370 (b) A participating school district shall comply with the
1371 provisions of chapters 1000-1013, and rules of the state board
1372 which implement those provisions, pertaining to the following:

1373 1. Those laws relating to the election and compensation of



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1374 district school board members, the election or appointment and
1375 compensation of district school superintendents, public meetings
1376 and public records requirements, financial disclosure, and
1377 conflicts of interest.

1378 2. Those laws relating to the student assessment program
1379 and school grading system, including chapter 1008.

1380 3. Those laws relating to the provision of services to
1381 students with disabilities.

1382 4. Those laws relating to civil rights, including s.
1383 1000.05, relating to discrimination.

1384 5. Those laws relating to student health, safety, and
1385 welfare.

1386 6. Section 1001.42(4)(f), relating to the uniform opening
1387 and closing date for public schools.

1388 7. Section 1003.03, governing maximum class size, except
1389 that the calculation for compliance pursuant to s. 1003.03 is
1390 the average at the school level for a participating school.

1391 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
1392 compensation and salary schedules.

1393 9. Section 1012.33(5), relating to workforce reductions for
1394 annual contracts for instructional personnel. This subparagraph
1395 does not apply to at-will employees.

1396 10. Section 1012.335, relating to annual contracts for
1397 instructional personnel hired on or after July 1, 2011. This
1398 subparagraph does not apply to at-will employees.

1399 11. Section 1012.34, relating to personnel evaluation
1400 procedures and criteria.

1401 12. Those laws pertaining to educational facilities,
1402 including chapter 1013, except that s. 1013.20, relating to



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1403 covered walkways for relocatables, and s. 1013.21, relating to
1404 the use of relocatable facilities exceeding 20 years of age, are
1405 eligible for exemption.

1406 13. Those laws pertaining to participating school
1407 districts, including this section and ss. 1011.64(2)(b),
1408 1011.69(2), 1012.28(8), and 1012.986(1)(e).

1409 (4) PROFESSIONAL DEVELOPMENT.—Each participating school
1410 district shall require that the principal of each participating
1411 school complete professional development provided through the
1412 William Cecil Golden Professional Development Program for School
1413 Leaders under s. 1012.986. The professional development must be
1414 completed before a school may participate in the Principal
1415 Autonomy Pilot Program Initiative.

1416 (5) TERM OF PARTICIPATION.—The state board shall authorize
1417 a school district to participate in the program for a period of
1418 3 years commencing with approval of the principal autonomy
1419 proposal. Authorization to participate in the program may be
1420 renewed upon action of the state board. The state board may
1421 revoke authorization to participate in the program if the school
1422 district fails to meet the requirements of this section during
1423 the 3-year period.

1424 (6) REPORTING.—Each participating school district shall
1425 submit an annual report to the state board. The state board
1426 shall annually report on the implementation of the Principal
1427 Autonomy Pilot Program Initiative. Upon completion of the
1428 program's first 3-year term, the Commissioner of Education shall
1429 submit to the President of the Senate and the Speaker of the
1430 House of Representatives by December 1 a full evaluation of the
1431 effectiveness of the program.



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1432 (7) RULEMAKING.—The State Board of Education shall adopt
1433 rules to administer this section.

1434 Section 12. Paragraph (b) of subsection (2) of section
1435 1011.64, Florida Statutes, is amended to read:

1436 1011.64 School district minimum classroom expenditure
1437 requirements.—

1438 (2) For the purpose of implementing the provisions of this
1439 section, the Legislature shall prescribe minimum academic
1440 performance standards and minimum classroom expenditure
1441 requirements for districts not meeting such minimum academic
1442 performance standards in the General Appropriations Act.

1443 (b) School district minimum classroom expenditure
1444 requirements shall be calculated pursuant to subsection (3) and
1445 may include training pursuant to s. 1012.986(1) (e).

1446 Section 13. Subsection (2) of section 1011.69, Florida
1447 Statutes, is amended to read:

1448 1011.69 Equity in School-Level Funding Act.—

1449 (2) Beginning in the 2003-2004 fiscal year, district school
1450 boards shall allocate to schools within the district an average
1451 of 90 percent of the funds generated by all schools and
1452 guarantee that each school receives at least 80 percent, except
1453 that a school participating in the Principal Autonomy Pilot
1454 Program Initiative under s. 1011.6202 is guaranteed to receive
1455 at least 90 percent, of the funds generated by that school based
1456 upon the Florida Education Finance Program as provided in s.
1457 1011.62 and the General Appropriations Act, including gross
1458 state and local funds, discretionary lottery funds, and funds
1459 from the school district's current operating discretionary
1460 millage levy. Total funding for each school shall be



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1461 recalculated during the year to reflect the revised calculations
1462 under the Florida Education Finance Program by the state and the
1463 actual weighted full-time equivalent students reported by the
1464 school during the full-time equivalent student survey periods
1465 designated by the Commissioner of Education. If the district
1466 school board is providing programs or services to students
1467 funded by federal funds, any eligible students enrolled in the
1468 schools in the district shall be provided federal funds.

1469 Section 14. Subsection (8) is added to section 1012.28,
1470 Florida Statutes, to read:

1471 1012.28 Public school personnel; duties of school
1472 principals.-

1473 (8) The principal of a participating school in a
1474 participating school district approved under s. 1011.6202 has
1475 the following additional authority and responsibilities:

1476 (a) In addition to the authority provided in subsection
1477 (6), the authority to select qualified instructional personnel
1478 for placement or to refuse to accept the placement or transfer
1479 of instructional personnel by the district school
1480 superintendent. Placement of instructional personnel at a
1481 participating school in a participating school district does not
1482 affect the employee's status as a school district employee.

1483 (b) The authority to deploy financial resources to school
1484 programs at the principal's discretion to help improve student
1485 achievement, as defined in s. 1008.34(1), and meet performance
1486 goals identified in the principal autonomy proposal submitted
1487 pursuant to s. 1011.6202.

1488 (c) The responsibility to annually provide to the district
1489 school superintendent and the district school board a budget for



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1490 the operation of the participating school which identifies how
1491 funds provided pursuant to s. 1011.69(2) are allocated. The
1492 school district shall include the budget in the annual report
1493 provided to the State Board of Education pursuant to s.
1494 1011.6202(6).

1495 Section 15. Subsection (2) of section 1012.42, Florida
1496 Statutes, is amended to read:

1497 1012.42 Teacher teaching out-of-field.—

1498 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a district
1499 school system is assigned teaching duties in a class dealing
1500 with subject matter that is outside the field in which the
1501 teacher is certified, outside the field that was the applicant's
1502 minor field of study, or outside the field in which the
1503 applicant has demonstrated sufficient subject area expertise, as
1504 determined by district school board policy in the subject area
1505 to be taught, the parents of all students in the class shall be
1506 notified in writing of such assignment. A parent that receives
1507 this notification may, after the October student membership
1508 survey, request that his or her child be transferred to another
1509 classroom teacher within the school and grade in which the child
1510 is currently enrolled. If space is available in a classroom
1511 taught by an in-field teacher, the school district shall grant
1512 the parent's request and transfer the student to the in-field
1513 classroom teacher within a reasonable period of time, not to
1514 exceed 2 weeks. An explanation of the transfer process must be
1515 made available in the student handbook or a similar publication.
1516 This does not provide a parent the right to choose a specific
1517 teacher.

1518 Section 16. Paragraph (e) is added to subsection (1) of



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1519 section 1012.986, Florida Statutes, to read:

1520 1012.986 William Cecil Golden Professional Development
1521 Program for School Leaders.—

1522 (1) There is established the William Cecil Golden
1523 Professional Development Program for School Leaders to provide
1524 high standards and sustained support for principals as
1525 instructional leaders. The program shall consist of a
1526 collaborative network of state and national professional
1527 leadership organizations to respond to instructional leadership
1528 needs throughout the state. The network shall support the human-
1529 resource development needs of principals, principal leadership
1530 teams, and candidates for principal leadership positions using
1531 the framework of leadership standards adopted by the State Board
1532 of Education, the Southern Regional Education Board, and the
1533 National Staff Development Council. The goal of the network
1534 leadership program is to:

1535 (e) For principals of schools participating in the
1536 Principal Autonomy Pilot Program Initiative under s. 1011.6202,
1537 provide training on the following:

1538 1. Managing instructional personnel, including developing a
1539 high-performing instructional leadership team.

1540 2. Public school budgeting, financial management, and human
1541 resources policies and procedures.

1542 3. Best practices for the effective exercise of increased
1543 budgetary and staffing flexibility to improve student
1544 achievement and operational efficiency.

1545 Section 17. Paragraph (a) of subsection (1) of section
1546 1013.62, Florida Statutes, is amended to read:

1547 1013.62 Charter schools capital outlay funding.—



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1548 (1) In each year in which funds are appropriated for
1549 charter school capital outlay purposes, the Commissioner of
1550 Education shall allocate the funds among eligible charter
1551 schools.

1552 (a) To be eligible for a funding allocation, a charter
1553 school must:

1554 1.a. Have been in operation for 3 or more years;

1555 b. Be governed by a governing board established in the
1556 state for 3 or more years which operates both charter schools
1557 and conversion charter schools within the state;

1558 c. Be an expanded feeder chain of a charter school within
1559 the same school district that is currently receiving charter
1560 school capital outlay funds;

1561 d. Have been accredited by the Commission on Schools of the
1562 Southern Association of Colleges and Schools; or

1563 e. Serve students in facilities that are provided by a
1564 business partner for a charter school-in-the-workplace pursuant
1565 to s. 1002.33(15) (b).

1566 2. Have an annual audit that does not reveal any of the
1567 financial emergency conditions provided in s. 218.503(1) for the
1568 most recent fiscal year for which such audit results are
1569 available stability for future operation as a charter school.

1570 3. Have satisfactory student achievement based on state
1571 accountability standards applicable to the charter school.

1572 4. Have received final approval from its sponsor pursuant
1573 to s. 1002.33 for operation during that fiscal year.

1574 5. Serve students in facilities that are not provided by
1575 the charter school's sponsor.

1576 Section 18. Notwithstanding any other provision of law,



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1577 student reporting requirements related to withdrawals,
1578 suspensions, expulsions, and other related instances where
1579 students are no longer enrolled in a school, must be the same
1580 for public schools, including charter schools. Thus, charter
1581 school reporting requirements for these instances apply to all
1582 public schools, and public school reporting requirements apply
1583 to all charter schools.

1584 Section 19. This act shall take effect July 1, 2015.

1585

1586 ===== T I T L E A M E N D M E N T =====

1587 And the title is amended as follows:

1588 Delete everything before the enacting clause
1589 and insert:

1590 A bill to be entitled
1591 An act relating to student choice; amending s.
1592 1002.20, F.S.; conforming a provision to changes made
1593 by the act; authorizing parents of public school
1594 students to seek private educational choice options
1595 through the Florida Personal Learning Scholarship
1596 Accounts Program under certain circumstances;
1597 providing that a parent has the right to know certain
1598 financial information; requiring the information to be
1599 published in a parent guide; amending s. 1002.31,
1600 F.S.; requiring each district school board to allow a
1601 parent to enroll his or her child in and transport his
1602 or her child to any public school that has not reached
1603 capacity in the district; authorizing a school
1604 district to provide transportation to such students at
1605 the district's discretion; requiring the student to



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1606 remain at such school for a specified timeframe;
1607 revising requirements for the controlled open
1608 enrollment process; authorizing a parent to enroll his
1609 or her child in and transport his or her child to any
1610 public school that has not reached capacity in the
1611 state; requiring each district school board to
1612 establish a transfer process to another classroom
1613 teacher; providing that a parent is not given the
1614 right to choose a specific classroom teacher;
1615 providing requirements for the transfer process;
1616 amending s. 1002.33, F.S.; revising required contents
1617 of charter school applications; requiring a charter
1618 school to submit quarterly financial statements for
1619 the first year of operation with specified information
1620 included; requiring a charter school to submit a plan
1621 to become financially viable under certain
1622 circumstances; conforming provisions regarding the
1623 appeal process for denial of a high-performing charter
1624 school application; specifying that the reading
1625 curriculum and instructional strategies in a charter
1626 school's charter satisfy the research-based reading
1627 plan requirement and that charter schools are eligible
1628 for the research-based reading allocation; requiring a
1629 person or officer of an entity who submits a charter
1630 school application to undergo background screening;
1631 prohibiting a sponsor from approving a charter school
1632 application until completion, receipt, and review of
1633 the results of such screening; requiring a charter to
1634 document that the governing board is independent of a



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1635 management company or cooperative; revising charter
1636 provisions relating to long-term charters; revising
1637 the deadline by which a charter school must have a
1638 certificate of occupancy or temporary certificate of
1639 occupancy; revising conditions for nonrenewal or
1640 termination of a charter; requiring the sponsor to
1641 review monthly financial statements; requiring the
1642 sponsor to notify specified parties of a charter's
1643 termination under certain circumstances; requiring a
1644 charter school's governing board to appoint a
1645 representative to provide information and assistance
1646 to parents; requiring the governing board to hold a
1647 certain number of meetings that are noticed, open, and
1648 accessible to the public per school year; authorizing
1649 a charter school that has not reached capacity to be
1650 open to any student in the state; revising
1651 requirements for the funding of charter schools;
1652 prohibiting the district school board from delaying
1653 payment to a charter school under specified
1654 circumstances; requiring the Department of Education
1655 to include a standard application form when providing
1656 information to the public on how to form, operate, and
1657 enroll in a charter school; prohibiting an employee of
1658 a management company or cooperative from being a
1659 member of a charter school governing board;
1660 prohibiting specified conflicts of interests on the
1661 part of members of the governing board of a charter
1662 school or charter school cooperative organization;
1663 amending s. 1002.331, F.S.; providing an exception to



501414

1664 the prohibition on a high-performing charter school
1665 establishing more than one charter school in this
1666 state under specified circumstances; conforming
1667 provisions and a cross-reference to changes made by
1668 the act; amending s. 1002.332, F.S.; authorizing
1669 certain out-of-state entities to apply for designation
1670 as a high-performing charter school system; requiring
1671 the State Board of Education to adopt by rule
1672 eligibility criteria for such designation; requiring
1673 that charter schools established by such entities
1674 receive a reduction in certain administrative fees;
1675 amending s. 1002.451, F.S.; conforming a provision to
1676 changes made by the act; creating s. 1003.3101, F.S.;
1677 requiring each district school board to establish a
1678 classroom teacher transfer process for parents,
1679 approve or deny a request within a certain timeframe,
1680 and post an explanation of the transfer process in the
1681 student handbook or a similar publication; creating s.
1682 1003.5711, F.S.; providing that certain students who
1683 are deemed eligible for hospitalized program services
1684 are considered students with a disability; authorizing
1685 an individual education plan to be modified to
1686 accommodate such services; requiring the student to
1687 continue to receive educational instruction; requiring
1688 a school district to provide the student with a
1689 certified teacher or to partner with the Florida
1690 Virtual School or an approved provider for
1691 instructional services under certain circumstances;
1692 requiring the department to transfer funds for the



501414

1693 student; requiring a children's hospital to provide
1694 adequate educational space for each student; requiring
1695 the hospital and school district to enter in an
1696 agreement; creating s. 1004.6491, F.S.; establishing
1697 the Florida Institute for Charter School Innovation;
1698 specifying requirements for the institute; requiring
1699 an annual report to the Governor and the Legislature;
1700 requiring a report on the institute's annual financial
1701 audit to the Auditor General, the Board of Governors
1702 of the State University System, and the State Board of
1703 Education; amending s. 1011.61, F.S.; revising the
1704 definition of the term "full-time student" for the
1705 purposes of the Florida Education Finance Program;
1706 creating s. 1011.6202, F.S.; creating the Principal
1707 Autonomy Pilot Program Initiative; providing a
1708 procedure for a school district to participate in the
1709 program; providing requirements for participating
1710 school districts and schools; exempting participating
1711 school districts from certain laws and rules;
1712 requiring principals of participating schools to
1713 complete a specific professional development program;
1714 providing for the term of participation in the
1715 program; providing for renewal or revocation of
1716 authorization to participate in the program; providing
1717 for reporting and rulemaking; amending s. 1011.64,
1718 F.S.; providing that certain training may be included
1719 in school district minimum classroom expenditure
1720 requirements; amending s. 1011.69, F.S.; requiring
1721 participating district school boards to allocate a



501414

1722 specified percentage of certain funds to participating
1723 schools; amending s. 1012.28, F.S.; providing
1724 additional authority and responsibilities of the
1725 principal of a participating school in a charter
1726 school district; amending s. 1012.42, F.S.;
1727 authorizing a parent who receives notification that a
1728 teacher is teaching outside his or her field to
1729 request that his or her child be transferred to
1730 another classroom teacher within the school and grade
1731 in which the child is currently enrolled; amending s.
1732 1012.986, F.S.; specifying the contents of a specific
1733 professional development program for certain school
1734 principals; amending s. 1013.62, F.S.; revising
1735 eligibility requirements for charter school capital
1736 outlay funding; specifying applicability of certain
1737 reporting requirements to charter schools and public
1738 schools; providing an effective date.



169174

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/06/2015	.	
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Appropriations Subcommittee on Education (Bullard) recommended the following:

1 **Senate Amendment to Amendment (501414) (with title**
2 **amendment)**

3
4 Delete lines 1121 - 1162.

5
6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete lines 1696 - 1703

9 and insert:

10 agreement; amending s. 1011.61, F.S.; revising the



160388

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/06/2015	.	
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Appropriations Subcommittee on Education (Bullard) recommended the following:

1 **Senate Amendment to Amendment (501414) (with title**
2 **amendment)**

3
4 Between lines 1583 and 1584
5 insert:

6 Section 19. Florida Institute for Public School
7 Innovation.—

8 (1) There is established the Florida Institute for Public
9 School Innovation within the Florida Agricultural and Mechanical
10 University. The purpose of the institute is to advance public



11 school accountability, quality, and innovation; provide support
12 and technical assistance to public schools; connect aspiring
13 teachers to opportunities to experience teaching in public
14 schools; and conduct research and develop and promote best
15 practices for public school financing, management, operations,
16 and instructional practices.

17 (2) The institute shall:

18 (a) Conduct research to inform both policy and practice
19 related to public school accountability, financing, management,
20 operations, and instructional practices.

21 (b) Partner with state-approved teacher preparation
22 programs in this state to provide opportunities for aspiring
23 teachers to experience teaching in public schools.

24 (c) Provide technical assistance and support to public
25 schools with innovative educational concepts.

26 (3) The President of Florida Agricultural and Mechanical
27 University shall appoint a director of the institute. The
28 director is responsible for overall management of the institute
29 and for developing and executing the work of the institute
30 consistent with this section. The director may engage
31 individuals in other state universities with accredited colleges
32 of education to participate in the institute.

33 (4) By each October 1, the institute shall provide a
34 written report to the Governor, the President of the Senate, and
35 the Speaker of the House of Representatives which outlines its
36 activities in the preceding year, reports significant research
37 findings, details expenditures of state funds, and provides
38 specific recommendations for improving the institute's ability
39 to fulfil its mission and for changes to statewide public school



160388

40 policy.

41 (5) Within 180 days after completion of the institute's
42 fiscal year, the institute shall provide to the Auditor General,
43 the Board of Governors of the State University System, and the
44 State Board of Education a report on the results of an annual
45 financial audit conducted by an independent certified public
46 accountant in accordance with s. 11.45.

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 Delete line 1738

51 and insert:

52 schools; establishing the Florida Institute for Public
53 School Innovation; specifying requirements for the
54 institute; requiring an annual report to the Governor
55 and the Legislature; requiring a report on the
56 institute's annual financial audit to the Auditor
57 General, the Board of Governors of the State
58 University System, and the State Board of Education;
59 providing an effective date.



962196

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/06/2015	.	
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	.	

Appropriations Subcommittee on Education (Bullard) recommended the following:

Senate Amendment to Amendment (501414)

Between lines 203 and 204
insert:

10. Demonstrates that the school will meet a specific instructional need or a need for additional educational facilities, as defined in s. 1013.01, which the local school district does not provide or is unable to provide to students within that district.



828762

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2015	.	
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	.	

Appropriations Subcommittee on Education (Bullard) recommended the following:

1 **Senate Amendment to Amendment (501414) (with title**
2 **amendment)**

3
4 Delete lines 1006 - 1028.

5
6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete lines 1668 - 1674

9 and insert:

10 the act;

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

581-02522-15

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1 A bill to be entitled
2 An act relating to student choice; amending s.
3 1002.20, F.S.; conforming a provision to changes made
4 by the act; providing the right of a parent to know
5 the average amount of money expended for the education
6 of his or her child; requiring the Department of
7 Education to provide each school district with such
8 information and requiring the school districts to
9 provide notification to parents; authorizing the
10 information to be published in the student handbook or
11 a similar publication; amending s. 1002.31, F.S.;
12 deleting the definition of the term "controlled open
13 enrollment" and deleting provisions relating to
14 controlled open enrollment; requiring each district
15 school board to establish a public school parental
16 choice policy that allows students to attend any
17 public school that has not reached capacity in their
18 district; requiring assignments to be made on a first-
19 come, first-served basis; requiring that the public
20 school parental choice plan define the term
21 "capacity"; authorizing a parent to enroll his or her
22 child in any public school that has not reached
23 capacity in the state; amending s. 1002.33, F.S.;
24 revising required contents of charter school
25 applications; requiring a charter school to submit
26 quarterly financial statements for the first year of
27 operation with specified information included;
28 requiring a charter school to submit a plan to become
29 financially viable under certain circumstances;

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30 conforming provisions regarding the appeal process for
31 denial of a high-performing charter school
32 application; specifying that the reading curriculum
33 and instructional strategies in a charter school's
34 charter satisfy the research-based reading plan
35 requirement and that charter schools are eligible for
36 the research-based reading allocation; requiring a
37 person or officer of an entity who submits a charter
38 school application to undergo background screening;
39 prohibiting a sponsor from approving a charter school
40 application until completion, receipt, and review of
41 the results of such screening; requiring a charter to
42 document that the governing board is independent of a
43 management company or cooperative; revising charter
44 provisions relating to long-term charters; revising
45 the deadline by which a charter school must have a
46 certificate of occupancy or temporary certificate of
47 occupancy; revising conditions for nonrenewal or
48 termination of a charter; requiring the sponsor to
49 review monthly financial statements; requiring the
50 sponsor to notify specified parties of a charter's
51 termination under certain circumstances; requiring a
52 charter school's governing board to appoint a
53 representative to provide information and assistance
54 to parents; requiring the governing board to hold a
55 certain number of meetings that are noticed, open, and
56 accessible to the public per school year; requiring a
57 charter school with space available to be open to any
58 student in the state; revising requirements for the

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59 funding of charter schools; prohibiting the district
 60 school board from delaying payment to a charter school
 61 under specified circumstances; requiring the
 62 Department of Education to include a standard
 63 application form when providing information to the
 64 public on how to form, operate, and enroll in a
 65 charter school; prohibiting an employee of a
 66 management company or cooperative from being a member
 67 of a charter school governing board; prohibiting
 68 specified conflicts of interests on the part of
 69 members of the governing board of a charter school or
 70 charter school cooperative organization; amending s.
 71 1002.331, F.S.; providing an exception to the
 72 prohibition on a high-performing charter school
 73 establishing more than one charter school in this
 74 state under specified circumstances; conforming
 75 provisions and a cross-reference to changes made by
 76 the act; amending s. 1002.332, F.S.; authorizing
 77 certain out-of-state entities to apply for designation
 78 as a high-performing charter school system; requiring
 79 the State Board of Education to adopt by rule
 80 eligibility criteria for such designation; requiring
 81 that charter schools established by such entities
 82 receive a reduction in certain administrative fees;
 83 amending s. 1002.451, F.S.; conforming a provision to
 84 changes made by the act; creating s. 1003.3101, F.S.;
 85 requiring each district school board to establish a
 86 classroom teacher transfer process for parents,
 87 approve or deny a request within a certain timeframe,

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88 and post an explanation of the transfer process in the
 89 student handbook or a similar publication; creating s.
 90 1003.5711, F.S.; providing that certain students who
 91 are deemed eligible for hospitalized program services
 92 are considered students with a disability; authorizing
 93 an individual education plan to be modified to
 94 accommodate such services; requiring the student to
 95 continue to receive educational instruction; requiring
 96 a school district to provide the student with a
 97 certified teacher or to partner with the Florida
 98 Virtual School for instructional services under
 99 certain circumstances; requiring the department to
 100 transfer funds for the student; requiring a children's
 101 hospital to provide adequate educational space for
 102 each student; requiring the hospital and school
 103 district to enter in an agreement; creating s.
 104 1004.6491, F.S.; establishing the Florida Institute
 105 for Charter School Innovation; specifying requirements
 106 for the institute; requiring an annual report to the
 107 Governor and the Legislature; requiring a report on
 108 the institute's annual financial audit to the Auditor
 109 General, the Board of Governors of the State
 110 University System, and the State Board of Education;
 111 amending s. 1006.15, F.S.; conforming provisions to
 112 changes made by the act; amending s. 1011.61, F.S.;
 113 revising the definition of the term "full-time
 114 student" for the purposes of the Florida Education
 115 Finance Program; creating s. 1011.6202, F.S.; creating
 116 the Charter School District Pilot Program; providing a

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117 procedure for a school district to participate in the
 118 pilot program; providing requirements for
 119 participating school districts and schools; exempting
 120 participating school districts from certain laws and
 121 rules; providing that charter school districts must
 122 comply with certain laws and rules; requiring
 123 principals of participating schools to complete a
 124 specific professional development program; providing
 125 the authorization period of a charter; providing for
 126 renewal and revocation of a charter; providing for
 127 reporting and rulemaking; amending s. 1011.69, F.S.;
 128 requiring district school boards participating in the
 129 pilot program to allocate a specified percentage of
 130 certain funds to participating schools; amending s.
 131 1012.28, F.S.; providing additional authority and
 132 responsibilities of the principal of a participating
 133 school in a charter school district; amending s.
 134 1012.42, F.S.; authorizing a parent who receives
 135 notification that a teacher is teaching outside his or
 136 her field to request that his or her child be
 137 transferred to another classroom teacher within the
 138 school and grade in which the child is currently
 139 enrolled; amending s. 1012.986, F.S.; specifying the
 140 contents of a specific professional development
 141 program for certain school principals; amending s.
 142 1013.62, F.S.; revising eligibility requirements for
 143 charter school capital outlay funding; specifying
 144 applicability of certain reporting requirements to
 145 charter schools and public schools; providing an

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146 effective date.

147

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

149

150 Section 1. Paragraph (a) of subsection (6) of section
 151 1002.20, Florida Statutes, is amended, and subsection (25) is
 152 added to that section, to read:

153 1002.20 K-12 student and parent rights.—Parents of public
 154 school students must receive accurate and timely information
 155 regarding their child's academic progress and must be informed
 156 of ways they can help their child to succeed in school. K-12
 157 students and their parents are afforded numerous statutory
 158 rights including, but not limited to, the following:

159 (6) EDUCATIONAL CHOICE.—

160

161 (a) *Public school choices*.—Parents of public school
 162 students may seek whatever public school choice options that are
 163 applicable and available to students in their school districts.
 164 These options may include public school parental choice
 165 ~~controlled open enrollment~~, single-gender programs, lab schools,
 166 virtual instruction programs, charter schools, charter technical
 167 career centers, magnet schools, alternative schools, special
 168 programs, auditory-oral education programs, advanced placement,
 169 dual enrollment, International Baccalaureate, International
 170 General Certificate of Secondary Education (pre-AICE), Advanced
 171 International Certificate of Education, CAPE digital tools, CAPE
 172 industry certifications, collegiate high school programs, early
 173 admissions, credit by examination or demonstration of
 174 competency, the New World School of the Arts, the Florida School
 for the Deaf and the Blind, and the Florida Virtual School.

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175 These options may also include the public school choice options
 176 of the Opportunity Scholarship Program and the McKay
 177 Scholarships for Students with Disabilities Program.

178 (25) FISCAL TRANSPARENCY.—A parent has the right to know
 179 the average amount of money estimated to be expended from all
 180 sources, state, local, and federal, for the education of his or
 181 her child, including operating and capital outlay expenses. The
 182 department shall annually provide each district the estimated
 183 amount of funding allocated for a student in the district by
 184 grade level and level of support. Each district must notify
 185 parents of the estimated amount of funding allocated for a
 186 student similar to their child, based upon grade level and level
 187 of support. The fiscal transparency notification may be included
 188 in the student handbook or a similar publication.

189 Section 2. Subsections (1), (2), and (3) of section
 190 1002.31, Florida Statutes, are amended to read:

191 ~~1002.31 Controlled open enrollment.~~ Public school parental
 192 choice.—

193 ~~(1) As used in this section, “controlled open enrollment”~~
 194 ~~means a public education delivery system that allows school~~
 195 ~~districts to make student school assignments using parents’~~
 196 ~~indicated preferential school choice as a significant factor.~~

197 (1)(2) Each district school board shall establish a public
 198 school parental choice policy that authorizes a parent to choose
 199 to enroll his or her child in and transport his or her child to
 200 any public school that has not reached capacity, including
 201 charter schools, in the district. This policy may offer
 202 ~~controlled open enrollment within the public schools which is in~~
 203 ~~addition to the existing choice programs, such as virtual~~

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204 instruction programs, magnet schools, alternative schools,
 205 special programs, CAPE digital tools, CAPE industry
 206 certifications, advanced placement, collegiate high school
 207 programs, and dual enrollment.

208 ~~(2)(3) Each district school board offering controlled open~~
 209 ~~enrollment shall adopt by rule and post on its website a public~~
 210 ~~school parental choice controlled open enrollment plan which~~
 211 ~~must:~~

212 (a) Adhere to federal desegregation requirements.

213 (b) Include an application process required to participate
 214 in public school parental choice ~~controlled open enrollment~~ that
 215 allows parents to declare school preferences, including
 216 placement of siblings within the same school.

217 (c) Assign students on a first-come, first-served basis
 218 based upon the date and time complete applications are received
 219 by the school district ~~Provide a lottery procedure to determine~~
 220 ~~student assignment and establish an appeals process for hardship~~
 221 ~~eases.~~

222 (d) Afford parents of students in multiple session schools
 223 preferred access to ~~controlled open enrollment.~~

224 (e) Maintain socioeconomic, demographic, and racial
 225 balance.

226 (f) Address the availability of transportation.

227 (g) Define the term “capacity” as determined by the school
 228 district. When determining the capacity of each school in the
 229 district, the school district shall incorporate the
 230 specifications, plans, elements, and commitments contained in
 231 the school district educational facilities plan and the long-
 232 term work programs required under s. 1013.35 in its

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233 determination.

234 (3) A parent may choose to enroll his or her child in and
 235 transport his or her child to any public school that has not
 236 reached capacity, including charter schools, in any school
 237 district in the state. The school district shall accept the
 238 student and report the student for purposes of the district's
 239 funding pursuant to the Florida Education Finance Program.

240 Section 3. Paragraphs (a), (b), and (c) of subsection (6),
 241 paragraphs (a), (b), and (d) of subsection (7), paragraphs (e),
 242 (f), and (g) of subsection (8), paragraphs (g), (n), and (p) of
 243 subsection (9), paragraph (a) of subsection (10), paragraphs (b)
 244 and (e) of subsection (17), subsection (21), and paragraph (c)
 245 of subsection (26) of section 1002.33, Florida Statutes, are
 246 amended, paragraphs (h) and (i) are added to subsection (8) of
 247 that section, a new subsection (27) is added to that section,
 248 and present subsections (27) and (28) are redesignated as
 249 subsections (28) and (29), respectively, to read:

250 1002.33 Charter schools.—

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

253 (a) A person or entity wishing to open a charter school
 254 shall prepare and submit an application on a model application
 255 form prepared by the Department of Education which:

256 1. Demonstrates how the school will use the guiding
 257 principles and meet the statutorily defined purpose of a charter
 258 school.

259 2. Provides a detailed curriculum plan that illustrates how
 260 students will be provided services to attain the Sunshine State
 261 Standards.

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262 3. Contains goals and objectives for improving student
 263 learning and measuring that improvement. These goals and
 264 objectives must indicate how much academic improvement students
 265 are expected to show each year, how success will be evaluated,
 266 and the specific results to be attained through instruction.

267 4. Describes the reading curriculum and differentiated
 268 strategies that will be used for students reading at grade level
 269 or higher and a separate curriculum and strategies for students
 270 who are reading below grade level. A sponsor shall deny an
 271 application ~~a charter~~ if the school does not propose a reading
 272 curriculum that is consistent with effective teaching strategies
 273 that are grounded in scientifically based reading research, but
 274 the sponsor may not require the school to implement any
 275 curriculum adopted by the school district.

276 5. Contains an annual financial plan for each year
 277 requested by the charter for operation of the school for up to 5
 278 years. This plan must contain anticipated fund balances based on
 279 revenue projections, a spending plan based on projected revenues
 280 and expenses, and a description of controls that will safeguard
 281 finances and projected enrollment trends.

282 6. Discloses the name of each applicant, governing board
 283 member, and proposed management company or cooperative, if any;
 284 the name and sponsor of any charter school currently operated or
 285 previously operated by such parties; and the academic and
 286 financial history of such charter schools, which the sponsor
 287 shall consider in deciding to approve or deny the application.

288 7. Documents that the governing board is independent of any
 289 management company or cooperative and may, at its sole
 290 discretion, terminate a contract with the management company or

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291 cooperative at any time.

292 ~~8.6-~~ Contains additional information a sponsor may require,
 293 which shall be attached as an addendum to the charter school
 294 application described in this paragraph.

295 ~~9.7-~~ For the establishment of a virtual charter school,
 296 documents that the applicant has contracted with a provider of
 297 virtual instruction services pursuant to s. 1002.45(1)(d).

298 (b) A sponsor shall receive and review all applications for
 299 a charter school using an evaluation instrument developed by the
 300 Department of Education. A sponsor shall receive and consider
 301 charter school applications received on or before August 1 of
 302 each calendar year for charter schools to be opened at the
 303 beginning of the school district's next school year, or to be
 304 opened at a time agreed to by the applicant and the sponsor. A
 305 sponsor may not refuse to receive a charter school application
 306 submitted before August 1 and may receive an application
 307 submitted later than August 1 if it chooses. In order to
 308 facilitate greater collaboration in the application process, an
 309 applicant may submit a draft charter school application on or
 310 before May 1 with an application fee of \$500. If a draft
 311 application is timely submitted, the sponsor shall review and
 312 provide feedback as to material deficiencies in the application
 313 by July 1. The applicant shall then have until August 1 to
 314 resubmit a revised and final application. The sponsor may
 315 approve the draft application. Except as provided for a draft
 316 application, a sponsor may not charge an applicant for a charter
 317 any fee for the processing or consideration of an application,
 318 and a sponsor may not base its consideration or approval of a
 319 final application upon the promise of future payment of any

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320 kind. Before approving or denying any final application, the
 321 sponsor shall allow the applicant, upon receipt of written
 322 notification, at least 7 calendar days to make technical or
 323 nonsubstantive corrections and clarifications, including, but
 324 not limited to, corrections of grammatical, typographical, and
 325 like errors or missing signatures, if such errors are identified
 326 by the sponsor as cause to deny the final application.

327 1. In order to facilitate an accurate budget projection
 328 process, a sponsor shall be held harmless for FTE students who
 329 are not included in the FTE projection due to approval of
 330 charter school applications after the FTE projection deadline.
 331 In a further effort to facilitate an accurate budget projection,
 332 within 15 calendar days after receipt of a charter school
 333 application, a sponsor shall report to the Department of
 334 Education the name of the applicant entity, the proposed charter
 335 school location, and its projected FTE.

336 2. In order to ensure fiscal responsibility, an application
 337 for a charter school shall include a full accounting of expected
 338 assets, a projection of expected sources and amounts of income,
 339 including income derived from projected student enrollments and
 340 from community support, and an expense projection that includes
 341 full accounting of the costs of operation, including start-up
 342 costs. To ensure continued financial responsibility, a charter
 343 school shall submit quarterly financial statements for the first
 344 year of operation which include a full accounting of the costs
 345 of operation and sources of income. If a school's financial
 346 statement indicates that the school is not financially viable,
 347 the school must also prepare and submit a plan that describes
 348 specific actions the school will take to become viable.

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349 3.a. A sponsor shall by a majority vote approve or deny an
 350 application no later than 60 calendar days after the application
 351 is received, unless the sponsor and the applicant mutually agree
 352 in writing to temporarily postpone the vote to a specific date,
 353 at which time the sponsor shall by a majority vote approve or
 354 deny the application. If the sponsor fails to act on the
 355 application, an applicant may appeal to the State Board of
 356 Education as provided in paragraph (c). If an application is
 357 denied, the sponsor shall, within 10 calendar days after such
 358 denial, articulate in writing the specific reasons, based upon
 359 good cause, supporting its denial of the charter application and
 360 shall provide the letter of denial and supporting documentation
 361 to the applicant and to the Department of Education.

362 b. An application submitted by a high-performing charter
 363 school identified pursuant to s. 1002.331 may be denied by the
 364 sponsor only if the sponsor demonstrates by clear and convincing
 365 evidence that:

366 (I) The application does not materially comply with the
 367 requirements in paragraph (a);

368 (II) The charter school proposed in the application does
 369 not materially comply with the requirements in paragraphs
 370 (9) (a) - (f);

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

374 (IV) The applicant has made a material misrepresentation or
 375 false statement or concealed an essential or material fact
 376 during the application process; or

377 (V) The proposed charter school's educational program and

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378 financial management practices do not materially comply with the
 379 requirements of this section.

380
 381 Material noncompliance is a failure to follow requirements or a
 382 violation of prohibitions applicable to charter school
 383 applications, which failure is quantitatively or qualitatively
 384 significant either individually or when aggregated with other
 385 noncompliance. An applicant is considered to be replicating a
 386 high-performing charter school if the proposed school is
 387 substantially similar to at least one of the applicant's high-
 388 performing charter schools and the organization or individuals
 389 involved in the establishment and operation of the proposed
 390 school are significantly involved in the operation of replicated
 391 schools.

392 c. If the sponsor denies an application submitted by a
 393 high-performing charter school, the sponsor must, within 10
 394 calendar days after such denial, state in writing the specific
 395 reasons, based upon the criteria in sub-subparagraph b.,
 396 supporting its denial of the application and must provide the
 397 letter of denial and supporting documentation to the applicant
 398 and to the Department of Education. The applicant may appeal the
 399 sponsor's denial of the application ~~directly~~ to the State Board
 400 of Education pursuant to paragraph (c) and must provide the
 401 sponsor with a copy of the appeal ~~sub-subparagraph (c) 3.b.~~

402 4. For budget projection purposes, the sponsor shall report
 403 to the Department of Education the approval or denial of a
 404 charter application within 10 calendar days after such approval
 405 or denial. In the event of approval, the report to the
 406 Department of Education shall include the final projected FTE

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407 for the approved charter school.

408 5. Upon approval of a charter application, the initial
409 startup shall commence with the beginning of the public school
410 calendar for the district in which the charter is granted unless
411 the sponsor allows a waiver of this subparagraph for good cause.

412 6. A person, or an officer of an entity, who submits an
413 application pursuant to this subsection must undergo background
414 screening in the same manner as instructional and
415 noninstructional personnel hired or contracted to fill positions
416 in a charter school or as members of the governing board of a
417 charter school undergo background screening under s. 1012.32.
418 Notwithstanding any other provision of this subsection, a person
419 may not receive approval of a charter application until the
420 person's screening is completed and the results have been
421 submitted to, and reviewed by, the sponsor.

422 (c)1. An applicant may appeal any denial of that
423 applicant's application or failure to act on an application to
424 the State Board of Education within no later than 30 calendar
425 days after receipt of the sponsor's decision or failure to act
426 and shall notify the sponsor of its appeal. Any response of the
427 sponsor shall be submitted to the State Board of Education
428 within 30 calendar days after notification of the appeal. Upon
429 receipt of notification from the State Board of Education that a
430 charter school applicant is filing an appeal, the Commissioner
431 of Education shall convene a meeting of the Charter School
432 Appeal Commission to study and make recommendations to the State
433 Board of Education regarding its pending decision about the
434 appeal. The commission shall forward its recommendation to the
435 state board at least 7 calendar days before the date on which

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436 the appeal is to be heard. An appeal regarding the denial of an
437 application submitted by a high-performing charter school
438 pursuant to s. 1002.331 shall be conducted by the State Board of
439 Education in accordance with this paragraph, except that the
440 commission shall not convene to make recommendations regarding
441 the appeal. However, the Commissioner of Education shall review
442 the appeal and make a recommendation to the state board.

443 2. The Charter School Appeal Commission or, in the case of
444 an appeal regarding an application submitted by a high-
445 performing charter school, the State Board of Education may
446 reject an appeal submission for failure to comply with
447 procedural rules governing the appeals process. The rejection
448 shall describe the submission errors. The appellant shall have
449 15 calendar days after notice of rejection in which to resubmit
450 an appeal that meets the requirements set forth in State Board
451 of Education rule. An appeal submitted subsequent to such
452 rejection is considered timely if the original appeal was filed
453 within 30 calendar days after receipt of notice of the specific
454 reasons for the sponsor's denial of the ~~charter~~ application.

455 3.a. The State Board of Education shall by majority vote
456 accept or reject the decision of the sponsor no later than 90
457 calendar days after an appeal is filed in accordance with State
458 Board of Education rule. The State Board of Education shall
459 remand the application to the sponsor with its written decision
460 that the sponsor approve or deny the application. The sponsor
461 shall implement the decision of the State Board of Education.
462 The decision of the State Board of Education is not subject to
463 the provisions of the Administrative Procedure Act, chapter 120.

464 b. If an appeal concerns an application submitted by a

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465 high-performing charter school identified pursuant to s.
 466 1002.331, the State Board of Education shall determine whether
 467 the ~~sponsor's denial of the application complies with the~~
 468 ~~requirements in sub-subparagraph (b)3.b. sponsor has shown, by~~
 469 ~~clear and convincing evidence, that:~~

470 ~~(I) The application does not materially comply with the~~
 471 ~~requirements in paragraph (a);~~

472 ~~(II) The charter school proposed in the application does~~
 473 ~~not materially comply with the requirements in paragraphs~~
 474 ~~(9)(a)-(f);~~

475 ~~(III) The proposed charter school's educational program~~
 476 ~~does not substantially replicate that of the applicant or one of~~
 477 ~~the applicant's high performing charter schools;~~

478 ~~(IV) The applicant has made a material misrepresentation or~~
 479 ~~false statement or concealed an essential or material fact~~
 480 ~~during the application process; or~~

481 ~~(V) The proposed charter school's educational program and~~
 482 ~~financial management practices do not materially comply with the~~
 483 ~~requirements of this section.~~

484

485 The State Board of Education shall approve or reject the
 486 sponsor's denial of an application no later than 90 calendar
 487 days after an appeal is filed in accordance with State Board of
 488 Education rule. The State Board of Education shall remand the
 489 application to the sponsor with its written decision that the
 490 sponsor approve or deny the application. The sponsor shall
 491 implement the decision of the State Board of Education. The
 492 decision of the State Board of Education is not subject to the
 493 Administrative Procedure Act, chapter 120.

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494 (7) CHARTER.—The major issues involving the operation of a
 495 charter school shall be considered in advance and written into
 496 the charter. The charter shall be signed by the governing board
 497 of the charter school and the sponsor, following a public
 498 hearing to ensure community input.

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

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

503 2. The focus of the curriculum, the instructional methods
 504 to be used, any distinctive instructional techniques to be
 505 employed, and identification and acquisition of appropriate
 506 technologies needed to improve educational and administrative
 507 performance which include a means for promoting safe, ethical,
 508 and appropriate uses of technology which comply with legal and
 509 professional standards.

510 a. The charter shall ensure that reading is a primary focus
 511 of the curriculum and that resources are provided to identify
 512 and provide specialized instruction for students who are reading
 513 below grade level. The curriculum and instructional strategies
 514 for reading must be consistent with the Next Generation Sunshine
 515 State Standards and grounded in scientifically based reading
 516 research. For purposes of determining eligibility for the
 517 research-based reading instruction allocation, the reading
 518 curriculum and instructional strategies specified in the charter
 519 satisfy the research-based reading plan requirement under s.
 520 1011.62(9).

521 b. In order to provide students with access to diverse
 522 instructional delivery models, to facilitate the integration of

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523 technology within traditional classroom instruction, and to
 524 provide students with the skills they need to compete in the
 525 21st century economy, the Legislature encourages instructional
 526 methods for blended learning courses consisting of both
 527 traditional classroom and online instructional techniques.
 528 Charter schools may implement blended learning courses which
 529 combine traditional classroom instruction and virtual
 530 instruction. Students in a blended learning course must be full-
 531 time students of the charter school and receive the online
 532 instruction in a classroom setting at the charter school.
 533 Instructional personnel certified pursuant to s. 1012.55 who
 534 provide virtual instruction for blended learning courses may be
 535 employees of the charter school or may be under contract to
 536 provide instructional services to charter school students. At a
 537 minimum, such instructional personnel must hold an active state
 538 or school district adjunct certification under s. 1012.57 for
 539 the subject area of the blended learning course. The funding and
 540 performance accountability requirements for blended learning
 541 courses are the same as those for traditional courses.

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

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

548 b. How these baseline rates will be compared to rates of
 549 academic progress achieved by these same students while
 550 attending the charter school.

551 c. To the extent possible, how these rates of progress will

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552 be evaluated and compared with rates of progress of other
 553 closely comparable student populations.

554

555 The district school board is required to provide academic
 556 student performance data to charter schools for each of their
 557 students coming from the district school system, as well as
 558 rates of academic progress of comparable student populations in
 559 the district school system.

560 4. The methods used to identify the educational strengths
 561 and needs of students and how well educational goals and
 562 performance standards are met by students attending the charter
 563 school. The methods shall provide a means for the charter school
 564 to ensure accountability to its constituents by analyzing
 565 student performance data and by evaluating the effectiveness and
 566 efficiency of its major educational programs. Students in
 567 charter schools shall, at a minimum, participate in the
 568 statewide assessment program created under s. 1008.22.

569 5. In secondary charter schools, a method for determining
 570 that a student has satisfied the requirements for graduation in
 571 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

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

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

576 8. The ways by which the school will achieve a
 577 racial/ethnic balance reflective of the community it serves or
 578 within the racial/ethnic range of other public schools in the
 579 same school district.

580 9. The financial and administrative management of the

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581 school, including a reasonable demonstration of the professional
 582 experience or competence of those individuals or organizations
 583 applying to operate the charter school or those hired or
 584 retained to perform such professional services and the
 585 description of clearly delineated responsibilities and the
 586 policies and practices needed to effectively manage the charter
 587 school. A description of internal audit procedures and
 588 establishment of controls to ensure that financial resources are
 589 properly managed must be included. Both public sector and
 590 private sector professional experience shall be equally valid in
 591 such a consideration. The charter must document that the
 592 governing board is independent of any management company or
 593 cooperative and may, at its sole discretion, terminate the
 594 contract with the management company or cooperative at any time.

595 10. The asset and liability projections required in the
 596 application which are incorporated into the charter and shall be
 597 compared with information provided in the annual report of the
 598 charter school.

599 11. A description of procedures that identify various risks
 600 and provide for a comprehensive approach to reduce the impact of
 601 losses; plans to ensure the safety and security of students and
 602 staff; plans to identify, minimize, and protect others from
 603 violent or disruptive student behavior; and the manner in which
 604 the school will be insured, including whether or not the school
 605 will be required to have liability insurance, and, if so, the
 606 terms and conditions thereof and the amounts of coverage.

607 12. The term of the charter which shall provide for
 608 cancellation of the charter if insufficient progress has been
 609 made in attaining the student achievement objectives of the

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610 charter and if it is not likely that such objectives can be
 611 achieved before expiration of the charter. The initial term of
 612 ~~the a charter is either shall be for 4 years~~ or 5 years. ~~In~~
 613 ~~order to facilitate access to long-term financial resources for~~
 614 ~~charter school construction,~~ Charter schools that are operated
 615 by a municipality or other public entity, as provided by law, or
 616 a private, not-for-profit corporation granted 501(c)(3) status
 617 by the Internal Revenue Service are eligible for up to a 15-year
 618 charter, subject to approval by the district school board. A
 619 charter lab school is also eligible for a charter for a term of
 620 up to 15 years. ~~In addition, to facilitate access to long-term~~
 621 ~~financial resources for charter school construction, charter~~
 622 ~~schools that are operated by a private, not for profit, s-~~
 623 ~~501(e)(3) status corporation are eligible for up to a 15-year~~
 624 ~~charter, subject to approval by the district school board.~~ Such
 625 long-term charters remain subject to annual review and may be
 626 terminated during the term of the charter, but only according to
 627 ~~the provisions set forth in subsection (8) or paragraph (9)(n).~~

628 13. Termination or nonrenewal of the charter pursuant to
 629 subsection (8) or paragraph (9)(n).

630 ~~14.13.~~ The facilities to be used and their location. The
 631 sponsor ~~shall~~ ~~may not~~ require a charter school to have a
 632 certificate of occupancy or a temporary certificate of occupancy
 633 for such a facility no later than 30 ~~earlier than 15~~ calendar
 634 days before the first day of school.

635 ~~15.14.~~ The qualifications to be required of the teachers
 636 and the potential strategies used to recruit, hire, train, and
 637 retain qualified staff to achieve best value.

638 ~~16.15.~~ The governance structure of the school, including

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639 the status of the charter school as a public or private employer
640 as required in paragraph (12) (i).

641 ~~17.16.~~ A timetable for implementing the charter which
642 addresses the implementation of each element thereof and the
643 date by which the charter shall be awarded in order to meet this
644 timetable.

645 ~~18.17.~~ In the case of an existing public school that is
646 being converted to charter status, alternative arrangements for
647 current students who choose not to attend the charter school and
648 for current teachers who choose not to teach in the charter
649 school after conversion in accordance with the existing
650 collective bargaining agreement or district school board rule in
651 the absence of a collective bargaining agreement. However,
652 alternative arrangements shall not be required for current
653 teachers who choose not to teach in a charter lab school, except
654 as authorized by the employment policies of the state university
655 which grants the charter to the lab school.

656 ~~19.18.~~ Full disclosure of the identity of all relatives
657 employed by the charter school who are related to the charter
658 school owner, president, chairperson of the governing board of
659 directors, superintendent, governing board member, principal,
660 assistant principal, or any other person employed by the charter
661 school who has equivalent decisionmaking authority. For the
662 purpose of this subparagraph, the term "relative" means father,
663 mother, son, daughter, brother, sister, uncle, aunt, first
664 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
665 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
666 stepfather, stepmother, stepson, stepdaughter, stepbrother,
667 stepsister, half brother, or half sister.

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668 ~~20.19.~~ Implementation of the activities authorized under s.
669 1002.331 by the charter school when it satisfies the eligibility
670 requirements for a high-performing charter school. A high-
671 performing charter school shall notify its sponsor in writing by
672 March 1 if it intends to increase enrollment or expand grade
673 levels the following school year. The written notice shall
674 specify the amount of the enrollment increase and the grade
675 levels that will be added, as applicable.

676 (b)1. A charter may be renewed provided that a program
677 review demonstrates that the criteria in paragraph (a) have been
678 successfully accomplished and that none of the grounds for
679 nonrenewal established by paragraph (8) (a) has been documented.
680 ~~In order to facilitate long term financing for charter school~~
681 ~~construction,~~ Charter schools operating for a minimum of 3 years
682 and demonstrating exemplary academic programming and fiscal
683 management are eligible for a 15-year charter renewal. Such
684 long-term charter is subject to annual review and may be
685 terminated during the term of the charter.

686 2. The 15-year charter renewal that may be granted pursuant
687 to subparagraph 1. shall be granted to a charter school that has
688 received a school grade of "A" or "B" pursuant to s. 1008.34 in
689 3 of the past 4 years and is not in a state of financial
690 emergency or deficit position as defined by this section. Such
691 long-term charter is subject to annual review and may be
692 terminated during the term of the charter pursuant to subsection
693 (8).

694 ~~(d)1. Each charter school's governing board must appoint a~~
695 ~~representative to facilitate parental involvement, provide~~
696 ~~access to information, assist parents and others with questions~~

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697 ~~and concerns, and resolve disputes. The representative must~~
 698 ~~reside in the school district in which the charter school is~~
 699 ~~located and may be a governing board member, charter school~~
 700 ~~employee, or individual contracted to represent the governing~~
 701 ~~board. If the governing board oversees multiple charter schools~~
 702 ~~in the same school district, the governing board must appoint a~~
 703 ~~separate individual representative for each charter school in~~
 704 ~~the district. The representative's contact information must be~~
 705 ~~provided annually in writing to parents and posted prominently~~
 706 ~~on the charter school's website if a website is maintained by~~
 707 ~~the school. The sponsor may not require that governing board~~
 708 ~~members reside in the school district in which the charter~~
 709 ~~school is located if the charter school complies with this~~
 710 ~~paragraph.~~

711 2. Each charter school's governing board must hold at least
 712 two public meetings per school year in the school district. The
 713 meetings must be noticed, open, and accessible to the public,
 714 and attendees must be provided an opportunity to receive
 715 information and provide input regarding the charter school's
 716 operations. The appointed representative and charter school
 717 principal or director, or his or her equivalent, must be
 718 physically present at each meeting.

719 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

720 (e) When a charter is not renewed or is terminated or when
 721 a charter school is closed voluntarily by the operator, the
 722 school shall be dissolved under the provisions of law under
 723 which the school was organized, and any unencumbered public
 724 funds, except for capital outlay funds and federal charter
 725 school program grant funds, from the charter school shall revert

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726 to the sponsor. Capital outlay funds provided pursuant to s.
 727 1013.62 and federal charter school program grant funds that are
 728 unencumbered shall revert to the department to be redistributed
 729 among eligible charter schools. In the event a charter school is
 730 dissolved or is otherwise terminated, all district school board
 731 property and improvements, furnishings, and equipment purchased
 732 with public funds shall automatically revert to full ownership
 733 by the district school board, subject to complete satisfaction
 734 of any lawful liens or encumbrances. Any unencumbered public
 735 funds from the charter school, district school board property
 736 and improvements, furnishings, and equipment purchased with
 737 public funds, or financial or other records pertaining to the
 738 charter school, in the possession of any person, entity, or
 739 holding company, other than the charter school, shall be held in
 740 trust upon the district school board's request, until any appeal
 741 status is resolved.

742 (f) If a charter is not renewed or is terminated or a
 743 charter school is closed voluntarily by the operator, the
 744 charter school is responsible for all debts of the charter
 745 school. The district may not assume the debt from any contract
 746 made between the governing body of the school and a third party,
 747 except for a debt that is previously detailed and agreed upon in
 748 writing by both the district and the governing body of the
 749 school and that may not reasonably be assumed to have been
 750 satisfied by the district.

751 (g) If a charter is not renewed or is terminated, a student
 752 who attended the school may apply to, and shall be enrolled in,
 753 another public school. Normal application deadlines shall be
 754 disregarded under such circumstances.

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755 (h) The governing board of a charter school that closes
 756 voluntarily shall notify the sponsor and the department in
 757 writing within 7 calendar days of its decision to cease
 758 operations. The notice must state the reasons for the closure
 759 and acknowledge that the governing board agrees to follow the
 760 procedures for dissolution and reversion of public funds
 761 specified in this subsection and paragraph (9)(o).

762 (i) For a high-performing charter school that is having the
 763 charter agreement renewed, the charter contract, as that
 764 contract exists on the day the term of the contract is to
 765 terminate, must be automatically renewed for the length of the
 766 current term if the charter school governing board and sponsor
 767 have not executed the renewal before the term of the charter
 768 agreement is scheduled to expire.

769 (9) CHARTER SCHOOL REQUIREMENTS.—

770 (g)1. In order to provide financial information that is
 771 comparable to that reported for other public schools, charter
 772 schools are to maintain all financial records that constitute
 773 their accounting system:

774 a. In accordance with the accounts and codes prescribed in
 775 the most recent issuance of the publication titled "Financial
 776 and Program Cost Accounting and Reporting for Florida Schools";
 777 or

778 b. At the discretion of the charter school's governing
 779 board, a charter school may elect to follow generally accepted
 780 accounting standards for not-for-profit organizations, but must
 781 reformat this information for reporting according to this
 782 paragraph.

783 2. Charter schools shall provide annual financial report

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784 and program cost report information in the state-required
 785 formats for inclusion in district reporting in compliance with
 786 s. 1011.60(1). Charter schools that are operated by a
 787 municipality or are a component unit of a parent nonprofit
 788 organization may use the accounting system of the municipality
 789 or the parent but must reformat this information for reporting
 790 according to this paragraph.

791 3. A charter school shall, upon execution of the contract,
 792 provide the sponsor with a concise, uniform, monthly financial
 793 statement summary sheet that contains a balance sheet and a
 794 statement of revenue, expenditures, and changes in fund balance.
 795 The balance sheet and the statement of revenue, expenditures,
 796 and changes in fund balance shall be in the governmental funds
 797 format prescribed by the Governmental Accounting Standards
 798 Board. A high-performing charter school pursuant to s. 1002.331
 799 may provide a quarterly financial statement in the same format
 800 and requirements as the uniform monthly financial statement
 801 summary sheet. The sponsor shall review each monthly financial
 802 statement, to identify the existence of any conditions
 803 identified in s. 1002.345 (1)(a).

804 4. A charter school shall maintain and provide financial
 805 information as required in this paragraph. The financial
 806 statement required in subparagraph 3. must be in a form
 807 prescribed by the Department of Education.

808 (n)1. The director and a representative of the governing
 809 board of a charter school that has earned a grade of "D" or "F"
 810 pursuant to s. 1008.34 shall appear before the sponsor to
 811 present information concerning each contract component having
 812 noted deficiencies. The director and a representative of the

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813 governing board shall submit to the sponsor for approval a
 814 school improvement plan to raise student performance. Upon
 815 approval by the sponsor, the charter school shall begin
 816 implementation of the school improvement plan. The department
 817 shall offer technical assistance and training to the charter
 818 school and its governing board and establish guidelines for
 819 developing, submitting, and approving such plans.

820 2.a. If a charter school earns three consecutive grades of
 821 "D," two consecutive grades of "D" followed by a grade of "F,"
 822 or two nonconsecutive grades of "F" within a 3-year period, the
 823 charter school governing board shall choose one of the following
 824 corrective actions:

825 (I) Contract for educational services to be provided
 826 directly to students, instructional personnel, and school
 827 administrators, as prescribed in state board rule;

828 (II) Contract with an outside entity that has a
 829 demonstrated record of effectiveness to operate the school;

830 (III) Reorganize the school under a new director or
 831 principal who is authorized to hire new staff; or

832 (IV) Voluntarily close the charter school.

833 b. The charter school must implement the corrective action
 834 in the school year following receipt of a third consecutive
 835 grade of "D," a grade of "F" following two consecutive grades of
 836 "D," or a second nonconsecutive grade of "F" within a 3-year
 837 period.

838 c. The sponsor may annually waive a corrective action if it
 839 determines that the charter school is likely to improve a letter
 840 grade if additional time is provided to implement the
 841 intervention and support strategies prescribed by the school

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842 improvement plan. Notwithstanding this sub-subparagraph, a
 843 charter school that earns a second consecutive grade of "F" is
 844 subject to subparagraph 4.

845 d. A charter school is no longer required to implement a
 846 corrective action if it improves by at least one letter grade.
 847 However, the charter school must continue to implement
 848 strategies identified in the school improvement plan. The
 849 sponsor must annually review implementation of the school
 850 improvement plan to monitor the school's continued improvement
 851 pursuant to subparagraph 5.

852 e. A charter school implementing a corrective action that
 853 does not improve by at least one letter grade after 2 full
 854 school years of implementing the corrective action must select a
 855 different corrective action. Implementation of the new
 856 corrective action must begin in the school year following the
 857 implementation period of the existing corrective action, unless
 858 the sponsor determines that the charter school is likely to
 859 improve a letter grade if additional time is provided to
 860 implement the existing corrective action. Notwithstanding this
 861 sub-subparagraph, a charter school that earns a second
 862 consecutive grade of "F" while implementing a corrective action
 863 is subject to subparagraph 4.

864 3. A charter school with a grade of "D" or "F" that
 865 improves by at least one letter grade must continue to implement
 866 the strategies identified in the school improvement plan. The
 867 sponsor must annually review implementation of the school
 868 improvement plan to monitor the school's continued improvement
 869 pursuant to subparagraph 5.

870 4. A charter school's charter is automatically terminated

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871 if the school earns two consecutive grades of "F" after all
 872 school grade appeals are final ~~The sponsor shall terminate a~~
 873 ~~charter if the charter school earns two consecutive grades of~~
 874 ~~"F" unless:~~

875 a. The charter school is established to turn around the
 876 performance of a district public school pursuant to s.
 877 1008.33(4)(b)3. Such charter schools shall be governed by s.
 878 1008.33;

879 b. The charter school serves a student population the
 880 majority of which resides in a school zone served by a district
 881 public school that earned a grade of "F" in the year before the
 882 charter school opened and the charter school earns at least a
 883 grade of "D" in its third year of operation. The exception
 884 provided under this sub-subparagraph does not apply to a charter
 885 school in its fourth year of operation and thereafter; or

886 c. The state board grants the charter school a waiver of
 887 termination. The charter school must request the waiver within
 888 15 days after the department's official release of school
 889 grades. The state board may waive termination if the charter
 890 school demonstrates that the Learning Gains of its students on
 891 statewide assessments are comparable to or better than the
 892 Learning Gains of similarly situated students enrolled in nearby
 893 district public schools. The waiver is valid for 1 year and may
 894 only be granted once. Charter schools that have been in
 895 operation for more than 5 years are not eligible for a waiver
 896 under this sub-subparagraph.

897 The sponsor shall notify in writing the charter school's
 898 governing board, the charter school principal, and the
 899

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900 department when a charter is terminated under this subparagraph.
 901 A charter terminated under this subparagraph is governed by the
 902 requirements of paragraphs (8)(e)-(g) and paragraph (o) of this
 903 subsection.

904 5. The director and a representative of the governing board
 905 of a graded charter school that has implemented a school
 906 improvement plan under this paragraph shall appear before the
 907 sponsor at least once a year to present information regarding
 908 the progress of intervention and support strategies implemented
 909 by the school pursuant to the school improvement plan and
 910 corrective actions, if applicable. The sponsor shall communicate
 911 at the meeting, and in writing to the director, the services
 912 provided to the school to help the school address its
 913 deficiencies.

914 6. Notwithstanding any provision of this paragraph except
 915 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
 916 at any time pursuant to subsection (8).

917 (p)1. Each charter school shall maintain a website that
 918 enables the public to obtain information regarding the school;
 919 the school's academic performance; the names of the governing
 920 board members; the programs at the school; any management
 921 companies, cooperatives, service providers, or education
 922 management corporations associated with the school; the school's
 923 annual budget and its annual independent fiscal audit; the
 924 school's grade pursuant to s. 1008.34; and, on a quarterly
 925 basis, the minutes of governing board meetings.

926 2. Each charter school's governing board shall appoint a
 927 representative to facilitate parental involvement, provide
 928 access to information, assist parents and others with questions

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929 and concerns, and resolve disputes. The representative must
 930 reside in the school district in which the charter school is
 931 located and may be a governing board member, charter school
 932 employee, or individual contracted to represent the governing
 933 board. If the governing board oversees multiple charter schools
 934 in the same school district, the governing board must appoint a
 935 separate individual representative for each charter school in
 936 the district. The representative's contact information must be
 937 provided annually, in writing, to parents and posted prominently
 938 on the charter school's website. The sponsor may not require
 939 that governing board members reside in the school district in
 940 which the charter school is located if the charter school
 941 complies with this paragraph.

942 3. Each charter school's governing board must hold at least
 943 two public meetings per school year in the school district where
 944 the charter school is located. The meetings must be noticed,
 945 open, and accessible to the public, and attendees must be
 946 provided an opportunity to receive information and provide input
 947 regarding the charter school's operations. The appointed
 948 representative and charter school principal or director, or his
 949 or her equivalent, must be physically present at each meeting.

950 (10) ELIGIBLE STUDENTS.—

951 (a) A charter school shall be open to any student covered
 952 in an interdistrict agreement or residing in the school district
 953 in which the charter school is located; however, in the case of
 954 a charter lab school, the charter lab school shall be open to
 955 any student eligible to attend the lab school as provided in s.
 956 1002.32 or who resides in the school district in which the
 957 charter lab school is located. A charter school with space

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958 available must be open to any student in the state, pursuant to
 959 s. 1002.31(2). Any eligible student shall be allowed
 960 interdistrict transfer to attend a charter school when based on
 961 good cause. Good cause shall include, but is not limited to,
 962 geographic proximity to a charter school in a neighboring school
 963 district.

964 (17) FUNDING.—Students enrolled in a charter school,
 965 regardless of the sponsorship, shall be funded as if they are in
 966 a basic program or a special program, the same as students
 967 enrolled in other public schools in the school district. Funding
 968 for a charter lab school shall be as provided in s. 1002.32.

969 (b) The basis for the agreement for funding students
 970 enrolled in a charter school shall be the sum of the school
 971 district's operating funds from the Florida Education Finance
 972 Program as provided in s. 1011.62 and the General Appropriations
 973 Act, including gross state and local funds, discretionary
 974 lottery funds, and funds from the school district's current
 975 operating discretionary millage levy; divided by total funded
 976 weighted full-time equivalent students in the school district;
 977 multiplied by the weighted full-time equivalent students for the
 978 charter school. Charter schools whose students or programs meet
 979 the eligibility criteria in law are entitled to their
 980 proportionate share of categorical program funds included in the
 981 total funds available in the Florida Education Finance Program
 982 by the Legislature, including transportation, the research-based
 983 reading allocation, and the Florida digital classrooms
 984 allocation. Total funding for each charter school shall be
 985 recalculated during the year to reflect the revised calculations
 986 under the Florida Education Finance Program by the state and the

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987 actual weighted full-time equivalent students reported by the
 988 charter school during the full-time equivalent student survey
 989 periods designated by the Commissioner of Education.

990 (e) District school boards shall make timely and efficient
 991 payment and reimbursement to charter schools, including
 992 processing paperwork required to access special state and
 993 federal funding for which they may be eligible. The district
 994 school board may distribute funds to a charter school for up to
 995 3 months based on the projected full-time equivalent student
 996 membership of the charter school. Thereafter, the results of
 997 full-time equivalent student membership surveys shall be used in
 998 adjusting the amount of funds distributed monthly to the charter
 999 school for the remainder of the fiscal year. The payment shall
 1000 be issued no later than 10 working days after the district
 1001 school board receives a distribution of state or federal funds.
 1002 If a warrant for payment is not issued within 10 working days
 1003 after receipt of funding by the district school board, the
 1004 school district shall pay to the charter school, in addition to
 1005 the amount of the scheduled disbursement, interest at a rate of
 1006 1 percent per month calculated on a daily basis on the unpaid
 1007 balance from the expiration of the 10 working days until such
 1008 time as the warrant is issued. The district school board may not
 1009 delay payment to a charter school of any portion of the funds
 1010 provided in paragraph (b) based on the timing of receipt of
 1011 local funds by the district school board.

1012 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1013 (a) The Department of Education shall provide information
 1014 to the public, directly and through sponsors, on how to form and
 1015 operate a charter school and how to enroll in a charter school

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1016 once it is created. This information shall include a standard
 1017 ~~model~~ application form, standard charter contract, standard
 1018 application evaluation instrument, and standard charter renewal
 1019 contract, which shall include the information specified in
 1020 subsection (7) and shall be developed by consulting and
 1021 negotiating with both school districts and charter schools
 1022 before implementation. The charter and charter renewal contracts
 1023 shall be used by charter school sponsors.

1024 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1025 (c) An employee of the charter school, or his or her
 1026 spouse, or an employee of a management company, cooperative, or
 1027 charter management organization, or his or her spouse, may not
 1028 be a member of the governing board of the charter school.

1029 (27) CONFLICTS OF INTEREST AND ETHICS.—An individual may
 1030 not serve as a member of a governing board of a charter school,
 1031 an education management corporation, or charter school
 1032 cooperative organization if he or she or an immediate family
 1033 member receives a pension or any compensation from the charter
 1034 school, or if the individual's partner is an owner or principal
 1035 with an entity or independent contractor with whom the charter
 1036 school does business or contracts, directly or indirectly, for
 1037 professional services, goods, or facilities. An individual may
 1038 not serve as a governing board member if an immediate family
 1039 member is an employee of the school. Members of the governing
 1040 board of a charter school may not be appointed, removed, or
 1041 replaced by an entity or component unit of an entity, which the
 1042 charter school has entered into any contract with.

1043 Section 4. Paragraph (e) of subsection (2), paragraph (b)
 1044 of subsection (3), and subsection (5) of section 1002.331,

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1045 Florida Statutes, are amended to read:

1046 1002.331 High-performing charter schools.—

1047 (2) A high-performing charter school is authorized to:

1048 (e) Receive a modification of its charter to a term of 15
 1049 years or a 15-year charter renewal. The charter may be modified
 1050 or renewed for a shorter term at the option of the high-
 1051 performing charter school. The charter must be consistent with
 1052 s. 1002.33(7)(a)20. ~~s. 1002.33(7)(a)19.~~ and (10)(h) and (i), is
 1053 subject to annual review by the sponsor, and may be terminated
 1054 during its term pursuant to s. 1002.33(8).

1055

1056 A high-performing charter school shall notify its sponsor in
 1057 writing by March 1 if it intends to increase enrollment or
 1058 expand grade levels the following school year. The written
 1059 notice shall specify the amount of the enrollment increase and
 1060 the grade levels that will be added, as applicable. If a charter
 1061 school notifies the sponsor of its intent to expand, the sponsor
 1062 shall modify the charter within 90 days to include the new
 1063 enrollment maximum and may not make any other changes. The
 1064 sponsor may deny a request to increase the enrollment of a high-
 1065 performing charter school if the commissioner has declassified
 1066 the charter school as high-performing. If a high-performing
 1067 charter school requests to consolidate multiple charters, the
 1068 sponsor shall have 40 days after receipt of that request to
 1069 provide an initial draft charter to the charter school. The
 1070 sponsor and charter school shall have 50 days thereafter to
 1071 negotiate and notice the charter contract for final approval by
 1072 the sponsor.

1073 (3)

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1074 (b) A high-performing charter school may not establish more
 1075 than one charter school within the state under paragraph (a) in
 1076 any year. A subsequent application to establish a charter school
 1077 under paragraph (a) may not be submitted unless each charter
 1078 school established in this manner achieves high-performing
 1079 charter school status. The limits set forth in this paragraph do
 1080 not apply to charter schools established by a high-performing
 1081 charter school in the attendance zone of a school identified as
 1082 in need of intervention and support pursuant to s. 1008.33(3)(b)
 1083 or to meet needs for innovative choice options identified by the
 1084 district school board.

1085 (5) The Commissioner of Education, upon request by a
 1086 charter school, shall verify that the charter school meets the
 1087 criteria in subsection (1) and provide a letter to the charter
 1088 school and the sponsor stating that the charter school is a
 1089 high-performing charter school pursuant to this section. The
 1090 commissioner shall annually determine whether a high-performing
 1091 charter school under subsection (1) continues to meet the
 1092 criteria in that subsection. Such high-performing charter school
 1093 shall maintain its high-performing status unless the
 1094 commissioner determines that the charter school no longer meets
 1095 the criteria in subsection (1), at which time the commissioner
 1096 shall send a letter to the charter school and its sponsor
 1097 providing notification that the charter school has been
 1098 declassified of its declassification as a high-performing
 1099 charter school.

1100 Section 5. Present subsection (2) of section 1002.332,
 1101 Florida Statutes, is redesignated as subsection (3), and a new
 1102 subsection (2) is added to that section, to read:

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1103 1002.332 High-performing charter school system.-
 1104 (2) An entity that successfully operates a system of
 1105 charter schools outside the state may apply to the State Board
 1106 of Education for status as a high-performing charter school
 1107 system. The state board shall adopt rules prescribing a process
 1108 for determining whether the entity meets the requirements of
 1109 this subsection by reviewing student demographic and performance
 1110 data and fiscal accountability of all schools operated by the
 1111 entity. To the extent practicable, the state board shall develop
 1112 a rubric for the approval of such entities which aligns with the
 1113 priorities of the federal Charter Schools Program Grants for
 1114 Replication and Expansion of High-Quality Charter Schools in the
 1115 Federal Register, Volume 76, No. 133. An entity classified as a
 1116 high-performing charter school system pursuant to this
 1117 subsection may submit an application in the same manner as
 1118 specified in s. 1002.331(3) to establish and operate a new
 1119 charter school in this state. For the first 3 school years of
 1120 operation, each charter school established by such an entity
 1121 shall receive a reduction in administrative fees as authorized
 1122 under s. 1002.33(20)(a)3.

1123 Section 6. Paragraph (c) of subsection (1) of section
 1124 1002.451, Florida Statutes, is amended to read:
 1125 1002.451 District innovation school of technology program.-
 1126 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.-
 1127 (c) An innovation school of technology must be open to any
 1128 student covered in an interdistrict agreement or residing in the
 1129 school district in which the innovation school of technology is
 1130 located. An innovation school of technology shall enroll an
 1131 eligible student who submits a timely application if the number

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1132 of applications does not exceed the capacity of a program,
 1133 class, grade level, or building. If the number of applications
 1134 exceeds capacity, all applicants shall have an equal chance of
 1135 being admitted through a public random selection process.
 1136 However, a district may give enrollment preference to students
 1137 who identify the innovation school of technology as the
 1138 student's preferred choice pursuant to the district's public
 1139 school parental choice ~~controlled open enrollment~~ plan.

1140 Section 7. Section 1003.3101, Florida Statutes, is created
 1141 to read:

1142 1003.3101 Additional school choice options.-Each district
 1143 school board shall establish a transfer process for a parent to
 1144 request his or her child be transferred to another classroom
 1145 teacher. A school must grant or deny the transfer within 2 weeks
 1146 after receiving a request. If a request for transfer is denied,
 1147 the school shall notify the parent and specify the reasons for a
 1148 denial. An explanation of the transfer process must be made
 1149 available in the student handbook or a similar publication.

1150 Section 8. Section 1003.5711, Florida Statutes, is created
 1151 to read:

1152 1003.5711 Instruction for students receiving hospitalized
 1153 program services.-

1154 (1) A public school student in prekindergarten through
 1155 grade 12 who is deemed eligible for hospitalized program
 1156 services in this state is considered a student with a
 1157 disability.

1158 (a) If the student has an individual education plan (IEP),
 1159 the IEP must be followed, but upon request of the student's
 1160 parent, the IEP may be modified to accommodate the student's use

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1161 of hospitalized program services in a children's hospital
 1162 pursuant to this section.

1163 (b) The student's IEP may be modified to reduce the
 1164 student's course load to core courses identified in s.
 1165 1002.20(19)(a). The student may be excused or exempted from
 1166 physical education classes or instruction based on the IEP or
 1167 orders from the student's medical doctor. The student's IEP may
 1168 allow the student to receive instruction beyond the normal
 1169 school hours, school day, or school year of the school district.

1170 (2) A student who is admitted to a children's hospital for
 1171 hospitalized program services must continue to receive
 1172 educational instruction.

1173 (a) If a student is expected to be absent from school and
 1174 admitted to the children's hospital for hospitalized program
 1175 services for at least 15 consecutive days, no later than the
 1176 fifth day of the student's hospital stay, the school district in
 1177 which the student is or was most recently enrolled may choose to
 1178 provide a certified teacher to the children's hospital to
 1179 provide instruction to the student. If that school district
 1180 declines to provide a certified teacher, the school district in
 1181 which the children's hospital is located must provide a
 1182 certified teacher to provide the student with instruction, or
 1183 must partner with the Florida Virtual School for instructional
 1184 services as authorized in this section. Such school district
 1185 shall also provide the student's instructional materials and
 1186 other necessary educational support and services identified in
 1187 the IEP.

1188 (b) A student in prekindergarten through grade 6 shall be
 1189 taught in person by the certified teacher. A student in grades 7

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1190 through 12 shall be taught in person by the certified teacher,
 1191 or the student may choose to utilize instruction from the
 1192 Florida Virtual School. If the Florida Virtual School is used by
 1193 any student, at least one certified teacher from the Florida
 1194 Virtual School must be present at the hospital to assist with
 1195 online learning.

1196 (3) If a school district other than the one in which the
 1197 student was previously enrolled provides the hospitalized
 1198 program services, the Department of Education must transfer the
 1199 funds from the school district in which the student was
 1200 previously enrolled to the school district in which the
 1201 children's hospital providing hospitalized program services is
 1202 located. This transfer shall occur no later than each subsequent
 1203 quarterly FEFP payment.

1204 (4) The children's hospital providing the hospitalized
 1205 program services is responsible for providing adequate
 1206 educational space for each student, but is not required to
 1207 comply with chapter 1013. The hospital and applicable school
 1208 district must enter into an agreement to implement this section.
 1209 The agreement may be student-specific or address all students as
 1210 necessary.

1211 (5) The intent of this section is to supplement existing
 1212 laws, rules, and regulations concerning hospitalized students
 1213 that use hospitalized program services at a children's hospital.

1214 Section 9. Section 1004.6491, Florida Statutes, is created
 1215 to read:

1216 1004.6491 Florida Institute for Charter School Innovation.-

1217 (1) There is established the Florida Institute for Charter
 1218 School Innovation within the Florida State University. The

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1219 purpose of the institute is to advance charter school
 1220 accountability, quality, and innovation; provide support and
 1221 technical assistance to charter school applicants; connect
 1222 aspiring teachers to opportunities to experience teaching in
 1223 schools of choice; and conduct research and develop and promote
 1224 best practices for charter school authorization, financing,
 1225 management, operations, and instructional practices.

1226 (2) The institute shall:

1227 (a) Conduct research to inform both policy and practice
 1228 related to charter school accountability, financing, management,
 1229 operations, and instructional practices.

1230 (b) Partner with state-approved teacher preparation
 1231 programs in this state to provide opportunities for aspiring
 1232 teachers to experience teaching in schools of choice.

1233 (c) Provide technical assistance and support to charter
 1234 school applicants with innovative charter school concepts.

1235 (3) The President of the Florida State University shall
 1236 appoint a director of the institute. The director is responsible
 1237 for overall management of the institute and for developing and
 1238 executing the work of the institute consistent with this
 1239 section. The director may engage individuals in other state
 1240 universities with accredited colleges of education to
 1241 participate in the institute.

1242 (4) By each October 1, the institute shall provide a
 1243 written report to the Governor, the President of the Senate, and
 1244 the Speaker of the House of Representatives which outlines its
 1245 activities in the preceding year, reports significant research
 1246 findings, details expenditures of state funds, and provides
 1247 specific recommendations for improving the institute's ability

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1248 to fulfil its mission and for changes to statewide charter
 1249 school policy.

1250 (5) Within 180 days after completion of the institute's
 1251 fiscal year, the institute shall provide to the Auditor General,
 1252 the Board of Governors of the State University System, and the
 1253 State Board of Education a report on the results of an annual
 1254 financial audit conducted by an independent certified public
 1255 accountant in accordance with s. 11.45.

1256 Section 10. Paragraphs (c), (d), and (e) of subsection (3)
 1257 of section 1006.15, Florida Statutes, are amended to read:
 1258 1006.15 Student standards for participation in
 1259 interscholastic and intrascholastic extracurricular student
 1260 activities; regulation.—

1261 (3)

1262 (c) An individual home education student is eligible to
 1263 participate at the public school to which the student would be
 1264 assigned according to district school board attendance area
 1265 policies or which the student could choose to attend pursuant to
 1266 public school parental choice district or interdistrict
 1267 ~~controlled open enrollment~~ provisions, or may develop an
 1268 agreement to participate at a private school, in the
 1269 interscholastic extracurricular activities of that school,
 1270 provided the following conditions are met:

1271 1. The home education student must meet the requirements of
 1272 the home education program pursuant to s. 1002.41.

1273 2. During the period of participation at a school, the home
 1274 education student must demonstrate educational progress as
 1275 required in paragraph (b) in all subjects taken in the home
 1276 education program by a method of evaluation agreed upon by the

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 1277 parent and the school principal which may include: review of the
 1278 student's work by a certified teacher chosen by the parent;
 1279 grades earned through correspondence; grades earned in courses
 1280 taken at a Florida College System institution, university, or
 1281 trade school; standardized test scores above the 35th
 1282 percentile; or any other method designated in s. 1002.41.

1283 3. The home education student must meet the same residency
 1284 requirements as other students in the school at which he or she
 1285 participates.

1286 4. The home education student must meet the same standards
 1287 of acceptance, behavior, and performance as required of other
 1288 students in extracurricular activities.

1289 5. The student must register with the school his or her
 1290 intent to participate in interscholastic extracurricular
 1291 activities as a representative of the school before the
 1292 beginning date of the season for the activity in which he or she
 1293 wishes to participate. A home education student must be able to
 1294 participate in curricular activities if that is a requirement
 1295 for an extracurricular activity.

1296 6. A student who transfers from a home education program to
 1297 a public school before or during the first grading period of the
 1298 school year is academically eligible to participate in
 1299 interscholastic extracurricular activities during the first
 1300 grading period provided the student has a successful evaluation
 1301 from the previous school year, pursuant to subparagraph 2.

1302 7. Any public school or private school student who has been
 1303 unable to maintain academic eligibility for participation in
 1304 interscholastic extracurricular activities is ineligible to
 1305 participate in such activities as a home education student until

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 1306 the student has successfully completed one grading period in
 1307 home education pursuant to subparagraph 2. to become eligible to
 1308 participate as a home education student.

1309 (d) An individual charter school student pursuant to s.
 1310 1002.33 is eligible to participate at the public school to which
 1311 the student would be assigned according to district school board
 1312 attendance area policies or which the student could choose to
 1313 attend, pursuant to district or interdistrict public school
 1314 parental choice ~~controlled open-enrollment~~ provisions, in any
 1315 interscholastic extracurricular activity of that school, unless
 1316 such activity is provided by the student's charter school, if
 1317 the following conditions are met:

1318 1. The charter school student must meet the requirements of
 1319 the charter school education program as determined by the
 1320 charter school governing board.

1321 2. During the period of participation at a school, the
 1322 charter school student must demonstrate educational progress as
 1323 required in paragraph (b).

1324 3. The charter school student must meet the same residency
 1325 requirements as other students in the school at which he or she
 1326 participates.

1327 4. The charter school student must meet the same standards
 1328 of acceptance, behavior, and performance that are required of
 1329 other students in extracurricular activities.

1330 5. The charter school student must register with the school
 1331 his or her intent to participate in interscholastic
 1332 extracurricular activities as a representative of the school
 1333 before the beginning date of the season for the activity in
 1334 which he or she wishes to participate. A charter school student

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1335 must be able to participate in curricular activities if that is
1336 a requirement for an extracurricular activity.

1337 6. A student who transfers from a charter school program to
1338 a traditional public school before or during the first grading
1339 period of the school year is academically eligible to
1340 participate in interscholastic extracurricular activities during
1341 the first grading period if the student has a successful
1342 evaluation from the previous school year, pursuant to
1343 subparagraph 2.

1344 7. Any public school or private school student who has been
1345 unable to maintain academic eligibility for participation in
1346 interscholastic extracurricular activities is ineligible to
1347 participate in such activities as a charter school student until
1348 the student has successfully completed one grading period in a
1349 charter school pursuant to subparagraph 2. to become eligible to
1350 participate as a charter school student.

1351 (e) A student of the Florida Virtual School full-time
1352 program may participate in any interscholastic extracurricular
1353 activity at the public school to which the student would be
1354 assigned according to district school board attendance area
1355 policies or which the student could choose to attend, pursuant
1356 to district or interdistrict public school parental choice
1357 ~~controlled open enrollment~~ policies, if the student:

1358 1. During the period of participation in the
1359 interscholastic extracurricular activity, meets the requirements
1360 in paragraph (a).

1361 2. Meets any additional requirements as determined by the
1362 board of trustees of the Florida Virtual School.

1363 3. Meets the same residency requirements as other students

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1364 in the school at which he or she participates.

1365 4. Meets the same standards of acceptance, behavior, and
1366 performance that are required of other students in
1367 extracurricular activities.

1368 5. Registers his or her intent to participate in
1369 interscholastic extracurricular activities with the school
1370 before the beginning date of the season for the activity in
1371 which he or she wishes to participate. A Florida Virtual School
1372 student must be able to participate in curricular activities if
1373 that is a requirement for an extracurricular activity.

1374 Section 11. Subsection (1) of section 1011.61, Florida
1375 Statutes, is amended to read:

1376 1011.61 Definitions.—Notwithstanding the provisions of s.
1377 1000.21, the following terms are defined as follows for the
1378 purposes of the Florida Education Finance Program:

1379 (1) A "full-time equivalent student" in each program of the
1380 district is defined in terms of full-time students and part-time
1381 students as follows:

1382 (a) A "full-time student" is one student on the membership
1383 roll of one school program or a combination of school programs
1384 listed in s. 1011.62(1)(c) for the school year or the equivalent
1385 for:

1386 1. Instruction in a standard school, comprising not less
1387 than 900 net hours for a student in or at the grade level of 4
1388 through 12, or not less than 720 net hours for a student in or
1389 at the grade level of kindergarten through grade 3 or in an
1390 authorized prekindergarten exceptional program;

1391 2. Instruction in an alternative charter school that is
1392 operating with two or more instructional sessions per day, when

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1393 combined, comprising not less than the equivalent of 810 net
 1394 hours per student per school year and using instructional
 1395 calendars that may extend beyond 180 days, as authorized in the
 1396 charter contract that is approved by the district school board;
 1397 3. Instruction in a ~~double session school or a~~ school
 1398 utilizing an experimental school calendar approved by the
 1399 Department of Education, comprising not less than the equivalent
 1400 of 810 net hours in grades 4 through 12 or not less than 630 net
 1401 hours in kindergarten through grade 3; or
 1402 ~~4.3.~~ Instruction comprising the appropriate number of net
 1403 hours set forth in subparagraph 1. or subparagraph 2. for
 1404 students who, within the past year, have moved with their
 1405 parents for the purpose of engaging in the farm labor or fish
 1406 industries, if a plan furnishing such an extended school day or
 1407 week, or a combination thereof, has been approved by the
 1408 commissioner. Such plan may be approved to accommodate the needs
 1409 of migrant students only or may serve all students in schools
 1410 having a high percentage of migrant students. The plan described
 1411 in this subparagraph is optional for any school district and is
 1412 not mandated by the state.
 1413 (b) A "part-time student" is a student on the active
 1414 membership roll of a school program or combination of school
 1415 programs listed in s. 1011.62(1)(c) who is less than a full-time
 1416 student.
 1417 (c)1. A "full-time equivalent student" is:
 1418 a. A full-time student in any one of the programs listed in
 1419 s. 1011.62(1)(c); or
 1420 b. A combination of full-time or part-time students in any
 1421 one of the programs listed in s. 1011.62(1)(c) which is the

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1422 equivalent of one full-time student based on the following
 1423 calculations:
 1424 (I) A full-time student in a combination of programs listed
 1425 in s. 1011.62(1)(c) shall be a fraction of a full-time
 1426 equivalent membership in each special program equal to the
 1427 number of net hours per school year for which he or she is a
 1428 member, divided by the appropriate number of hours set forth in
 1429 subparagraph (a)1. or subparagraph (a)2. The difference between
 1430 that fraction or sum of fractions and the maximum value as set
 1431 forth in subsection (4) for each full-time student is presumed
 1432 to be the balance of the student's time not spent in a special
 1433 program and shall be recorded as time in the appropriate basic
 1434 program.
 1435 (II) A prekindergarten student with a disability shall meet
 1436 the requirements specified for kindergarten students.
 1437 (III) A full-time equivalent student for students in
 1438 kindergarten through grade 12 in a full-time virtual instruction
 1439 program under s. 1002.45 or a virtual charter school under s.
 1440 1002.33 shall consist of six full-credit completions or the
 1441 prescribed level of content that counts toward promotion to the
 1442 next grade in programs listed in s. 1011.62(1)(c). Credit
 1443 completions may be a combination of full-credit courses or half-
 1444 credit courses. Beginning in the 2016-2017 fiscal year, the
 1445 reported full-time equivalent students and associated funding of
 1446 students enrolled in courses requiring passage of an end-of-
 1447 course assessment under s. 1003.4282 to earn a standard high
 1448 school diploma shall be adjusted if the student does not pass
 1449 the end-of-course assessment. However, no adjustment shall be
 1450 made for a student who enrolls in a segmented remedial course

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1451 delivered online.

1452 (IV) A full-time equivalent student for students in
 1453 kindergarten through grade 12 in a part-time virtual instruction
 1454 program under s. 1002.45 shall consist of six full-credit
 1455 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 1456 Credit completions may be a combination of full-credit courses
 1457 or half-credit courses. Beginning in the 2016-2017 fiscal year,
 1458 the reported full-time equivalent students and associated
 1459 funding of students enrolled in courses requiring passage of an
 1460 end-of-course assessment under s. 1003.4282 to earn a standard
 1461 high school diploma shall be adjusted if the student does not
 1462 pass the end-of-course assessment. However, no adjustment shall
 1463 be made for a student who enrolls in a segmented remedial course
 1464 delivered online.

1465 (V) A Florida Virtual School full-time equivalent student
 1466 shall consist of six full-credit completions or the prescribed
 1467 level of content that counts toward promotion to the next grade
 1468 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
 1469 participating in kindergarten through grade 12 part-time virtual
 1470 instruction and the programs listed in s. 1011.62(1)(c) for
 1471 students participating in kindergarten through grade 12 full-
 1472 time virtual instruction. Credit completions may be a
 1473 combination of full-credit courses or half-credit courses.
 1474 Beginning in the 2016-2017 fiscal year, the reported full-time
 1475 equivalent students and associated funding of students enrolled
 1476 in courses requiring passage of an end-of-course assessment
 1477 under s. 1003.4282 to earn a standard high school diploma shall
 1478 be adjusted if the student does not pass the end-of-course
 1479 assessment. However, no adjustment shall be made for a student

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1480 who enrolls in a segmented remedial course delivered online.

1481 (VI) Each successfully completed full-credit course earned
 1482 through an online course delivered by a district other than the
 1483 one in which the student resides shall be calculated as 1/6 FTE.

1484 (VII) A full-time equivalent student for courses requiring
 1485 passage of a statewide, standardized end-of-course assessment
 1486 under s. 1003.4282 to earn a standard high school diploma shall
 1487 be defined and reported based on the number of instructional
 1488 hours as provided in this subsection until the 2016-2017 fiscal
 1489 year. Beginning in the 2016-2017 fiscal year, the FTE for the
 1490 course shall be assessment-based and shall be equal to 1/6 FTE.
 1491 The reported FTE shall be adjusted if the student does not pass
 1492 the end-of-course assessment. However, no adjustment shall be
 1493 made for a student who enrolls in a segmented remedial course
 1494 delivered online.

1495 (VIII) For students enrolled in a school district as a
 1496 full-time student, the district may report 1/6 FTE for each
 1497 student who passes a statewide, standardized end-of-course
 1498 assessment without being enrolled in the corresponding course.

1499 2. A student in membership in a program scheduled for more
 1500 or less than 180 school days or the equivalent on an hourly
 1501 basis as specified by rules of the State Board of Education is a
 1502 fraction of a full-time equivalent membership equal to the
 1503 number of instructional hours in membership divided by the
 1504 appropriate number of hours set forth in subparagraph (a)1.;
 1505 however, for the purposes of this subparagraph, membership in
 1506 programs scheduled for more than 180 days is limited to students
 1507 enrolled in:

1508 a. Juvenile justice education programs.

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1509 b. The Florida Virtual School.
 1510 c. Virtual instruction programs and virtual charter schools
 1511 for the purpose of course completion and credit recovery
 1512 pursuant to ss. 1002.45 and 1003.498. Course completion applies
 1513 only to a student who is reported during the second or third
 1514 membership surveys and who does not complete a virtual education
 1515 course by the end of the regular school year. The course must be
 1516 completed no later than the deadline for amending the final
 1517 student enrollment survey for that year. Credit recovery applies
 1518 only to a student who has unsuccessfully completed a traditional
 1519 or virtual education course during the regular school year and
 1520 must re-take the course in order to be eligible to graduate with
 1521 the student's class.

1522
 1523 The full-time equivalent student enrollment calculated under
 1524 this subsection is subject to the requirements in subsection
 1525 (4).

1526
 1527 The department shall determine and implement an equitable method
 1528 of equivalent funding for experimental schools and for schools
 1529 operating under emergency conditions, which schools have been
 1530 approved by the department to operate for less than the minimum
 1531 school day.

1532 Section 12. Section 1011.6202, Florida Statutes, is created
 1533 to read:

1534 1011.6202 Charter School District Pilot Program.—The
 1535 Charter School District Pilot Program is created within the
 1536 Department of Education. The purpose of the pilot program is to
 1537 provide the principal of a participating school with increased

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1538 autonomy and authority to operate his or her school in a way
 1539 that produces significant improvements in student achievement
 1540 and school management while complying with constitutional
 1541 requirements. The State Board of Education may, upon approval of
 1542 a charter proposal, enter into a performance contract with up to
 1543 six district school boards to establish such districts as
 1544 charter school districts.

1545 (1) CHARTER SCHOOL DISTRICT.—A charter school district is a
 1546 school district in the state that has submitted, and the state
 1547 board has approved, a charter proposal that exchanges statutory
 1548 and rule exemption for an agreement to meet performance goals
 1549 established in the charter proposal. A charter school district
 1550 shall be chartered for 3 years. At the end of the 3 years, the
 1551 performance of all participating schools in the charter school
 1552 district shall be evaluated.

1553 (2) CHARTER PROPOSAL.—

1554 (a) The proposal to become a charter school district must:

1555 1. Identify three middle or high schools whose principals
 1556 will have fiscal and administrative autonomy.

1557 2. Describe the current financial and administrative
 1558 management of each participating school; identify the areas in
 1559 which each school principal will have increased fiscal and
 1560 administrative autonomy, including the authority and
 1561 responsibilities provided in s. 1012.28(8); and identify the
 1562 areas in which each participating school will continue to follow
 1563 district school board fiscal and administrative policies.

1564 3. Explain the methods used to identify the educational
 1565 strengths and needs of the participating school's students and
 1566 identify how student achievement can be improved.

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1567 4. Establish performance goals for student achievement, as
 1568 defined in s. 1008.34(1), and explain how increased principal
 1569 autonomy will help participating schools improve student
 1570 achievement and school management.

1571 5. Provide each participating school's mission and a
 1572 description of its student population.

1573 (b) The state board shall establish criteria, which must
 1574 include the criteria listed in paragraph (a), for the approval
 1575 of a school district charter proposal.

1576 (c) A school district must submit the charter proposal to
 1577 the state board for approval by December 1 in order to begin
 1578 participation in the subsequent school year. By February 28 of
 1579 the school year in which the proposal is submitted, the state
 1580 board shall notify the district school board in writing whether
 1581 the charter proposal has been approved.

1582 (3) EXEMPTION FROM LAWS.—

1583 (a) With the exception of those laws listed in paragraph
 1584 (b), a charter school district is exempt from the provisions in
 1585 chapters 1000-1013, including s. 1001.42(4)(f), relating to the
 1586 opening date for schools, and rules of the state board that
 1587 implement these exempt provisions.

1588 (b) A charter school district shall comply with the
 1589 provisions in chapters 1000-1013, and rules of the state board
 1590 that implement these provisions, pertaining to the following:

1591 1. Those laws relating to the election of district school
 1592 board members, public meetings and public records requirements,
 1593 financial disclosure, and conflicts of interest.

1594 2. Those laws relating to the student assessment program
 1595 and school grading system, including chapter 1008.

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1596 3. Those laws relating to the provision of services to
 1597 students with disabilities.

1598 4. Those laws relating to civil rights, including s.
 1599 1000.05, relating to discrimination.

1600 5. Those laws relating to student health, safety, and
 1601 welfare.

1602 6. Those laws relating to the election and compensation of
 1603 district school board members and the election or appointment
 1604 and compensation of district school superintendents.

1605 7. Section 1003.03, governing maximum class size, except
 1606 that the calculation for compliance pursuant to s. 1003.03 is
 1607 the average at the school level.

1608 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
 1609 compensation and salary schedules.

1610 9. Section 1012.33(5), relating to workforce reductions for
 1611 annual contracts for instructional personnel. This subparagraph
 1612 does not apply to at-will employees.

1613 10. Section 1012.335, relating to annual contracts for
 1614 instructional personnel hired on or after July 1, 2011. This
 1615 subparagraph does not apply to at-will employees.

1616 11. Section 1012.34, relating to personnel evaluation
 1617 procedures and criteria.

1618 12. Those laws pertaining to educational facilities,
 1619 including chapter 1013, except that s. 1013.20, relating to
 1620 covered walkways for relocatables, and s. 1013.21, relating to
 1621 the use of relocatable facilities exceeding 20 years of age, are
 1622 eligible for exemption.

1623 13. Those laws pertaining to charter school districts,
 1624 including this section.

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1625 (4) PROFESSIONAL DEVELOPMENT.—Each charter school district
 1626 shall require the principal of each participating school to
 1627 complete the professional development provided through the
 1628 William Cecil Golden Professional Development Program for School
 1629 Leaders under s. 1012.986. The professional development must be
 1630 completed before a school may participate in the Charter School
 1631 District Pilot Program.

1632 (5) TERM OF CHARTER.—The state board shall authorize a
 1633 charter school district's charter for a period of 3 years
 1634 commencing with award of the charter. The charter may be renewed
 1635 upon action of the state board. The state board may revoke a
 1636 charter if the charter school district fails to meet the
 1637 requirements of this section during the 3-year period.

1638 (6) REPORTING.—Each charter school district shall submit an
 1639 annual report to the state board. The state board shall annually
 1640 report on the implementation of the Charter School District
 1641 Pilot Program. Upon completion of the program's first 3-year
 1642 term, the Commissioner of Education shall submit to the
 1643 President of the Senate and the Speaker of the House of
 1644 Representatives by December 1 a full evaluation of the
 1645 effectiveness of the program.

1646 (7) RULEMAKING.—The State Board of Education shall adopt
 1647 rules to administer this section.

1648 Section 13. Subsection (2) of section 1011.69, Florida
 1649 Statutes, is amended to read:

1650 1011.69 Equity in School-Level Funding Act.—

1651 (2) Beginning in the 2003-2004 fiscal year, district school
 1652 boards shall allocate to schools within the district an average
 1653 of 90 percent of the funds generated by all schools and

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1654 guarantee that each school receives at least 80 percent, except
 1655 schools participating in the Charter School District Pilot
 1656 Program under s. 1011.6202 are guaranteed to receive at least 90
 1657 percent, of the funds generated by that school based upon the
 1658 Florida Education Finance Program as provided in s. 1011.62 and
 1659 the General Appropriations Act, including gross state and local
 1660 funds, discretionary lottery funds, and funds from the school
 1661 district's current operating discretionary millage levy. Total
 1662 funding for each school shall be recalculated during the year to
 1663 reflect the revised calculations under the Florida Education
 1664 Finance Program by the state and the actual weighted full-time
 1665 equivalent students reported by the school during the full-time
 1666 equivalent student survey periods designated by the Commissioner
 1667 of Education. If the district school board is providing programs
 1668 or services to students funded by federal funds, any eligible
 1669 students enrolled in the schools in the district shall be
 1670 provided federal funds.

1671 Section 14. Subsection (8) is added to section 1012.28,
 1672 Florida Statutes, to read:

1673 1012.28 Public school personnel; duties of school
 1674 principals.—

1675 (8) The principal of a participating school in a charter
 1676 school district approved under s. 1011.6202 has the following
 1677 additional authority and responsibilities:

1678 (a) In addition to the authority provided in subsection
 1679 (6), the authority to select qualified instructional personnel
 1680 for placement or to refuse to accept the placement or transfer
 1681 of instructional personnel by the district school
 1682 superintendent. Placement of instructional personnel at a

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1683 participating school in a charter school district does not
 1684 affect the employee's status as a school district employee.

1685 (b) The authority to deploy financial resources to school
 1686 programs at the principal's discretion to help improve student
 1687 achievement, as defined in s. 1008.34(1), and meet performance
 1688 goals identified in the charter proposal submitted pursuant to
 1689 s. 1011.6202.

1690 (c) To annually provide to the district school
 1691 superintendent and the district school board a budget for the
 1692 operation of the participating school that identifies how funds
 1693 provided pursuant to s. 1011.69(2) are allocated. The school
 1694 district shall include the budget in the annual report provided
 1695 to the State Board of Education pursuant to s. 1011.6202(6).

1696 Section 15. Subsection (2) of section 1012.42, Florida
 1697 Statutes, is amended to read:

1698 1012.42 Teacher teaching out-of-field.—

1699 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a district
 1700 school system is assigned teaching duties in a class dealing
 1701 with subject matter that is outside the field in which the
 1702 teacher is certified, outside the field that was the applicant's
 1703 minor field of study, or outside the field in which the
 1704 applicant has demonstrated sufficient subject area expertise, as
 1705 determined by district school board policy in the subject area
 1706 to be taught, the parents of all students in the class shall be
 1707 notified in writing of such assignment. A parent that receives
 1708 this notification may, after the October student membership
 1709 survey, request that his or her child be transferred to another
 1710 classroom teacher within the school and grade in which the child
 1711 is currently enrolled. If space is available in a classroom

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1712 taught by an in-field teacher, the school district shall grant
 1713 the parent's request and transfer the student to the in-field
 1714 classroom teacher within a reasonable period of time, not to
 1715 exceed 2 weeks. An explanation of the transfer process must be
 1716 made available in the student handbook or a similar publication.
 1717 This does not provide a parent the right to choose a specific
 1718 teacher.

1719 Section 16. Paragraph (e) is added to subsection (1) of
 1720 section 1012.986, Florida Statutes, to read:

1721 1012.986 William Cecil Golden Professional Development
 1722 Program for School Leaders.—

1723 (1) There is established the William Cecil Golden
 1724 Professional Development Program for School Leaders to provide
 1725 high standards and sustained support for principals as
 1726 instructional leaders. The program shall consist of a
 1727 collaborative network of state and national professional
 1728 leadership organizations to respond to instructional leadership
 1729 needs throughout the state. The network shall support the human-
 1730 resource development needs of principals, principal leadership
 1731 teams, and candidates for principal leadership positions using
 1732 the framework of leadership standards adopted by the State Board
 1733 of Education, the Southern Regional Education Board, and the
 1734 National Staff Development Council. The goal of the network
 1735 leadership program is to:

1736 (e) For principals of schools participating in the Charter
 1737 School District Pilot Program under s. 1011.6202, provide
 1738 training on the following:

1739 1. Managing instructional personnel, including developing a
 1740 high-performing instructional leadership team.

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1741 2. Public school budgeting, financial management, and human
 1742 resources policies and procedures.

1743 3. Best practices for the effective exercise of increased
 1744 budgetary and staffing flexibility to improve student
 1745 achievement and operational efficiency.

1746 Section 17. Paragraph (a) of subsection (1) of section
 1747 1013.62, Florida Statutes, is amended to read:

1748 1013.62 Charter schools capital outlay funding.-

1749 (1) In each year in which funds are appropriated for
 1750 charter school capital outlay purposes, the Commissioner of
 1751 Education shall allocate the funds among eligible charter
 1752 schools.

1753 (a) To be eligible for a funding allocation, a charter
 1754 school must:

1755 1.a. Have been in operation for 3 or more years;

1756 b. Be governed by a governing board established in the
 1757 state for 3 or more years which operates both charter schools
 1758 and conversion charter schools within the state;

1759 c. Be an expanded feeder chain of a charter school within
 1760 the same school district that is currently receiving charter
 1761 school capital outlay funds;

1762 d. Have been accredited by the Commission on Schools of the
 1763 Southern Association of Colleges and Schools; or

1764 e. Serve students in facilities that are provided by a
 1765 business partner for a charter school-in-the-workplace pursuant
 1766 to s. 1002.33(15) (b) .

1767 2. Have an annual audit that does not reveal any of the
 1768 financial emergency conditions provided in s. 218.503(1) for the
 1769 most recent fiscal year for which such audit results are

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1770 ~~available stability for future operation as a charter school.~~

1771 3. Have satisfactory student achievement based on state
 1772 accountability standards applicable to the charter school.

1773 4. Have received final approval from its sponsor pursuant
 1774 to s. 1002.33 for operation during that fiscal year.

1775 5. Serve students in facilities that are not provided by
 1776 the charter school's sponsor.

1777 Section 18. Notwithstanding any other provision of law,
 1778 student reporting requirements related to withdrawals,
 1779 suspensions, expulsions, and other related instances where
 1780 students are no longer enrolled in a school, must be the same
 1781 for public schools, including charter schools. Thus, charter
 1782 school reporting requirements for these instances apply to all
 1783 public schools, and public school reporting requirements apply
 1784 to all charter schools.

1785 Section 19. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Banking and Insurance, *Chair*
Appropriations, *Vice Chair*
Appropriations Subcommittee on Health
and Human Services
Education Pre-K-12
Higher Education
Judiciary
Rules

JOINT COMMITTEE:
Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

SENATOR LIZBETH BENACQUISTO
30th District

SA

March 19, 2015

The Honorable Don Gaetz
Appropriations Subcommittee on Education, Chair
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

RE: CS/SB 1552 – Parent and Student Rights

Dear Mr. Chair:

Please allow this letter to serve as my respectful request to agenda **CS/SB 1552**, relating to Parent and Student Rights, for a public hearing at your earliest convenience.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Lizbeth Benacquisto".

Lizbeth Benacquisto
Senate District 30

REPLY TO:

- 2310 First Street, Suite 305, Fort Myers, Florida 33901 (239) 338-2570
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



The Florida Senate

Committee Agenda Request

SA

To: Senator Don Gaetz, Chair
Appropriations Subcommittee on Education

Subject: Committee Agenda Request

Date: March 24, 2015

I respectfully request that **Senate Bill # 1522**, relating to Workforce Training, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, reading "Nancy Detert".

Senator Nancy C. Detert
Florida Senate, District 28

1

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/2/15
Meeting Date

1552
Bill Number (if applicable)

Topic Student Choice

Amendment Barcode (if applicable)

Name Alfred Lawson

Job Title President of Al Lawson & Associates

Address 400 N. Adams Street

Phone 850-545-7004

Tallahassee, FL 32301
Street City State Zip

Email AlLawson@aol.com

Speaking: For Against Information

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

Representing Excellence in Education National

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

2

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

4/2/15

Meeting Date

Bill Number (if applicable)

Topic united choice

Amendment Barcode (if applicable)

Name Shenique Smith

Job Title Member of Senate

Address 905 NE 199 St #106

Phone 954-945-4212

Street

City

Miami

FL

State

33179

Zip

Email shenique77@hotmail.com

Speaking: For Against Information

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

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

3

THE FLORIDA SENATE

APPEARANCE RECORD

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

April 14 - 15
Meeting Date

10052
Bill Number (if applicable)

Topic School choice

Amendment Barcode (if applicable)

Name Dr. Alan Charles

Job Title Parent

Address 903 Tony Hill Drive

Phone 850-294-2913

Street Tallahassee, FL

Email dratend@bellsouth.net

City State Zip

Speaking: For Against Information

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

Representing Self - Family

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

PARENT
4

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

4/2/15
Meeting Date

1552
Bill Number (if applicable)

Topic Charter schools

Amendment Barcode (if applicable)

Name Anita M. Whitby-Davis

Job Title Parent

Address 2943 V. King Way

Phone _____

Street
Tallahassee FL 32308

Email _____

City State Zip

Speaking: For Against Information

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

Representing Florida Charter Alliance

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)

5

4.2.15

Meeting Date

1352

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Ana Diaz

Job Title Principal, parent, mom

Address 14301 SW 48th street

Phone (305) 270-1027

Street Miami FL

Zip 33175

Email diazana@dadeschools.net

City State Zip

Speaking: For Against Information

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

Representing Pinecrest Prep 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

SUPER INTENDENT

4/2/15

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

5

1552

Meeting Date

Bill Number (if applicable)

Topic Charter Schools Accountability

Amendment Barcode (if applicable)

Name Jesse L. Jackson

Job Title Superintendent

Address 130 E. Central Ave

Phone 863 604-8221

Street

Lake Wales, FL

City

State

33859

Zip

Email jackson@wcharterschools.com

Speaking: For Against Information

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

Representing FLORIDA CHARTER SCHOOL ALLIANCE

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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NON-PROFIT
BOARD MEMBER
1552

4-2

Meeting Date

Bill Number (if applicable)

6

Amendment Barcode (if applicable)

Topic Charter schools

Name Ken Kneppman

Job Title Charter school board member

Address 3512 Clifden

Phone 850-345-7062

Street

Tallahassee FL 32309

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA CHARTER SCHOOL ALLIANCE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

W

4/2/2015

Meeting Date

SB 1552

Bill Number (if applicable)

Topic SB 1552

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Legislative Director

Address 2155 Monroe St.

Phone 850-391-0329

Street

Tallahassee

FL

State

32301

Zip

Email Sara@afloridapromise.org

Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

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

4/2/15

Meeting Date

1552

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Denise Lasher

Job Title _____

Address POB 1440

Phone 813

Street

Lutz

Email LASHERdenise@gmail.com

City

FL

State

33548

Zip

Speaking: For Against Information

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

Representing FL Coalition of School Board Members

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

APPEARANCE RECORD



4/2/2015

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

1552

Meeting Date

Bill Number (if applicable)

Topic Parent and Student Rights

Amendment Barcode (if applicable)

Name Larry Williams

Job Title Director of Government Affairs

Address 1225 S.E. 2nd Ave

Phone 904-557-8593

Street

Fort Lauderdale

FL

33316

Email larry@larrywilliamsconsulting.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Consortium of Public Charter 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)

4/2/15

Meeting Date

1552

Bill Number (if applicable)

501414

Amendment Barcode (if applicable)

Topic Hospital Homecare and Education - 1058-1120

Name Anita Late

Job Title Government & Corporate Relations Manager

Address 501 6th Ave S

Phone 727 767 2392

Street

J. Petersburg

FL

State

33703

Zip

Email alate3@jhmi.edu

Speaking: For Against Information

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

Representing All Children's Hospital Johns Hopkins Medicine

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/2/15

Meeting Date

SB 1552

Bill Number (if applicable)

LF DE #501414

Amendment Barcode (if applicable)

Topic Student Choice

Name Brittney Burch

Job Title Director of Talent, Education and Quality of Life Policy

Address 136 S. Bronough St.

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 521-1279

Email bburch@flchamber.com

Speaking: For Against Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 7046

INTRODUCER: Education Pre-K - 12 Committee

SUBJECT: Education

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	_____	Klebacha	_____	ED SPB 7046 as introduced
1.	Sikes	Elwell	AED	Favorable
2.	_____	_____	AP	_____

I. Summary:

SB 7046 modifies fiscal policy aspects relating to education with respect to preeminent state research universities; intensive reading instruction; teacher bonus funding; and performance funding for state universities and Florida colleges.

Specifically, the bill:

- Requires a state university seeking designation as a preeminent state research university to enter into and maintain a formal agreement with the National Merit Scholarship Corporation.
- Extends and expands the requirement of providing an additional hour of intensive reading instruction daily to students enrolled in the 300 lowest performing elementary schools.
- Increases maximum available public school teacher bonus funding, including establishing two new tiers of bonuses available to CAPE industry certification teachers.
- Establishes performance funding models for the State University System (SUS) and Florida College System (FCS) institutions.

The bill contains several provisions which have funds appropriated for their purpose in SB 2500, the Senate's Fiscal Year 2015-2016 proposed General Appropriations Bill. A total of \$90 million is appropriated for intensive reading instruction in the 300 lowest performing elementary schools, \$400 million is appropriated for SUS performance funding, and \$60 million is appropriated for FCS performance funding.

The effective date of the bill is July 1, 2015.

II. Present Situation:

Preeminent State Research Universities

The preeminent state research university program is a collaborative partnership between the Board of Governors (BOG) of the SUS of Florida and the Legislature to elevate the academic and research preeminence of Florida's highest performing state research universities.¹ A state research university that meets at least 11 of the 12 academic and research excellence standards specified in law is designated as a preeminent state research university.²

The academic and research excellence standards are:³

- An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher for fall semester incoming freshmen, as reported annually.
- A top-50 ranking on at least two well-known and highly respected national public university rankings, reflecting national preeminence, using most recent rankings.
- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).
- A 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS.
- Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report.
- Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the National Science Foundation (NSF).
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
- One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.
- Four hundred or more doctoral degrees awarded annually, as reported in the BOG Annual Accountability Report.
- Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.
- An endowment of \$500 million or more, as reported in the BOG Annual Accountability Report.

A preeminent research university receives \$5 million in recurring funds annually, subject to appropriation in the General Appropriations Act (GAA).⁴ Currently, only the Florida State University and University of Florida meet the standards for preeminent state research university designation and are Florida's only two preeminent state research universities.⁵

¹ Section 1001.7065(1), F.S.

² Section 1001.7065(3), F.S.

³ Section 1001.7065(2), F.S.

⁴ Section 1001.7065, F.S.

⁵ Florida Board of Governors, *Preeminent State Research University Benchmark Plans, Board of Governors Strategic Planning Committee*. November 20, 2013, available at

http://www.flbog.edu/documents_meetings/0184_0752_5480_399%20SPC%20Packet.pdf

Intensive Reading Instruction

A school district that has one or more of the 300 lowest performing elementary schools based on the state reading assessment is required to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year in those schools.⁶ Funds for this program are designated in the Supplemental Academic Instruction and the Research-Based Reading Instruction Allocation categoricals in the Florida Education Finance Program (FEFP) within the GAA.⁷

Bonus Funding

Bonus funding is authorized for school districts and for teachers if a student earns a qualifying score on the following examinations and certifications: International Baccalaureate (IB) examinations; Advanced International Certificate of Education (AICE) examinations; Advance Placement (AP) examinations; and CAPE industry certifications.⁸

School District Bonus Funding

School district bonus funding is awarded as follows:⁹

- 0.16 FTE bonus funding for every qualifying score earned on an IB or AP examination or full-credit AICE examination.
- 0.8 FTE bonus funding for every qualifying score earned on a half-credit AICE examination.
- 0.1, 0.2, 0.3, 0.5, or 1.0 FTE for CAPE industry certifications.

Teacher Bonus Funding

Teacher bonus funding is awarded for IB, AICE, and AP examinations, and CAPE industry certifications.¹⁰ For IB examinations, a bonus in the amount of \$50 is awarded for each student taught by the IB teacher who receives a qualifying score on the IB examination.¹¹ An additional bonus of \$500 is awarded to each IB teacher in a school designated with a grade of “D” or “F” who has at least one student earning a qualifying score on the IB examination.¹² IB bonuses must not exceed \$2,000 given to a teacher in any given school year. However, the maximum bonus is \$3,000 if at least 50 percent of the students enrolled in a teacher’s course earn a qualifying score in a school designated with a grade of “A,” “B,” or “C”; or if at least 25 percent of the students enrolled in a teacher’s course earn a qualifying score in a school designated with a grade of “D” or “F.”¹³

For AICE examinations, a bonus in the amount of \$50 is awarded for each student taught by the AICE teacher in each full-credit AICE course who receives a qualifying score on the AICE

⁶ s. 1011.62 (1)(f), (9), F.S.

⁷ ch. 2014-51, L.O.F.

⁸ Sections 1011.62 (1)(l)-(o), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

examination.¹⁴ A bonus in the amount of \$25 is awarded for each student taught by the AICE teacher in each half-credit AICE course who receives a qualifying score on the AICE examination.¹⁵ An additional bonus of \$500 is awarded to each AICE teacher in a school designated with a grade of “D” or “F” who has at least one student earning a qualifying score on the full-credit AICE examination, or \$250 each to teachers of half-credit AICE classes in a school designated with a grade of “D” or “F” which has at least one student earning a qualifying score on the half-credit AICE examination.¹⁶ AICE bonuses must not exceed \$2,000 given to a teacher in any given school year.¹⁷

For AP examinations, a bonus in the amount of \$50 is awarded for each student taught by the AP teacher who receives a qualifying score on the AP examination.¹⁸ An additional bonus of \$500 is awarded to each AP teacher in a school designated with a grade of “D” or “F” who has at least one student earning a qualifying score on the AP examination.¹⁹ AP bonuses must not exceed \$2,000 given to a teacher in any given school year.²⁰ However, the maximum bonus is \$3,000 if at least 50 percent of the students enrolled in a teacher’s course earn a qualifying score in a school designated with a grade of “A,” “B,” or “C”; or if at least 25 percent of the students enrolled in a teacher’s course earn a qualifying score in a school designated with a grade of “D” or “F.”²¹

For CAPE Industry Certifications, a bonus in the amount of \$25 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.²² A bonus in the amount of \$50 is awarded for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2, 0.3, 0.5, and 1.0.²³ CAPE industry certification bonuses must not exceed \$2,000 given to a teacher in any given school year.²⁴

State University System Performance Funding

In the 2014-2015 General Appropriations Act (GAA), proviso specifically required performance funding be allocated based on the Board of Governors (BOG) model approved on January 16, 2014.²⁵ This model is comprised of 10 performance metrics, which include the following:²⁶

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Ch. 2014-51, L.O.F.

²⁶ Florida Board of Governors, *Meeting Archives Florida Board of Governors Meeting January 15-16 2014 Florida Gulf Coast University*, http://www.flbog.edu/pressroom/meeting_items.php?id=185&agenda=765&type=Past (last visited March 9, 2015); Florida Board of Governors, *Minutes: Board of Governors January 16, 2014*, available at http://www.flbog.edu/documents_meetings/0187_0790_5874_10.2.2%20BOG%202014_01_16_Board_of_Governors_minutes.pdf

- Percent of bachelor's degree graduates employed and/or continuing their education;
- Average wages of employed baccalaureate graduates;
- Cost per undergraduate degree;
- Six-year graduation rate (full-time and part-time first time in college (FTIC));
- Academic Progress Rate (second year retention with a grade point average above 2.0);
- Bachelor's degrees awarded in areas of strategic emphasis (including Science, Technology, Engineering and Math (STEM) education);
- University access rate (percent of undergraduates with a Pell Grant);
- Graduate degrees awarded in areas of strategic emphasis (including STEM);
- Two additional metrics, one chosen by each of the following:
 - Board of Governors, and
 - University Board of Trustees

State University System institutions will be evaluated for their performance based on benchmarks adopted by the BOG for achievement of excellence or improvement these specified metrics. The 2014-2015 GAA appropriated \$200 million for State University Performance Based Incentives in the 2014-2015 fiscal year, which included \$100 million in new funding and \$100 million redistributed from the state university's base funds.²⁷ Institutions qualifying for new funding also have their base funding restored. Any institution which fails to meet the minimum threshold set by the BOG will have a portion of its base funding withheld and must submit an improvement plan to the BOG. The BOG must approve the improvement plan and conduct progress monitoring of the improvement plan's implementation. An institution will have its full base funding restored upon BOG approval of the improvement plan monitoring report. Any institution that fails to make satisfactory progress will not have its full base funding restored.

Florida College System Performance Funding

In the 2014-2015 GAA, proviso directed the Commissioner of Education (commissioner) to recommend a performance funding formula that may be used to allocate funds to Florida College System institutions.²⁸ The commissioner's recommendations were to include up to ten performance measures, appropriate performance benchmarks for each measure, and a detailed methodology for allocating performance funds to the colleges.²⁹ At a minimum, the measures were to include job placement rates, cost per degree, and graduation/ retention rates.³⁰ In January 2015, these recommendations were finalized and included the required measures, as well as additional measures for:³¹

- Pell Grant student graduation rate.
- Program completer entry level wages.
- Time to degree.

²⁷ ch. 2014-51, L.O.F.

²⁸ *Id.*

²⁹ *Id.*, Florida Department of Education, *Florida College System Performance Funding Commissioner's Recommendations*, http://www.floridahighereducation.org/doc_meetings/20150223/Senate-Education-Appropriations-Commissioners-FCS-Performance-Funding.pptx (last visited March 10, 2015).

³⁰ *Id.*

³¹ Florida Department of Education, *Florida College System Performance Funding Commissioner's Recommendations*, http://www.floridahighereducation.org/doc_meetings/20150223/Senate-Education-Appropriations-Commissioners-FCS-Performance-Funding.pptx (last visited March 10, 2015).

- Credit milestones.
- Local measure selected by each college's board of trustees.

III. Effect of Proposed Changes:

The bill modifies fiscal policy aspects relating to education with regard to preeminent state research universities; intensive reading instruction; teacher bonus funding; and performance funding for state universities and Florida colleges.

Specifically, the bill:

- Requires a state university seeking designation as a preeminent state research university to enter into and maintain a formal agreement with the National Merit Scholarship Corporation.
- Extends and expands the requirement of providing an additional hour of intensive reading instruction daily to students enrolled in the 300 lowest performing elementary schools.
- Increases maximum available public school teacher bonus funding, including establishing two new tiers of bonuses available to CAPE industry certification teachers.
- Establishes performance funding formulas for the State University System and Florida College System institutions.

Preeminent State Research Universities

The bill specifies that any institution that meets the required academic and research excellence standards for consideration of preeminent status must also enter into, and maintain, a formal agreement with the National Merit Scholarship Corporation to offer College-sponsored Merit Scholarship® awards to be designated as a preeminent state research university.

Intensive Reading Instruction

The bill amends s. 1011.62(1)(f) and (9), F.S., to extend the requirement of providing an additional hour of intensive reading instruction daily for students enrolled in the 300 lowest performing elementary schools through the 2017-2018 academic year.

The bill also requires participating schools to implement a summer program with an equivalent number of hours of instruction in addition to the hour of instruction provided during the school year. The bill requires participating schools to continue to provide an additional hour of instruction to all students who have Level 1 or Level 2 reading assessment scores in the subsequent year after the school is no longer classified as one of the 300 lowest performing elementary schools.

CAPE Teacher Bonus Funding

The bill establishes two new tiers of bonuses available to CAPE industry certification teachers under s. 1011.62 (1)(o), F.S. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3 will earn a \$75 bonus, which is \$25 more than currently authorized. A teacher providing instruction to a student in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or

1.0 will earn a \$100 bonus, which is \$50 more than currently authorized. The maximum total annual bonus for teachers providing instruction in courses leading to these CAPE industry certifications is increased from \$2,000 to \$4,000.

State University System Performance Funding

The bill statutorily establishes a SUS performance funding model, which is based on indicators of institutional attainment of performance metrics adopted by the BOG. These performance metrics include, but are not limited to, metrics that measure graduation and retention rates; degree production; affordability; postgraduation employment, salaries, or further education; student loan default rates; access; and any other metrics approved by the BOG. SUS institutions will be evaluated for their performance based on benchmarks adopted by the BOG for achievement of excellence or improvement on specified metrics.

Each fiscal year, the amount of funds available for allocation to the institutions based upon the performance funding model consists of new funding, plus an amount of funds to be redistributed from the base funding for the SUS, as determined in the GAA. Institutions qualifying for new funding shall also have their base funding restored. Any institution which fails to meet the minimum threshold set by the BOG will have a portion of its base funding withheld and must submit an improvement plan to the BOG. The BOG must approve the improvement plan and conduct progress monitoring of the improvement plan's implementation. An institution will have its full base funding restored upon BOG approval of the improvement plan monitoring report. Any institution that fails to make satisfactory progress will not have its full base funding restored.

Florida College System Performance Funding

The bill establishes a FCS performance funding formula, which is based on indicators of institutional attainment of performance metrics adopted by the State Board of Education (state board). These performance metrics include, but are not limited to, metrics that measure retention; program completion and graduation rates; student loan default rates; job placement; and post-graduation employment, salaries, or further education. FCS institutions will be evaluated for their performance based on benchmarks adopted by the state board for achievement of excellence or improvement on specified metrics.

Each fiscal year, the amount of funds available for allocation to the institutions based upon the performance funding model consists of new funding plus an amount of funds to be redistributed from the base funding for the Florida College System Program Fund, as determined in the GAA. Institutions qualifying for new funding shall also have their base funding restored. Any institution which fails to meet the minimum threshold set by the state board will have a portion of its base funding withheld and must submit an improvement plan to the state board. The state board must approve the improvement plan and conduct progress monitoring of the improvement plan's implementation. An institution will have its full base funding restored upon state board approval of the improvement plan monitoring report. Any institution that fails to make satisfactory progress will not have its full base funding restored.

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:

SB 7046 increases the bonus funding for teachers who provide instruction to a student in a course that led to the attainment of a 0.3, 0.5, or 1.0 weighted industry certification. These teachers are eligible for up to an additional \$2,000 annually in bonus funding.

C. Government Sector Impact:

The bill extends the requirement of providing an additional hour of intensive reading instruction daily to students enrolled in the 300 lowest performing elementary schools through the 2017-2018 academic year, requires participating schools to also provide the required additional instruction through an equivalent number of hours in a summer program, and requires participating schools to continue to provide the additional hour of instruction to all students who have level 1 or 2 reading assessment scores in the subsequent year after the school is no longer classified as one of the 300 lowest performing. This additional hour of reading instruction is funded through the Supplemental Academic Instruction (SAI) and the Research-Based Reading Instruction Allocation categoricals in the FEFP. A total of \$90 million is provided for this instruction in SB 2500, the Fiscal Year 2015-2016 proposed General Appropriations Bill.

The bill statutorily establishes the SUS performance funding model, which is funded at \$400 million in the Senate's proposed General Appropriations Bill for Fiscal Year 2015-2016, SB 2500. This appropriation consists of \$200 million in new funding and \$200 million redistributed from the base funding for the State University System. The funds received by an individual state university will be contingent upon the university's performance on the established metrics.

The bill establishes the FCS Performance Based Incentive, which is funded at \$60 million in SB 2500. This appropriation consists of \$30 million in new funding and \$30 million

redistributed from the base funding for the Florida College System Program Fund. The funds received by each institution will be contingent upon the institution's performance on the established metrics.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: s. 1001.7065 and 1001.62.

This bill creates undesignated sections of the Florida law.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

By the Committee on Education Pre-K - 12

581-02190-15

20157046__

1 A bill to be entitled
 2 An act relating to education; amending s. 1001.7065,
 3 F.S.; requiring a state research university to enter
 4 into and maintain a formal agreement with a specified
 5 organization to offer college-sponsored merit
 6 scholarship awards as a condition of designation as a
 7 preeminent state research university; specifying that
 8 continuation of a state research university's
 9 institute for online learning is contingent on the
 10 university entering into and maintaining such an
 11 agreement; amending s. 1011.62, F.S.; authorizing a
 12 low-performing elementary school to administer the
 13 required additional hours of instruction in a summer
 14 program; requiring a school to continue to provide the
 15 additional instruction to certain students in the
 16 subsequent year that the school is no longer
 17 classified as one of the 300 lowest-performing
 18 elementary schools; revising the types and amounts of
 19 bonuses that a teacher may receive in any given school
 20 year; deleting obsolete language; requiring the Board
 21 of Governors and the State Board of Education to base
 22 state performance funds for the State University
 23 System and the Florida College System, respectively,
 24 on specified metrics adopted by each board; specifying
 25 allocation of the funds; requiring the Chancellor of
 26 the State University System and the Commissioner of
 27 Education to withhold disbursement of certain funds;
 28 requiring the boards to submit reports by a specified
 29 time to the Governor and the Legislature; requiring

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

581-02190-15

20157046__

30 the boards to adopt rules; providing an effective
 31 date.
 32
 33 Be It Enacted by the Legislature of the State of Florida:
 34
 35 Section 1. Subsections (3) and (4) of section 1001.7065,
 36 Florida Statutes, are amended to read:
 37 1001.7065 Preeminent state research universities program.—
 38 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The
 39 Board of Governors shall designate each state research
 40 university that meets at least 11 of the 12 academic and
 41 research excellence standards identified in subsection (2) and
 42 that enters into and maintains a formal agreement with the
 43 National Merit Scholarship Corporation to offer college-
 44 sponsored merit scholarship awards a preeminent state research
 45 university.
 46 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 47 ONLINE LEARNING.—A state research university that, as of July 1,
 48 2013, ~~met~~ meets all 12 of the academic and research excellence
 49 standards identified in subsection (2), as verified by the Board
 50 of Governors, shall establish an institute for online learning.
 51 Continuation of the institute for online learning is contingent
 52 upon a state research university entering into and maintaining a
 53 formal agreement with the National Merit Scholarship Corporation
 54 to offer college-sponsored merit scholarship awards. The
 55 institute shall establish a robust offering of high-quality,
 56 fully online baccalaureate degree programs at an affordable cost
 57 in accordance with this subsection.
 58 (a) By August 1, 2013, the Board of Governors shall convene

Page 2 of 17

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

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59 an advisory board to support the development of high-quality,
60 fully online baccalaureate degree programs at the university.

61 (b) The advisory board shall:

62 1. Offer expert advice, as requested by the university, in
63 the development and implementation of a business plan to expand
64 the offering of high-quality, fully online baccalaureate degree
65 programs.

66 2. Advise the Board of Governors on the release of funding
67 to the university upon approval by the Board of Governors of the
68 plan developed by the university.

69 3. Monitor, evaluate, and report on the implementation of
70 the plan to the Board of Governors, the Governor, the President
71 of the Senate, and the Speaker of the House of Representatives.

72 (c) The advisory board shall be composed of the following
73 five members:

74 1. The chair of the Board of Governors or the chair's
75 permanent designee.

76 2. A member with expertise in online learning, appointed by
77 the Board of Governors.

78 3. A member with expertise in global marketing, appointed
79 by the Governor.

80 4. A member with expertise in cloud virtualization,
81 appointed by the President of the Senate.

82 5. A member with expertise in disruptive innovation,
83 appointed by the Speaker of the House of Representatives.

84 (d) The president of the university shall be consulted on
85 the advisory board member appointments.

86 (e) A majority of the advisory board shall constitute a
87 quorum, elect the chair, and appoint an executive director.

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88 (f) By September 1, 2013, the university shall submit to
89 the advisory board a comprehensive plan to expand high-quality,
90 fully online baccalaureate degree program offerings. The plan
91 shall include:

92 1. Existing on-campus general education courses and
93 baccalaureate degree programs that will be offered online.

94 2. New courses that will be developed and offered online.

95 3. Support services that will be offered to students
96 enrolled in online baccalaureate degree programs.

97 4. A tuition and fee structure that meets the requirements
98 in paragraph (k) for online courses, baccalaureate degree
99 programs, and student support services.

100 5. A timeline for offering, marketing, and enrolling
101 students in the online baccalaureate degree programs.

102 6. A budget for developing and marketing the online
103 baccalaureate degree programs.

104 7. Detailed strategies for ensuring the success of students
105 and the sustainability of the online baccalaureate degree
106 programs.

107

108 Upon recommendation of the plan by the advisory board and
109 approval by the Board of Governors, the Board of Governors shall
110 award the university \$10 million in nonrecurring funds and \$5
111 million in recurring funds for fiscal year 2013-2014 and \$5
112 million annually thereafter, subject to appropriation in the
113 General Appropriations Act.

114 (g) Beginning in January 2014, the university shall offer
115 high-quality, fully online baccalaureate degree programs that:

116 1. Accept full-time, first-time-in-college students.

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117 2. Have the same rigorous admissions criteria as equivalent
 118 on-campus degree programs.

119 3. Offer curriculum of equivalent rigor to on-campus degree
 120 programs.

121 4. Offer rolling enrollment or multiple opportunities for
 122 enrollment throughout the year.

123 5. Do not require any on-campus courses. However, for
 124 courses or programs that require clinical training or
 125 laboratories that cannot be delivered online, the university
 126 shall offer convenient locational options to the student, which
 127 may include, but are not limited to, the option to complete such
 128 requirements at a summer-in-residence on the university campus.
 129 The university may provide a network of sites at convenient
 130 locations and contract with commercial testing centers or
 131 identify other secure testing services for the purpose of
 132 proctoring assessments or testing.

133 6. Apply the university's existing policy for accepting
 134 credits for both freshman applicants and transfer applicants.

135 (h) The university may offer a fully online Master's in
 136 Business Administration degree program and other master's degree
 137 programs.

138 (i) The university may develop and offer degree programs
 139 and courses that are competency based as appropriate for the
 140 quality and success of the program.

141 (j) The university shall periodically expand its offering
 142 of online baccalaureate degree programs to meet student and
 143 market demands.

144 (k) The university shall establish a tuition structure for
 145 its online institute in accordance with this paragraph,

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146 notwithstanding any other provision of law.

147 1. For students classified as residents for tuition
 148 purposes, tuition for an online baccalaureate degree program
 149 shall be set at no more than 75 percent of the tuition rate as
 150 specified in the General Appropriations Act pursuant to s.
 151 1009.24(4) and 75 percent of the tuition differential pursuant
 152 to s. 1009.24(16). No distance learning fee, fee for campus
 153 facilities, or fee for on-campus services may be assessed,
 154 except that online students shall pay the university's
 155 technology fee, financial aid fee, and Capital Improvement Trust
 156 Fund fee. The revenues generated from the Capital Improvement
 157 Trust Fund fee shall be dedicated to the university's institute
 158 for online learning.

159 2. For students classified as nonresidents for tuition
 160 purposes, tuition may be set at market rates in accordance with
 161 the business plan.

162 3. Tuition for an online degree program shall include all
 163 costs associated with instruction, materials, and enrollment,
 164 excluding costs associated with the provision of textbooks
 165 pursuant to s. 1004.085 and physical laboratory supplies.

166 4. Subject to the limitations in subparagraph 1., tuition
 167 may be differentiated by degree program as appropriate to the
 168 instructional and other costs of the program in accordance with
 169 the business plan. Pricing must incorporate innovative
 170 approaches that incentivize persistence and completion,
 171 including, but not limited to, a fee for assessment, a bundled
 172 or all-inclusive rate, and sliding scale features.

173 5. The university must accept advance payment contracts and
 174 student financial aid.

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175 6. Fifty percent of the net revenues generated from the
 176 online institute of the university shall be used to enhance and
 177 enrich the online institute offerings, and 50 percent of the net
 178 revenues generated from the online institute shall be used to
 179 enhance and enrich the university's campus state-of-the-art
 180 research programs and facilities.

181 7. The institute may charge additional local user fees
 182 pursuant to s. 1009.24(14) upon the approval of the Board of
 183 Governors.

184 8. The institute shall submit a proposal to the president
 185 of the university authorizing additional user fees for the
 186 provision of voluntary student participation in activities and
 187 additional student services.

188 Section 2. Paragraphs (f) and (o) of subsection (1) and
 189 paragraph (a) of subsection (9) of section 1011.62, Florida
 190 Statutes, are amended to read:

191 1011.62 Funds for operation of schools.—If the annual
 192 allocation from the Florida Education Finance Program to each
 193 district for operation of schools is not determined in the
 194 annual appropriations act or the substantive bill implementing
 195 the annual appropriations act, it shall be determined as
 196 follows:

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

201 (f) *Supplemental academic instruction; categorical fund.*—

202 1. There is created a categorical fund to provide
 203 supplemental academic instruction to students in kindergarten

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204 through grade 12. This paragraph may be cited as the
 205 "Supplemental Academic Instruction Categorical Fund."

206 2. Categorical funds for supplemental academic instruction
 207 shall be allocated annually to each school district in the
 208 amount provided in the General Appropriations Act. These funds
 209 shall be in addition to the funds appropriated on the basis of
 210 FTE student membership in the Florida Education Finance Program
 211 and shall be included in the total potential funds of each
 212 district. These funds shall be used to provide supplemental
 213 academic instruction to students enrolled in the K-12 program.
 214 For the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 fiscal
 215 years year, each school district that has one or more of the 300
 216 lowest-performing elementary schools based on the state reading
 217 assessment shall use these funds, together with the funds
 218 provided in the district's research-based reading instruction
 219 allocation and other available funds, to provide an additional
 220 hour of instruction beyond the normal school day for each day of
 221 the entire school year, and provide the equivalent hours of
 222 instruction in a summer program, for intensive reading
 223 instruction for the students in each of these schools. In the
 224 subsequent year, if a participating school is no longer
 225 classified as one of the 300 lowest-performing elementary
 226 schools, the school must continue to provide the additional hour
 227 of instruction to all students who have Level 1 or Level 2
 228 reading assessment scores. This additional hour of instruction
 229 must be provided by teachers or reading specialists who are
 230 effective in teaching reading or by a K-5 mentoring reading
 231 program that is supervised by a teacher who is effective at
 232 teaching reading. Students enrolled in these schools who have

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233 level 5 assessment scores may participate in the additional hour
 234 of instruction on an optional basis. Exceptional student
 235 education centers shall not be included in the 300 schools.
 236 After this requirement has been met, supplemental instruction
 237 strategies may include, but are not limited to: modified
 238 curriculum, reading instruction, after-school instruction,
 239 tutoring, mentoring, class size reduction, extended school year,
 240 intensive skills development in summer school, and other methods
 241 for improving student achievement. Supplemental instruction may
 242 be provided to a student in any manner and at any time during or
 243 beyond the regular 180-day term identified by the school as
 244 being the most effective and efficient way to best help that
 245 student progress from grade to grade and to graduate.

246 3. Effective with the 1999-2000 fiscal year, funding on the
 247 basis of FTE membership beyond the 180-day regular term shall be
 248 provided in the FEFP only for students enrolled in juvenile
 249 justice education programs or in education programs for
 250 juveniles placed in secure facilities or programs under s.
 251 985.19. Funding for instruction beyond the regular 180-day
 252 school year for all other K-12 students shall be provided
 253 through the supplemental academic instruction categorical fund
 254 and other state, federal, and local fund sources with ample
 255 flexibility for schools to provide supplemental instruction to
 256 assist students in progressing from grade to grade and
 257 graduating.

258 4. The Florida State University School, as a lab school, is
 259 authorized to expend from its FEFP or Lottery Enhancement Trust
 260 Fund allocation the cost to the student of remediation in
 261 reading, writing, or mathematics for any graduate who requires

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262 remediation at a postsecondary educational institution.

263 5. Beginning in the 1999-2000 school year, dropout
 264 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
 265 (b), and (c), and 1003.54 shall be included in group 1 programs
 266 under subparagraph (d)3.

267 (o) *Calculation of additional full-time equivalent*
 268 *membership based on successful completion of a career-themed*
 269 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
 270 *courses with embedded CAPE industry certifications or CAPE*
 271 *Digital Tool certificates, and issuance of industry*
 272 *certification identified on the CAPE Industry Certification*
 273 *Funding List pursuant to rules adopted by the State Board of*
 274 *Education or CAPE Digital Tool certificates pursuant to s.*
 275 *1003.4203.-*

276 1.a. A value of 0.025 full-time equivalent student
 277 membership shall be calculated for CAPE Digital Tool
 278 certificates earned by students in elementary and middle school
 279 grades.

280 b. A value of 0.1 or 0.2 full-time equivalent student
 281 membership shall be calculated for each student who completes a
 282 course as defined in s. 1003.493(1)(b) or courses with embedded
 283 CAPE industry certifications and who is issued an industry
 284 certification identified annually on the CAPE Industry
 285 Certification Funding List approved under rules adopted by the
 286 State Board of Education. A value of 0.2 full-time equivalent
 287 membership shall be calculated for each student who is issued a
 288 CAPE industry certification that has a statewide articulation
 289 agreement for college credit approved by the State Board of
 290 Education. For CAPE industry certifications that do not

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291 articulate for college credit, the Department of Education shall
 292 assign a full-time equivalent value of 0.1 for each
 293 certification. Middle grades students who earn additional FTE
 294 membership for a CAPE Digital Tool certificate pursuant to sub-
 295 subparagraph a. may not use the previously funded examination to
 296 satisfy the requirements for earning an industry certification
 297 under this sub-subparagraph. Additional FTE membership for an
 298 elementary or middle grades student shall not exceed 0.1 for
 299 certificates or certifications earned within the same fiscal
 300 year. The State Board of Education shall include the assigned
 301 values on the CAPE Industry Certification Funding List under
 302 rules adopted by the state board. Such value shall be added to
 303 the total full-time equivalent student membership for grades 6
 304 through 12 in the subsequent year for courses that were not
 305 provided through dual enrollment. CAPE industry certifications
 306 earned through dual enrollment must be reported and funded
 307 pursuant to s. 1011.80.

308 c. A value of 0.3 full-time equivalent student membership
 309 shall be calculated for student completion of the courses and
 310 the embedded certifications identified on the CAPE Industry
 311 Certification Funding List and approved by the commissioner
 312 pursuant to ss. 1003.4203(5) (a) and 1008.44.

313 d. A value of 0.5 full-time equivalent student membership
 314 shall be calculated for CAPE Acceleration Industry
 315 Certifications that articulate for 15 to 29 college credit
 316 hours, and 1.0 full-time equivalent student membership shall be
 317 calculated for CAPE Acceleration Industry Certifications that
 318 articulate for 30 or more college credit hours pursuant to CAPE
 319 Acceleration Industry Certifications approved by the

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320 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

321 2. Each district must allocate at least 80 percent of the
 322 funds provided for CAPE industry certification, in accordance
 323 with this paragraph, to the program that generated the funds.
 324 This allocation may not be used to supplant funds provided for
 325 basic operation of the program.

326 3. For CAPE industry certifications earned in the 2013-2014
 327 school year and in subsequent years, the school district shall
 328 distribute to each classroom teacher who provided direct
 329 instruction toward the attainment of a CAPE industry
 330 certification that qualified for additional full-time equivalent
 331 membership under subparagraph 1.:

332 a. A bonus in the amount of \$25 for each student taught by
 333 a teacher who provided instruction in a course that led to the
 334 attainment of a CAPE industry certification on the CAPE Industry
 335 Certification Funding List with a weight of 0.1.

336 b. A bonus in the amount of \$50 for each student taught by
 337 a teacher who provided instruction in a course that led to the
 338 attainment of a CAPE industry certification on the CAPE Industry
 339 Certification Funding List with a weight of 0.2, ~~0.3, 0.5, and~~
 340 ~~1.0~~.

341 c. A bonus in the amount of \$75 for each student taught by
 342 a teacher who provided instruction in a course that led to the
 343 attainment of a CAPE industry certification on the CAPE Industry
 344 Certification Funding List with a weight of 0.3.

345 d. A bonus in the amount of \$100 for each student taught by
 346 a teacher who provided instruction in a course that led to the
 347 attainment of a CAPE industry certification on the CAPE Industry
 348 Certification Funding List with a weight of 0.5 or 1.0.

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349
350 Bonuses awarded pursuant to this paragraph shall be provided to
351 teachers who are employed by the district in the year in which
352 the additional FTE membership calculation is included in the
353 calculation. Bonuses shall be calculated based upon the
354 associated weight of a CAPE industry certification on the CAPE
355 Industry Certification Funding List for the year in which the
356 certification is earned by the student. Any bonus awarded to a
357 teacher under sub-subparagraph 3.a. or sub-subparagraph 3.b.
358 ~~this paragraph~~ may not exceed \$2,000 in any given school year,
359 and a bonus awarded to a teacher under sub-subparagraph 3.c. or
360 sub-subparagraph 3.d. may not exceed \$4,000 in a given school
361 year. The maximum bonus that may be awarded to a teacher under
362 this paragraph is \$4,000. This bonus ~~and~~ is in addition to any
363 regular wage or other bonus the teacher received or is scheduled
364 to receive.

365 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

366 (a) The research-based reading instruction allocation is
367 created to provide comprehensive reading instruction to students
368 in kindergarten through grade 12. For the 2014-2015, 2015-2016,
369 2016-2017, and 2017-2018 fiscal years year, in each school
370 district that has one or more of the 300 lowest-performing
371 elementary schools based on the state reading assessment,
372 priority shall be given to providing an additional hour per day
373 of intensive reading instruction beyond the normal school day
374 for each day of the entire school year, or provide the
375 equivalent hours of instruction in a summer program, for the
376 students in each school. In the subsequent year, if a
377 participating school is no longer classified as one of the 300

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

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378 lowest-performing elementary schools, the school must continue
379 to provide the additional hour of instruction to all students
380 who have Level 1 or Level 2 reading assessment scores. Students
381 enrolled in these schools who have level 5 assessment scores may
382 participate in the additional hour of instruction on an optional
383 basis. Exceptional student education centers shall not be
384 included in the 300 schools. The intensive reading instruction
385 delivered in this additional hour and for other students shall
386 include: research-based reading instruction that has been proven
387 to accelerate progress of students exhibiting a reading
388 deficiency; differentiated instruction based on student
389 assessment data to meet students' specific reading needs;
390 explicit and systematic reading development in phonemic
391 awareness, phonics, fluency, vocabulary, and comprehension, with
392 more extensive opportunities for guided practice, error
393 correction, and feedback; and the integration of social studies,
394 science, and mathematics-text reading, text discussion, and
395 writing in response to reading. ~~For the 2012-2013 and 2013-2014~~
396 ~~fiscal years, a school district may not hire more reading~~
397 ~~coaches than were hired during the 2011-2012 fiscal year unless~~
398 ~~all students in kindergarten through grade 5 who demonstrate a~~
399 ~~reading deficiency, as determined by district and state~~
400 ~~assessments, including students scoring Level 1 or Level 2 on~~
401 ~~the statewide, standardized reading assessment or, upon~~
402 ~~implementation, the English Language Arts assessment, are~~
403 ~~provided an additional hour per day of intensive reading~~
404 ~~instruction beyond the normal school day for each day of the~~
405 ~~entire school year.~~

406 Section 3. (1) State performance funds for the State

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 407 University System shall be based on indicators of institutional
 408 attainment of performance metrics adopted by the Board of
 409 Governors. The performance-based funding metrics include, but
 410 are not limited to, metrics that measure graduation and
 411 retention rates; degree production; affordability;
 412 postgraduation employment, salaries, or further education;
 413 student loan default rates; access; and any other metrics
 414 approved by the board.

415 (2) The Board of Governors shall evaluate the institutions'
 416 performance on the metrics based on benchmarks adopted by the
 417 board which measure the achievement of institutional excellence
 418 or improvement. Each fiscal year, the amount of funds available
 419 for allocation to the institutions based upon the performance
 420 funding model consists of new funding, plus an amount of funds
 421 to be redistributed from the base funding for the State
 422 University System, as determined in the General Appropriations
 423 Act. Base funding shall be restored for all institutions
 424 eligible for new funding under the performance funding model.
 425 Any institution that fails to meet the board's minimum
 426 performance funding threshold will have a portion of its base
 427 funding withheld and must submit an improvement plan to the
 428 board that specifies the activities and strategies for improving
 429 the institution's performance.

430 (3) The Board of Governors must review the improvement
 431 plan, and if it approves the plan, monitor the institution's
 432 progress on implementing the activities and strategies.

433 (4) The Chancellor of the State University System shall
 434 withhold disbursement of the base funds until such time as the
 435 monitoring report for the institution is approved by the Board

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 436 of Governors. Any institution that fails to make satisfactory
 437 progress will not have its full base funding restored. If all
 438 funds are not restored, any remaining funds shall be
 439 redistributed in accordance with the board's performance funding
 440 model.

441 (5) By October 1 of each year, the Board of Governors shall
 442 submit to the Governor, the President of the Senate, and the
 443 Speaker of the House of Representatives a report on the previous
 444 year's performance funding allocation which reflects the
 445 rankings and award distributions.

446 (6) The Board of Governors shall adopt a regulation to
 447 implement this section.

448 Section 4. (1) State performance funds for the Florida
 449 College System shall be based on indicators of institutional
 450 attainment of performance metrics adopted by the State Board of
 451 Education. The performance-based funding metrics include, but
 452 are not limited to, metrics that measure retention; program
 453 completion and graduation rates; student loan default rates; job
 454 placement; post-graduation employment, salaries, or further
 455 education; and any other metrics approved by the board.

456 (2) The State Board of Education shall evaluate the
 457 institutions' performance on the metrics based on benchmarks
 458 adopted by the board which measure the achievement of
 459 institutional excellence or improvement. Each fiscal year, the
 460 amount of funds available for allocation to the institutions
 461 based upon the performance funding model consists of new funding
 462 plus an amount of funds to be redistributed from the base
 463 funding for the Florida College System Program Fund, as
 464 determined in the General Appropriations Act. Funding shall be

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465 restored for all institutions eligible for new funding under the
466 performance funding model. Any institution that fails to meet
467 the board's minimum performance funding threshold will have a
468 portion of its base funding withheld and must submit an
469 improvement plan to the board that specifies the activities and
470 strategies for improving the institution's performance.

471 (3) The State Board of Education must review the
472 improvement plan, and if it approves the plan, monitor the
473 institution's progress on implementing the specified activities
474 and strategies.

475 (4) The Commissioner of Education shall withhold
476 disbursement of the base funds until such time as the monitoring
477 report for the institution is approved by the State Board of
478 Education. Any institution that fails to make satisfactory
479 progress will not have its full base funding restored. If all
480 funds are not restored, any remaining funds shall be
481 redistributed in accordance with the board's performance funding
482 model.

483 (5) By October 1 of each year, the State Board of Education
484 shall submit to the Governor, the President of the Senate, and
485 the Speaker of the House of Representatives a report on the
486 previous year's performance funding allocation which reflects
487 the rankings and award distributions.

488 (6) The State Board of Education shall adopt rules to
489 implement this section.

490 Section 5. This act shall take effect July 1, 2015.

W

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/2/15

SB 7046

Meeting Date

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Brittney Burch

Job Title Director of Talent, Education and Quality of Life Policy

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32301

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City

State

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Speaking: For Against Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4

4/2/15
Meeting Date

SB 7046
Bill Number (if applicable)

Topic SB 7046

Amendment Barcode (if applicable)

Name Sara Clements

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Street

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Tallahassee FL 32301
City State Zip

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Speaking: For Against Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 7050

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: Digital Classrooms

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Peacock</u>	<u>McVaney</u>		GO SPB 7050 as introduced
1.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Pre-meeting
2.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 7050 requires the Agency for State Technology (AST) to establish and publish information technology architecture standards for purposes of implementing digital classrooms plans by July 1, 2016. The bill requires AST to collaborate with the Department of Education (DOE or department) and the Department of Management Services (DMS) to identify certain state contract procurement options for services that support such standards and to identify certain shared services available through the State Data Center to facilitate the implementation of school district digital classrooms plans.

The bill also requires AST's annual assessment of DOE to include a review of specified issues with respect to school district digital classrooms plans and to provide planning assistance to address and reduce issues identified by the assessment. AST must provide the assessment to DOE by December 1, 2016, and annually thereafter. The bill authorizes AST to contract for assistance with the annual assessment if needed.

The bill requires that, if the DOE determines the administration of online assessments after January 1, 2015, does not comply with the minimum assessment protocols and requirements established by the department, the department will contract with an independent, auditing entity that has expertise in the area to evaluate the extent of the noncompliance and provide recommendations to remediate the noncompliance in future administrations of online assessments.

The bill appropriates \$9,993,566 from the General Revenue Fund to AST to conduct its duties required under this legislation. According to information provided by AST, the requirements specified in the bill will cost an estimated \$11.5 million. This cost is derived primarily from the staff augmentation that AST, or the contracted organization, will require to fulfill the technology assessment and audit responsibilities outlined in the bill.

The bill takes effect July 1, 2015.

II. Present Situation:

Agency for State Technology

The AST was created by HB 7073 with an effective date of July 1, 2014.¹ The executive director of AST is appointed by the Governor and confirmed by the Senate. The duties and responsibilities of AST include:²

- Developing and publishing information technology (IT) policy for management of the state's IT resources.
- Establishing and publishing IT architecture standards.
- Establishing project management and oversight standards with which state agencies must comply when implementing IT projects.
- Performing project oversight on all state IT projects with total costs of \$10 million or more.
- Identifying opportunities for standardization and consolidation of IT services that support common business functions and operations.
- Establishing best practices for procurement of IT products in collaboration with DMS.
- Participating with DMS in evaluating, conducting and negotiating competitive solicitations for state term contracts for IT commodities, consultant services, or staff augmentation contractual services.
- Collaborating with DMS in IT resource acquisition planning.
- Developing standards for IT reports and updates.
- Upon request, assisting state agencies in development of IT related legislative budget requests.
- Conducting annual assessments of state agencies to determine compliance with IT standards and guidelines developed by AST.
- Providing operational management and oversight of the state data center.
- Recommending other IT services that should be designed, delivered, and managed as enterprise IT services.
- Recommending additional consolidations of agency data centers or computing facilities into the state data center.
- In consultation with state agencies, proposing methodology for identifying and collecting current and planned IT expenditure data at the state agency level.
- Performing project oversight on any cabinet agency IT project that has a total project cost of \$25 million or more and impacts one or more other agencies.
- Consulting with departments regarding risks and other effects for IT projects implemented by an agency that must be connected to or accommodated by an IT system administered by a cabinet agency.
- Reporting annually to the Governor, the President of the Senate and the Speaker of the House regarding state IT standards or policies that conflict with federal regulations or requirements.

¹ Chapter 2014-221, Laws of Florida.

² Section 282.0051, F.S.

Florida Digital Classrooms Allocation

In 2014, the Legislature elevated policy and funding for technology-enhanced classroom teaching and learning by creating the Florida digital classrooms allocation to support efforts and strategies of school districts and public schools in integrating technology into classroom instruction to improve student performance outcomes.³ The DOE has adopted a Strategic Technology Plan that establishes the general parameters for digital classrooms which are used by the district school boards to adopt their district digital classrooms plan.⁴

For the 2014-2015 fiscal year, the Legislature appropriated \$40 million to school districts to support digital classrooms.⁵ A minimum of \$250,000 was provided to each school district and the remaining balance was allocated based on each district's share of the state's total unweighted student enrollment.⁶

State Digital Classrooms Plan

The Office of Technology and Information Services, within DOE, is responsible for developing a 5-year strategic plan (state plan) that must:⁷

- Describe how technology will be integrated into classroom teaching and learning to improve student performance outcomes and prepare students to be digital learners.
- Establish minimum technology requirements that include specifications for hardware, software, devices, networking, security, and bandwidth capacity and guidelines for the ratio of students per device.
- Establish minimum requirements for professional development opportunities and training to assist district instructional personnel staff with integrating technology into classroom teaching.
- Identify the types of digital tools and resources that can assist district instructional personnel and staff in management, assessment, and monitoring of student learning and performance.

DOE must update the state plan annually by January 1st.⁸

III. Effect of Proposed Changes:

Section 1 amends s. 282.0051, F.S., to require the Agency for State Technology (AST) to establish and publish information technology architecture standards, by July 1, 2016, that address issues relating to the implementation of the digital classrooms plans including, but not limited to, the following:

- Device recommendations.

³ Section 1011.62(12)(a), F.S.

⁴ *DOE Digital Classrooms Plan*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.html> (last visited March 6, 2015); Also, see ss. 1001.20(4) and 1011.62(12)(b), F.S. DOE has provided a technical assistance memo and guidance document regarding digital classrooms to school districts. See, *DOE Digital Classrooms Plan (DCP) and Allocation*, <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.html> (last visited March 9, 2015).

⁵ Specific Appropriation 96, s. 2, ch. 2014-51, LO.F.

⁶ *Id.*

⁷ Section 1001.20(4)(a)1., F.S.

⁸ *Id.*

- Security requirements.
- Connectivity requirements.
- Browser expectations.

The bill also requires AST to collaborate with the DOE and the DMS to identify:

- State term contract procurement options available to school districts that provide information technology commodities, consultant services, or staff augmentation contractual services that support the information technology architecture standards applicable to digital classrooms.
- Shared services available to school districts through the State Data Center to facilitate the implementation of school district digital classrooms plans.

Additionally, the bill requires AST to include the following in its annual assessment of DOE:

- A review each school district's digital classrooms plan submitted to DOE under s. 1011.62(12), F.S., to determine the school district's compliance with the information technology architecture standards adopted and to ensure accuracy of the school district's information technology resources inventory as submitted to DOE's Technology Resources Inventory System.
- Planning assistance to DOE, school districts, and public schools to address and reduce any issues identified by the annual assessments.

The bill authorizes AST to contract with one or more independent, third-party professional organizations if assistance with the annual assessment is needed. AST is required to provide the assessment to DOE by December 1, 2016, and annually thereafter.

The bill also provides that within 60 days after notification by DOE that a school district is not in compliance with the information technology architecture standards, the school district must either become compliant, obtain an exemption from compliance from DOE or procure services through AST or DMS to achieve compliance.

Section 2 amends s. 1011.62(12)(b), F.S., to require that, if the DOE determines the administration of online assessments after January 1, 2015, does not comply with the minimum assessment protocols and requirements established by the department, the department will contract with an independent, auditing entity that has expertise in the area to evaluate the extent of the noncompliance and provide recommendations to remediate the noncompliance in future administrations of online assessments.

Section 3 amends s. 282.00515, F.S., to make conforming changes regarding duties of cabinet agencies to adopt standards established in s. 282.0051(2)(a), (3), and (8), F.S., as required by this bill.

Section 4 appropriates \$9,993,566 from the General Revenue Fund to AST to conduct the agency's duties under s. 282.0051(10)(b) and (c), F.S.

Section 5 provides an effective date of July 1, 2015.

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:

SB 7050 appropriates \$9,993,566 from the General Revenue Fund to the Agency for State Technology (AST) to conduct its duties required by this legislation. According to information provided by AST, the requirements specified in the bill will cost an estimated \$11.5 million. This cost is derived primarily from the staff augmentation that AST, or the contracted organization, will require to fulfill the technology assessment and audit responsibilities outlined in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 282.0051, 282.00515 and 1011.62 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By the Committee on Governmental Oversight and Accountability

585-02415-15

20157050__

1 A bill to be entitled
 2 An act relating to digital classrooms; amending s.
 3 282.0051, F.S.; requiring the Agency for State
 4 Technology to establish and publish information
 5 technology architecture standards for purposes of
 6 implementing digital classrooms by a specified date;
 7 requiring the agency to collaborate with the
 8 Department of Education and the Department of
 9 Management Services to identify certain state contract
 10 procurement options for services that support such
 11 standards and to identify certain shared services
 12 available through the State Data Center to facilitate
 13 the implementation of school district digital
 14 classrooms plans; requiring the agency's annual
 15 assessment of the Department of Education to review
 16 specified issues with respect to school district
 17 digital classrooms plans and to provide planning
 18 assistance to address and reduce issues identified by
 19 the assessment; authorizing the agency to contract for
 20 assistance with the annual assessment if needed;
 21 requiring the agency to provide the annual assessment
 22 to the Commissioner of Education by a specified date;
 23 requiring a school district to take specified action
 24 within a certain period if the district is notified by
 25 the Department of Education that it is not in
 26 compliance with the information technology
 27 architecture standards; amending s. 1011.62, F.S.;
 28 requiring the Department of Education to contract with
 29 an independent, auditing entity if the administration

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30 of online assessments after a certain date does not
 31 comply with the minimum assessment protocols and
 32 requirements established by the department; requiring
 33 the auditing entity to perform certain duties;
 34 amending s. 282.00515, F.S.; conforming a cross-
 35 reference; providing an appropriation to the agency;
 36 providing an effective date.
 37
 38 Be It Enacted by the Legislature of the State of Florida:
 39
 40 Section 1. Subsections (2), (7), and (10) of section
 41 282.0051, Florida Statutes, are amended to read:
 42 282.0051 Agency for State Technology; powers, duties, and
 43 functions.—The Agency for State Technology shall have the
 44 following powers, duties, and functions:
 45 (2) Establish and publish information technology
 46 architecture standards that:
 47 (a) ~~to~~ Provide for the most efficient use of the state's
 48 information technology resources and that ~~to~~ ensure
 49 compatibility and alignment with the needs of state agencies.
 50 The agency shall assist state agencies in complying with the
 51 standards.
 52 (b) Address for purposes of implementing digital classrooms
 53 under s. 1011.62(12) issues that include, but are not limited
 54 to, device recommendations, security requirements, connectivity
 55 requirements, and browser expectations. Such standards must be
 56 published by July 1, 2016.
 57 (7) (a) Participate with the Department of Management
 58 Services in evaluating, conducting, and negotiating competitive

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59 solicitations for state term contracts for information
 60 technology commodities, consultant services, or staff
 61 augmentation contractual services pursuant to s. 287.0591.
 62 (b) Collaborate with the Department of Management Services
 63 in information technology resource acquisition planning.
 64 (c) Collaborate with the Department of Education and the
 65 Department of Management Services to identify:
 66 1. State term contract procurement options that are
 67 available to school districts which provide information
 68 technology commodities, consultant services, or staff
 69 augmentation contractual services that support the information
 70 technology architecture standards applicable to digital
 71 classrooms.
 72 2. Shared services available to school districts through
 73 the State Data Center to facilitate the implementation of school
 74 district digital classrooms plans.
 75 (10)(a) Beginning July 1, 2016, and annually thereafter,
 76 conduct annual assessments of state agencies to determine
 77 compliance with all information technology standards and
 78 guidelines developed and published by the agency, and beginning
 79 December 1, 2016, and annually thereafter, provide results of
 80 the assessments to the Executive Office of the Governor, the
 81 President of the Senate, and the Speaker of the House of
 82 Representatives.
 83 (b) Include in the annual assessment of the Department of
 84 Education under paragraph (a):
 85 1. A review of each school district's digital classrooms
 86 plan submitted to the Department of Education under s.
 87 1011.62(12), to determine the school district's compliance with

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88 the information technology architecture standards adopted under
 89 paragraph (2) (b) and to ensure the accuracy of the school
 90 district's information technology resources inventory as
 91 submitted to the Department of Education's Technology Resources
 92 Inventory System.
 93 2. Planning assistance to the Department of Education,
 94 school districts, and public schools to address and reduce any
 95 issues identified by the annual assessment.
 96 (c) Contract, if assistance with the completion of the
 97 annual assessment under paragraph (b) is needed, with one or
 98 more independent, third-party professional organizations.
 99 (d) Provide the annual assessment under paragraph (b) to
 100 the Commissioner of Education by December 1, 2016, and annually
 101 thereafter. If the Department of Education notifies a school
 102 district that the district is not in compliance with the
 103 information technology architecture standards adopted under
 104 paragraph (2) (b), the district, within 60 days after such
 105 notification, must become compliant, obtain an exemption from
 106 such compliance from the Department of Education, or procure
 107 services through the agency or the Department of Management
 108 Services to achieve compliance.
 109 Section 2. Paragraph (b) of subsection (12) of section
 110 1011.62, Florida Statutes, is amended to read:
 111 1011.62 Funds for operation of schools.—If the annual
 112 allocation from the Florida Education Finance Program to each
 113 district for operation of schools is not determined in the
 114 annual appropriations act or the substantive bill implementing
 115 the annual appropriations act, it shall be determined as
 116 follows:

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117 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.-
 118 (b) Each district school board shall adopt a district
 119 digital classrooms plan that meets the unique needs of students,
 120 schools, and personnel and submit the plan for approval to the
 121 Department of Education. In addition, each district school board
 122 must, at a minimum, seek input from the district's
 123 instructional, curriculum, and information technology staff to
 124 develop the district digital classrooms plan. The district's
 125 plan must be within the general parameters established in the
 126 Florida digital classrooms plan pursuant to s. 1001.20. In
 127 addition, if the district participates in federal technology
 128 initiatives and grant programs, the district digital classrooms
 129 plan must include a plan for meeting requirements of such
 130 initiatives and grant programs. Funds allocated under this
 131 subsection must be used to support implementation of district
 132 digital classrooms plans. By October 1, 2014, and by March 1 of
 133 each year thereafter, on a date determined by the department,
 134 each district school board shall submit to the department, in a
 135 format prescribed by the department, a digital classrooms plan.
 136 At a minimum, such plan must include, and be annually updated to
 137 reflect, the following:

- 138 1. Measurable student performance outcomes. Outcomes
 139 related to student performance, including outcomes for students
 140 with disabilities, must be tied to the efforts and strategies to
 141 improve outcomes related to student performance by integrating
 142 technology in classroom teaching and learning. Results of the
 143 outcomes shall be reported at least annually for the current
 144 school year and subsequent 3 years and be accompanied by an
 145 independent evaluation and validation of the reported results.

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146 2. Digital learning and technology infrastructure purchases
 147 and operational activities. Such purchases and activities must
 148 be tied to the measurable outcomes under subparagraph 1.,
 149 including, but not limited to, connectivity, broadband access,
 150 wireless capacity, Internet speed, and data security, all of
 151 which must meet or exceed minimum requirements and protocols
 152 established by the department. For each year that the district
 153 uses funds for infrastructure, a third-party, independent
 154 evaluation of the district's technology inventory and
 155 infrastructure needs must accompany the district's plan.

- 156 3. Professional development purchases and operational
 157 activities. Such purchases and activities must be tied to the
 158 measurable outcomes under subparagraph 1., including, but not
 159 limited to, using technology in the classroom and improving
 160 digital literacy and competency.
- 161 4. Digital tool purchases and operational activities. Such
 162 purchases and activities must be tied to the measurable outcomes
 163 under subparagraph 1., including, but not limited to,
 164 competency-based credentials that measure and demonstrate
 165 digital competency and certifications; third-party assessments
 166 that demonstrate acquired knowledge and use of digital
 167 applications; and devices that meet or exceed minimum
 168 requirements and protocols established by the department.
- 169 5. Online assessment-related purchases and operational
 170 activities. Such purchases and activities must be tied to the
 171 measurable outcomes under subparagraph 1., including, but not
 172 limited to, expanding the capacity to administer assessments and
 173 compatibility with minimum assessment protocols and requirements
 174 established by the department. If the administration of online

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175 assessments after January 1, 2015, does not comply with the
176 minimum assessment protocols and requirements established by the
177 department, the department shall contract with an independent,
178 auditing entity that has expertise in the area of the
179 noncompliance to evaluate the extent of the noncompliance and
180 provide recommendations to remediate the noncompliance in future
181 administrations of online assessments.

182 Section 3. Section 282.00515, Florida Statutes, is amended
183 to read:

184 282.00515 Duties of Cabinet agencies.—The Department of
185 Legal Affairs, the Department of Financial Services, and the
186 Department of Agriculture and Consumer Services shall adopt the
187 standards established in s. 282.0051(2)(a), (3), and (8) or
188 adopt alternative standards based on best practices and industry
189 standards, and may contract with the Agency for State Technology
190 to provide or perform any of the services and functions
191 described in s. 282.0051 for the Department of Legal Affairs,
192 the Department of Financial Services, or the Department of
193 Agriculture and Consumer Services.

194 Section 4. For the 2015-2016 fiscal year, the sum of
195 \$9,993,566, from the General Revenue Fund is appropriated in the
196 "Special Categories - Contracted Services" appropriation
197 category to the Agency for State Technology to conduct the
198 agency's duties under s. 282.0051(10)(b) and (c), Florida
199 Statutes.

200 Section 5. This act shall take effect July 1, 2015.



The Florida Senate

Committee Agenda Request

SA

To: Senator Don Gaetz
Appropriations Committee on Education

Subject: Committee Agenda Request

Date: March 25, 2015

I respectfully request that **Senate Bill # 7050**, relating to Digital Classrooms, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Jeremy Ring

Senator Jeremy Ring
Florida Senate, District 29



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Appropriations Subcommittee on Finance and Tax, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Banking and Insurance
Commerce and Tourism
Judiciary
Rules

JOINT COMMITTEES:
Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

SENATOR JEREMY RING
29th District

March 18, 2015

Senator Don Gaetz
420 SOB
404 South Monroe Street
Tallahassee, FL 32399

Dear Senator Gaetz,

I am requesting to be excused from the Education Appropriations meeting scheduled for April 2nd due to a perviously planned trip to visit my son who is in Idaho.

Thank you in advance for considering this request to be excused from the Senate session scheduled for April 2nd due to this conflict. Please do not hesitate to contact me if you have any questions.

Sincerely,

Jeremy Ring
Senator District 29

SENATE APPROPRIATIONS
RECEIVED
15 MAR 19 AM 9:48
STAFF DIR. STAFF

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: KN 412
Caption: Senate Appropriations Subcommittee on Education

Type:
Judge:

Started: 4/2/2015 9:02:00 AM
Ends: 4/2/2015 10:57:27 AM **Length:** 01:55:28

9:02:03 AM Call to Order and Roll Call
9:02:34 AM Chair comments
9:03:28 AM Senator Hays - SB 118 (Favorable)
9:05:52 AM Amendment #626438 (Favorable PCS)
9:07:03 AM Temporary Pass - Tab 2
9:07:16 AM SB 530- J.J. Piskadlo, Legislative Assistant to Senator Ring (Favorable)
9:09:48 AM SB 574 Senator Montford (Favorable)
9:10:50 AM SB 622-Senator Montford (Favorable)
9:12:32 AM SB 874- Senator Stargel - (Favorable)
9:13:22 AM Senator Montford Question
9:13:35 AM Chairman Comments
9:16:32 AM SB 880-Chair Gaetz (Favorable)
9:18:12 AM Senator Bullard Question
9:18:58 AM SB 954 (Favorable)
9:20:43 AM SB 1020 TP
9:21:39 AM SB 1262 Senator Legg (Favorable)
9:23:30 AM SB 1264 - TP
9:23:37 AM SB 7046 Senator Legg
9:24:33 AM Senator Stargel Question
9:24:46 AM SB 7046 (Favorable)
9:27:02 AM SB 1020 - Senator Montford (Favorable)
9:28:15 AM SB 518 Senator Bullard (Favorable)
9:30:42 AM SB 1116 (Favorable)
9:32:45 AM SB 1552
9:34:24 AM Am. #501414
9:34:32 AM Am. #160388
9:36:09 AM Am. #169174
9:40:59 AM Am. #828762-Fav
9:44:17 AM Am. #962196
9:59:52 AM Strike All Amendment #501414-Senator Montford and other Senators
10:16:37 AM Senator Al Lawson - Al Lawson & Associates
10:21:30 AM Senator Montford Comments
10:24:59 AM Kameela Russell, Teacher and Parent - Sky (daughter)
10:27:30 AM Dr. Atira Charles - Parent
10:30:09 AM Anita Whitby-Davis - Parent
10:31:42 AM Ana Diaz - Principal, Parent and Mom
10:33:42 AM Jesse Jackson, Superintendent Florida Charter School Alliance
10:38:03 AM Ken Kniepman-Charter School Board Member
10:40:55 AM Quorum Present
10:41:54 AM Senator Bullard in Debate - SB 1552
10:45:49 AM Senator Legg in Debate - SB 1552
10:47:37 AM Senator Legg in Debate
10:47:39 AM Senator Stargel in Debate
10:48:49 AM Senator Montford in Debate
10:49:10 AM Chair Gaetz Comments
10:52:25 AM Show Amendments W/D: 445608, 517528, 791146, 813860
10:53:25 AM Senator Benacquisto to Close on bill
10:55:25 AM Chair Gaetz
10:56:07 AM Motions to show Senators voting yes
10:56:41 AM Meeting Adjourned